

We the People of El Paso County hereby petition the El Paso County Commissioners Chuck Brown, Ed Jones, Jeri Howells, Betty Beedy, and Duncan Bremer under article I of the Bill of Rights of the Constitution of the United States. This petition is to be construed as a formal Petition to the Government for Redress of Grievances.

It is to be noted for the record that members of this community have already petitioned the Commissioners regarding Department of Human Services complaints informally and without public fanfare without a satisfactory response to our petition. The abuses mentioned herein still continue. We feel that our very real concerns have not been accorded the proper seriousness by our elected officials and that they are attempting to placate us until we tire of petitioning them.

You already know the nature of our complaints with the Department of Human Services. Since you are the board over this agency, and since you already have knowledge of these abuses, we hold you responsible for the continuing abuses being perpetrated by this agency against the parents and children of El Paso County. This petition is your opportunity to fulfill your responsibility to the voters of El Paso County and rein in the abuses by DHS. We hereby serve public notice that you have knowledge of the abuses being perpetrated and that you have failed to correct or prevent these abuses.

Your actions will determine whether we in El Paso County live under a system of just laws or under the tyrannical practices of a rogue agency. We are required to obey the law, and we demand that the agencies who exert authority over us and our families obey that same law. You have the authority to see that the director of DHS, David Berns, makes sure his staff obeys the law, and we demand that you use that authority. We, the residents of El Paso county believe that it is not unreasonable to expect that the agencies of the state practice the highest level of accuracy and competence in the execution of their duties. Anything less is a violation of their statutory mandate and of our inherent rights.

Our complaints include, but are not limited to, the following:

- 1) Repeated violations of C.R.S. 19-1-102 (a) "To secure for each child subject to these provision such care and guidance, preferably in his own home, as will best serve his welfare." DHS routinely removes children from homes that are not abusive and where the children are in no danger of abuse or neglect, and does not prefer to keep the children in their own homes or to place them in the homes of relatives as required by law. DHS merely has to cite the phrase "the best interests of the child" to justify their abuse of the family.
- 2) Repeated violations of C.R.S. 19-1-102(b) "To preserve and strengthen family ties wherever possible." DHS has been more effective in breaking down and destroying family ties.
- 3) Repeated violations of C.R.S. 19-1-102(c) "To remove a child from the custody of his parents only when his welfare and safety. . . would otherwise be endangered." DHS fails to use this standard for the removal of children from their homes. They traumatize children by forcing them into foster care and then drug them when the children act out due to the cruel separation from their loving parents. They even allow teenagers who state they no longer want to live at home (which they don't even allege to be abusive), to be placed in foster care at the parents' expense.

They ignore, and conspire to cover-up the abuse of children in foster care.

There are other cases where the children and their non-custodial parents beg for DHS to remove them from an abusive home, and DHS will not. These children continue to be abused.

4) Repeated violations of C.R.S. 19-1-103 which defines abuse or neglect extensively, and mandates that these standards be applied to the decision for removing the child from the home. These requirements are often not met before the child is removed from the home. Conversely, where the statutory definition of abuse is met, often the children are not removed from that home, especially if it is a foster home.

5) Repeated violations of C.R.S. 19-1-103(b)(89) which mandates the agency to provide, purchase or develop the supportive and rehabilitative services to the family to prevent foster placement and with the goal of reunification. The services provided by DHS are detrimental to many unwilling participants. The system is fraught fraud, with conflicts of interest, and built upon keeping the child and the family in the system as long as possible. The effects of this intervention has been overwhelmingly negative to the families involved.

6) Repeated violations of C.R.S. 19-3-208(2)(a)(1) which says the services are to “promote the immediate health and safety of children. . .” DHS has not only failed to provide services to promote the immediate health and safety of some truly abused children, but they have also subjected non-abused children to abusive and intimidating interviews and therapies. There are documented cases of healthy, happy children being removed from the home and as a result of the trauma induced by the removal from their loving parents and the traumatic therapies forced on them, of being declared emotionally unstable, or medically fragile, or any number of ‘diagnoses’ that entitle the department to obtain additional funding. Is this promoting the health and safety of children?

