

PARENT'S GUIDE TO DEALING WITH CPS

Disclaimer:

(This is for informational purposes only and not to be considered legal advice-Always take these matters seriously AND CONSULT A COMPETENT FAMILY ATTORNEY FAMILIAR WITH CPS You may consider getting one on retainer prior to any need for them or ASAP if encountering a situation involving the threat of CPS involvement)

KNOW YOUR RIGHTS....

RIGHT TO REMAIN SILENT

YOU ARE NOT LEGALLY OBLIGATED TO COMMUNICATE, RESPOND, EXPLAIN OR TALK TO CPS FOR ANY REASON.

It is **ALWAYS** easier to **keep your children** AWAY from the CHAINS of CPS than it is to get out of their GRIPS once they inch their way into your lives. THEREFORE, DO NOT GIVE THEM ANYTHING TO WORK WITH. *Many innocent parents willingly comply, believing they will be vindicated, only to find themselves trampled on and intruded upon. Some innocent families are EVEN separated on very little evidence or hearsay.*

ALSO

Be sure your children know that they have the right to say, *"I don't want to be interviewed without my parents, an attorney and a tape recorder present."*

Helpful Video:

- Mistake Dealing with CPS knocking <https://youtu.be/i8YC-dKw4Bc>

RIGHT TO AN ATTORNEY

IMPORTANT- Don't speak to CPS. Get an attorney familiar with CPS and have all communications made through them.

ANYTHING YOU SAY, CAN AND WILL BE TWISTED AND USED AGAINST YOU. They do not follow regular court procedures and are not based on "innocent until proven guilty" notions. They operate on hearsay and *potentially* harmful accusations.

It is not the time to prove anything. It is their job to try to find backing to their case.

Don't agree to/or sign anything without an attorney present. Do NOT ENTER into **CONTRACT** with them.

RIGHT TO PRIVACY

Note: For CPS this isn't ONLY about the initial report. Allegations only give them an invitation to seek more evidence on you and to BUILD A CASE AGAINST YOU. I think many people find themselves thinking it is simply about the one incident that initiated the contact. They are looking for ANY sign that they can use.

This could include CPS attempting to gather info:

- In your home
- At your child's school
- Friends, neighbors, relatives (DO NOT GIVE ANY INFO)
- Medical Records

If your child is still with you, protect them and offer no assistance to those attempting to intrude upon your family.

DO NOT ASSIST THEM, IT IS NOT YOUR JOB TO PROVE ANYTHING.

Other Options

GIVE THEM [NOTICE OF THEIR VIOLATION OF YOUR RIGHTS.](#)

Ongoing Harassment

If they show up after being asked not to return without a warrant or continue contacting you after you have nicely asked them to contact your attorney, they are in violation and you MAY consider a restraining order, tort claim and harassment suit.

DOCUMENTING-CONTACT LOG

Keep Legal Records

"IF" you are being called, your child interviewed, or other contact is being made through an attorney or directly.

1-Keep a spiral-bound notebook on hand and use it to document every contact with child protective services or child protective services appointed "service providers". Don't back down on this! Prepare in advance, and stand firm against CPS agents!

2-Write a letter of facts

After each contact, write a letter to your social worker or party involved via certified mail(some recommend having such a letter **notarized**) detailing what occurred, (IF CONTACT IS HAPPENING - request that the social worker confirm or deny the facts as you understand them within ten days of receipt of your letter.) WHO, WHAT, WHEN WHERE WHY HOW DATE TIME ETC.

If no letter disputing the facts is received, then your statement of facts will be automatically confirmed. This form of documentation can later be used as evidence in your favor in juvenile family court.

- include, the incident, witnesses or neighbors, calls, voicemails, notes on doors
- Don't submit any of this to anyone if there isn't a case or if you are not in contact with them. But detailing everything from the beginning with dates, times, people, incidents will be helpful if needed.

Dedicate ONE notebook to this and ONE pen. Its authenticity is not likely to be questioned but if it is this will be the easiest way for an expert to verify it. Keeping the same pen and notebook.

Make a medical records request and gather ALL medical records of the child from birth if possible.

Document anything else regarding the case and the care of your children.

Contact your local and state representatives and inform them of your situation and that you feel that you are being harassed on unfounded accusations and that you fear for your children's well being.

HOW TO HANDLE CPS

RECORD. RECORD. RECORD. Download a call recorder app to your phone. Even pretending to record (if your phone is dead, will keep them on their toes).

PHONE CALL

CPS CALLS YOU: LEAVES A MESSAGE

- Contact your attorney immediately and take notes of every interaction and go from there.
- See examples and contact people who have dealt with this before.

CPS CALLS YOU: YOU ANSWER AND ARE TAKEN BY SURPRISE

- Thank them for calling, and ask a few questions. DO NOT ANSWER ANY OF THEIR QUESTIONS OR AGREE TO ANYTHING!
- *" I appreciate your concern for my children and I would really like to speak with you when I am in a position to speak confidentially with you and after I speak with my attorney.*
- *Can I get your full name, title, number and what exactly this is pertaining to? What was the date and time of the initial report?*
- *Which child was involved? Was this an eyewitness report?*
- *What exact concerns do you have in this matter? What information will you be looking for?*
- *Thank you for answering my questions. I will probably not be able to get ahold of my attorney until tomorrow afternoon and you are welcome to call me back towards the end of the day.*
- *Thank you for your time"*

DO NOT SAY ANYTHING ELSE. IF YOU CAN'T RECALL ALL THIS SIMPLY SAY. "I AM SORRY YOU CAUGHT ME AT A BAD TIME, YOU ARE WELCOME TO CONTACT ME AFTER I CAN SPEAK WITH MY ATTORNEY"

DO NOT tell them you will call them. It is their job to CALL you.

