

November 27<sup>th</sup> 2005

Law and Justice Interim Committee  
Montana State Capital  
Helena, Montana

Mr. Chairman and members of the committee,

My name is Kandi Matthew-Jenkins; I reside in Missoula, Montana.

For the past 5 years I have been advocating for parents and children caught up in the child protection system. For the past 2 years several parents and I have attended hearings of the Law and Justice Interim Committee dealing with the public defender system and testified at hearings during the last to legislative sessions.

Making it possible for those that cannot afford legal representation is a good thing but it will be to no avail in our current judicial system. As long as our judicial system is autonomous and has no system of oversight we cannot hope for much change to the better. I have been in court when a judge is so defaming of the accused that I feel embarrassed for our what legal system has become...little kings over even littler kings picking on the serfs!

Attorneys need to be assured that they if defend their clients using the full weight of due process and the rule of law that they will not be penalized with threats that other cases will not go so well; if they are threatened by agency employees, they can stand up and speak; if they are afraid of judicial wrath they can come forward and speak; if they are not given cases because they win against the state too often that they can sue for retaliation and that the most important job they have to do is defend their client not lord over them and intimidate them into plea bargaining when innocent just to keep the court schedules rolling.

If these public defenders cannot be assured that they can freely work in the best interests of their clients then we do not need the expense of a statewide system if the status quo is all that the citizens will get under a different name. I don't think that is what is meant by seeing to it that justice is done.

How do you think we feel when an attorney threatens us, talks down to us, swears at us, keeps us uninformed, treats us as second class citizens because of the legal issues we face, some not of our own making. What I don't get is who do they think is paying for all this legal stuff that is used against us... WE ARE!

The people are sorely ignorant of what laws they are under. News releases on the DPHHS hearings on SJ37 were sent to the media to make people aware that they can participate in the discussions and recommendations on the child protection system...as of yet I have not heard of any media avenue informing the people about those hearings or the ones on the public defender system. This I do not understand.

How can legislators make decisions for the people when the people don't even know that the hearings are happening and the people aren't given a chance to let the legislators know their opinions on the subject.

Most people have no clue what laws are being passed and how it will affect their lives because there is no public information system to effectively let them know. For the most part you only hear from those

involved with the issues as government employees and/ or stakeholders of government... what prime examples of conflicts of interest.

In this current session the legislators passed a study bill known as SJ37, a study of the child protection services and entities involved with children and families in child protection cases.

Several of us attended the hearings in the DPHHS Interim Committee in August and October.

Considering the lack of respect shown to this group of Montana citizens and taxpayers by the DPHHS Interim Committee in those hearings, the first hearing we were informed that a subcommittee of members from Law and Justice and DPHHS had been or would be put together to work with the complaints of families against Child protection Services, this announcement was made out of order considering this subcommittee was not listed on the agenda and just moments before the hearing we had waited all day to testify on was to be opened for discussion. The chairperson also announced that we did not need to give our full testimony, that this unknown subcommittee would hear it. We waited all day; we did not get paid for waiting all day. I believe several open meeting and participation laws were compromised if not down right violated in that August meeting.

I personally found this to be reprehensible and did lecture the committee on the fact that they were public servants and no pre announcement of an agenda change was given. Distraught parents had waited all day to testify and some had not even gone to bed yet as they had worked the night before (their tax dollars going to pay for those committee members and employees to be there). Because of my comments and comments of other parents at that meeting we were summarily described as disruptive. How can the sovereigns be disruptive, we have the ultimate right to speak...government of the people, by the people and for the people...we hold the unabridged authority to speak at will. The chairperson of that committee made a request to Greg Petesch attorney for the department of DPHHS and the answer thereof was made know to those who were present. In this letter and findings the people who attended were basically called 'disruptive' and the committee chairperson was informed that security would be available if there was a problem. At 6 a.m., October 20, 2005, before the second DPHHS meeting on SJ 37, I called Mr. Petesch to ask what was considered disruptive and what was not and if the chairperson could preconceive disruption by a person before speaking. I was told that one would have to be violating the rules of the meeting and actually causing problems before being asked to leave or not given the chance to testify. One mother from the group was stopped from testifying, she was not disruptive and I strongly feel she was prejudiced against before speaking. Two women positioned themselves to remove her from the hearing...that gave them authority to remove a citizen from a public hearing when that citizen was exercising her 1<sup>st</sup> Amendment Right. All can be heard on the tape of the meeting. Is our Montana government so power mad and out of control that this is the kind of behavior we the people can expect more and more of?

The chairman of the DPHHS Committee should be censured for such behavior and every committee member should be ashamed for allowing such behavior. Legislators are not aristocrats. There are no titles of nobility in America. The people are the only sovereigns.

