



Protect Your Children

DURING A CPS INVESTIGATION

If you can understand how to handle the very first encounter with CPS, you can increase your chances of maintaining your family's rights and freedom.



This is for informational purposes only and is not to be considered legal advice. Always take these matters seriously AND CONSULT A COMPETENT FAMILY ATTORNEY FAMILIAR WITH CPS.

You may want to consider getting one on retainer prior to any need for them or hire one as ASAP if encountering a situation involving the threat of CPS involvement.

“
*83% of CPS visits
are based on
bogus/false claims*”



INTRODUCTION

There's nothing quite like the adrenaline rush and flood of shame that hits when you open the door to find someone from Child Protective Services (CPS) on your doorstep. It's horrifying.

It's embarrassing. You immediately start to remember every CPS horror story you've ever heard, and you begin to worry.

Since more parents are experiencing a visit from CPS than ever before, and since sometimes those visits have resulted in the quick removal of children – despite no grounds to allegations of harm or abuse – it is critically important for every parent to have a good idea of how to respond to a CPS visit.

Parents have been 'reported' to CPS for some reasons that have nothing to do with neglect or abuse:

- Loving parents who refuse a recommended medical treatment for their child can be reported by a doctor who might fear losing his license to practice medicine.
- Neighbors or estranged family members may report a family despite the lack of grounds to support any allegations of abuse.
- Parents with a sick child seeking a second opinion have been reported to CPS by a hospital or medical authorities.

THE TRAUMA CAUSED BY IDAHO CHILD PROTECTIVE SERVICES

On average, CPS receives approximately 3,750 calls, emails, and faxes per month. School personnel, parents, private agencies, relatives, and law enforcement are the source of the majority of the reports made to the intake unit. The fact of the matter is that over 83% of the calls that are called into CPS are false and bogus. But CPS says all calls have to be investigated. As a result of the CPS investigation, parents and children often suffer various forms of shame, fear, stress, trauma, self-doubt, and even depression.



**An average
1,300 innocent children
are taken by CPS
each year in Idaho.**

- Children spend between 8 - 13 months separated from their families in the state's custody.
- 66% of children are returned home after separation from their family, causing trauma to the innocent child and their parents.

This calls into question the validity of the government agency traumatizing the children and their parents with this forced separation. However, that is a discussion for another article.



*The reality is that any visit by CPS should be taken
VERY seriously.*

CPS KNOCKS.

THE IMPORTANCE OF STANDING FIRM.



IF CPS COMES TO YOUR HOME
DO NOT LET THEM IN
YOUR HOUSE.

Continue to be nice
but **STAY FIRM.**

Have one statement ready and
repeat it over and over

**“I know you are just doing
your job, but my main
obligation is to my children
and to help them
avoid unnecessary trauma.”**

If they do not have a warrant and
there is no apparent emergency,
they are not allowed access to
your home.

DO NOT CONSENT.

You have the right to refuse entry to a CPS official unless they have a proper warrant or court order. Letting them into your home waives the protections afforded to you by the Fourth Amendment. Neither CPS nor the juvenile judge can abrogate that right as long as your children are not in imminent danger.

The first encounter with CPS is crucial, as it can significantly impact your family's rights and freedom. CPS often seeks to take families by surprise by coming after hours and on weekends, so it's essential to be prepared.



CPS can appear on your doorstep 'after hours' and 'on weekends' often seeking to take a family by surprise.

BE PREPARED. Post this reminder by the door.

WHEN CPS KNOCKS

Record the conversation.

- 1 BE POLITE & SAY AS LITTLE AS POSSIBLE.
- 2 DO NOT LET THEM IN YOUR HOUSE.
CONTINUE TO BE NICE BUT STAY FIRM.
- 3 ASK PERMISSION TO ASK THEM QUESTIONS. "I REALIZE YOU ARE JUST DOING YOUR JOB. WOULD IT BE OK IF I ASKED YOU A COUPLE OF QUESTIONS?"

Investigator's contact information.

The supervisor's contact information.

Details of the allegations.

- 4 CLOSE THE CONVERSATION BY TELLING THEM YOU WILL SPEAK TO YOUR ATTORNEY AND GET BACK TO THEM.
- 5 CLOSE THE DOOR.



Realize that closing the door **will not close the investigation**, but will allow you to preserve your rights, gather your support and contact your attorney.

1. THE BEST DEFENSE. A CLOSED MOUTH.



BE POLITE & SAY AS LITTLE AS POSSIBLE.

You might be terrified inside. You might be frightened and angry if you feel there is injustice going on, but the number one thing you can do is stay calm and be polite.

Anything you say can be twisted. Do NOT DEFEND YOURSELF and do NOT volunteer information. Most CPS referrals are very vague. They only know what was reported to them, and usually, that information is not very specific.

If you jump in and defend yourself, anything you say could be used against you later.

Once a CPS investigation has begun, they will investigate every aspect of your family. According to the CPS Manual - Social Worker is trained to gather information from "The Six Domains of Information Collection" which includes gathering information about the family through interviews with the child, the parents or caregivers, and collateral contacts. They are trained to review Parenting Practices questioning the caregiver's overall parenting style. Disciplinary Practices questioning the caregivers in the home discipline the child?

2. DO NOT LET THEM INTO YOUR HOME.



Continue to be nice but STAY FIRM. Have one statement ready and repeat it over and over “I know you are just doing your job, but my main obligation is to my children and to help them avoid unnecessary trauma.” If they do not have a warrant and there is no apparent emergency, they are not allowed access to your home. If a police officer is with them, they all know it is illegal to enter a home unless you CONSENT, or unless they have a warrant, or can hear an emergency situation going on.

