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Members of the TN General Assembly and this committee. Thank you.

My name is Connie Reguli. I am an attorney who has worked for 25 years in Tennessee courts. I have served as a prosecutor in metro Nashville in domestic violence and child abuse and spent a great deal of my career in the trial courts of Tenn litigating the lives of children.

I am here because ----

The Child welfare system is in crises – 500,000 kids US –7,000 kids TENN are residing away from their families in the homes of strangers that we call - foster care

The statistics show that 85% of these children have been removed from their homes under the vague term of neglect. 1/2 of those cases involve drug use – the other 1/2 are homes that fall under a nebulous category of neglect – otherwise unspecified.

Before I go further, I want to confirm that I know that children in this State suffer from physical and sexual abuse and I know that there are children born where the parents are unable to provide the stability and safety that children need.

My very first jury trial as a new lawyer was the murder of a two-year old child who had been brutally burned and suffered severe head trauma. I know that children need protection.

About Ten years ago I noticed a dramatic shift in the cases handled by DCS.

Where, for years we had struggled to get DCS to pay attention to the abuse against children, the pendulum began to swing in the opposite direction.

DCS began on over vigilant crusade to remove children from their homes, place them in foster care, and adopt the children into the homes of strangers.

It was not clear to me why this dramatic shift occurred until I studied the impact of the federal funding and Adoption bonus money on the functioning of the state child welfare agency.

It is very important that as legislators you understand this

DCS functions with about half of its budget coming from federal funds.

These funds are mainly derived from Medicaid, Title IV E, Title IV B and Social Service Block Grant.

Although the Medicaid funds are the largest source of funds, I want to focus on the impact of Title IV E and IV B

Title IV E is the foster care money provided to the states on a dollar to dollar match, a use it or loose it scheme, and never subject to sequester.

This is money that goes to the placement and management of children in foster care.

Title IV B is the money that can be used to rehabilitate a family prior to removal.

The problem lies in the fact that the IVE funds are ten times the funds allocated under IVB. On a national level, the IVE funds are about 9 billion dollars and the IVB funds are about 900 million.

Therefore, this tips the scale in an agency that is titled Children's Services – to focus on the removal of children to sustain the influx of federal funds upon which they have come to rely.

In addition, and this is very important, the Title IVE funding includes a bonus check to DCS for every child that is adopted into the home of strangers.

Yes, a bonus check. Under the Adoption and Safe Families Act of 1997, the federal govt authorized the issuance of bonus funds to the states to attain “permanency” for a child, but only when permanency was forced adoption. This bonus is now 10k per child.

This cash for kids scheme can no longer be tolerated and should be immediately prohibited by this body.

In addition to the lopsided funding system, the privatization of foster care and the services provided to rehabilitate families has turned the business of churning kids through the foster care system into a maniacal for-profit industry that feasts off the continuous disruption of families.

These.....you call....stakeholders.....

Here are a few of the DCS stakeholders -

For the 2017-18 fiscal year...

- **Camelot made \$29 million**
- **Keys Group made \$22 million**
- **Omni made \$64 million**
- **Vanderbilt made \$5 million**
- **And there are many more.**

Along with the burgeoning industry of foster care, family services, and forced adoption.....we have the exorbitant costs of the judicial system that serves as the factory that destroys family ties and allows DCS to socially engineer a new life for a child. The costs include judges, court clerks, court officers, state paid attorneys, and DCS workers that are paid (not to serve children and families) but to sit in court.

We have created a monster....

DCS was created 1995 – and simultaneously the GA created an oversight committee which was never formed and repealed in 2011.

The agency as had no oversight even though there were other attempts– Second Look Committee, Standards Committee, Citizens Review committee, Commission on Children and Youth.....no one listens to the families and children affected by the system.

The Brian A class action suit was filed in May 2000 and a consent decree set standards for the

management of children in foster care. In July 2017 the order was terminated, and the case dismissed. Even here, there was no interaction with the families and children

The problems are systemic and instead of putting a patch on the problem with another single bill (such as the relative notification bill) this body must look at the operation of this system and cut out the cancer that prevents the state from providing competent and effective services.

First – We must prohibit conflicts of interest

The agency itself operates with an inherent conflict of interest. You cannot have an agency which was formed to serve families and simultaneously allow them to prosecute parents.

The contractors operate with significant conflicts as foster care companies making money daily on the child's servitude in foster care while posing as offering services for reunification.

The agency must be split – the (1) prosecution of parents must be separate and distinct from the agency that provides (2) services to families.

Second – There must be a competent management of personnel

Incompetent personnel that fails to follow the law and policy must be eliminated.

Third – We must have competent parent representation

Currently, indigent parents are paid out of the indigent counsel fund of the AOC. These funds are restricted and when parent counsel seeks a vigorous defense, they are over-spent and over-ran by the resources of DCS and the office of the attorney general.

In criminal prosecution – the DA and the public defenders operate on separate planes and are in constant opposition.

Parents are entitled to a vigorous defense at all stages, administrative investigations, litigation, appeals, and civil rights violations.

Fourth – We must have parent advocacy

Parents are over powered, exhausted, and emotionally drained.

CFTM meetings are full of aggressive DCS workers and contract providers making demands on the parents.

Parents counsel cannot and should not be expected to provide hands on emotional support through the process.

We must have Parent advocacy like the court appointed volunteers of CASA

Fifth – We must have feedback and reporting

There is NO functional system for reporting policy violations and civil rights violations of DCS workers.

Sixth – The grounds for termination of parental rights must be changed

Justice Koch wrote an opinion contrasting the constitutional standard of “parental unfitness” vs to the statutory grounds for termination of parental rights.

Currently, a parent can lose their parental rights for failing to pay child support to the State while their child is in custody and they are fighting to get them home. The war on poverty should not cut so deep as to deem failure to pay child support as a measure of unfitness.

Mental health issues are also used to terminate parental rights without a showing of harm. In Tenn a mother’s rights were terminated to her child because she could not have a child in her group home, therefore the familial bond was severed forever.

A Mother who exposes an unborn to drugs is deemed to have severely abused her child, even if she had remedied the problem before birth and the child is born healthy. This finding of severe abuse marks her for life as an unfit parent and for decades after that birth, the

state can take all her children based on the prior ruling.

Although many of the legal grounds for termination of parental rights sound like situations that could pose serious risk to a child, these grounds are often perverted and driven by the adoption bonuses and Title IV E mandates.

Seventh – DCS must follow the law

Sadly, often they just don't follow the law.

Cases are damaged, rights are lost, and children suffer while parents work their way through a litigation process that will take two or three years, at best. All while their family is broken apart and the child's bond with his parent is broken.

In 2018, Congress passed the Families First Preservation and Services Act which redirected Title IV E funds to services provided to families for 12 months prior to removal.

However, to get it past the lobbying special interests and "stakeholders" in DC – the bill became "optional" for the states.

In December 2018, a policy decision out of Washington's Children's Bureau permits Title IV E funding to be re-directed to the representation of parents.

These will not be implemented unless you require DCS to do it and report on the results.

LET ME TELL YOU THIS - THERE is –

No Road that needs to be built

No New tax that needs to be imposed

No new gun law that needs to be passed

That is more important that our families and children

The social experiment which commenced with the Mondale ACT (CAPTA) in 1974 has failed and only with direct attention, diligent efforts, and a caring government can we correct this devastating path we are on.

Connie Reguli