

Justice for Children

National
Nonprofit

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Editorial on 20/20 Story

By *Randy Burton*

On Thursday, May 11th at 9pm (CST) ABC News 20/20 featured one of Justice for Children's cases, a shocking story about Nikki Lunbeck, a victim of child sexual abuse, her perpetrator, and the community that refused to support her. This story focused on the community's response to Nikki's outcry of molestation by her mother's boyfriend, Kenneth Ray Barrett, a high school teacher who was 50 years senior to Nikki. Justice for Children stepped in to advocate for Nikki when many of the leaders of the Bellville, Texas community stood behind Mr. Barrett even after they heard his confession of the unspeakable crimes he committed against this little girl over an 8-year period beginning when she was only 7 years old. Abused by her father figure, Nikki was betrayed again by her adoptive mother, school teachers and even the district attorney's office. But for the fact that Nikki's sister contacted Justice for Children, Kenneth Ray Barrett would likely be walking the streets of our community today with little punishment.

This report demonstrated graphically how society can rally around a "pillar of the community" who has committed horrific crimes against a child. This story, unfortunately is not just about Bellville but about America. This story could as easily have taken place in Houston or New York City. It is particularly noteworthy for the fact that **most** children have no advocate. It is small wonder that children are reluctant to outcry about their abuse. Even when they do, they are ignored or worse.

In this case, the crimes against this little child were minimized and Nikki was actually labeled as the abuser and Kenneth Ray Barrett, the victim! What child would con-

ceivably want to put themselves through this additional abuse when officials and the community want to let the rapist off with little or no punishment? What a terrible message to send to children about how they will be treated when they outcry about the most awful thing to ever happen to them!

The 20/20 story is also about Nikki's victory over all those would have preferred to sweep her case under the rug. Despite all odds, Nikki prevailed against the system and her abuser. But for her perseverance and the support of Nikki's sister and Justice for Children, we believe that the criminal case would have been postponed, the perpetrator would have received probation, and Nikki would never have received justice for the crimes committed against her.

Following the airing of Nikki's story, some in the Bellville community complained that the "20/20" story was unfair.

Most, however, were outraged at the comments of the teachers and other witnesses who lined up behind Mr. Barrett to request that he not serve one single day behind bars. I am relieved to hear that the individuals who stated that they would be happy to have their children taught by Mr. Barrett (after he confessed to his crimes) do not represent the entire Bellville community.

But, I wonder where Nikki's supporters were when she was put through this personal hell.

What was unfair was not the "20/20" story. It was a story that **had** to be told. What was unfair was the way that this child was treated by almost everyone associated with her case.

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CPS FINALLY COMES AROUND

On May 16, 2000, JFC received a call from concerned members of the community regarding the Hanson children (children's names have been changed). This family had a history with Children Protective Services (CPS) dating back to 1998. JFC contacted the children's school as well as law enforcement to get the full history. The information was mind boggling. During the 1998-1999 school year, the eldest child, Missy, made an outcry of sexual abuse (naming her father as the perpetrator) to her teacher, the principal, the school counselor, her aunt and a CPS caseworker. This CPS caseworker's reaction to this was to call Missy's father and had him meet her and Missy. The caseworker then told Missy to repeat the allegations. Understandably, Missy refused. The CPS worker, closed the case as "unfounded" because the child would not outcry in front of her abuser.

The next problem, came almost a year later, following the Winter Break. The youngest child, Andrew, reported that he had been hit in the head by his father. School officials state that he has not been the same since. He went from being an even tempered boy to being extremely violent. His behavior became so volatile that the police have been called out twice to remove him from the school. As a result he was isolated from all other children and faculty in the school. Andrew has made continuous homicidal statements regarding his father. The Burke Center (MHMR) offered to treat the entire family free of charge. The father refused.

The latest abuse resulted in JFC being contacted. On May 5, 2000. Missy was seen in the emergency room. She was brought in after her father had beaten her with the buckle end of the belt on her back, buttocks, and thighs. The ER doctor contacted CPS. CPS did not come to the hospital nor did they make contact with this family.

