

# Justice for Children

**National Nonprofit**

**Quarterly Newsletter  
October 2000**

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## **One Voice Merges with Justice for Children; JFC opens new office Justice for Children- Washington D.C.**

JFC is pleased to announce a momentous event in our history and for child advocacy. Effective September 16, 2000, "One Voice: The National Alliance for Abuse Awareness," has merged with Justice for Children to create a larger and more comprehensive approach to the child abuse problem in our country.

Headquartered in Washington, D.C., One Voice was founded in 1993, by Sherry Quirk, a senior attorney with one of the most influential governmental relations law firms in the United States. One Voice has been the voice for a number of child advocacy and adult survivor organizations on legislative affairs at a national level for many years. Because of its location and Sherry's credibility and contacts in government, One Voice provides extraordinary access to the legislative process. Eileen King, the Executive Director of Once Voice brings a similar depth of understanding. She has painstakingly cultivated contacts in the child advocacy field, and a powerful gift of expression. Beginning with this newsletter, Eileen will add a section on public policy and legislation.

The merger of One Voice with Justice for Children is a perfect marriage. On the one hand, Justice for Children is the leading organization for the protection of children who have fallen through the cracks of the system. It is our primary focus on this life-saving case-work on the local level in a number of communities that distinguishes our mission from all others. One Voice, on the other hand, provides an opportunity to make major changes at the legislative and policy level so that fewer children fall through the cracks to begin with.

One organization is upstream, the other is downstream. Until the problem of child abuse and neglect is eliminated, both aspects to the solution are needed. Now these organizations are united under one umbrella.

The experience that JFC has gained from handling children's cases over the last 14 years at the "grass roots" level, has fueled our work on the larger picture as well: recruiting and training lawyers on how to handle children's cases so that we can cast a larger net with our services, educating the public through a carefully nurtured relationship with local and national media, serving as an expert resource that is used by the judiciary, attorneys, individuals and officials in the very system that we have been critical of, and a multiplicity of collaborations on areas of common interest. By working the individual cases, we see very clearly the areas where the system is failing and what fixes are needed. With the addition of the resources of One Voice, we now have the perfect conduit for our public policy initiatives in the most important governmental seat in our country.

For these reasons, I am very pleased to announce this merger, the acquisition of a recognized presence on Capital Hill, and the addition of One Voice's Executive Director, Eileen King. What One Voice and Justice for Children, separately, have accomplished is awesome. However, what we could achieve together as a united organization is even more exciting. The synergy here between our two organization is obvious.



## **President's Corner**

**Randy Burton**

**President of Justice for Children**

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JFC brought online during this last quarter its new state-of-the-art, one-of-a-kind database. Thanks to funding from the Rockwell Foundation and the Tapeats Fund, we were able to finally complete our database programming, the design of which has been several years in the making. It has already attracted significant interest from both the public sector as well as other child advocacy organizations. This database, will enable JFC to track not only all the information entered by any of our staff or interns on a given case, but we will be able to track a variety of aspects of system failure, the demographics on our child abuse cases, and provide a variety of reports for research purposes, fundraising purposes, and to measure the outcomes of our interventions in these cases. The research aspect of this database has virtually unlimited potential and we have already been working with two different universities on ways to use that data for their research on child abuse and neglect, system failure, and ways to improve the system. We anticipate a grant that will allow for further work on making the data entry systematic such that the database is useful for academia. Many hours from many different people have contributed to the successful implementation of the database and we look forward to sharing the results with you through future newsletters.

Also, I want to compliment the staff on their tremendous dedication to their work and the successes that they continue to have on these very difficult cases. You will also be proud to know that our new office space continues to show improvement. We recently finished out our library space with the acquisition of a new conference table, chairs and bookshelves and are in the process of building a research library for use by other child abuse professionals, such as attorneys, graduate students, social workers, etc. Also, if you have not already done so, please check out our website, [www.jfcadvocacy.org](http://www.jfcadvocacy.org), which is updated periodically with new information and stories. Eventually, we hope that this will be an interactive way that reporters of cases can provide information about children's cases over the internet and that JFC can disseminate information about our organization and chapter development.

Both Barbara and Kimberly presented a workshop at the International Family Violence Conference held in San Diego in September. As a result, JFC has received several new cases. These are children who may otherwise have no voice in the legal system and I thank you, our supporters, for helping to ensure that each child referred to JFC has an advocate to speak for them when the system fails.

