
Eldorado Investigation

A Report from

**The Texas Department of Family and
Protective Services**

December 22, 2008

Table of Contents

Executive Summary.....	3
The Eldorado Investigation	6
Initial Removal.....	6
Court Actions.....	7
A Team Effort.....	9
Investigative Activities	11
Services for Families.....	11
Management of the Legal Cases	13
Investigation Results.....	14
Related Events Outside the Scope of the CPS Investigation	15
Final Summary.....	16
Appendix 1 – Legal Cases.....	17
Appendix 2 – Investigative Findings in Eldorado Cases	18
Appendix 3 – Allegations Chart	19
Appendix 4 – Cost Information	20

Executive Summary

On March 30, 2008, the Department of Family and Protective Services (DFPS) received a report alleging physical and sexual abuse of a child from the Yearning for Zion (YFZ) Ranch, a settlement of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) near Eldorado. State law requires DFPS to investigate all reports of abuse or neglect “allegedly committed by a person responsible for a child’s care, custody, or welfare.”

On April 3, Child Protective Services (CPS) investigators and law enforcement officers went to the YFZ Ranch to investigate the report of abuse. The very first interviews at the ranch revealed that several underage girls had been “spiritually united” with adult men. Investigators also noticed a pattern of deception. Women and children frequently said they could not answer questions about the ages of girls or family relationships. Children were moved from location to location in an apparent attempt to prevent investigators from talking to them. Documents were being shredded. Girls told investigators that no age was too young for marriage and that “the Prophet” determined when and who a girl should marry. Other school-aged children and teens would provide only first names and said they did not know their dates of birth or had been told by their parents not to answer questions.

Investigation Results

- 12 girls are confirmed victims of sexual abuse and neglect because they were married at ages ranging from 12 to 15. There were 43 girls removed from the ranch from the ages of 12 to 17 – which means that more than one out of every four pubescent girls on the ranch was in an underage marriage.
- 262 other children were subjected to neglect because parents failed to remove their child from a situation in which the child would be exposed to sexual abuse committed against another child within their families or households.

On the first evening, investigators removed 18 girls. Over the next three days, investigators continued to interview children at the ranch. They saw wedding photos involving young girls. They found records indicating a pattern of underage marriages and births. CPS discussed the findings with the District Court in nearby San Angelo and decided that removing all the children was the most appropriate action. The children and some accompanying women were moved to shelters in Eldorado and later San Angelo. Staff and volunteers worked around the clock to care for the children, with some spending nights huddled in blankets outside to give the families more space and privacy.

Three days after the first removals, the District Court granted the state temporary custody of the children. The decision was reaffirmed in a larger hearing two weeks later. At that time, the District Court also ordered DNA testing to confirm parental relationships of the children, and DFPS began the process of moving children into residential foster care settings. The children were kept in sibling groups to the extent possible, and foster care providers were given detailed instructions on the children’s lifestyle, including their diet and dress.

On May 22, the Third Court of Appeals found that DFPS had not met the burden of proof required for emergency removal of the children and directed the district court to vacate its order granting DFPS temporary managing conservatorship of the children. DFPS appealed to the Texas Supreme Court. On May 29, the Supreme Court declined to overturn the court of appeals’

decision. Three justices concurred with the majority’s opinion with respect to boys and pre-pubescent girls, but dissented with respect to pubescent girls. The dissenting justices found that the evidence in the record was sufficient to support an emergency removal of pubescent girls living at the ranch. The Supreme Court ruled that “while the district court must vacate the current temporary custody orders as directed by the court of appeals, it need not do so without granting other appropriate relief to protect the children.”

On June 2, the District Court ordered the return of all the children to their parents but left intact other provisions of the original order to protect the children and allow the CPS investigation to continue. All children were returned to their parents by 2 p.m. on June 4.

CPS continued to interview parents and children and review documents taken from the ranch. The investigation found that:

- 12 girls were victims of sexual abuse and neglect at the YFZ Ranch with the knowledge of their parents.
- 262 other children were subjected to neglect.

The 12 girls were “spiritually” married at ages ranging from 12 to 15, and seven of these girls have had one or more children. The 12 confirmed victims of sexual abuse were among 43 girls removed from the ranch from the ages of 12 to 17, which means that more than one out of every four pubescent girls on the ranch was in an underage marriage.

The investigation also found that those girls and 262 other children were subjected to neglect under Texas law. In these instances, the parents failed to remove their child from a situation in which the child would be exposed to sexual abuse committed against another child within their families or households. CPS also found that neglectful supervision occurred in one case when the parent placed a child in a situation in which there was a substantial risk of immediate harm.

Of the 146 families investigated, 62 percent had a confirmed finding of abuse or neglect involving one or more children in the family. The final dispositions of the 146 CPS cases involving families at the YFZ Ranch are:

Reason to believe: CPS determined that it was reasonable to believe that one or both parents in the family sexually abused or neglected a child in the family by entering into an illegal underage marriage with a child; failing to take reasonable steps to prevent the illegal underage marriage of a child; or failing to remove one or more children in the family from a situation in which they would be exposed to an ongoing underage marriage in their family or household. **91 families**

Ruled out: CPS determined that it was reasonable to conclude that no child in the family was abused or neglected. **12 families**

Unable to determine: There is not a preponderance of the available evidence to either find that abuse or neglect did occur, or to rule it out. **39 families**

Unable to complete: CPS was unable to complete the investigation due to an inability to locate the subjects of the allegations. **1 family**

Administratively closed: After reviewing the information received, CPS determined that an investigation was not needed. **3 families**

Because there were underage marriages at the ranch, CPS asked the parents of girls ages 10 to 17 to sign safety plans to protect their children from sexual abuse. Safety plans were required in families with girls ages 10 to 17 where a father performed an underage marriage, was married to an underage girl, or allowed his daughter to marry under age. If appropriate, the plans included limitations on who visits the household as well as requirements to keep children away from men who participated in or sanctioned an underage marriage. DFPS arranged parenting classes limited to the Eldorado families, with 170 parents participating. In addition, 63 girls ages 10 to 17 were asked to attend sessions explaining state laws about underage marriage and sexual abuse as well as ways to identify, prevent, and report sexual abuse.

