

# International Fathers Rights Foundation

JANUARY/FEBRUARY 2010



## About Your Civil Rights.

The freedom and rights that a person may have as a member of a community, state or nation are not always a given and have to be exercised for them to be a right. Civil Rights include freedom of speech, of the press and/or religion. Among others are the right to own property and to receive fair and equal treatment from government, other person's and private groups in a democratic country. A person's civil rights are protected by law and custom. The constitution of many democracies have bill of rights that describes the fundamental liberties of the people. It also forbids the government to violate these rights, the rights the government cannot take away from them.

These rights are considered part of a "higher law", a body of universal principles of rights, such as the freedoms of speech and the press, support democracy. Others, such as trial by jury are essential to justice. The first 8 amendments contain the fundamental rights and freedoms of every citizen. But also the courts determine the limits of civil rights, so that people do not use their freedoms to violate the rights of a person or others.

Some people draw sharp distinctions between civil liberties and civil rights. These people distinguish between freedom from certain actions and the freedom to be treated in certain ways. They regard civil liberties as a guarantee that a person will have freedom from government interferences. Some think of civil rights as guarantees that all people will have the freedom to be treated equal. The term civil rights refer to both civil liberties and civil rights. A person may not use civil rights to justify actions that might seriously harm the health, welfare, or the safety of others.

Now knowing more about my civil rights, I feel that in my case, and not knowing more about my civil rights I feel that they to were used against me in my case. Not being able to find this out until after the fact. Then my case deserves to be looked at in a new light legally. The fact that I was deprived of my basic rights and the posterity of my family life, demolished, what would be conducive for, we as parents to get these laws changed, revised or abolished. Their will be more to come.

## CONTRACT LAWS

A contract is an agreement that becomes legally binding. The contract is a private law created by the parties to the agreement and applying only to them. Like other laws, public or private, a contract is enforceable in a court of law. Are all agreements, legally enforceable contracts, "NO." But the court looks for the following three elements, voluntary agreement, consideration and legality. This is based off the basic requirements, or elements of a contract and the court will enforce it.

## Contract Language

A valid contract does not have to be a printed, legalistic-looking document, nor does it have to be called a contract. A typed or even handwritten "agreement, letter of agreement, or letter of understanding," signed by the parties will be valid if it meets the legal requirements of a contract. Don't sign something assuming it's not a contract and therefore not important. It is also common for the word "contract" to be used as a verb meaning "to enter into a contract" and we speak of a contractual relationship to refer to the whole of sometimes complex relationship or transitions that may compromise on or may contracts.

In this area, the key may be a person's medical history. For example, someone who can show a history of alcohol abuse, blackouts, and the like may be able to void the contract is made, regardless of his or her appearance when the

Contract language continued next page >>>>



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## The Disenchantment of Privatization

In 1995 the governor's office in Kansas asked SRS to move with expediency to privatize child welfare. Local and national professionals were stunned by the speed and vigor with which the state of Kansas made these changes and where the pilot projects were and against recommendations of several study groups working on child welfare reform. The state began signing contracts with private agencies by July 1996.

Now understand in 1996 Kansas had many excellent foster and group homes which offered a combination of services so that children could be placed according to the individual need and at the most appropriate level of care. Since 1996 respected agencies have been closing at an alarming rate. Others have incurred services debt which threatens the future of their programs. Privatization began with the state issuing agreements for proposals to private agencies. Some of those contracts were not given to the agencies with the most experience and/or expertise in that area of practice. In effect the children were sold to the lowest bidder. In 1999 the state negotiated new contracts with significant changes in its choices of private contractors. This bidding has meant that children repeated loss of home and foster families, friends, neighborhoods and therapists as they move from one contractor and funding plan to another. If there is to be one constant in child welfare practice, it is that children's placements and relationships should remain stable. Facts obtained indicate that little information is available about how contractors are using taxpayer money and about the well being of children in the system.