Finally, on November 3rd, JFC begins the first of a series of training sessions for Houston attorneys at the law offices of Vinson & Elkins. The Houston Young Lawyers Association (HYLA) and the Houston Volunteer Lawyers Program (HVLP) are collaborating with Justice for Children to provide pro bono legal services to JFC clients. These attorneys will take on JFC cases that require legal intervention to protect abused children when governmental systems fail. Some of the legal interventions include: amicus briefs, protective orders, suit to terminate parental rights, and adoption. We could not be more pleased to be working with HYLA and HVLP on such a significant project that ensures children do not experience multiple incidents of abuse by caregivers. Many thanks to **Bill Jackson, Denise Schofield, Stewart Gagnon**, and **Barbara McMahon** who have made this partnership a reality.

I encourage you to visit the JFC offices and see firsthand the work we are doing!

## One Voice Project

*Byline: Eileen King , Regional Director, JFC Washington D.C. Chapter*

I would like to thank Randy Burton for his words of welcome and to introduce One Voice/ACAA to all of you who support the extraordinary work of Justice for Children.

Interested in offering her services pro bono, attorney Sherry Quirk (whose practice is in energy law) searched for a Washington, D.C.-based national organization that addressed child sexual abuse. When she realized that this organization didn't exist, she co-founded one with the help of Marilyn Van Derbur (1958 Miss America), attorneys Shari Karney, Sylvia Clute, and others. This new group was officially incorporated in February 1993 as The National Center for Redress of Incest and Sexual Abuse (NCRISA).

In November of 1993, Ms. Quirk co-founded the American Coalition for Abuse Awareness (ACAA) with many of the same individuals and Frank Fitzpatrick, a survivor of the infamous Father Porter and who was responsible for bringing Porter, a priest with over a hundred child victims, to justice. NCRISA's primary task was to educate the public about incest and sexual abuse and advance the opportunities for legal redress for victims of sexual abuse. ACAA, on the other hand, began work on legislative matters: one of its first campaigns was getting Virginia's statute of limitations for incest or sexual abuse struck from the State Constitution. ACAA also worked for the successful passage of a bill that amended ERISA, allowing the attachment of federal pensions of perpetrators in order to satisfy a civil judgment for damages awarded to victims of child abuse.

In 1995, NCRISA became "One Voice: The National Alliance for Abuse Awareness" as the result of a decision to include all forms of child abuse in our concerns. In 1997, after a retreat with the One Voice and ACAA executive board members, we decided to consolidate the work of both groups. This seemed to make good sense since they shared boards, interests, information, and issues. The ACAA subsequently became the "public policy project" of One Voice.

One Voice/ACAA's association with Randy Burton and Justice for Children has been a long and productive one, even before Randy became an ACAA Executive Board Member in 1995. Long before many other children's advocates, Randy was aware how CPS Family Reunification policies often worked against the well-being of the child. No adult rape victim would be ordered to go live with her rapist by a judge. But children were (and unfortunately still are) being court-ordered back into homes where they are at high risk for sexual abuse or deadly violence. Sherry Quirk's legislative contacts on Capitol Hill were deeply impressed with Randy's insights into these problems and promised that one day, the mandate for Family Reunification – even when there was severe physical or sexual abuse of a child - would be revamped. These conversations bore fruit: Congress passed the Adoption and Safe Families Act of 1997, removing the mandate for obligatory Family Reunification, and speeding up the process to place children in safe and permanent homes.

In 1993, Randy Burton, Dr. Amy Neustein and Sherry Quirk authored the "Memorandum to Attorney General Janet Reno." The "Reno Memo" (as it has been dubbed) described how our family courts are giving sole custody to perpetrators of child sexual abuse and incest - one of the many ways "the System" can fail our children.

In the years since the Reno Memo appeared, the most frequent call that One Voice/ACAA receives is from parents, usually mothers, who have discovered that their child is being sexually abused. Instead of protecting the child, the courts (and sometimes the Child Protective Services) are working to reunite the child with the alleged abuser.

One Voice/ACAA is in contact with many organizations and individuals across the United States who track how abusers can use the courts to keep on abusing their children. Local and national groups alike are searching for ways to address these horrific cases through legislation, amicus curiae briefs, picketing, and by sharing information about the tactics and legal strategies used to keep a child with the accused perpetrator. However, Justice for Children is the only national organization in the country that understands these cases and is willing to directly advocate on behalf of abused children - without charge for its services. These cases are tragedies: they are the primary reason that we wished to merge with JFC.