Once CPS finds that the parents or family members have taken appropriate action to protect the children from future abuse or

neglect, such as signing a safety plan agreeing to protect their daughter from sexual abuse, the agency takes action to end court action in the case. After determining that court orders were no longer needed to ensure a child's safety, DFPS has "nonsuited" cases involving 424 of the 439 children involved in the Eldorado investigation. DFPS provided notification to CASA and the child's attorney ad litem before filing a nonsuit. If any new concerns arise with these nonsuited families in the form of new referrals of abuse or neglect, DFPS will take appropriate action.

In August, DFPS filed motions seeking non-emergency removals of eight children in four cases after the mothers refused to sign safety plans. Three of the four cases were settled, resulting in DFPS obtaining temporary managing conservatorship of five girls who were placed with their mothers. In the fourth case, DFPS was awarded temporary managing conservatorship of one girl who is placed in foster care. DFPS has since returned conservatorship of four of the girls who were placed with their mothers and nonsuited their case. There are pending lawsuits in the cases of five mothers and their 15 children. DFPS continues to work with the families to ensure the safety of the children in these cases.

For the Department of Family and Protective Services, the Yearning for Zion case is about sexual abuse of girls and children who were taught that underage marriages are a way of life. It is about parents who condoned illegal underage marriages and adults who failed to protect young girls – it has never been about religion. As in all CPS cases, the state's goal is to help parents and caregivers refrain from abuse in the future and create a safe environment where children can remain in their families and be protected.

Current Status of the Legal Cases

Of the 439 children involved in the Eldorado cases:

- DFPS has ended cases involving 424 children because the family has taken appropriate steps to protect the child from sexual abuse or there was no abuse or neglect in the family.
- There are pending lawsuits in the cases of five mothers and their 15 children. Of these, DFPS has temporary managing conservatorship of one girl who was placed with her mother and one girl who remains in foster care. DFPS continues to work with the remaining families to ensure the safety of those children.

The Eldorado Investigation

Initial Removal

When the Department of Family and Protective Services (DFPS) hotline for reporting abuse or neglect in Texas receives a report, DFPS staff determine if the report meets the statutory definition of abuse or neglect based on the information the caller provides. If the definition is met, Child Protective Services (CPS) conducts an investigation to determine if abuse or neglect occurred. On March 30, 2008, the hotline received a report alleging physical and sexual abuse of a child from the Yearning for Zion (YFZ) Ranch, a settlement of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) near Eldorado. A family violence shelter in San Angelo called the hotline after taking a call from someone who said she was a 16-year-old girl who had suffered sexual and physical abuse by her husband while at the ranch. The report met the statutory definition of abuse; therefore, DFPS was required to act.

On March 31, the report was assigned for investigation to CPS in San Angelo. In any sexual abuse investigation, CPS works jointly with law enforcement. Special investigators (CPS staff with law enforcement backgrounds) and tenured CPS staff were assigned to the case. For the next two days, CPS and law enforcement coordinated and prepared their staff for the investigation.

On April 3, CPS and law enforcement went to the ranch to investigate. The first interviews at the ranch revealed that several underage girls had been “spiritually united” with adult men. Girls told investigators that no age was too young for marriage and that “the Prophet” determined when and who a girl should marry. Women and children frequently said they could not answer questions about family relationships or the ages of girls. Some children would provide only first names and said they did not know their dates of birth or had been told by their parents not to answer questions. Other children were moved from location to location in an apparent attempt to prevent investigators from talking to them.

On April 4, CPS removed 18 girls because on-site investigators concluded the girls had been abused or were at imminent risk of abuse. Removal of children can occur if during the course of the investigation, CPS believes the children are in immediate danger of abuse or neglect or the children are victims of sexual abuse. Over the weekend, investigators discovered wedding photos involving young girls and records indicating a pattern of underage marriages and births. Additional children were removed with the approval of the 51st District Court, which has jurisdiction over child welfare cases in Schliecher County. By April 7, the District Court granted DFPS temporary conservatorship of all the children at the ranch. DFPS moved the 463 individuals believed to be children and the women who chose to accompany them to a shelter in Eldorado and later to San Angelo. Space was provided at the shelter operations so that women could meet with their attorneys and attorneys ad litem could visit the children. An attorney ad litem appointed by the court to represent a child has the legal duty to advise the child and to represent the child’s expressed objectives of representation. If the attorney ad litem determines that the child cannot meaningfully formulate the child’s expressed objectives of representation, or that the child’s expressed objectives would be seriously injurious to the child, the attorney ad litem may present to the court a position that the attorney determines will serve the best interests of the child.