Not to go into all the ramifications of denying our right to be included in very important hearings of great public interest several of us have decided that the DPHHS Interim Committee has shown enough disdain against the families who have continually come forward to reveal violations of so many laws and Constitutional rights that we conclude that it is a conflict of interest for DPHHS to try again to oversee it's own actions, that it is obvious that the committee does not want to delve into the atrocities of child protection services and that it is not in the best interests of these families to rely on that committee to determine the problems within the CPS system nor do we believe that the Law and Justice Committee can oversee any critics of the judicial or law enforcement system in Montana because they too are conflictive.

What we have been patiently trying to tell you is that the legal system is in league with the child protection system and we have proof. We are not trying to have one or two cases resolved but the entire links between the two systems revealed and the blatant violations of law in both of these government entities be brought to light. We have asked for a grand jury on many occasions and today I am filing a legislative petition already previously given on April 11, 2005 to certain legislators, again on August 22<sup>nd</sup> put into the public record with the DPHHS Interim Committee, all with no response, blatantly ignoring the people's complaints.

It is unconceivable to me that with all the allegations, requests and documents that have been received by this legislative body in general over the past 4 years and again over the past 10 years that has been recorded since a committee investigated in 1995 that you all still don't get the message...you have servants of government violating the rule of law and doing untold damage to children and you refuse to do anything about...in my book that makes you all guilty by association and ignorance.

We will be returning to these committee hearings only to update you on our progress in exposing crimes against the family by the judicial branch and the executive branch.

We have decided to take our battle into the public venue and are in the process of developing a public interest, self help and support group to assist parents/families involuntarily involved with government agencies and employees, judicial entities and employees, stakeholders and employees, health care services/institutions and employees involved with the child protection services division of the department of Public Health and Human Services/ Child and Family Services and educate Montana citizens to the atrocities in the child protection system, violations of human rights, Constitutional rights, civil rights and fraudulent use of taxpayer dollars and abuses of positional authority. The group will be developing as a non-profit under the name. 'cpsxposed'.

Our goals through 'cpsxposed' are to:

- provide advocacy and support for parents falsely accused of abuse and neglect
- develop a 'court watch' group
- provide chaplain support for encouragement and hope
- be a self-help group supported by those who **CHOOSE** to be part of it!
- develop a handbook for use by all parents and families in Montana
- referral services for parents in false allegation cases or cases in which in-home or community services are in order...develop those referrals by seeking out attorneys and other experts willing to donate their time and talents
- research and compile information to be distributed to the public from the public records
- provide educational material on parental rights and the laws governing CPS
- lobby for legislative reform in CPS law
- explore the possibilities for legal action involving violations of law by CPS, damage suits for families and their children for violations of Constitutionally protected rights and any other actions that are deemed necessary to stop the abuse of Montana's families and children by the child protection system of Montana and to facilitate those actions within the group
- organize rallies/town hall meetings in various places and at various times not to exclude picketing specific CPS offices for gross violations of family rights
- develop a newsletter for families
- seek a grand jury investigation/ federal investigation for fraudulent use of taxpayer monies and prosecutions of law violators within the system
- research unconstitutionality of child protection laws and discrimination against persons of color in respect to ICWA..."preponderance of evidence" vs. "beyond a reasonable doubt"

As a disclaimer none of us are attorneys, and nothing contained in the performance of our goals with 'cpsxposed' should be considered legal advice. If as person needs legal advice, we will encourage them to seek out competent legal counsel. That does not mean that we do not have the right to educate ourselves and follow through with any legal remedies at hand.

It is our Constitutional duty to exercise our authority in any lawful manner as American citizens when there is an undisputable need to stop the abuse of the people by their elected officials and paid public servants when they have usurped the authority of the people to be secure in their God given and Constitutional rights.

I am informing this committee as to our plan of action so that when we come back and report to you that families are being retaliated against in the pursuit of due process and protection of their children (as two families already have been that have testified at the last 2 DPHHS interim committee hearings) and that the agencies will not furnish information requested from them as guaranteed by our Montana Constitution, then you will understand more what the real intentions of child and family services and the legal entities involved are trying to do...destroy the family unit for job security and an un-American agenda.

You have been informed of these violations against the family for along time. Now it is time to inform other Montanans.

A handwritten signature in cursive script that reads "Kandi & Matthew Jenkins" followed by the date "11/17/05".

Kandi Matthew-Jenkins  
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LEGISLATIVE PETITION

2005

**TO BE PRESENTED TO THE STATE OF MONTANA'S 59<sup>TH</sup> LEGISLATIVE ASSEMBLY BY THE FOLLOWING REPRESENTATIVES CHOSEN BY THE 'PEOPLE':**

**Diane Rice, House of Representatives, Representative for House District 71, sitting Chairman for the House Judiciary Committee and Dan McGee, Senator for the State of Montana, Senate District 29, Member of the Senate Judiciary Committee:**

**TO THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:**

**WHEREAS** the PARENTS, CHILDREN, and OTHER CITIZENS OF THE STATE OF MONTANA, have suffered egregious and obscene outrages, indignities, loss of affection, alienation of affection, emotional trauma, irreparable, life long damages both emotionally, mentally and physically, economic loss to both individuals and the corporate state, and false imprisonment through false and wrongful child or sexual abuse allegations brought about as a result of:

