

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Sunset review for HHS/DFPS/DHS  
**Date:** Monday, June 02, 2014 8:24:56 AM

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**From:** Jan Pittard  
**Sent:** Monday, June 02, 2014 1:46 AM  
**To:** Sunset Advisory Commission  
**Subject:** Sunset review for HHS/DFPS/DHS

To whom it may concern on the sunset advisory board:

I am writing in regards to what I consider to be misuse of public funds under HHS programming within the ACF funded programs known as Access Visitation programs. I believe these funds are being used incorrectly to provide legal assistance to one party in divorce/custody cases.

These funds are detrimental to the justice system. What is happening at a national level is alarming, and even more alarming is the Texas participation and exacerbation of these programs.

The end result are children being removed wrongfully from homes often taking advantage of other funding (such as kinship grants under Title IV-e); sometimes placed with (usually) a paternal grandparent then placed within months with (usually) the father (for av program money) -- who has in many cases had DOCUMENTED abuse either physical or more often than not sexual abuse.

In Harris County, four attorneys are receiving salaries via these funds on top of other sources of income these attorneys may have. El Paso has an attorney as well. In Tarrant County, only social workers are listed as receiving income via these grants. The ironic thing is the people receiving these grant monies for salaries, are already receiving a salary by county. So if you were to look up the same people listed in the contracts to Texas Tribune salaries listed for state employees you will see that these employees do indeed make significantly more than their peers.

Per the code for 42USC669b; visitation enforcement includes the following activities: (copied straight from the verbiage online, and italics/bold are mine for emphasis)

The Administration for Children and Families shall make grants under this section to enable States to establish and administer programs to support and facilitate noncustodial parents' access to and visitation of their children, by means of activities including mediation (both voluntary and mandatory), counseling, education,

development of parenting plans, **visitation enforcement (including monitoring, supervision and neutral drop-off and pickup)**, and development of guidelines for visitation and alternative custody arrangements.

NO where is litigation an allowed use of these funds, however, after obtaining and reading multiple contracts for these programs -- all of the contracts include the use of litigation under visitation enforcement.

Furthermore, I should, as a concerned citizen, be able to find a clear grant trail for each recipient of these funding sources from the federal level to the state level -- however, federal level shows only Texas Workforce Solutions at first glance to be receiving these grant funds. If you put New Day into TAGGS as one word you will find them as well. At the state level, the Texas Workforce Solutions is NOT listed by the AG, but New Day, Legal Aid of Northwest Texas and Tarrant County Family Court Services are all listed as receiving funding.

Ironic that New Day is a religious based institution, and receiving free office space in the county court house with judges mandating people receiving services there at times, and even more ironic that New Day Services for Families and Children serves as the treasurer for the Father's Coalition of Tarrant County, this alone should be enough for anyone to see that injustice is being served in our Texas Family Courts, and further investigation into the use of these funds is warranted without delay.

Texas children deserve better. So do the parents who are being mistreated for money.

Regards,

Jan Pittard

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Monday, June 30, 2014 8:24:08 AM

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-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Saturday, June 28, 2014 8:18 PM  
To: Sunset Advisory Commission  
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Saturday, June 28, 2014 - 20:17

Agency: DEPARTMENT FAMILY AND PROTECTIVE SERVICES DFPS

First Name: Jan

Last Name: Pittard

Title: Ms.

Organization you are affiliated with: Angel Eyes Over Texas

City: Runaway Bay

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

I am writing an addendum to my written and verbal testimony (I was next to last in the public hearings for DFPS).

1. Much was said about the culture and staffing/money for better wages.

Apparently having an education doesn't prevent abuse within the agency or for opportunism to be used in light of so many federal grant funds that run behind the scenes... much of the abuse makes sense in light of grant funding.

From foster/adoption incentives, to kinship grants, to access visitation monies (and the others under that same umbrella); the common denominator are HHS funds. One percent of federal funding actually goes to PREVENTION.

Molly McGrath Tierney (look her up on You Tube --) is a social work with amazing ideas to renovate a very broken system. She is incredibly bright, articulate and would be a tremendous asset to the state of Texas to consult for system improvements.

2. I did not get to list all of the funding (or highlight the primary ones) on the contracts over 100k in my appendices prior to turning it in. Things were a bit hectic preparing. When looking at that list of contracts if you take in whole family court related ones -- the majority would fall into that category -- domestic violence, abuse, the child support system. The Access Visitation grant funds themselves I do not believe are being accurately represented as TAGGS shows 2 million going to Texas Workforce Solutions -- the contracts for the county courts that receive these funds are for salaries, including attorneys for Harris, El Paso counties; in Tarrant for social workers. I haven't gotten Travis and Bexar contracts yet, but found written data indicating Bexar also uses an attorney when looking up info on line. There is a wide umbrella of father's rights based grant funding -- and it looks innocuous or they have initials so it just goes as another line item in a budget -- NCP Choices (which according to the AG contract page has a pretty hefty expansion). NCP Choices essentially teaches fathers how to get out of jail early, forgives support and

gives them custody. QIF - NRF -- Non resident fathers program -- Father's Coalition of Tarrant County claims to be receiving these funds even though they aren't even an agency per se but a collection of organizations -- (yet they have a full board). New Day Services for Families and Children, receive these grant funds, have free office space in the family court house, and are the treasury for the Father's Coalition.

My primary problem is that CPS serves as a referral; and I have talked to more than one affected mother who had CPS files 'lost'; changed, or otherwise had negative issues similar to testimony heard in hearings. The problems often also lie within our judiciary --

Family Court judges, associate judges, and amicus all enjoy immunity. This opens the door to considerable latitude that can be used wrongly.

