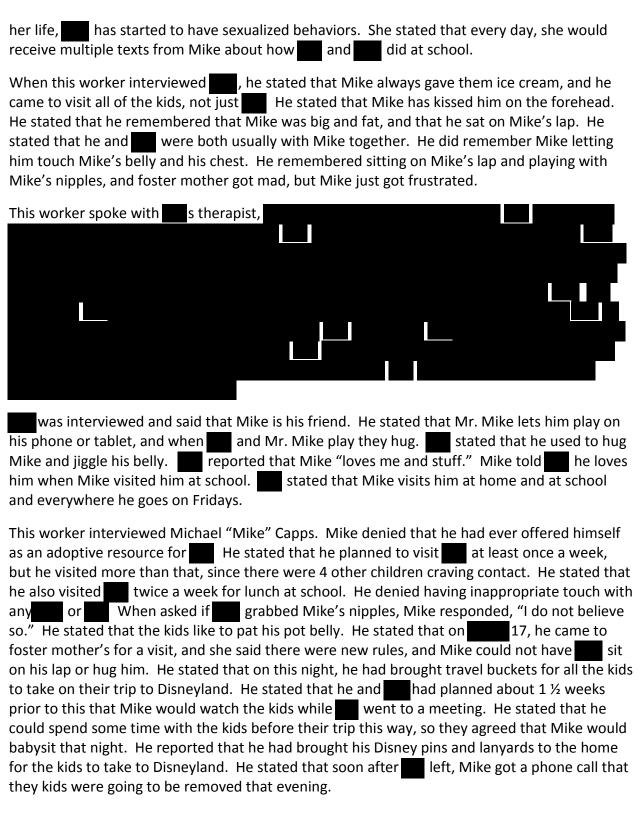
APPEAL HEARING SUMMARY

PREPARED BY:	Dana Phillips, LBSW Prevention and Protection Services Supervisor
January 31, 2018	Wichita Regional Office
APPELLANT'S NAME: APPELLANT'S ADDRESS:	Michael Capps
STATEMENT of APPELLANT: Michael Capps contests the Affirmed finding of emotional abuse of and See attached Appeal Request.	
CHRONOLOGY:	
On November 17, 2017, this agency received a report of alleged emotional abuse of years old; dob	
home lined up for Foster mother states an eye on Mike, because he was wanting to workers only visit once a month. States activities, and he gave the kids gifts and foo come over and hug and kiss and carry his sitting in the bleachers at a football game, a between his legs facing him, and he was let stated that on another day, Mike was sitting	hat having five boys is too much, and he has another d that so sprevious foster mother told her to keep see every 3 days, whereas the other CASA d that Mike wanted to be involved in family d often. Foster mother stated that Mike would him around. She reported that one time, Mike was and had his legs wide open with standing ting put his hands-on Mike's breasts. She is in her living room on the couch, and he had Mike's chest and rolling Mike's nipples with his



On 1-3-18, this worker spoke with CASA Advocacy Director. Director stated that the standard for frequency of contact with a child is a minimum of once a month, but as often as is necessary to determine the child's well-being. She stated that the volunteer provides monthly reports to

CASA and to the court. Director stated that she and the senior peer coordinator review those reports to determine if there is enmeshment happening that involves a conflict of interest or a bias. She stated that they only check in with the volunteer if there are red flags. Regarding affectionate behaviors which are deemed appropriate, she stated that fist bumps, side-hugs, and sitting beside the child are all appropriate. Director stated that it is not appropriate for a volunteer to babysit their assigned child, and that this would be cause for immediate decertification and rescinded appointment. Director stated that she was not aware that Mike had babysat for 's kids two times or that they had previously planned for him to babysit her kids on the day of removal on _____17. However, she stated that Mike did call her about the removal as it was in motion. Director stated that volunteers are also not allowed to give large gifts to the kids, and they have a rule that it can only be up to \$5, or it can come from community donations received by CASA. She stated that a large gift, like the Disney pins, from a CASA worker is not appropriate. Regarding the incident with rubbing Mike's chest, Director stated that Mike should tell CASA about it, but it would not be placed in state 's case file. She stated that Mike did disclose the bear hug with the placement brought it to CASA, and Mike's court report includes this incident. She stated that she was told that Mike went to the kitchen to get 's Halloween candy, and it appeared that they were hugging. Director stated that Respite placement didn't see the hug, but said it looked like they had just parted ways really quick.

STATEMENT OF AGENCY DECISION:

Mental or Emotional Abuse: Infliction of mental or emotional harm or the causing of a deterioration of a child, and may include, but shall not be limited to, maltreatment or exploiting a child to the extent the child's health or emotional wellbeing is endangered. This term may include any act, behavior, or omission that impairs or endangers a child's social or intellectual functioning. This term may include the following: 1) terrorizing a child, by creating a climate of fear or engaging in violent or threatening behavior toward the child or toward others in the child's presence that demonstrates a flagrant disregard for the child; 2) emotionally abandoning a child, by being psychologically unavailable to the child, demonstrating no attachment to the child, or failing to provide adequate nurturance of the child; and 3) corrupting a child, by teaching or rewarding the child for unlawful, antisocial, or sexually mature behavior. K.S.A. 38-2202 and K.A.R. 30-46-10. Based on the evidence gathered during the investigation, the fact and circumstances support an affirmed finding by preponderance of evidence. Despite 's propensity for inappropriate affection and having been on the receiving end of it, Mike admitted to allowing to rub his belly and chest and to giving a frontal hug that lifted off the ground. Additionally, Mike admitted to having given the boys gifts and allowing the boys to sit on his lap regularly. Further, Mike set himself up to be an inappropriate source of affection and caregiver for the , which rewarded the children for sexually mature behavior which Mike was allowing and/or initiating, and led to regression and emotional instability on the part of the children. Therefore, the alleged emotional abuse of by Michael Capps will be affirmed.

APPLICABLE REFERENCE: Kansas Administrative Regulations 38-2202.

STAFF REPRESENTING DEPARTMENT FOR CHILDREN AND FAMILIES:

Gina Rounbehler, PPS Social Worker Specialist Dana Phillips, PPS Unit Supervisor Roger B. McDaniel, Staff Attorney

OTHER WITNESSES:

Respectfully submitted by,

Gina Rounbehler L.M.S.W.

Dept. for Children and Families Prevention & Protection Services