1. Malicious acts, including allegations of criminal acts in the judicial, child protection, mental health and social work systems;
2. Arrogant, corrupt, incompetent, and malicious individuals within the Department of Health and Human Services/Child and Family Services/Child Protection Services, Law Enforcement, Child Abuse Investigators, and individuals working as Counselors, Psychiatrists, Psychologists, Social Workers, 'Non-Profit Stakeholders', CASA/GALs, Foster care system and Medical Practitioners;
3. Counselors, Psychiatrists, Psychologists, and Social Workers who engage in science fraud and operate in flagrant disregard of the Montana laws governing deceptive trade practices while performing psychological evaluations, clinical therapy and child or sexual abuse investigations; and
4. Judicial, Prosecutorial, Guardian Ad Litem, Public Defender, and Attorney misconduct in child or sexual abuse allegation cases and divorce proceedings;
5. Constitutional violations of unalienable rights, human rights and civil rights violations pertaining to THE AFOREMENTIONED PARENTS, CHILDREN and OTHER CITIZENS OF THE STATE OF MONTANA.

**The CITIZENS OF MONTANA petition the General Legislative Assembly of the State of Montana by and through the aforementioned Montana Statesmen, to remedy (MCA 1-3-214. Wrong -- remedy. For every wrong there is a remedy) the egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss and false imprisonment caused by false child abuse allegations and State abetted child exploitation by any and all means including but not limited to as follows:**

- 1) A redress of grievances by calling a 'grand jury' to investigate allegations of; illegal actions under 'color of law' within the department of Child and Family Services/Child Protective Services; collusion among servants of the public in the Judicial and Executive Branches for taking part in organized criminal acts (RICO) against the PARENTS, CHILDREN and OTHER

CITIZENS OF THE STATE OF MONTANA depriving said citizens of due process and equal protection under the law; Medicaid fraud pertaining to the fostering of children without proper court orders; false representation of the facts of foster care placement; violations of and non-compliance with the statutory requirements of CAPTA of 1974 and the Adoption and Safe Families Act of 1997 and its amended versions; mental institutionalizing of children through deceptive psychological/mental health practices constituting Medicaid fraud; forced drugging of children; discrimination against a class of people generally but not limited to certain categories of race, religion, gender, color, income and education; the unconstitutionality of the laws regarding civil suits based on the "preponderance of evidence" when in fact Constitutional rights and liberties are being limited without the ability to confront one's accusers and the withholding of one's constitutional right to a trial by jury when limitation of constitutional rights are at hand; unlawful searches and seizures without warrants, signed court orders or proof of a compelling state interest verified by bona fide facts and evidence.

2) Upon the finding of grounds for further proceedings by the grand jury; initiate investigative hearings held under the Montana and Federal Rules of Evidence, with the ability to subpoena witnesses; protection for witnesses against retaliation in any form and prosecution of perpetrators of such frauds and rights violations with appropriate penalties and fines as are established in law.

3) Adopt the following criteria based definition of the "best interest of the child": For purposes of conducting child abuse or molestation allegation investigations and child custody or adoption decision making, **the "best interest of the child" shall mean the least detrimental alternative.** Such alternative shall objectively be determined to have the lowest per capita rates of detrimental occurrence in regards to the 'best interest of the child' with regard to the following criteria and standards: (a) accidental injuries; (b) administrative inefficiency; (c) deaths; (d) deprivation of affection; (e) deprivation of constitutional and legal rights; (f) disruption of cultural continuity; (g) disruption of custody; (h) disruption of extended family relationships; (i) disruption of parental emotional relationship; (j) disruption of parental relationships; (k) disruption of religious affiliations; (l) disruption of social affiliations; (m) disruption of sustained intellectual development; (n) disruption of sustained healthy physical development; (o) disruption of sustained emotional development; (p) disruption of visitation; (q) economic exploitation; (r) emotional abuse (s) emotional exploitation; (t) exploitation for criminal purposes; (u) false negative conclusions; (v) false positive conclusions; (w) fraud; (x) inaccurate records; (y) institutional abuse; (z) institutionalized abuse; (aa) human experimentation; (bb) legal/judicial exploitation; (cc) socioeconomic abuse; (dd) organized criminal activity; (ee) parental abuse of legal processes; (ff) parental alienation; (gg) physical abuse (hh) political exploitation; (ii) science fraud (jj) unnecessary medication; and (kk) use of the child as a pawn in adult disputes.

4) Remedy inequities and interference with visitation and custody by establishing criminal penalties.

5) Protect children from exploitation, abuse, experimentation, and unnecessary medication and treatment by establishing criminal penalties for the use of science fraud by mental health and social work practitioner as determined by the standards of testability, falsifiability and