Many readers may not be aware that the work of protecting innocent children has enemies and an active opposition. This opposition works unceasingly to develop legal strategies (because there really isn't that much child abuse, only "lying children" and "false allegations") and to lobby against the federal and state laws that protect children. This opposition has also introduced a multitude of bogus syndromes that work to discredit children and their protective, non-offending parents or therapists: parental alienation syndrome (PAS); false memory syndrome (FMS); malicious mother syndrome (MMS); sexual abuse allegations in divorce syndrome (SAID). This opposition is also ever ready to misuse other syndromes (like Munchausen Syndrome by Proxy) as a way of discrediting the protective parent.

The proponents of "false memory syndrome" have been successful in changing the way our society understands child sexual abuse. Nowadays, a person's first comment is often "Oh, yes, sexual abuse is terrible, but there are so many false accusations, aren't there?" "False memory syndrome" advocates have given our society the excuse it needed to retreat back into denial. Once again, many now believe that child sexual abuse and incest are rare and may not be so bad after all. In fact, some would have us believe that the real victims are the "falsely accused" - or even those found guilty as charged. Adult victims of incest and sexual abuse have been painted as whining attention-seekers. This

*(Continued on page 6)*

# JFC INTERNS



*Above: Jodi Martinez*

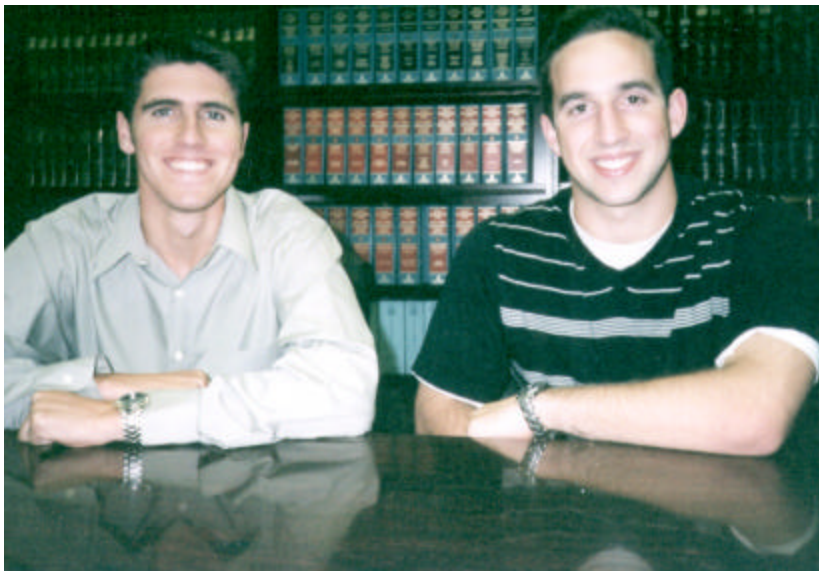


*Above: Erica Rosenberg*

JFC's Year 2000 **summer internship program** proved a success. Four student interns, supervised by Amanda Morvant, worked in the Houston office this summer. Jeff Herbert from Northwestern University, Jodi Martinez from the University of Houston, Brad Myles from Stanford University and Erica Rosenberg from the University of Houston were assigned to work side by side with advocates on children's cases, to handle the national hotline and many other tasks. We are proud of the work that they accomplished and look forward to next summer providing a learning environment for other students interested in children's rights.

JFC wishes to congratulate Brad Myles for being selected from a field of 300 for the Stanford in Washington D.C. program. Brad began working with the Children and Youth Division of the Secretary of State in mid-September.

*Below left to right: Brad Myles and Jeff Herbert*



*Below: Janey Thornton, fall semester intern*



# AT WORK



Justice for Children extends our gratitude to **Dr. Roy Lachman** from the **University of Houston** for his tangible support of our mission by providing six student interns for the fall semester! With these psychology interns, JFC is better able to field the increasing number of calls and to more efficiently manage the growing number of cases. Since May 2000, we have experienced an increase in cases from an average in May of 28 new cases each

month to 45 new cases each month over the last four months. The interns, pictured on these pages, assist with answering telephone queries, mailing intake packets, summarizing case documents, researching child abuse issues and assisting their caseworkers with a variety of tasks.