These funds are not indicated by family code to have litigation for visitation enforcement -- and yet every Texas contract has this in place.

Most of the mothers affected by these funds/programs are under gag orders and afraid to complain, further complicated by the fact that judicial sanctions and review are private. Judges can be reviewed and sanctioned privately, step down and retire with full benefits while they had committed egregious assaults on litigant's dignity and stripping them of their civil rights for due process. This practice is wrong and must be stopped for the future of our children.

This is my first time to Sunset commission, although I did assist TOTA with providing comments and signing petition for when TBOTE was under fire a few years ago -- This is my THIRD time to Austin to advocate on these specific issues -- including a visit to Andria Franko's office in the governor's office -- I followed with the contracts for Tarrant and El Paso. (at the meeting, Oct 1, 2012; a mother and her grown children testified to her about problems with increased time allotted to the abusive father); I met with Giovanni Capriglioni with a lobbyist and another advocate mom as well as an affected mom. He put forth to committee on govt efficiency and reform a motion to investigate with congressional hearings. I do not know if it went into interim charges. I don't think the speaker put it in, even with multiple people who advocated for him to put into the charges.

Any Alternative or New Recommendations on This Agency: Included in my comments above. I am so thankful for the time, attention, and professionalism you all put into this effort.

My Comment Will Be Made Public: I agree

Jan Pittard

## Comments to the Sunset Advisory Committee

My name is Jan Pittard, and I'm an occupational therapist with 14 years of experience in what is my second career. The last 8 years I have spent in long term care and skilled nursing facilities. My occupation requires a master's degree, which I worked hard to obtain. As I was working on the comments to say on the grant funds I have been researching, it came to my attention that the committee is looking at delicensing respiratory therapists and dietitians. That would be a tremendous disservice to the population I serve on a daily basis. Medicare started devaluing respiratory therapists by saying nursing staff can provide the same services. So it adds an additional burden to the person who already has too many obligations to meet. I can't tell you how many times I've walked in and a person who is getting their breathing treatment is sitting there not getting their dosage since they are talking to a family member, or they just didn't like the mask on. These professionals are dedicated, and provide a much needed service to our clients. It takes tremendous skill and knowledge for a dietitian to develop and provide appropriate diets for chronically ill patients with multiple diagnoses and food allergies. Please reconsider and consider review of the following little known programs.

I am here today because three years ago I was provided information about grant funds called access and visitation grant funds. I didn't believe they existed but it was in response to a Freedom of Information Act, and grant recipients listed on the Atty General letterhead, so it had to be real. I have not been able to find an accurate grant trail to tell you how much is being spent, but I do have a list from the Atty General site of these funds and related funds. While researching the funds I discovered the travesty being visited upon women who are attempting to escape domestic violence with taxpayer funds, NO oversight into how these funds are spent, and no outcomes reporting since 2008. Americans and Texans deserve better use of their funds in the times of economic stress we have been experiencing as a country.

Did you know that if a woman leaves her abuser, as she is advised to do by hospital social workers, by domestic violence services, and others, and has no means of visible support she is at significant risk of losing custody to the abuser. Why do I say that? In my research I discovered that say Ms. C was being hit by her husband who is a cop, had CPS reports on him, finally leaves, and goes to a domestic violence shelter, applies for food stamps, to support herself while she figures out how to find work and a place to live. She has just encountered several referral sources into the access visitation program.

I have the outcomes guidelines for grant participants to fill out for their grant funding, not that any have been published, the instructions clearly show domestic violence centers, CPS, IVD court, juvenile court as referral sources. Medicaid recipients, and food stamps recipients are also a referral source because if Ms. C files for food stamps in an effort to offload the system a IVD case is automatically opened. IV D cases are for child support.

Jan Pittard

When the access visitation case is opened up, it forces mom to agree to 50/50 split to the abuser or lose custody altogether to the abuser. The trend in judicial and legal training is that women are making up abuse. And while there are some women who do, research by the Leadership Council indicate that the majority of women are telling the truth in their cases and abuse is not falsified.

I'm deeply troubled by the number of women I have had contact with and have experienced this event. The number of articles that are now circulating about judges, such as Shelly Kofler's award winning series, Texas Judges Out of Order. I'm deeply troubled by a system that is using the American public tax dollars in such a disturbing way to continue to abuse and control a person who simply wants to live peaceably and raise their child without abuse.

And who is profiting from this abuse? AFCC, Association for Family and Conciliation Courts originating out of California, and extreme father's rights organizations. You can find the complete list by county at the Atty General's website of access/visitation providers. The people handling the money at the state and local levels are AFCC officers and members. If there is a problem with the program, who does the person call? The two people handling the grant monies. The NY chapter recently shut down by the IRS, by the way.

An independent review should be done of these and associated programs and of every organization listed as providing these services. OIG has had multiple complaints over the years with nothing being done. Under the CFR rules the state has the obligation to evaluate these programs.

My main concern with these programs is that according to the federal code, these are only to be used for: mediation, neutral drop off and pick up, and supervised visitation. Litigation is not used, not even under enforcement, but that is what the contracts in the state of Texas include. Harris County is paying salaries on four attorneys in their program. El Paso is paying for one attorney. These funds are clearly allied with father's rights groups and are biasing the courts for profit. Five courts in Texas receive grant funds directly: Harris, Tarrant, El Paso, Bexar and Travis.

I think the money the state of Texas would save with these fraudulent programs that are fostering continued control and abuse on women and children, you can continue licensing dietitians and respiratory therapists who do not need to have their professions devalued by the state they serve. The citizens of Texas deserve better.

Jan Pittard

Runaway Bay, TX