It now costs the state almost twice as much to fund child welfare programs as it did before privatization. Do we know what portion of funds is used for administrative costs, including salaries of administration and managers? What amount is used for direct services to the children? Group homes cost more than foster homes because they provide more services for children who need them. If the contractors succeed in making one size fit all by trying to place virtually all children in foster homes, the financial advantage to the agency is obvious. I truly believe that this is not the trend in Kansas Child welfare is not going in the direction of forcing respected agencies, perhaps all group homes out of business and to end up with a monopoly and a mandate by the state for substandard services for our children by offering only one option for their care. Services to children such as psychotherapy, tutoring, respite care and independent living support for children leaving care at age 18 have diminished rapidly.

Since privatization the children are no longer allowed to use their medical card for ongoing mental health services. Instead the contractors require that 80 % of the cost of psychotherapy as well as all other services come out of the daily rate so the agencies are able to provide less and less. When the subcontractors ask for help from the state and the contractors, they are met with criticism and stonewalling. Are children not protected by the state cutting funding or accountability for its own programs which have become ineffective.

Our lives are not determined by what happens to us but by how we react to what happens, not by what life brings to us, but by the attitude we bring to life. A positive attitude causes a chain reaction of positive thoughts, events, and outcomes. It is a catalyst, a spark that creates extraordinary results.

*-Anon*

### CONTRACTUAL LANGUAGE CONTINUED

contract is made. This is true especially if the other party involved knew about prior medical history. Some people mistakenly believe that an oral contract isn't worth the paper it is printed on. But many types of contracts don't have to be written to be enforceable. So armed with this knowledge of these laws, be aware that lack of legal representation to help navigate through the system that a person does not have experience with is something to be considered seriously, especially in child in need of care cases and support for the parents involved in any court case. Do not be misled by statements made telling you, you will not need any representation, which should lead you to know it would be imperative for you to have support other than the people who tell you these statements.

Be willing to read everything you are signing or making a commitment to and be smart about what you want to commit to before the legal woes do not consume you or end up losing someone or something that means everything.

INTERNATIONAL FATHERS RIGHTS FOUNDATION

# International Fathers Right Foundation

FEBRUARY/MARCH 2010

## The Disenchantment of Privatization Part II

Some reports indicate that children in foster care receive less than one-third of the money the state of Kansas pays to contractor for their care. Group homes cost more than foster homes because they provide more services for children who need them. At least, that is what contractors are trying to insist that most children do better in foster care pushing more and more children into foster care (up to 80%) even if the placement is not the best one for the child. Juvenile court judges and other professionals are well aware the one reason children are moving frequently is that they do not make it in foster homes if they need a higher level of care. Most agencies forced into closure by funding problems due to privatization are group homes. All of the contractors have lobbyists to work on their behalf in the legislature of Kansas, in some cases full-time lobbyist.

Child advocacy has given way to agency advocacy as agencies focus on their own survival as contractors rather than specific needs of children in their care. KCSL agency in Kansas has launched a for-profit arm of their agency and is reportedly marketing their privatization plan to other states and have already having plans on selling the plan to the state of Florida. What are the ethics of an agency selling a plan developed at taxpayer expense, especially when the plan is so flawed? Child welfare administrators at the state level have clearly had a long standing strategy from the beginning to present privatization in a positive light and to their dismay or anyone that would questioning the changes. This effort included a national conference and after five months completing the transition to privatization, the state fosters care decided to showcase the plan on a national stage. The state of Kansas and KCSL (Kansas Children Service League) claim that one way to guarantee success with such research is to measure very minimal outcomes, such as less than four placements in 12 month period. By the standards of the Child Welfare league of America, a foremost child advocacy association, states that this and other matters do not constitute quality of care.

The only thing privatization has done is add more bureaucracy and more difficulty to access services for the children. Now after reading this it should be insightful just how inconsistent our legislature and other agencies are disillusioned about what it is that are own children and families seriously need. Some of the same people that are there to help are sometimes so disingenuous and deceitful about the issues at hand and how can they expect us to be civil and accountable when the powers have problems with moral ethics and decorum. The inability not to deviate from the one thing that they are there for and it would be trust and the dignity to face adversity that is why the concerns taxpayers put you where change comes from the top.

Any change, any loss, does not make us victims. Others can shake you, surprise you, disappoint you, but they can't prevent you from acting, from taking the situation you're presented with and moving on. No matter where you are in life, no matter what your situation, you can always do something. You always have a choice and the choice can be power.

Blaine Lee

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