*Above Left: Taieka Derrick  
Right: Young Hi Stokes*

*Center: Valerie Jackson*

*Below Left: Kristina Makol  
Right: Jameka Williams*



## *One Voice Project*

*continued from page 3*

tactic encourages the public to forget the child - now an adult - whose innocence was ripped away.

Justice for Children is historically unique: there is nothing like it in the United States. One Voice/ACAA will bring some additional elements to JFC that will strengthen and intensify the already extraordinary work JFC performs. It will give JFC: a presence in Washington, D.C.; a national Internet Information List; nationally recognized videos produced by Marilyn Van Derbur that address various aspects of sexual abuse and incest; a national resource and attorney referral line; an extensive library of legal/psychological resource materials; as well as links to many groups, and individuals across the country working on behalf of children or adult survivors of abuse. One Voice also has a wide-ranging knowledge of the individuals and groups fighting against protecting children - as well as their legal, psychological and legislative

strategies. And we will bring an awareness of the adult survivor of abuse to the continuum of issues that JFC addresses.

The One Voice office will become **Justice for Children - Washington, D.C.** and will house the "One Voice Project." In this way, the work of One Voice will continue, especially in light of a recent \$30,000.00 grant from the **Ms. Foundation for Women** in New York. Future plans include enlarging the D.C. offices and as funding allows, establishing JFC casework for the Greater Metropolitan Washington, D.C. area that encompasses parts of Virginia and Maryland and thousands of abused and neglected children.

We look forward to what the future will bring and feel deeply privileged to unite with the finest children's advocacy organization of which we know: Justice for Children.

### **Case Briefs: How pro bono attorneys have come to the rescue of abused children**

Justice for Children would like to express our appreciation to attorney, **Jeffrey Jansen**, with the law firm **Akin, Gump, Strauss, Hauer, and Feld**. Mr. Jansen has accepted a JFC case on a pro bono basis. After numerous incidents of abuse and chronic neglect, Children's Protective Services (CPS) opened a case to provide services to the abusive father and allowed an acquaintance to take the children. JFC initiated contact with a local therapist for services for the children which CPS followed through with. JFC and Mr. Jansen attended a Show Cause hearing in September on behalf of the children. Mr. Jansen is representing the current caregiver to ensure the children remain in a protective environment. The next hearing is scheduled for October.

Attorney **Fred Williams** of **Brobeck, Phleger, & Harrison** in Austin, Texas filed an amicus brief on behalf of Justice for Children in the Stephanie Ray case. Fourteen year old Stephanie was born with AIDS and had been residing with a foster mother in Pewaukee, Wisconsin, until earlier this summer when she visited with her paternal aunt in Phoenix, Arizona, and refused to return to foster care. Stephanie, whose mother died when she was five, was removed from her father's care several years ago due to abuse and neglect allegations as well as her father's repeated bouts with alcoholism. The foster mother was not only Stephanie's father's ex-girlfriend but also his ex-employer. As a result, the foster placement was highly conflictual for Stephanie. CPS in Wisconsin was adamant that Stephanie return, in that her remaining in Phoenix would hinder the agency's goal of reunification with her father. Mr. Williams' brief focused on issues such as "least restrictive" placement options for Stephanie, as well as policy that blindly values the "family unit" over the health and safety of its children. The court ruled that Stephanie could return to Arizona temporarily. The agreement called for a neutral party appointed by the court to weigh in on Stephanie's case and ultimately to recommend to the judge the long-term course of action that best suits Stephanie's interests. Justice For Children would like to thank Mr. Williams for his hard work, which positively impacted the court in its decision to grant Stephanie's return to Arizona to be with her aunt.

Through our pro bono partnership with Brobeck, Phleger, & Harrison, an intervention was filed on behalf of JFC in a team effort by several attorneys. **Tina Fernandez** with **Fulbright & Jaworski, LLP** in Austin researched and prepared an intervention to protect two little boys who have had horrible things done to them, including feces smeared in their face by their mother. Children's Protective Services might still plan to return the boys back to their mother if not for the efforts by the attorneys at Fulbright & Jaworski, LLP. **Lori Martin** and **Rachael Rolon** of **Fulbright & Jaworski, LLP** in Dallas filed necessary documents and appeared for the permanency hearing to argue for a safe environment for the boys. They were successful. The boys are living with an aunt and we anticipate they will also continue their relationship with their paternal grandparents. The final hearing is scheduled for October. CPS is recommending termination of parental rights for both parents. JFC would like to thank all of the attorneys involved for their combined effort to ensure these boys were not returned to an abusive home.

