

Responding to a Visit from Child Protective Services

Responding to a Visit from Children's Protective Services
by Linda J. Conrad Jansen, Esq.

The stranger walks briskly up the sidewalk littered with bicycles, scooters, muddy shoes, newspapers and plastic bags left over from the paper route, and rings the bell. The dogs tear through the house, barking as if they are chasing rabbits through *Watership Down*, which happens to be the book you are reading to your young son. The stranger looks through your kitchen window near the front door as you slowly extricate yourself from the couch (and out from under the cat), and step over the abandoned Lego project in the middle of the floor. You wonder who could be interrupting your perfect morning of reading to your son, while your other children are involved in various learning activities or projects in the next room. Everyone crowds around you, excited about the unexpected visitor, as you shove the dogs out of the way, holding them back with your foot while you open the door. "Hello, Mrs. Jones? I'm John Smith with Children's Protective Services. We've had a report that you are neglecting your children. May I come in? I'd like to talk to your children" Your friendly smile freezes in shock, and no matter how brave your outward appearance may be, you know you are shaking inside.

Recovering quickly, you stammer, "I'm sorry, what did you say? Do you have a warrant? Well then, no, you can't come in and you can't talk to my children." Losing his politeness, Mr. Smith aggressively continues, "You may as well let me in. I'll just go get a warrant and then you'll have to let me talk to the children and there is no telling what will happen then. Let's take care of this now and everything will go much more smoothly."

Fortunately, you have read this article, and you know what to do. "Please, go ahead and get a warrant," you say politely as you firmly close the door in his face. It is no accident that I used my front porch in this example. Although an investigation is extremely unlikely, *anyone* can be the target of an investigation by Children Protective Services. 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. Under no circumstances should you to let a social worker or police officer into your home without a warrant. Moreover, you should never say anything that could be interpreted by the authorities that you gave permission for them to enter your home. 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.

"But, why," you ask, "shouldn't I let them in? I am the 1/100th of one percent of homeschoolers who has a perfectly clean home at all times, children who are extremely articulate, never quarrel and love to do school work, a school room with on-going scientific experiments in the basement, children happily practicing musical instruments in the living room, and historical documentaries playing at all times in the media room. Surely they would

just talk to my children, look around my home, and go away knowing our children are not neglected." OK, maybe *you* could let them in. However, for the rest of us, even if we have a corner of our kitchen devoted to schoolwork, and a house that is occasionally clean (but not today because the soda and vinegar volcano just spilled all over the floor and the dogs ran through it and knocked over their water bowl on their way to the front door) that may not be a good idea. If a social worker wants to find something to report, he may find it. (Did you hear about the homeschooler who was required to shampoo her carpets? The rest of her house was spotless.) Do not give up your constitutional rights in the hope that the government will look around and go away. Sometimes they do, but are you prepared to face the consequences if they don't?

What happens if the 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 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.

Chances are that the social worker will not return. But if he or she does, be prepared and know your rights.