On May 15, 2000, more than a week later, Missy, went into the nurses' office and complained that her back was hurting. The nurse lifted the back of her shirt and observed a scratch surrounded by an area that was puffy, red and sensitive to the touch. The nurse also observed a healing area on the back of Missy's legs. The school contacted the Sheriff's office who came out to the school and took pictures of the injuries. The reporting officer called in a report to CPS.

JFC was contacted on May 16, 2000 (Tuesday). JFC quickly went into action gathering background information on these children and CPS' past "involvement". As of May 19, 2000 (Friday), no one from CPS had contacted the hospital, school or the Sheriff's office. JFC called in a third report. At the request of the CPS intake worker, JFC also contacted the Ombudsman's office. Mr. Ness han-

dled our call. He informed JFC that by the end of the day we would receive a call from a CPS caseworker. We did. Holly Jones, just two weeks out of training and her very first case, was assigned to investigate these abuse allegations. Although law enforcement, while doing their own investigation, reports that they spoke to the intake worker who took the 1st report, Ms. Jones denies that report being made. Ms. Jones, escorted by an officer, went out to the home.

JFC received a call on May 22, 2000 (Monday). It was reported to JFC that not only were the children *not* removed from the home, but that Ms. Jones felt that the only problem was the family's *location*. Therefore, it was her recommendation, reportedly, that the family would be relocated to government housing in another county. JFC contacted Karrie Fults, Ms. Jones supervisor. Ms. Fults stated that she could not tell JFC anything nor could we leave a message for Ms. Jones, but that JFC could call her supervisor. JFC faxed letters out immediately to Cheri Quick (CPS Program Director), Josephine Robinson (CPS Regional Director), Randy Joiner (CPS Regional Deputy Director) and Sara Webster (CPS Director). JFC stated our many concerns and our confusion with why CPS was refusing to protect these children. On May 24, 2000, JFC spoke with Josephine Robinson, who stated that we would be getting a letter. JFC was not satisfied with this response. JFC contacted the Ombudsman's office and spoke with Kathy Wilson. JFC expressed the urgency of these children being immediately removed from the home. The urgency partially stemmed from the children's last day of school being the following day, May 25, 2000. Ms. Wilson assured us that they were acting on this case and while she was limited with what she could tell us, she would call us as soon as possible. JFC also received a call stating that Missy had been taken from the school to be interviewed and then was returned.

On May 26, 2000, Children's Protective Services took custody of all four children! JFC received a call from Ms. Wilson on May 29, 2000, stating that the "children were safe".

Karrie Fults, who was the supervisor on this case for the last two years, failed to protect these children. On behalf of these children, JFC would like to thank, Kathy Wilson with the Ombudsman's Office and any other CPS staff who chose to listen to these children and to remove them from the home of their abuser and finally see an end to their nightmare. JFC is now looking to Sheriff Billy R. Nelson's office to assure that this abuser is held accountable for what he is done. JFC sent a letter to Sheriff Nelson stating the grounds and the obligation that his office has to prosecute this perpetrator. We will update you in the next newsletter on how Sheriff Nelson's office has handled this case.

Judge Protects when Children and Family Services (CFS) Caseworker Would Not

In January 1999, Jackie (name changed) not quite 5 years old yet came to her mother and told her that her father was sexually abusing her while on visitation. Her mother was devastated. After enduring a long history of domestic violence, Jackie's mother had taken her and left their abuser. Jackie's mother immediately took her to the Albany County (New York) Child Advocacy Center where she was interviewed by CFS caseworker, **Jeff Wolraven**. Although Jackie made the same outcry to Mr. Wolraven, he ruled the case as "unsubstantiated". He later testified that his reason for this was that the then 4 year old victim did not have "enough peripheral information and there was no other corroborating evidence...and that the burden that must be satisfied to 'indicate' a report is that there must be some 'credible evidence'!" JFC was appalled. Fortunately for this little girl, everyone else was on her side. In March 2000, this case went to trial. After hearing testimony from the mother, the therapists, and reviewing the report filed by the Attorney Ad Litem (who all stated that this child should have no contact with her abuser), the judge ordered no contact by the father! Judge Amodeo further stated that **"although the CFS investigation of the allegations of sexual misconduct on the part of the father were 'unfounded', the court is of the opinion that the evidence presented during the course of the hearing established that the father had engaged in inappropriate sexual contact with the child. The child's out-of-court statements to the mother, to her therapist and to the CFS caseworker were corroborated by the testimony of Dr. Blum and the father's own testimony which tended to suggest that he made a sing song game of his actions with the child."**

It is puzzling and disturbing to JFC that what was clearly abuse to all other parties concerned (i.e. the Judge, therapists, Law Guardian, etc.) does not constitute abuse to the very agency mandated by law to protect this child!