On April 14, most of the children and the women were moved to the San Angelo Coliseum complex. With a court order, DFPS also moved about two dozen teenage boys to a facility outside the area. The move to the coliseum provided a more stable, secure and comfortable environment for the children. CPS caseworkers were advised to be respectful of the women and children from the ranch, understand the differences in culture, and keep in mind the singular goal of keeping children safe. At this time, it was deemed appropriate to separate the women accompanying children ages 5 and older. Statute, policy and child welfare practice do not normally allow parents or adults to accompany children who have been removed due to abuse and neglect. The 57 women who were separated at this time were given the option of being transported to domestic violence shelters or back to the YFZ Ranch, according to their preference. Six women were taken to a shelter but did not stay.

Court Actions

Following the emergency removal of a child, Texas law requires that an adversarial hearing be conducted within 14 days of the child's removal to present evidence of whether the emergency removal was proper and whether there is a continuing danger to the child that would make return of the child to the home contrary to the child's welfare. The District Court conducted a single, mass "14-day hearing" with respect to all of the children removed. On Thursday April 17, the 14-day hearing began at the 51st District Court in San Angelo. Overflow seating was provided for the parties and their legal representatives at the nearby city auditorium, which was linked to the courtroom via teleconferencing. The hearing lasted two days.

At the 14-day hearing, DFPS presented evidence gathered in the investigation that at least 20 young girls and women at the ranch, including five who were still minors at the time of removal, had become pregnant from the ages of 13 to 17. When interviewing girls at the ranch, DFPS investigators noted a consistent pattern of girls reporting that no age was too young to be married. DFPS also presented evidence that, in significant ways, the community functioned as a single household with a pervasive belief system that groomed girls to become future victims of sexual abuse and boys to become future sexual abuse perpetrators. The lead DFPS investigator testified about the difficulty of establishing familial relationships and ages of some of the ranch residents due to a pattern of deception or refusal to provide necessary information. Dr. Bruce Perry, M.D., Ph.D., an expert in child development and psychology with Child Trauma Academy, testified on behalf of the department. The Child Trauma Academy is a not-for-profit organization based in Houston focused on education, service delivery and program consultation in the areas of child maltreatment. Dr. Perry expressed his professional opinion that the pervasive belief system condoning underage marriage and childbirth among the residents of the ranch posed a danger to all of the children, regardless of gender or age.

Attorneys representing the children and parents were allowed to present their own testimony and evidence, make objections, and cross-examine witnesses. Many attorneys expressed concerns, however, about the mass hearing and the limitations of the technology used to facilitate their participation – with some asserting that they had difficulty seeing and hearing the events. In addition to arguing that the evidence presented by the department was not individually tailored to the circumstances of their particular client, attorneys representing both children and parents argued that there was no evidence that the boys or younger children removed from the ranch were in immediate danger.

On April 18, the District Court ruled that DFPS would continue to have temporary legal custody of all the children and ordered DNA collection for paternity and maternity testing. Within days, Texas Rio Grande Legal Aid, a nonprofit organization, filed a petition for writ of mandamus with the Third Court of Appeals on behalf of 37 mothers seeking to have the District Court's order overturned.

As is customary when the court grants custody, DFPS began the process of placing the children in licensed residential foster care. With the need to dismantle the shelter operation at the San Angelo Coliseum, on April 23, 47 mothers were separated from their children. As with the women on April 14, these women were offered a choice of being taken to either a domestic violence shelter or the YFZ Ranch; seven of these women chose shelters initially. The remaining 17 women had children under a year old and were taken to a domestic violence shelter where they were allowed to remain with their infants.

It was determined that group or congregate settings would be best for the children older than one year. To the extent possible children were placed in logical groups such as:

- Minor mothers and their children
- Boys age 6 and older
- Older girls (age 15 and up)
- Others according to identified sibling groups

The transportation of the children to their licensed residential placement was completed on April 25. Because the placement needs of the children could not be accommodated in the San Angelo area, the children were placed with 17 providers throughout the state. DFPS organized a brief forum of experts including child trauma specialists, psychologists, and representatives from organizations in Utah that offer support services to members from the FLDS church. The goal was to better understand the children in care and identify information needed by DFPS staff, providers and others in order to best meet their needs. DFPS gave providers instructions on the children's lifestyle, including their diet and dress, and worked with providers to secure additional traditional FLDS clothing and copies of the Book of Mormon for the children.

After the children came into foster care, CPS assigned caseworkers for the children and separate caseworkers for the parents. DFPS developed and provided special training for caseworkers handling the parents' cases and children's cases. The caseworkers developed service plans for the children and families to be presented to the court. Service plans outlined how all the parties would work together to protect the children with the goal of reunification with their families. With the assistance of three other judges, the district court judge began conducting status hearings to review these service plans on May 19. Unlike the 14-day adversarial hearing, the status hearings were individualized to a specific child or maternal sibling group to the extent that maternal sibling groups could be established. These hearings were to have continued throughout the day in each of four courtrooms into the first week of June, but were suspended on May 22 following a ruling by the Third Court of Appeals.

On May 22, the Third Court of Appeals directed the district court to vacate its order granting DFPS temporary managing conservatorship of the children of the 37 mothers who were the subject of Texas Rio Grande Legal Aid's mandamus action. The Court of Appeals found that

DFPS had not met the burden of proof required for emergency removal of the children, as set forth in Section 261.201 of the Texas Family Code. Specifically, the court found the following:

- In the court's opinion, DFPS had presented no evidence of danger to the physical health or safety of any male child or to any female child who had not yet reached the age of puberty.
- Since the children who were the subject of this order were not among the five minor girls who had become pregnant, the only evidence presented by DFPS that any pubescent girls were in danger was the "pervasive system of belief" among the residents of the ranch. The court wrote that a belief system by itself does not put children in physical danger; rather, it is only the imposition of certain alleged tenets of that belief system on specific individuals that may put them in physical danger. The court found there was no evidence in the record that the mothers who were the subject of this order were likely to subject their own daughters to underage marriage or sex.
- Even if one views the FLDS belief system as creating a danger by grooming boys to become perpetrators of sexual abuse and girls to become future victims, the court found that DFPS had failed to establish that the need for protection of these children was "urgent" and required "immediate" removal, which is required by statute for emergency removal of a child.
- The court found no evidence that DFPS had made reasonable efforts to prevent the removal of the children.

