

Contact by Child Protective Services

Although an investigation by Children Protective Services is extremely unlikely, anyone can be the target. All CPS cases start as a result of a referral to a governmental agency. Educational neglect alone cannot be a basis for an investigation and police officers and CPS workers cannot enter your home without a warrant. If CPS gets a report of neglect, they are required to investigate, and that investigation may include a visit to your home. It can be an unnerving and dispiriting experience.

If a social worker or police officer appears at your door, you should first ask to see official identification. Under no circumstances should you let social workers or police officers into your home without a warrant. Moreover, you should never say anything that could be interpreted by the authorities to mean that you gave permission for them to enter your home. If you need to leave their presence, such as to retrieve documents, for example, you should close the door behind you until you return. If they enter your home without your permission and without a warrant, they may be subject to a lawsuit for damages and the evidence they may seize may be excluded from the legal proceedings. Do not give up your constitutional rights.

What happens if a social worker returns with the police? Make sure they have a warrant! Be polite and non-confrontational, but firm. In order to get a warrant, the social worker needs to contact the police, the police must contact the district attorney, and the DA contacts a judge. They need to present credible evidence before a warrant can be issued. If you think there is a likelihood that a warrant could be issued, contact a criminal or juvenile dependency lawyer immediately. If they are able to get a warrant, contact a friend to come over as a witness, to take notes and videotape everything. Call HSC if homeschooling issues might be involved.

Avoiding referrals is the best way to prevent CPS intervention in your homeschooling experience. Compliance with one of the legal ways to homeschool is crucial. The following factors may result in a referral: Pulling children out of public or private school after a dispute with the school (i.e.: ongoing truancy problems); custody battles; welfare referrals; or neighborhood disputes. What can you do if you are in one of the "high-risk" groups for referral? First, it may be in your family's best interest to consider a public independent study program, a charter school offering homeschooling, or a program offered by a commercial private school. Second, know your legal rights.

If you are involved in a custody situation or are investigated by Children's Protective Services, you will need to consult immediately with a local attorney who is familiar with not only homeschool law but also custody and juvenile dependency law. If you ever have any hostile contacts regarding homeschooling, please inform an HSC board member. HSC maintains a list of attorneys and experts with experience in these areas or can assist your

attorney with homeschooling questions.

Also See:

- [How Can Homeschoolers Avoid Truancy Officers Or Children's Protective Services](#)
- [Responding To A Visit From Children's Protective Services](#)
- [Protecting Ourselves From Truacy And CPS Investigations: Avoiding Referrals](#)
- [Children's Protective Services, Educational Neglect And Homeschooling](#)