JFC sent a letter to David Peter the Director of the Office of Children and Family Services in New York as well as John A. Johnson, Commissioner CFS, and Richard Lavoie, Supervisor CPS. JFC expressed our concern that, while this child was fortunate many are not. JFC further stated that if Mr. Wolraven was so willing to dismiss this case, even after the victim made a clear outcry, how many other cases has he done the same? JFC called for a complete investigation of Mr. Wolraven's caseload and all of his past and current cases.

JFC received a call several days later, stating that not only would Mr. Wolraven's caseload be reviewed, but that (reportedly) CFS would be prosecuting him for, among other things, falsification of documents. CFS has also changed the status on this case from "unfounded" to "founded". On behalf of this child and the many other potential victims in Albany County, JFC would like to thank Director David Peters for his prompt response. JFC will be monitoring the criminal prosecution of Mr. Wolraven and will update you in upcoming newsletters.

Randall's Good Neighbor Program #4220

As one of Justice for Children's good neighbors, you can link your **Randall's card** to benefit JFC clients.

1. Visit your Randall's courtesy booth.
2. Give them your Randall's card. They will scan it.
3. Ask for your card to be linked to number **4220**.



Randy Burton

President's Corner

President of Justice for Children

The Second Quarter of 2000 was a busy one for Justice For Children and was miraculous for a number of the children who Justice For Children serves.

Kimberly Stabler was promoted from Director of CaseWork and Community Outreach Programs to Executive Director. On May 1, 2000 ("Law Day"), the Houston Bar Association bestowed upon Kimberly its highest non-lawyer award, The Liberty Bell Award, for her significant service to the community. Kimberly is currently on a six week sabbatical in Poland, where she is doing missionary work on behalf of her church. When she returns, however, she will be splitting her time between the National Office of Justice For Children and a new office, which she is opening in Phoenix, Arizona. This will expand the number of states where Justice For Children has chapters to eleven.

Another obvious highlight for Justice For Children was the May 10, 2000, ABC News "20/20" story on about one of Justice For Children's recent cases concerning a brave young lady by the name of Nikki Lunbeck. This story is discussed further in this newsletter, however, it is important to note that the ABC News website "online chat" which followed the airing of this story involved Nikki's sister, Suzanne, myself and twelve thousand other participants across our country. According to the producer, Nikki's story resulting in the greatest number of e-mails on the ABC News website that they have ever had for a 20/20 story. Because of the hue and cry, which resulted from Nikki's story, 20/20 has decided to rerun the story and update it based upon the Bellville community's response. That response and our participation in an emergency meeting of the Bellville Independent School District School Board is also reported in this newsletter by our new Director of Case Work, Barbara Baldovin.

Justice for Children is also pleased to announce that it has commenced work on the creation of a precedent setting database on system failure in child abuse cases. The groundwork for this project has been laid over the past year with many hours of research and the design assistance from a Ph.D. at The University of Texas - Health Science Center. When the programming is complete, this new database will provide a tremendous amount of new information about the causes and frequency of system failure, which will fuel our future public policy initiatives.

As always, our organization would be nothing without the incredible and sometimes heroic efforts of our workers, including, Kimberly Stabler, Barbara Baldovin, Amanda Morvant and Misty Stevener. We are, of course, indebted to our Board of Directors, the small army of Attorney volunteers that we have around the country, and the numerous benefactors who underwrite our National Office, the salaries of our case workers and the therapy for a number of the children that we are assisting.

I also want to express my personal thanks to each of you for your continuous support of our mission, your work as child advocates and supporters of children's causes in your communities, and for you financial contributions to our great organization.