7) Repeated violations of C.R.S. 19-3-208(2)(a)(2) “reduce the risk of future maltreatment of children who have previously been abused or neglected.” We assert that more children are abused by the system that is supposed to be protecting them that are abused by their families. DHS does nothing to reduce this risk and even contributes to the risk by their inaction with abused children, and by their abuses against non-abused children.

8) Repeated violations of C.R.S. 19-3-208(2)(a)(III) “Avoid unnecessary placement of children into foster care.” DHS does the opposite of this statutory requirement, in practice they place children in foster care whenever they can get away with it and then work diligently against reunification of the family.

9) Repeated violations of C.R.S. 19-3-208(2)(a)(IV) “Facilitate . . .speedy reunification of parents with their children. . .” There is nothing speedy about what DHS does when it intervenes with a family, especially when the allegations are false.

10) Repeated violations of C.R.S. 19-3-208(2)(a)(VI) “Promote the best interest of the child.” DHS fails to recognize that the best interests of the child could mean that the child stays with the parent. DHS does nothing to promote the best interests of the child, they promote the best interests of DHS.

11) Repeated violations of C.R.S. 19-3-208(2)(a)(IX) “Family preservation services, which are brief, comprehensive, and intensive serviced provided to prevent the out-of-home placement of children or to promote the safe return of children to the home.”

There are documented cases of where the children have been removed without any evidence of abuse or neglect and the children are still, months and years later, not reunited with the parents. DHS services are neither brief nor designed to promote the return of the children to the home. Additionally, the services provided by DHS are incompetent, unreliable, sub-standard, and fraught with deceit and fraud.

An increasing number of these violations are resulting in the termination of parental rights, making these children available for adoption. According to the United States Department of Health and Human Services, 25 % of children adopted through state agencies are returned like so much defective merchandise. Considering that their biological parents, in many cases, fought their termination of parental rights, this is unconscionable. The threats of taking all the adoptive parents' children or the promise of a larger adoption subsidy does not entice these strangers to keep this throwaway child.

These are just a few of the habitual violations made by DHS. Along with this statement, we are presenting the commissioners with signed petitions demanding an independent, impartial investigation into our complaints. There are several complaints that have been waiting to be addressed by the citizen's review panel which your board has stonewalled.

Present today are the parents who have followed the proper procedure, trusting in our government to listen to their grievances. Now, it's too late - their parental rights have been terminated based on the falsified reports and the perjured testimony submitted to the court. By your inaction and your evasive maneuvers, you have spit on the principles of our government. I should hope you would be ashamed of your prevarications in this issue, but I expect you will be outraged that I dare to accuse you in this manner.

We demand that the destructive, immoral, and illegal actions by DHS be brought in to check.

The main purpose of our presentation here today is to formally demand an independent and impartial investigation into the practices of El Paso County Department of Human Services.

In order to assure a truly impartial investigation, this investigation is not to be conducted by anyone who lives or works in or derives any political or financial benefit from El Paso County in any way. Additionally, this investigation will not be performed by any government agency or entity.

We also ask that Commissioner Jones excuse himself from any oversight or participation in this investigation, including voting to decide whether to conduct this investigation or not, since his wife is involved with DHS and this would present a conflict of interest.

This investigation must include an audit of all alleged child abuse or neglect cases involving El Paso County DHS for the past three years. This audit must include contacting the families involved in these cases. These families must be provided with a questionnaire and a postage paid return envelope for their response.

In an effort to get as high a response rate as possible, if a family does not return the questionnaire within three weeks of mailing, they must be contacted by phone and asked the questions directly. They may chose to decline answering if

they wish, however this must be officially recorded as declining to answer. All phone calls must be recorded in their entirety and all original recordings must be included in the final report.