DFPS filed its own petition for mandamus with the Texas Supreme Court arguing that there was ample evidence in the trial court record to support the trial court's award of temporary managing conservatorship to the department and, therefore, that the trial court had not abused its discretion. On May 29, the Texas Supreme Court declined to overturn the court of appeals' decision. Three justices concurred with the majority's opinion with respect to boys and pre-pubescent girls, but dissented with respect to pubescent girls. The dissenting justices found that the evidence in the record was sufficient to support an emergency removal of pubescent girls living at the ranch. The Supreme Court ruled that "while the district court must vacate the current temporary custody orders as directed by the court of appeals, it need not do so without granting other appropriate relief to protect the children."

As a result of these rulings, DFPS prepared to return the children to their families pending direction from the district court in San Angelo.

On June 2, the District Court ordered the return of all the children in the original suit to their parents, but left intact other provisions of the original order. Among other requirements, the order directed each parent/guardian to attend and complete parenting classes, cooperate with the ongoing investigation into abuse and neglect, and provide access to their residences from 8 a.m. to 8 p.m. for CPS caseworkers to make unannounced home visits. That day, DFPS immediately began the process of discharging all of the children to their parents or guardians. All children were returned to their parents by 2 p.m. on June 4.

A Team Effort

From the shelter operation through the eventual return of the children, DFPS received tremendous support and assistance from other state agencies, providers, advocates, and

community members. The Governor's Division for Emergency Management, Department of Public Safety, Health and Human Services Commission, Texas Forestry Services, Salvation Army, and Baptist Children and Family Services all worked together to ensure the health, safety, security and comfort of the children and accompanying mothers who were removed from the YFZ Ranch. Within the first few days, the Red Cross and military personnel from Goodfellow Air Force Base delivered cots, sleeping bags, pillows, and other supplies. A local church opened up as a temporary shelter and provided food and clothing. The Department of State Health Services provided 24-hour on-site health screenings and coordinated all medical and mental health services for the children. Nonstop EMS and fire coverage services were also provided.

The San Angelo Independent School District sent teachers to the shelters to provide learning activities for the children, including music and physical education and recreational programs. The Texas Education Agency made plans to meet the educational needs of these children at their foster placements while accommodating their unique situation. Domestic violence shelters offered their services to and cared for these women and children while continuing to serve their current clients. Greater Texas Community Partners provided food, supplies, and other items to staff working in Eldorado and worked with Texas Council of Child Welfare Boards to collect and distribute the many donations DFPS received to Rainbow Rooms across the state.

Hundreds of attorneys from across the state volunteered to represent the children, and San Angelo citizens welcomed them into their own homes. Court Appointed Special Advocates (CASAs) were appointed to serve as the guardians ad litem for the children in this case and CASA volunteers around the state were mobilized to advocate for the children. As guardian ad litem for the children, CASA had the duty to meet with each child, family members, parties to the suit and others with significant knowledge of the child's history and condition and to make recommendations to the court relating to the best interests of each child. The Meadows Foundation, the local Children's Advocacy Centers, the Office of Court Administration, and the Texas Court Improvement Program also contributed to improving the children's representation and access to services.

Schleicher County (Eldorado) and Tom Green County (San Angelo) were significantly affected by the removal of these children, the shelter operations, and the ongoing legal cases and investigation. Schleicher County had only 19 reports of abuse or neglect that were assigned for investigation the previous year, FY2007. This investigation brought an unprecedented number of children, lawyers, and caseworkers into these communities, and county authorities stretched their resources to accommodate them. The Governor, Lieutenant Governor, and Speaker of the House sent a letter to the Comptroller of Public Accounts concerning the "emergency situation" in Tom Green and Schleicher counties and asked that the state reimburse the affected cities and counties for costs related to this case.

In addition to assisting with the shelter operations, foster care providers worked closely with CPS staff to ensure secure, comfortable, and safe placements for these children as well as their safe return to their parents when the time came. DFPS consulted with state and national experts with a diverse background to better understand this community and identify information needed by DFPS and providers to best meet the needs of these children. The residential facilities worked with CPS to arrange for CASA, ad litem, caseworker, and family member visits while the children were in their placements. Additionally, providers took steps to ensure dietary and clothing needs were met according to the children's background. Providers also coordinated

with DPS and DFPS to set up security protocols and personnel to ensure the safety of the children and staff. DFPS also asked providers to respect the confidentiality of the children with regard to media attention.

Providers, county officials, nonprofit organizations, state agencies, community members and many more were indispensable for the two months that the children were in DFPS's conservatorship. Their coordination, expertise, dedication, and concern ensured that the needs of the women and children were prioritized in the midst of unwieldy and complicated events.

Investigative Activities

Investigative activities began at the YFZ Ranch on April 3, with the majority of the activities, including interviews, ending in August. As part of the joint investigation process, a multidisciplinary task force consisting of DFPS, the Texas Rangers, and the District Attorney's office was established in San Angelo to coordinate between the civil and criminal investigations.

