

TEXAS SUNSET ADVISORY
COMMISSION
2014

PUBLIC TESTIMONY
WRITTEN SUBMISSION

ON

DEPARTMENT OF FAMILY AND
PROTECTIVE SERVICES

-

CHILD PROTECTIVE SERVICES
PROGRAM

NEEDED REFORM

Introduction

I have been an “alleged perpetrator” in 3 CPS cases that I refer to as cases “A” through “C”. CPS’s practice of referring to “alleged perpetrator” at the onset of the investigation places an immediate presumption of guilt.

Case “A”: In September 2010, as my contested custody/high conflict divorce began with the submission of my spouses violence submitted to the local Euless Police Department resulted in a referral to DFPS CPS program. This case’s continued unsatisfactory resolution is the primary reason of this testimony.

Case “B”: In August 2011, my spouse and older daughter in an attempt to revoke my recently granted visitation made four 911 calls and dispatched Grand Prairie Police twice in one single afternoon. The Police promptly dismissed the two complaints and made a referral to CPS as demanded by my spouse. Given that the Police dismissed their cases, CPS also promptly ruled out any child abuse and neglect. The purpose of providing this information is that it is part of an overall pattern of misuse of the system by my spouse.

A senior experienced Family Court caseworker confirmed a loving, respectful, no-fear relationship between my two daughters and me in December 2010.

Between September 2010 and August 2011 several complaints against me filed and **all were dismissed.** My spouse, using the children, filed:

1. 5 Police Complaints
2. 3 complaints filed or attempted with Family Court

This shows a persistent pattern of false allegations. In case of the Police complaints, it shows that the higher burden of proof standard applied by the Police (Clear and convincing evidence and Beyond reasonable doubt) consistently and correctly identified the false allegations and dismissed the complaints.

Case “C”: In 2012, my spouse and daughter again filed a physical assault complaint with CPS alone thereby lowering the burden of proof to a Preponderance of the evidence standard. They were successful and in just over a month the CPS case worker ignoring much of my contradicting evidence made a reason to believe – physical assault finding, leading the Family Court to drastically cut my visitation. It took 8 months to obtain CPS records and complete an ARIF (Administrative Review of Investigation Findings). At the ARIF, across the table from the CPS Reviewer, I presented the previously submitted but previously ignored evidence and the findings were reversed.

At this point, I approached DFPS's Office of Consumer Affairs (OCA) for a final review of Case "A". OCA did allow a delayed review outside of prescribed deadlines.

However, despite the overwhelming pattern and vast amounts of contradicting evidence, Case "A" still upholds a finding of neglectful supervision against me.

This has impacted my custody case. This also places me on a CPS database of offenders that are flagged for contact with children.

I have been recognized as an outstanding father by The Parenting Center of Ft. Worth, noted as the only parent that consistently cares for and anticipates the two daughters needs, and nominated as an outstanding father at a large local church for a Father's day nomination and award.

Further, the Attorney Generals Crime Victims Fund awarded me around \$18,000 as a result of my injuries from my spouse's last assault.

Case Details

Case "A": <ol style="list-style-type: none">1. Case #: 377305202. CPS Case Worker: Amanda Rose3. CPS Supervisor: Angela Meador4. ARIF Reviewer: Regina Sullivan5. OCA Reviewer: Yesenia Rodriguez6. Finding: Reason To Believe	Case "C": <ol style="list-style-type: none">1. Case #: 425679732. CPS Case Worker: Tremika Montgomery3. CPS Supervisor: Peggy Vera4. ARIF Reviewer: Regina Sullivan5. Finding: Unable to Determine
Case "B": <ol style="list-style-type: none">1. Case #: 402444987. Finding: Ruled Out2. Since case was ruled out and purged, no other information is known.	

Observations

1. For Case "A" neither the CPS case worker nor supervisor ever met me for an interview.
2. Within 10 days of the investigation, on Sept 14, 2010, Amanda Rose, informed me over the phone that CPS had no concerns with the care and well being of the children.
3. On Sept 23, 2010, the Family Court Associate Judge, reversed the temporary custody arrangements. Amanda Rose present at the hearing testified she had no concerns about the

children. Family court practices are a subject of CNN investigation and the Divorce Case Documentary Film Exposé that is attracting nationwide attention. This is beyond the scope of this testimony.

4. Around Oct 13, 2010, Amanda Rose and Angela Meador now made a finding of Neglectful Supervision against both parents. This represented a 180 degree turnaround from Amanda Rose's earlier statements and testimony regarding me. The practice of CPS Case Workers following Family Court Rulings contrary to their own investigation is a common pattern across many cases.
5. The pattern of false allegations and contradicting evidence is ignored. Only facts supporting the outcome are used.
6. Tremika Montgomery and Regina Sullivan both indicated that the children are very "believable". Experts with Doctoral degrees without specialized training in these complex psychological issues have a 95% attribution error and blame the innocent parent. Such cases where there is no sign of physical abuse are beyond the expertise of CPS front line staff.

Conclusions

Cases like case "A" are in a state where all administrative procedures are exhausted remain unresolved impacting the lives of children and the state of families permanently.

CPS lacks the training to deal with complex psychological issues resulting from custody disputes. CPS lacks the time needed to properly investigate these cases. CPS lacks the time needed to fully account for all contradicting facts.

The Family Court is primarily responsible for the children's interest. Therefore, CPS should chose to make an unable to determine or unable to complete determination in these beyond their expertise areas. The courts own resources are far more qualified. CPS is playing into the prolonged litigation bankrupting families and enriching attorneys by making findings in this subset of cases. CPS should leave this with Family Courts and not involve itself, thereby freeing up their overworked resources. CPS should participate only where a removal of the child is involved in this subset of divorce related cases.

Respectfully Submitted by
V T Mansukhani