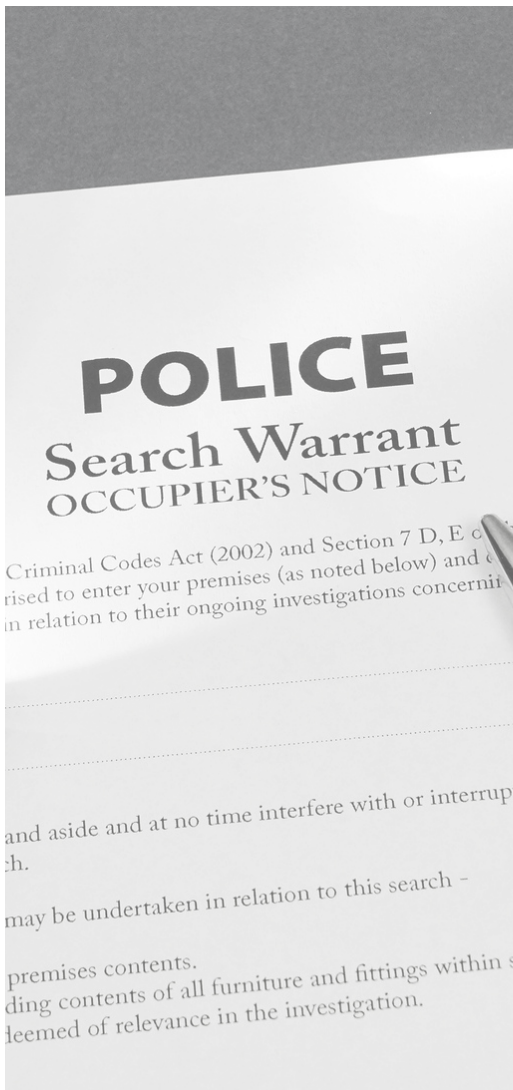
Do not even open the door to allow the CPS agent to look into your home to see your children: they can see something that creates an “emergency situation” even if it is not true. Be FIRM. You should not waiver nor give in to thinking:

“What’s the harm?”

There is no compromise here: no exception.

If you invite a CPS investigator social worker into your home, you have just waived your Federally-protected fourth amendment constitutional protection.

3. ASK PERMISSION TO ASK THEM QUESTIONS.



“I realize you are just doing your job. Would it be ok if I asked you a couple of questions?”

Record the conversation. Idaho recording laws: At least one party must give consent in order to record an in-person conversation. Idaho Code Ann. § 18-6702.

If you need to get your cell phone, close the door and say, “I need to get something.”

- **Get a copy of their ID.**
- **Supervisor Information. What are the name and phone numbers of your supervisors?**
- **“What are the exact allegations that have been made against me? Federal law requires that I should be informed of any allegations against me.” If they say something vague, like “child abuse” or “environmental neglect,” demand specific answers. You have the legal right to this information!**
- **Ask them if they have a warrant. Be direct. “Do you have a warrant to search my home or speak to my children?” If they produce a warrant, make sure it is signed by a judge and dated. Ask for time to review the warrant. Read it over thoroughly. Tell them you want your attorney to review the warrant.**

Without a warrant, they must gain your consent to enter your home or speak to your children. They are doing their job. Their training has instructed them to make this visit, and they will use whatever tactic they feel will be effective to GET MORE INFORMATION AGAINST YOU. They may alternate between: trying to be nice, being firm, threatening, or trying to bargain with you. Stay immune to every tactic. Be Nice, but know your rights. Do not get caught up in their games. Don't engage them in any discussion except on the questions above.

4. WORRIED YOU MIGHT LOOK 'GUILTY' BY NOT LETTING THEM IN?



Close the conversation with this: "I'd like to have this conversation with you after I have had a chance to speak to my attorney. Is this the number you can be reached to schedule a time for that conversation?" Then simply close the door.

Once the door is closed, take a deep breath, hug your kids tight and begin to prepare in defense of your family.

- The minute you become aware that your family is being investigated, YOU MUST find an attorney who has experience in fighting CPS.

Juvenile Dependency courts are worlds unto themselves. Your most seasoned and experienced lawyers, when first stepping foot into a Juvenile Dependency courtroom, are totally dumb struck.

Most lawyers – even experienced Family Law attorneys - who are not experienced with CPS mistakenly think that it is their job (as it would be in any other court setting) to find out what CPS wants and then communicate all the details to their clients. Shockingly, doing exactly that often leads to total disaster and the loss of your children.



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FINAL WORDS

An open investigation is something to take very seriously. Remember to gather your support immediately.

Contact your advocates
you have already prepared for ahead of time.

Call Your Attorney Already On Retainer

National Organizations

HSLDF and Heritage Defense

Local Organizations

Health Freedom Idaho and POWER



Ask your doctor to write a letter stating that there are no bruises or injuries observed, nor any other health-related issues that would raise any concern or suspicion of child abuse or neglect. Obviously, go to a doctor whom you trust.

If a CPS or DCFS social worker suggests a doctor for you or suggests that they know where you can see a doctor at NO CHARGE (as attractive as that may be), **NEVER visit with a doctor recommended by CPS.**

What you may not know is that these doctors are a regular part of the CPS system and they are commonly called as expert-testimony witnesses by CPS as a witness against the parents.

Create a list of relatives and friends who are willing and able to care for your children if CPS takes them.

If your children are removed from your home, or the court is demanding that your children must soon leave your home for some period of time, it is always better that your children are taken in by relatives or friends. Having your kids in foster care is simply adding one more level of stress and complexity to your plate.