In these cases, as in any case where abuse has been reported, CPS interviewed the alleged victim, parents, siblings, other family members and any other individuals who may have information about the allegation. Investigators were sent to the YFZ Ranch because of the initial report of sexual and physical abuse. However, all of the investigation findings were based on the information gathered or reviewed by CPS after they arrived at the ranch and began to interview residents and review records.

After safely returning all of the children to their parent or guardian, CPS refocused efforts on the ongoing abuse/neglect investigation and conducted reviews of all case information to prioritize those cases where there was the most risk. In addition to conducting interviews, CPS reviewed thousands of documents removed by law enforcement from the ranch and interviewed children, mothers and fathers when possible. Preliminary investigation results were reviewed by child safety specialists and senior CPS staff to ensure that the investigations were thorough, the documentation was accurate, and the children were safe.

Many factors contributed to the length of time needed to complete the investigation, including the number of children involved, the voluminous records that had to be reviewed, the unique circumstances of the removal, the emergency sheltering operation, placement of the children in foster care, and their subsequent return to their parents in June. Also, investigators observed what appeared to be a pattern of organized deception when first conducting interviews. Women and children frequently said they could not answer questions about the ages of girls or family relationships. Children were moved from location to location on the ranch and in the shelters in an apparent attempt to prevent investigators from talking to them. Names and identifying information were not always given consistently, resulting in initial problems establishing family structures and identities. Women were also observed coaching children on what to say or do when interviewed by CPS. Investigative activities were also interrupted periodically as the case developed and as the children and mothers were moved.

Services for Families

In addition to determining if abuse or neglect occurred, CPS must also ensure that children are safe in their present environment and take steps to help protect them in the future. After the

children were returned to their parents or guardians, DFPS continued to work with families to comply with the court order and facilitate participation in the court-ordered parenting classes. DFPS also made accommodations and worked with staff and providers to ensure all were sensitive to the culture and unique needs of the children and families.

DFPS contracted with Child Trauma Academy to provide training and curriculum to the providers who were chosen to teach parenting classes specifically for the Eldorado families. Beginning in August, the classes were conducted around the state, with 170 parents participating. Parents were required to take two four-hour sessions that highlighted and reinforced the strengths of caregiving and parenting in each family. These classes discussed basic child development, appropriate supervision of children, healthy psychosexual development, and appropriate discipline methodologies and techniques.

All girls ages 10 to 17 (63 girls) were asked to attend four hours of therapeutic education sessions to deal with issues related to state laws on underage marriages and sexual abuse as well as ways to identify, prevent, and report sexual abuse. The goal of the sessions was to educate girls who are at risk of sexual abuse or who have been sexual abuse victims and to deal with any emotional issues related to this topic. Providers of these sessions were carefully selected and included many of the same providers who had offered parenting classes.

CPS caseworkers also worked with parents – primarily the mothers – to ensure that the children could remain safely in their homes and be protected from sexual abuse. CPS arranged to provide appropriate services, such as counseling, to some families that were needed to address specific concerns identified during the course of the investigations. Cases opened for ongoing services were monitored by CPS caseworkers through home visits with the parents and children.

CPS asked the mothers of girls ages 10 to 17 to sign safety plans to protect their children from sexual abuse. Although some fathers agreed to the safety plans, in most cases the safety plan was signed only by the mother. Safety plans were required in families with girls ages 10 to 17 where a father witnessed an underage marriage, performed an underage marriage, was married to a person currently under age, or allowed his daughter to marry under age. If appropriate, the plans included limitations on who visits the household as well as requirements to keep children away from men who participated in or sanctioned an underage marriage.

As in other CPS cases, there were some mothers who refused to sign safety plans. In the cases of four of those mothers, DFPS filed motions with the court seeking non-emergency removal and temporary managing conservatorship of their eight children (six girls and two boys). In August, at the scheduled hearings on these motions, DFPS reached agreements with three of the mothers before a full hearing with the District Court. In these three cases, DFPS was granted temporary managing conservatorship of five girls, who were placed with their mothers with additional conditions imposed for the girls' protection. In the case that was not settled by agreement, DFPS received temporary managing conservatorship of one teenage girl, who was removed and placed in a foster home. DFPS dropped its request to take temporary managing conservatorship of a boy in this family who had already reached the age of 17, and was denied temporary managing conservatorship of a younger male sibling.

As required by the Family Code, the court is conducting periodic review hearings for these girls to allow all parties to discuss the girls' care and safety as well as the families' progress in creating a protective environment for their children. In these cases, as in all the Eldorado cases, DFPS's goal is that the children can be safe and protected while living with their families.

Management of the Legal Cases

Upon emergency removal of a child, DFPS must immediately file a suit affecting the parent-child relationship, which requests conservatorship of the child and any other relief DFPS determines is appropriate. Organizing the legal suit around each mother is standard practice in CPS cases but was not possible at the outset of this investigation due to time constraints and a lack of reliable information about family relationships. At the time of the removal, there were 463 individuals believed to be children who were in DFPS's conservatorship. Initially there were two mass suits including more than 300 children, as well as 123 additional suits relating to individual children. Two children were born while their mothers were in conservatorship, bringing the total number of individuals in care to 465. While they were in care, DFPS determined that 26 of the individuals believed to be minors were adults. DFPS nonsuited these "disputed minors" and discharged them from care, bringing the number of confirmed children who were the subject of the DFPS investigation to 439. Over the course of the investigation, DFPS has also filed 11 nonsuits to correct erroneous or duplicate court filings. *See Appendix 1 for a chart of the legal cases.*

At the onset of this case, the State Bar of Texas issued a mass appeal to attorneys from across the state to volunteer as attorneys ad litem for the children and hundreds of Texas attorneys responded to this call to service. In most cases, each child within a family was initially appointed a separate attorney ad litem and in all, nearly 300 attorneys ad litem were originally appointed to represent the children. Many of those who volunteered had prior experience in this area of the law. Others had never represented a child in a child welfare case before and underwent training regarding the roles and responsibilities of an attorney ad litem in a child welfare case. Ad litem substitutions continued throughout the early months of the legal case. In addition to the attorneys representing children, the mothers and fathers in this case retained separate counsel. The sheer number of attorneys involved and their location throughout the state created unique challenges in ensuring appropriate involvement and communication among all the parties to these suits.