The questionnaire must include the following preface:

“At the request of the citizens of El Paso County, the El Paso County Commissioners are conducting an investigation into the activities of the El Paso County Department of Human Services. Since you have been involved in a child protection case with DHS within the past three years, we are asking you to respond to the questions contained in this questionnaire. These responses may be made available for public inspection however, they will not include anyone’s name, address or any other identifying information. You may request that your response remain confidential and we will honor that request.

“The results of these questionnaires will be assembled into a final report that will be made publicly available within 90 days. You may request a copy of this report by contacting. . .

“The purpose of this investigation is to provide the best possible services to the citizens of El Paso County. To that end, we appreciate your prompt response to our questions. If you need more room to answer any questions, feel free to use additional paper.”

The questions asked of the clients must include the following:

1) Was your case involving an allegation of child abuse or neglect or both?

Explain

2) Was this allegation true or false? Why?

3) Were you informed of any grievance procedure? Did you make a complaint?

What was the outcome of that complaint?

4) Did you participate in the development of the case plan? Did you agree with the case plan? Was the case plan reasonable and fair? Did the department facilitate your success or your failure with the case plan? Explain.

5) Were you at any time threatened, intimidated, or coerced into admitting guilt? Into complying with the case plan? Explain.

6) Were your children removed from the home? For how long? What was the reason given by DHS for this removal? Do you believe this removal was justified? Explain.

7) Were your children threatened, intimidated, or coerced by anyone into doing or admitting anything? Explain.

8) Were the services provided and or mandated by DHS helpful or harmful? Explain.

9) If the children were removed from the home, how often did a case worker visit the children?

10) How often did a case worker visit your home? What was the result of these visits? Did you trust the case worker? Explain.

11) If your case was a criminal case, were you offered a plea bargain? What was it? Did you accept it? Why? Did you go to trial? What was the outcome? Do you feel justice was served? Do you feel that DHS played a role in this prosecution? Explain.

12) Did you abuse or neglect your child? Explain.

- 13) Were your parental rights terminated? Was it involuntary? Explain
- 14) Were you represented by a lawyer? Why or why not? How much money did your defense cost you? Did this create a financial hardship on your family? Did this financial hardship play a role in whether or not you completed the case plan successfully? Explain
- 15) Did anyone from DHS place false information or misrepresentations about you or your family in the case file? In the reports to the court? Anywhere else? Explain.
- 16) Did anyone from DHS represent you in a biased fashion, either making you appear to be a better or worse parent than what you believed you were? Explain.
- 17) Did anyone from DHS lie on the witness stand about you or your family? Explain.
- 18) Did DHS cause any trauma or harm to you or your children during the course of your involvement with them? Explain.
- 19) How long did your involvement with DHS last? Why? Was this by your choice? Explain
- 20) On the whole, was your involvement with DHS a positive or negative experience? Explain.
- 21) Did DHS force you to go to certain therapist, counselors, etc. that you did not want to go to? Did DHS force services on you or your family that were inappropriate? Did they deny you the right to choose your own therapist, counselor, parenting class, etc? Were there repercussions for not going to the therapist, counselor, parenting class, etc. that they recommended? Explain.
- 22) Did any of the requirements made by DHS violate your values, your personal beliefs, your cultural practices, or your inherent freedoms? (For example: were you forced to complete parenting classes that don't allow the use of spanking when you believed in the effectiveness of corporal punishment? Were you forced to falsely admit abuse in order to 'pass' the requirements of therapy or else be accused of being in denial? Were you forced into anger management classes when you felt you did not have a problem with dealing with anger?) Explain.
- 23) Did you have to participate in activities that you felt you did not need? What were they? How did this participation make you feel?
- 24) Do you have any knowledge of paid informants or were any paid informants utilized by DHS against you in your case? Who were they?
- 25) List the names of the people you worked with at DHS. Feel free to make any additional comments pertaining to your involvement with DHS.