### **Case Briefs: JFC steps in when the system fails**

## Abusive Head Trauma

Ten month old Christina Dew died September 3, 1997, due to cranial cerebral trauma. Christina's babysitter, Trena Kemmerer, was subsequently charged with felony murder. Ms. Kemmerer is accused of striking Christina with a hand or object while caring for her in her home on September 2, 1997. Ms. Kemmerer's trial began July 25, 2000, and ended August 24th. Defense tactics began on the first day of trial as one by one, Christina's family members were removed from the courtroom and designated as defense witnesses. Throughout the course of the trial, not one family member that had been removed was called to testify. Mary Weaver, maternal aunt to Christina, stated she felt this was done to lessen the human impact their presence would have on the jury in that Christina was a real person who had people who cared for her and wanted to see justice done. After 3 1/2 days of deliberations, the jury returned deadlocked 8-4 in favor of convicting Ms. Kemmerer. A new trial date is expected to be set on October 13th. A wrongful death case filed by the Dew family is set for trial in October. JFC will continue to seek justice for Christina.

## Injury to a child

*State of Texas vs. Tara Hulin*: JFC reported to you in a previous newsletter a case very similar to this one. This previous case, *State of Texas vs. Reginald Franklin*, involved a 14 year old child who made contact with a 31 year old perpetrator via the internet. In both cases the alleged perpetrator flew in from out of state to sexually abuse the victim. The major difference in these cases are the assistant district attorneys. In the Franklin case the district attorney chose to agree to a plea of "injury to a child" rather than "sexual assault of a child," as the indictment read. It appears as though history will not repeat itself in the DA's office. JFC contacted Assistant District Attorney Julian Ramirez to express our concerns and the danger of not aggressively prosecuting the Hulin case. JFC was encouraged to learn that Mr. Ramirez also felt that this child should be protected. The *Houston Chronicle* quoted Mr. Ramirez as saying "The law exists to protect children and that includes teen-age boys. The law gives them special protection because they do not have the maturity and the ability to protect themselves in the way [of] an adult world." JFC echoes Mr. Ramirez. We will update you on this trial as it proceeds.

## Harris County sexual abuse investigation team recommends children return to felon

In September of 2000, JFC attended the status hearing after being informed that Harris County CPS was recommending the return of 6 and 7 year old siblings to their mother. The children were originally taken into custody in April of 1999 due to allegations of sexual abuse by their father. In May of 1999, 53 photographs were obtained by Polk County District Attorney Lee Hon. These pictures depicted the children, the children's mother, as well as the children's maternal grandmother, and step-grandfather in various stages of undress to full nudity. Several of the photographs were seductive in nature. The children's maternal grandmother and step-grandfather were charged with indecency with a child. While the stepfather received several years of incarceration at the Texas Department of Corrections, his wife received probation. The children's mother is currently serving 10 years probation for the "sale, distribution, or display of harmful material to a minor." In court, CPS reported that the mother has made "amazing progress" since she began therapy several months ago and therefore felt she could now be an appropriate caregiver. Child Advocates were also present at the hearing and strongly urged for the termination of the mother's parental rights. Judge Kent Ellis presided over this hearing and expressed "misgivings" regarding the return of the children. Judge Ellis further stated that he had been advised by the CPS attorney that the agency did not feel they could be successful at a termination trial. The basis for this stems from the mother's adherence to the CPS Service Plan and her reported progress in therapy. CPS' recommendation for reunification is troubling in that the children's therapists, as well as Child Advocates, strongly object and feel that this is not in the best interest of the children. JFC is concerned that Children's Protective Services is openly advocating for the alleged perpetrator as opposed to the child victims whom they are mandated by law to protect. JFC will continue to advocate for a safe environment for these children.

Justice For Children

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Serving Children  
Saving Lives

**Many thanks to all of you who continue to use your Randall's (4220) and Kroger cards to benefit Justice for Children! It is paying off!**

Thanks also to the Office of the Governor Criminal Justice Division for their support through grant #VA00V301405902

Justice for Children does not charge for membership nor for any services provided. Contributions are gratefully accepted and are tax deductible. JFC is funded with donations from the general public and foundations.

Your contribution may be used for therapy services, casework, legal services for a child, and other services to abused children.

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