After the court ordered DNA tests and DFPS began separating children from their mothers after the move to the coliseum, the families became more forthcoming about basic family relationships. Lab results from DNA testing confirmed these mother-child relationships. There were also several children who were believed to be the children of a deceased mother and the DNA results confirmed no maternal match. A total of only 38 adult men provided DNA samples, of which 36 were found by the lab to be a match or potential match as the father for about half the children. Since the DNA results obtained through the April 18 court order assisted DFPS in confirming maternity for most of the children, DFPS was able to sever and consolidate the two mass legal suits in late July so that each pertained to one mother and all of her children.

DFPS nonsuits a case when CPS staff believe the parents or family members have taken appropriate action to protect the children from future abuse or neglect. After determining that court orders were no longer needed to ensure a child's safety, DFPS has nonsuited cases

involving 424 children as of the date of this report. The 424 nonsuits mean that, based on DFPS review of the case and work with the family, almost 96 percent of the children removed from the ranch are now determined to be safe in their households to the point that there is not a need for court oversight. DFPS recognizes the importance of maintaining families and has been working with parents and children so that there could be positive outcomes to as many cases as possible. In the Eldorado cases, DFPS provided notification to CASA and the child's attorney ad litem before filing every nonsuit. If any new concerns arise with these nonsuited families in the form of new referrals of abuse or neglect, DFPS will take appropriate action.

In August, DFPS filed motions seeking non-emergency removals of eight children in four cases after the mothers refused to sign safety plans. Three of the four cases were settled, resulting in DFPS obtaining temporary managing conservatorship of five girls who were placed with their mothers. In the fourth case, DFPS was awarded temporary managing conservatorship of one girl who is placed in foster care. DFPS has since returned conservatorship of four of the girls who were placed with their mothers and nonsuited their case. There are pending lawsuits in the cases of five mothers and their 15 children. DFPS continues to work with the families to ensure the safety of the children in these cases.

Investigation Results

As a result of this investigation, CPS found that 12 girls who ranged in age from 12 to 15 were victims of sexual abuse at the YFZ Ranch with the knowledge of their parents. Sexual abuse occurred in the case of the 12 girls, who now range in age from 14 to 18, because they were "spiritually" married under age. The earliest marriage was in 2004 and the most recent known marriage took place in July 2006. Two girls were 12 when married; three were 13; two were 14; and five girls were 15 when married. Seven of these girls have had one or more children after marriage. In each confirmed finding of sexual abuse, CPS identified as perpetrators the parents of the child and the "husband" of the child.

The investigation also found those girls and 262 other children were subjected to neglect under Texas law. In these instances, the parents failed to remove their child from a situation in which the child would be exposed to sexual abuse committed against another child within their families or households. CPS also found that neglectful supervision occurred in one case (one child) when the parent placed a child in a situation in which there was a substantial risk of immediate harm. In each confirmed finding of neglectful supervision, only parents were identified as perpetrators. In accordance with CPS policy, a notification letter was sent to each perpetrator. Letters have also been sent to the parents of all children removed from the ranch notifying them of the investigation results pertaining to their children. *See Appendix 2 for a chart of the investigation results.*

There were 124 designated perpetrators as a result of this investigation. Designated perpetrators included men who engaged in underage marriages; parents who failed to take reasonable steps to prevent an underage daughter from marrying an older adult male; and parents who placed their child in, or refused to remove their child from, a situation in which the child would be exposed to sexual abuse committed against another child. Any person found to have committed abuse or neglect has the right to request from CPS an administrative review of the findings, which could result in a finding being overturned. If those findings are not overturned, state law requires the names of the perpetrators to be entered into CPS'

abuse/neglect registry. Persons against whom a finding of abuse or neglect is upheld may be restricted from working in some areas of child welfare. For example, they cannot be foster or adoptive parents or work at a day care center in Texas, and may not be a volunteer for some organizations.

At the conclusion of an investigation, CPS determines the overall disposition of the case (family). If any child in the family is determined to be a victim of abuse/neglect (a Reason to Believe disposition), then the overall disposition for the case is Reason to Believe. The overall case dispositions pertaining to the families at the YFZ Ranch are:

Reason to believe: CPS determined that it was reasonable to believe **91 families** that one or both parents in the family sexually abused or neglected a child in the family by entering into an illegal underage marriage with a child; failing to take reasonable steps to prevent the illegal underage marriage of a child; or failing to remove one or more children in the family from a situation in which they would be exposed to an ongoing underage marriage in their family or household.

Ruled out: CPS determined that it was reasonable to conclude that no child in **12 families** the family was abused or neglected.

Unable to determine: There is not a preponderance of the available evidence **39 families** to either find that abuse or neglect did occur, or to rule it out.

Unable to complete: CPS was unable to complete the investigation due to an **1 family** inability to locate the subjects of the allegations.

Administratively closed: After reviewing the information received, CPS **3 families** determined that an investigation was not needed.