The client's name, address and phone number will appear only on the cover page of the questionnaire, with a corresponding control number assigned to each page of the questionnaire. This questionnaire (minus the cover page) will be made public unless the client wishes it to remain confidential.

The results of this investigation will be made public within 90 days.

All responses are to be held available for public inspection for two years from the date of the release of the public results.

We highly recommend a financial audit for the same time period. We believe fraud exists regarding Federal and State moneys disbursed to El Paso County DHS. This audit must include a verification of all special funds received by El

Paso County DHS with regards to the special needs status or other special statuses of the clients involved. One specific thing to look for is that a child is deemed to have a disability in excess of their actual disability. This is characterized by excessive services being offered to generate the appearance of a more serious disability. The client for whom the extra funds were received must personally (or the natural parents-not DHS or the foster parents- of the client if the client is a child) verify his special needs status as reported by DHS and verify his or her receipt of the services the funds were received for.

The commissioners are welcome to expand this investigation in any way they see fit, however, the source material as well as the findings are to be included in the public report in 90 days.

If any criminal activity is revealed as a result of this investigation, we demand that the commissioners turn their findings over to the proper authorities with the recommendation that the violators be prosecuted to the full extent of the law. Based on the findings of cases that we already have access to, such anticipated findings include fraud, perjury, suborning perjury, tampering with witnesses, obstructing justice, criminal violations of civil rights under the color of law, child abuse, child sexual abuse, failure to protect an abused or neglected child, failure of a mandated reporter to report child abuse, etc.

Along with the public report on the findings of the investigations, the commissioners must also include a report of the actions they propose to take to address the findings of the report. Once again, we ask that Commissioner Jones excuse himself from all activities related to this investigation due to a conflict of interest.

We are aware of the budgetary issues involved with commissioning an investigation such as this, however, this issue is of such vital importance to the people of the county that we do not believe money should be the basis for deciding whether to conduct the investigation or not. If you decide not to conduct this investigation, you will not be serving the best interests of the citizens of El Paso County.

You will, instead, be sending the message that any government agency can place itself above the law and abuse its power and authority with impunity. By any inaction, you will make yourselves accomplices to these abuses.

There are children's lives at stake; there is no time for hemming and hawing. The circumstances demand immediate action. If you do not act immediately, you are not acting in the best interests of the children.

This petition represents the voters and citizens in this county.

The parents and children of El Paso County have been mercilessly abused by DHS. We have learned our lessons well. Now, we intend to show no mercy in our pursuit to protect our rights and prosecute those who would casually violate them.

Whenever someone 'errs on the side of the child', the child is invariably seriously injured by that error. We believe that the higher purpose is to not err at all. Admittedly, this takes some effort, but if one is unwilling to put the effort required into conducting a fair and reasonable investigation, then they are probably in the wrong profession.

We don't measure the quality of our leaders by what they say, we measure their greatness by what they do.

I leave you with this closing thought. In Nazi Germany, they had the

Lebensborne program. They took Aryan looking children from inferior races and placed them with German families to be raised as proper German citizens. The only crime committed by their parents is that they were not racially pure Germans.

It was perfectly legal to do.

There are 5500 substantiated reports of child abuse every day in America. Over 3000 children a day are removed from their homes. Most of these homes are not abusive homes. And once the children are taken many never return home to their parents.

Operating under the authority of law, CPS agencies justify their actions by citing the best interests of the child. The best interest of the child is a practical euphemism for the best interest of the state. The Nazis did it for the good of the fatherland.

It may be legal, but is it morally right? The law is being mis-used to take children from parents who have never harmed or neglected their children. If you don't hold this agency accountable, you will be endorsing their tactics.

If you think what I've said here today is ugly, the deeds are even uglier. And from where we sit, if you are not part of the solution, you are part of the problem.

Commission this audit. While you still have the chance.