

Georgia insight

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*"She hath done what she could."
Mark 14:8a*

Things That Make Us Weep

Would you weep if your daughter's children had been seized and swept into foster care by the Department of Family and Children Services (DFACS) that didn't bother to contact you before farming them out to strangers?

Would you weep if your granddaughters were placed with foster parents who already housed 18 foster children and were told they could adopt your grandchildren?

Would you weep if your oldest granddaughter told you that the foster father molested her on two different occasions?

Would you weep if a juvenile judge reneged on a promise to remove your granddaughters from that overcrowded foster home, where the foster father molested one of them?

Would you weep if that judge wrote a new order to send the girls to live with their father on the West Coast, where he worked in "adult entertainment," whose girl friend worked as an "escort" and his brother, also in the business, had a sexual charge brought against him?

Would you weep if the father of your granddaughters were to come knocking on your door to take them, kicking and screaming, to California to live with him?

Would you weep if you had five years of debilitating experiences with a powerful government agency that did the above and denied your right to visit your granddaughters?

The above facts, written here in the form of questions, outline a story related to Senator Nancy Schaefer of District 50. The grandmother sorrowfully shared her desperation over continuing circumstances surrounding the custody of her grandchildren. She told how agency personnel had her daughter sign "a paper" to give up her children, if she ever wanted to see them again. She signed and has never recovered from having her girls permanently taken away from her.

Senator Schaefer's Findings. "Throughout this case and through the process of dealing with multiple other mismanaged cases of the Department of Family and Children Services (DFCS), I have worked with other desperate parents and children across the state because they have no rights and no one to turn [to]. I have witnessed ruthless behavior from many caseworkers, social workers, investigators, lawyers, judges, therapists, and others such as those who 'pick up' the children. I have been stunned by what I have seen and heard from victims all over the state of Georgia.

"In this report, I am focusing on the Georgia Department of Family and Children Services (DFCS). However, I believe Child Protective Services nationwide has become corrupt and that the entire system is broken almost beyond repair. I am convinced. Parents and families should be warned of the dangers."

February 8, 2008

At the Mercy of a “Protected Empire”

“Having worked with probably 300 cases statewide,
I am convinced there is no responsibility and no accountability in the system.”

– *Senator Nancy Schaefer, District 50*

“The Department of Child Protective Services, known as DFCS in Georgia and other titles in other states, has become a ‘protected empire’ built on taking children and separating families. This is not to say that there are not those children who do need to be removed from wretched situations and need protection. This report is concerned with the children and parents caught up in ‘legal kidnapping,’ ineffective policies, and DFCS who do not remove a child or children when a child is enduring torment and abuse.

“In one county in my District, I arranged a meeting for thirty-seven families to speak freely and without fear. These poor parents and grandparents spoke of their painful, heart wrenching encounters with DFCS. Their suffering was overwhelming. They wept and cried. Some did not know where their children were and had not seen them in years.

“I had witnessed the ‘Gestapo’ at work and I witnessed the deceitful conditions under which children were taken in the middle of the night, out of hospitals, off school buses, and out of homes. In one county a private drug testing business was operating within the DFCS department that required many, many drug tests from parents and individuals for profit. In another county children were not removed when they were enduring the worst possible abuse.

“Due to being exposed, several employees in a particular DFCS office were fired. However, they have now been rehired, either in neighboring counties or in the same county again. According to the calls I am now receiving, the conditions in that county are returning to the same practices that they had before the light was shown on their deeds. I have come to this conclusion. Poor parents often times are targeted to lose their children because they do not have the where-with-all to hire lawyers and fight the system.

“The Adoption and the Safe Families Act, set in motion by President Bill Clinton, offered cash ‘bonuses’ to the states for every child they adopted out of foster care. In order to receive the ‘adoption incentive bonuses,’ local child protective services need more children. They must have merchandise (children) that [will] sell and [they must] have plenty of them so the buyer can choose. Some counties are known to give a \$4,000 bonus for each child adopted and an additional \$2,000 for a ‘special needs’ child. Employees work to keep federal dollars flowing.

“Children, of whom I am aware, have been raped and impregnated in foster care and the head of a Foster Parents Association in my District was recently arrested because of child molestation. Some parents are even told if they want to see their children or grandchildren, they must divorce their spouse. Many, who are under privileged, feeling they have no option, will divorce.

“There’s double dipping. The funding continues as long as the child is out of the home. When a child in foster care is placed with a new family, ‘adoption bonus funds’ are available. When a child is placed in a mental health facility and is on 16 drugs per day, like two children of a constituent of mine, more funds are involved. There are no financial resources and no real drive [for DFCS] to unite a family and help keep them together.”

S.B. 415 Limits DHR Power Over Children

When Senator Nancy Schaefer heard, repeatedly, that state agencies were taking far too many children into custody and putting them in foster care, she began probing the system to get the facts. Soon she was face to face with the real possibility of corruption in the Department of Family and Children Services (DFACS), a division of the Department of Human Resources.

Senator Schaefer's District 50 stretches into eight of Georgia's northeast counties. Many of her constituents have experienced instances in which children were, arbitrarily, seized by the state and placed in foster care or given in adoption, without sufficient evidence of abuse or neglect and without consent from parents who are intimidated into cooperating. Parents want their children back, but have no idea where they are or whether they'll see them again.