2000 Liberty Bell Award Luncheon

Justice For Children is proud to announce that our very own Kimberly Stabler was the recipient of this years Liberty Bell Award presented by the Houston Bar Association. Kimberly is pictured below from left HYL A president Warren Harris, Justice Greg Abbot, HBA president Andy Hanan, Woodrow Seals Outstanding Young Lawyer Bill Kroger and HYL A Law Day chair Reagan Pratt.



A Donation was made in
honor of
Mr. and Mrs. Edwin Crim's
50th Wedding Anniversary

*A Donation was made in
memory of
Paxton German
By friends of the family*

BELLEVILLE SCHOOL BOARD MEETING ADDRESSES 20/20 PIECE

On May 15th Randy Burton, Barbara Baldwin, and Amanda Morvant attended an emergency meeting of the Bellville, Texas, school board. JFC was invited by some of the concerned citizens of Bellville in response to the 20/20 segment which aired the story of Nikki Lumbeck. Randy Burton spoke to a packed auditorium regarding Nikki's case. While some Bellville residents seemed more concerned about 20/20 making their town look bad, the majority of residents seemed to grasp the real issues associated with the story. Currently, a group has formed in Bellville in an effort to oust the teachers who supported Nikki's perpetrator, Kenneth Barrett. A web site has been formed which contains the transcripts of those teachers who testified on behalf of Kenneth Barrett, as well as the goings on of the group and their efforts. Check out: geocities.com/justice4nikki/.

Unique Lives and Experiences 2000 lecture series



Left: Kimberly Stabler, Barbara Baldwin, Dame Julie Andrews, Amanda Morvant, and Misty Stevener

Middle Left: Julie Oliver, Dame Julie Andrews, and JFC Board Treasurer Paula Patrick

Middle Right: Misty Stevener, Kimberly Stabler, Former First Lady Barbara Bush, Amanda Morvant, and Barbara Baldwin

Below: Barbara Baldwin, Amanda Morvant, Jane Goodall, and Misty Stevener

Lectures Not Pictured: Sara Weddington and Gloria Steinem



Justice for children would like to thank everyone who donated their services for this event



*Robert Moore
James Dee Spa Salon*



*Tami Snell
Catering*

*Not Pictured:
Aubrey Sellers
J. Aubrey Sellers Flowers*

Ft. Bend Jury Ends Children's Nightmare

Because Justice For Children (JFC) battled to save one child, four other children were rescued from the abusive adoptive parents who caused the one child, John (child's name has been changed), to be sent twice to the hospital via LifeFlight helicopter. The couple, Marla and Greg Matney of Fort Bend County, Texas, denied maltreating the children, even as the facts were presented in court. John and four of his siblings, by adoption, no longer face abuse in the clutches of a cruel mother and father. The "parents" committed acts that left John so bruised that school personnel reported them and on two climactic occasions sent John to Hermann Hospital by LifeFlight for treatment.

Concerned community members first reported John's injuries and other concerns for all the children in the Matney home to Child Protective Services (CPS). CPS took no action to protect John and his siblings. The worried citizens then contacted JFC. JFC put our obvious trepidation in writing to CPS in Ft. Bend County, predicting additional harm to John should he stay in the home. A few weeks later, CPS responded that they were looking into the situation. Soon after, LifeFlight for the second time transported John to Hermann Hospital. JFC immediately contacted the Ft. Bend County Sheriff's office to report suspected abuse. Amazingly, JFC learned that some of the previous reports to CPS about John's maltreatment failed to reach law enforcement, a direct violation of CPS policy. To law enforcement's credit they immediately stepped in to ensure John's protection. After JFC talked with sheriff's department officials, a special meeting convened in Judge Thomas Stansbury's courtroom (family court) involving CPS, law enforcement, Child Advocates, Elaine Litsy (John's therapist), Judge Stansbury, community members who reported the abuse, and Justice For Children. The judge stated his desire to resolve the community members' concerns, encouraged the various agencies to communicate with one another, and appointed attorney Sandy Bielstein to manage the meeting. CPS talked privately to attorney Bielstein leading to the JFC representatives being asked to immediately leave the courtroom, even though they had significant information to contribute about suspected abuse. CPS cited the ever-present confidentiality of the child as the reason for asking JFC to leave. Within 24 hours of the meeting, CPS filed a petition and for John's protection removed him from the Matney home. JFC was not satisfied, believing the other children still at risk and again insisted that CPS take the abuse seriously and protect all of the children.