Related Events Outside the Scope of the CPS Investigation

From the outset, CPS conducted the investigation in coordination with law enforcement. To date on the criminal side, this investigation has resulted in grand jury indictments of 12 male residents of the YFZ Ranch for charges including sexual assault of a child, aggravated sexual assault, tampering with evidence, bigamy, and failure to report abuse.

On June 2, the self-described spokesperson for the FLDS church, Willie Jessop, issued a statement that: "The church commits it will not preside over the marriage of any woman under the age of legal consent in the jurisdiction in which the marriage takes place."

Also in June, top law enforcement authorities from Arizona, Nevada, Texas, and Utah met to discuss crimes within polygamous communities. Later, on July 24, the U.S. Senate Committee on the Judiciary conducted a hearing on "Crimes Associated with Polygamy: The Need for a Coordinated State and Federal Response." The hearing panelists included Sen. Harry Reid (Nevada), U.S. Attorney Gregory Brower (Nevada), U.S. Attorney Brett Tolman (Utah), Attorney General Terry Goddard (Arizona), Attorney General Greg Abbott (Texas), and former FLDS members. Panelists largely focused on the need for continued federal and state coordination.

Final Summary

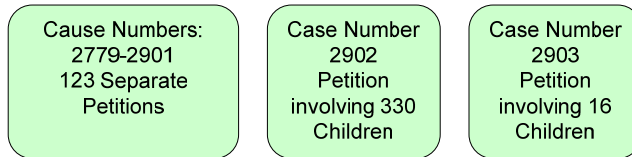
DFPS's mission is to protect children, the elderly, and people with disabilities from abuse, neglect, and exploitation by involving clients, families and communities. In these cases, DFPS's sole purpose was to protect the children, reunite them with their families when the children's safety could be reasonably assured, and give those families better tools to protect their children from abuse or neglect in the future.

As a result of this investigation, parents have taken classes on appropriate discipline and the psychosexual development of children, girls have been educated about how to identify and report sexual abuse, safety plans are in place to protect children from sexual abuse perpetrators, and counseling services have been offered to parents and children. DFPS was able to seek court orders at any time when concerns arose that could not be addressed without court involvement. DFPS retains temporary managing conservatorship of two children, one of whom is in foster care, whose mothers would not agree to their safety plans. This allows the department to continue to monitor the safety of these children while working with the families toward reunification if possible.

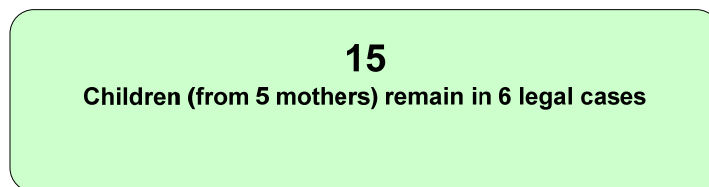
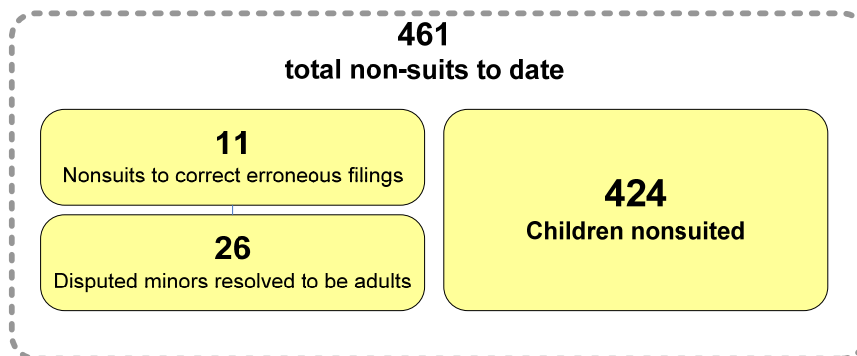
For the Department of Family and Protective Services, the Yearning for Zion case is about sexual abuse of girls and children who were taught that underage marriages are a way of life. It is about parents who condoned illegal underage marriages and adults who failed to protect young girls – it has never been about religion. As in all CPS cases, the state's goal is to help parents and caregivers refrain from abuse in the future and create a safe environment where children can remain in their families and be protected.

Appendix 1 – Legal Cases

FLOW OF FLDS RELATED LEGAL CASES



Note: Because of incomplete and inaccurate information provided, the total number of children in these petitions was 469, due to duplicates. There were 463 individuals in care, of which 26 were “disputed minors.”



Note: This information is accurate as of 12/22/2008.

INVESTIGATIVE FINDINGS

as of 12/18/08

Cases (Families) Investigated

146

Total Alleged Victims
Removed from YFZ Ranch

439

**Confirmed Victim of Neglectful
Supervision Only**

Placing a child in or failing to remove a child from situation 1) in which a child is exposed to sexual abuse committed against another child or 2) that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities that results in physical injury or substantial risk of immediate harm to the child.

263

Confirmed Victim of Sexual Abuse*

Sexual conduct harmful to a child, including sexual assault, or failure to make a reasonable effort to prevent sexual conduct harmful to a child; and compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code

12

Total Confirmed Victims

275

Note: Unduplicated count.
*were also victims of Neglectful Supervision.

Children returned to foster care

1

Safety plans developed/signed

36/29

Parents offered/attended parenting classes

200/170

Psychological evals court-ordered/occurred

8/8

Children returned to DFPS custody

6

Psychosocial assessments for parents scheduled/completed

31/30

Counseling services offered/accepted

16/16

Children offered/attended therapeutic education

63/50

Actions Taken to Safeguard Children

Designated Perpetrator of Neglectful Supervision Only

Placing a child in or failing to remove a child from situation 1) in which a child is exposed to sexual abuse committed against another child or 2) that requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities that results in physical injury or substantial risk of immediate harm to the child.