S.B. 415 was introduced by Senator Schaefer on February 6th to rectify unethical, if not illegal, treatment by DFACS. The first thing the bill does is reduce from seven days to three days the time children may be held without a court order. Currently, DHR has power to order unlimited medical treatment for children without parental consent. If S.B. 415 passes, "no medication shall be administered to the child over the objection of the custodial parent or legal custodian."¹

Current law gives blanket immunity from liability to DHR, its employees, agents, and assigns that consent to medical treatment for children under their care and supervision. But, that will be gone, if the following statement remains in the bill. "This immunity shall not extend to seizures of children that are found to be in violation of this article nor to the administration of medication to a child over the objection of the custodial parent or legal custodian."

S.B. 415 includes another important change that requires DHR to place children with a relative, unless there is no relative willing and able to accept the responsibility. DFACS would have to prove reasonable efforts were made to contact each and every one of a child's relatives *via* a registered letter, phone calls and e-mails, *before* placing the child in DHR custody.

Current law allows closed hearings in deprived child cases, but S.B. 415 *requires open hearings* in such cases unless the parents or guardians object. Section 5 prohibits DHR from badgering parents by, repeatedly, filing the same charges, in efforts to terminate their rights.

Sections 6 and 7 give parents facing termination of parental rights the right to full disclosure of the charges against them. Within 48 hours prior to the termination hearing, parents must have access to the names, addresses, telephone numbers and statements (written or oral) of witnesses. They must be allowed to inspect, copy or photograph all physical evidence to be introduced, as well as photographs, police incident reports and other reports forming the basis of the charges.

Section 8 prohibits the practice of paying bonuses to agents that seize children by stating that no entity of the State of Georgia shall apply for, obtain, receive, or accept any adoption incentive payments under the federal Adoption and Safe Families Act of 1997.

ACTION – Support. Contact Senate Judiciary Committee Senators Smith, Ch., 404 656-0034; Harp, 463-3931; Hamrick, 656-0036; Adelman, 463-1376; Brown, 656-5035; Carter, 651-7738; Cowser, 463-1366; Fort, 656-5091; Hill, 656-0150; Meyer von Bremen, 656-0037; Reed, 463-1379, Ex-Officio; Seabaugh, 656-6446 Ex-Officio; Wiles, 657-0406.

¹Georgia Insight's Proposed Amendment to Tighten S.B. 415

Specifically require DHR to obtain parental consent before medicating children. The current wording, actually, allows DHR to drug children unless the parent proactively says they can't. Parents need DHR to inform them of pending medication, so parents would know they *could* and, probably, *should* opt their children out.

When elected officials in our representative republic think expanding government by creating an appointed agency is a good thing, there's something wrong.

House passed H.B. 881, Moving Charter Schools Further from Voters

It's anti-parent, anti-voter and anti-local control.

It gives the federal government total control over schools, curriculum and students.

This subject is one of the most misunderstood things I've ever tried to explain. But, despite its passage in the House by a vote of 119 – 48, here goes. (a) Charter schools are unconstitutional in Georgia, because our constitution puts schools under the management and control of *locally elected school board members*, who must reside within the territory embraced by the school.

(b) Charters are with the State Board of Education that's *appointed by the governor* – one from each of Georgia's 13 congressional districts. (c) Therefore, the *appointed State Board of Education* is not authorized by the state constitution to manage and control local schools.

Likewise, members of *locally elected school boards* are not authorized to give the State Board of Education power to manage and control schools in the local board's district.

(d) Charter schools are not projects of states, but were created by a federal initiative in order to gain federal control over education. The control is a slick accomplishment *via* legal slight-of-hand. This is how it's done. Charter schools may waive local and state laws, policies, rules and regulations, but they are not authorized to waive federal laws, policies, rules and regulations.

Background. The federal charter schools project surfaced in 1991 when the first President Bush created the New American Schools Development Corporation to put a “radical, break-the-mold” charter school in each congressional district throughout the country. About 1,000 charter schools existed when President Clinton gave his 1997 State of the Union speech and said, “Our plan will help America to create 3,000 of these charter schools by the next century.” With funding of \$500 million over five years granted in his Charter School Expansion Act of 1998, schools took the bait, despite the loss of local rights or states' rights or damages to education.

(e) In 1993 Georgia's first charter school bill passed, allowing individual schools to apply to local school boards for charter status. That continued until last session when S.B. 39 authorized entire school systems to be chartered in unison. But, this year's H.B. 881 “takes the cake!”

H.B. 881 passed the House January 31st, causing previous bills to pale in comparison. No matter how hard I try, I cannot understand why our legislators voted for H.B. 881, knowing they're under oath to uphold the State constitution. Although they were elected, they are willing to create a *non-elected appointed* commission to govern an unconstitutional form of education in Georgia. It's bad that parents are misled into believing charter schools will mean more parental input and better education, when that's only a sound byte to charter more schools.

H.B. 881 passed the House January 31st and is in the Senate. It creates an *appointed* Charter Schools Commission whose members are beyond the reach of voters. The commission would be the unaccountable-to-voters chartering body for individual schools and entire school districts that could by-pass locally elected school boards and be chartered by the commission.

ACTION – Oppose. Contact Education and Youth Committee Senators Weber, Ch., 404 463-2260; Carter, 651-7738; Don Thomas, 656-6436; Balfour, 656-0095; Douglas, 656-0503; Fort, 656-5091; Moody, 463-8055; Ramsey, 463-2598; Tate, 463-8053; and Regina Thomas, 463-7794

Georgia Insight is a conservative publication financed entirely by its recipients.