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My name is Marina Ginn. The Texas Association for Children and Families filed a complaint on behalf of my children and I on August 29, 2016. I know of several families who filed complaints that were dismissed based on a new policy created by the LPC Board in 2011. Here is why the outside legal counsel for the Texas Association for Children and Families have told me they feel that policy is problematic:

It places the jurisdiction for disciplining LPC's in Texas in the hands of family court judges. However, the State of Texas did not notify the judges that as of 2011 they were tasked with operating as de facto licensing boards for every counselor who works on cases in their court. I can personally attest that judges do not have time to hold half day mini-hearings on complaints about LPC's every time there is a complaint. Nor have they received training on what constitutes a violation and even if they did find a violation, they have no jurisdiction themselves to take action against the license of a practitioner. They are only allowed to make rulings about child custody, and at best they could disallow the testimony of the counselor or, strike it from the record. The jurisdiction they were given by the State of Texas in 2011 via The LPC Board does not properly exist.

In many small counties in Texas, judges are former family law attorneys and many have grown up with, attended college with, or worked closely with these LPC's who appear in their courts for many years. Licensing boards exist for a reason: to provide an unbiased, objective decision on complaints. The counselor I have experienced misconduct with holds fundraisers for the local judges. It would be asking these judges to cut the throats of their election fundraisers if they are to exercise disciplinary jurisdiction over their campaign donors.

Judges are referring individuals to file complaints with licensing when complaints arise because, they have no awareness of the policy The LPC Board passed in 2011. A "wild west" situation was created in Texas when that new policy was passed, giving unscrupulous or incompetent professionals immunity from licensing complaints on every case they work on.

Why was this policy created? Since complaints filed are usually not heard for 2-3 years after filing, our guess is that there are a deluge of complaints and the Board was trying to thin that responsibility out, which is understandable, but that was not a safe or legal way to do so.

Another issue I have concerns about and am asking for a review of, is the 2-3 year backlog of complaints. I believe a coding system in which complaints that allege harm to children should be given priority. With at

least 11 complaints filed against the same practitioner for abuse of children and failure to report abuse of children for personal gain, and a potentially years long wait to have those complaints heard, this has placed many children in danger unnecessarily. I would like to see a system in which complaints that allege harm to children are put on a "fast track." A system like this could have spared harm to many children since the complaints against this one practitioner span more than a decade and new complainants are coming forward each month now about similar abuses.

I believe there is a misperception that everyone who files a licensing complaint that involves a court case is a "disgruntled litigant" who lost their court case, but if you investigate the many complaints against Kelley Baker, you will find that at least half of those individuals alleging misconduct prevailed in their litigation or, that both parties to the litigation have mutually complained. If that misperception is part of the reasoning behind the creation of the flawed jurisdictional policy, I urge you to look closer.

If action is not taken to restore proper jurisdiction for complaints and ensure that children are not left in harm's way for years after a misconduct is alleged, I will be urging the Texas Association for Children and Families to explore their options to see if they could seek a Federal injunction against the licensing Board to ensure that due process and equal protection under the law is restored for children and families in Texas.