94

Designated Perpetrator of Sexual Abuse*

Sexual conduct harmful to a child, including sexual assault, or failure to make a reasonable effort to prevent sexual conduct harmful to a child; and compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code

30

Total Designated Perpetrators

124

Note: Unduplicated count.
*29 of the 30 were also designated perpetrators of neglectful supervision

Appendix 3 – Allegations Chart

		Reason To Believe	Unable to Complete	Unable to Determine	Ruled Out	Administrative Closure	Total
Allegation	Definition	<i>Based on a preponderance of evidence, staff concluded that abuse or neglect occurred.</i>	<i>Before staff could reach a conclusion, the persons involved in the report moved, could not be located or refused to cooperate.</i>	<i>Staff conclude that 1) there is not a preponderance of the evidence that abuse or neglect occurred or 2) it is not reasonable to conclude that abuse or neglect has not occurred.</i>	<i>Staff determined, based on available information, that it is reasonable to conclude that abuse or neglect has not occurred.</i>	<i>Staff determined that 1) a non-CPS entity such as law enforcement has statutory jurisdiction to investigate, or 2) CPS has already investigated the same allegation with the same incident, alleged victim and alleged perpetrator, or as a result of obtaining new information it is reasonable to assume the children are safe.</i>	
Emotional Abuse	<i>Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;</i>	0	0	4	68	3	75
Medical Neglect	<i>the failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;</i>	0	0	0	0	1	1
Neglectful Supervision	<i>Placing a child in or failing to remove a child from situation in which a child is exposed to sexual abuse committed against another child. OR Placing a child in or failing to remove a child from a situation requiring judgment or actions beyond the child's level of maturity, physical condition or mental abilities that results in physical injury or substantial risk of immediate harm to the child.</i>	275	0	121	38	4	438
Physical Abuse	<i>Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;</i>	0	2	9	388	10	409
Physical Neglect	<i>the failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused; or</i>	0	0	0	0	1	1
Sexual Abuse	<i>Sexual conduct harmful to a child, including sexual assault, or failure to make a reasonable effort to prevent sexual conduct harmful to a child; and compelled or encouraged the child to engage in sexual conduct as defined by Section 43.01, Penal Code</i>	12	0	16	384	4	416
Grand Total		287	2	150	878	23	1340

Appendix 4 – Cost Information

San Angelo Mass Care Event Costs

Reported Overtime	
Health and Human Services Commission	\$ 70,483
Department of Family and Protective Services	\$ 2,458,799
Department of State Health Services	\$ 160,505
Department of Assistive and Rehabilitative Services	\$ 13,441
Department of Aging and Disability Services	\$ 13,680
Health and Human Services Agencies Total	\$ 2,716,908
Texas Department of Public Safety/Gov. Division of Emergency Mgt	\$ 430,207
Texas Department of Criminal Justice	\$ 1,485
Texas Forest Service	\$ 37,648
Other Agencies Total	\$ 469,340
Reported Overtime Total	\$ 3,186,248
State Staff Travel	
Health and Human Services Commission	\$ 50,229
Department of Family and Protective Services	\$ 1,484,907
Department of State Health Services	\$ 80,457
Department of Assistive and Rehabilitative Services	\$ 9,906
Department of Aging and Disability Services	\$ -
Health and Human Services Agencies Total	\$ 1,625,499
Texas Department of Public Safety/Gov. Division of Emergency Mgt	\$ 81,873
Texas Department of Criminal Justice	\$ -
Texas Forest Service	\$ 14,850
Other Agencies Total	\$ 96,723
State Staff Travel Total	\$ 1,722,222
Goods and Services	
Buses	\$ 1,065,049
Unified Command Center (primarily shelter and food)	\$ 955,056
Local Government Costs	\$ 881,577
Professional Services	\$ 339,103
Ambulances	\$ 244,043
Janitorial	\$ 132,430
Building and Equipment Rental	\$ 98,398
Other	\$ 93,677
Supplies	\$ 69,548
Fuel	\$ 9,992
Temporary Staff	\$ 6,516
Other Transportation	\$ 3,903
Department of Public Safety Operating Costs	\$ 181,003
Texas Department of Criminal Justice Equipment Costs	\$ 3,918
Department of State Health Services Medical Costs	\$ 14,631
Health and Human Services Commission Equipment and Supplies	\$ 114,517
Goods and Services Total	\$ 4,213,361
San Angelo Mass Care Event Total	\$ 9,121,830

Foster Care and Other Placement Related Costs

Foster Care Placement Costs	\$ 1,262,408
Security and Other Placement Related Costs	\$ 1,075,572
Medicaid Costs	\$ 976,500
Foster Care and Other Placement Related Costs Total	\$ 3,314,480
Grand Total	\$ 12,436,310

Recap of Expenditures by State Agency

Health and Human Services Commission	\$ 1,211,729
Department of Family and Protective Services	\$ 10,180,978
Department of State Health Services	\$ 255,593
Department of Assistive and Rehabilitative Services	\$ 23,347
Department of Aging and Disability Services	\$ 13,680
Health and Human Services Agencies Total	\$ 11,685,327
Texas Department of Public Safety/Gov. Division of Emergency Mgt	\$ 693,082
Texas Department of Criminal Justice	\$ 5,403
Texas Forest Service	\$ 52,498
Other Agencies Total	\$ 750,983
Grand Total	\$ 12,436,310