In May 2000, two years after his rescue, a jury decided to terminate the parental rights of Mr. and Mrs. Matney for John and four of his siblings. Though indicted for the injuries inflicted on John, the criminal cases are still pending against Marla and Greg Matney in Ft. Bend County. Community members in Ft. Bend told the JFC staff that if not for Justice For Children's advocacy, they are convinced that John and his siblings would still dwell in an abusive home. JFC will continue to hold governmental agencies accountable for their failure to sustain their mandate to protect our most vulnerable citizens.

Editorial on 20/20 Story

(continued from front page)

I used to think that governmental institutions like Children's Protective Services, with their massive bureaucracies, were the primary reason that abused children were falling through the cracks. But now I realize that it is more fundamental than this. What Nikki's case tells us is that it is people like you and me who fail children. It's a pillar of the community like Mr. Barrett that can abuse a child and almost get away with it because of his position. It's pillars of the community that can support abusers, and fail to protect children. It's educators that insist on "zero tolerance" for the infractions of children who lack the judgement of adults but pray for leniency for one of their own who has repeatedly raped a little girl. And, it's every one of us each time that we fail to listen to a child, or refuse to believe them, or do nothing about it even when we suspect that abuse has occurred.

Every time we do this, we are creating an atmosphere where children are discouraged from telling or give up trying altogether.

We must remove the blinders from our eyes and see what is going on across America. We are losing the war on child abuse. We are coddling child molesters whose primary goal in life is to prey upon our children. We have bought into the myth that sex offenders can be cured of their obsession when all the credible evidence says otherwise. We have forgotten that child abuse is first and foremost a crime and must be treated like one. We are failing to protect children who someday will hate us for it. Their life-long torment will invariably result in permanent psychological and physical illnesses that we will have to pay for. And, in many of these cases, the untreated child abuse victim of today will become the child abuser of tomorrow.

As a society we need to stand up and be counted. We need to hold our institutions, our leaders, and ourselves accountable for the safety of our children. We are either with our children or we are not. And, if we are not, heaven help us.

Court Watch

- ◆ Justice For Children attended the Show Cause and Status hearings on the Beebe children in Liberty, Texas. While under investigation for the death of their 8 year old handicapped son Joseph Beebe, CPS in Liberty County removed the remaining five children from the home, some of whom also showed signs of abuse and neglect. All of the Beebe children were adopted and suffered from severe medical problems. CPS in Liberty County has recommended termination of the Beebe's parental rights. Joseph Beebe's cause of death was ruled a homicide due to Battered Child Syndrome. The couple, along with their 18 year old son, were subsequently charged with numerous counts of injury to a child and are awaiting trial. Many thanks to Liberty County CPS caseworker Scott Batson who conducted a thorough investigation and went the extra mile in this case.
- ◆ Justice For Children joined forces with Mary Weaver of the Shaken Baby Alliance in advocating during the sentencing phase hearing of Roxanna Canales. Ms. Canales plead guilty to shaking her infant son causing him neurological damage. Ms. Canales was charged with injury to a child. The case was heard before Judge Barr in the 182nd Criminal District Court in Harris County. Congratulations to Assistant District Attorney, Benton Bond, who did an excellent job in prosecuting the case. Roxanna Canales was sentenced to 15 years in prison.
- ◆ Justice For Children was present in the 313th Judicial Court during the month of May. JFC continued its efforts in advocating for the removal of a child from a home that previously had 4 infant deaths and 10 prior referrals with 7 being validated. One of the infants that died in this home was actually found buried in the family's back yard. As CPS continues to fight to leave the remaining child in the home, JFC will continue to fight for his removal. The next court date is set for June 12, 2000 under the name of Wiley.
- ◆ Justice For Children traveled to Belton, Texas in the month of April. Judge Rick Morris of the 146th District Court terminated the parental rights of Tom and Tamisha McAlister. The McAlister's had a long history with CPS dating back to 1995 for charges ranging from failure to thrive to suspicion of sexual abuse.

As always Justice For Children gladly welcomes and needs volunteers to court watch child abuse cases.