If they don't call you - the better for you. If you promise to call and don't then they might make note that you didn't do what you said.

Note: write down every detail you can and start gathering needed documentation to support your position.

CONTACT AN ATTORNEY FAMILIAR WITH CPS - Ask them to contact cps and demand all further contact be with attorney present. Do not permit children to speak to CPS without their own attorney present and a tape recording. Ask that the attorney make a written statement of everything asked with answers. Be sure the social worker reads, dates and signs it as accurate.

AT HOME

SCENARIO 1- CPS SHOWS UP ALONE

CPS CANNOT JUST ENTER YOUR HOME OR TAKE YOUR KIDS.

CPS does NOT have the "Right" (Authority) to go into your house without a warrant and that **law enforcement** has to declare "imminent danger" for kids to be removed without a warrant.

- KNOW YOUR RIGHTS..<https://healthfreedomidaho.org/cps-knock>
- DON'T ANSWER THE DOOR...
- DON'T BE AVAILABLE TO THEM...
- **IF YOU ANSWER**... MAKE IT BRIEF... **RECORD EVERYTHING**...

Say politely.

"My kids are Safe and Cared for, please contact my attorney if you have anything else you need, now excuse me, I must get back to my kids."

SCENARIO 2- CPS SHOWS UP WITH POLICE (SAME AS IF THEY SHOW ALONE) BUT ADDING

- "IF" YOU ARE GOING TO TALK, ONLY TALK WITH POLICE: **RECORD.. RECORD.. RECORD..**
- **IMPORTANT: Ask POLICE this YES or NO question.**

Ask politely:

*"Now you don't REALLY think my child is in **imminent danger**, do you?"*

Typical Police Response:

"no, we just want to make sure everything is alright."

Say politely:

*"Well thank you for your concern, I wish to retain my PRIVACY, please come back with a warrant." **CLOSE THE DOOR.***

IMPORTANT

*****THIS QUESTION RULES OUT IMMINENT DANGER*****

- **"imminent danger" is a specific legal term that they need to declare in order to take your children without a warrant.**

THERE MUST BE 1 of 2 REASONS IN ORDER TO ENTER YOUR HOME

- Imminent Danger: Law Enforcement may declare if they believe there is immediate threat to life or harm if they don't act immediately.
- A REAL warrant.

REAL vs FAKE WARRANTS

Real Warrants **MUST**

- Be presented to you to inspect
- Include specific details of what they are looking for. Places, items etc.
- Be signed in ink by a judge
- Be date stamped AND filed in the court (call the court clerk to verify if needed)
- Have the RAISED State of (Idaho) SEAL.

AT SCHOOL/DAYCARE OR CHURCH... Mandatory Reporters

SUBMIT A PARENT AUTHORITY/CHILD RIGHTS STATEMENT anytime your child is in the care of someone else. (Linked below)

STATEMENTS SHOULD INCLUDE THE FOLLOWING....

- Invoke your GOD GIVEN PARENTAL RIGHTS
- Revoke delegation of rights.
- Right to have an attorney present.
- Right to be aware of the attempt

You may want to submit a letter to your kids schools IMMEDIATELY, stating that you revoke your parental delegation and do not consent to your children speaking to anyone, including government officials, or agency representatives without their parent or attorney present and tape recorded..

<https://legislature.idaho.gov/statutesrules/idstat/Title16/T16CH16/SECT16-1617/>

- **PARENT AUTHORITY/CHILD RIGHTS STATEMENT SAMPLE. THIS INCLUDES MANY AREAS. EDIT ACCORDINGLY**

INSTRUCTIONS::

1. Save a copy of Letter
2. Edit document
3. Print 4-5 copies
4. Notarize and deliver while recording to school officials (check your state recording consent laws) Principal, school nurse, counselor, etc.

AT HOSPITAL

PREVENTION (UPON ADMISSION)

Consider making a Written Consent to Treat ADDENDUM NOTICE OF PARENTAL AUTHORITY AND CHILD RIGHTS statement asking for a hospital notary to sign.

"I DO NOT AUTHORIZE MY CHILD TO BE SEEN OR TO SPEAK TO ANYONE WITHOUT PARENTS OR MY ATTORNEY PRESENT...I INVOKE MY RIGHT TO FULL INFORMED CONSENT, TO ASK QUESTIONS AND IF NEEDED SEEK A SECOND OPINION IN ALL CARE DECISIONS FOR ME AND MY CHILD."

ASK QUESTIONS

- **Record** all interactions with medical staff (check state privacy recording laws) Idaho is a one party consent state meaning that in most public spaces, recordings are permitted without the consent of ALL PARTIES.
- Ask the physician what are the medical concerns with child patient.
- Ask if these concerns can be monitored at home or followed up with your family Dr.
- Ask about the risks and adverse reactions and risks of all tests, procedures and medications.
- Ask if there are alternative treatments, tests or possible false positives.
- Follow up with your Dr and record the follow up apt while asking these same questions.

You may consider presenting a copy of this to your current medical team upon admission

- **Minor Patient Declaration**

LEAVING AMA (To leave or Not to Leave) A THREAT HAS BEEN MADE

If there is a threat made to contact CPS,

- **RECORD EVERYTHING FROM HERE FORWARD IF YOU HAVE NOT ALREADY**
- Contact an attorney immediately
- **Determine if is safe for patient to leave,** THIS GIVE YOU HOMECOURT ADVANTAGE
 - Determine if the Dr has concerns by asking the questions above
 - Call your family Dr
 - to assess the risks
 - set an appointment
 - Ask for clearance to discharge and state your plan to follow up with outpatient care

- Sign the (AMA) Against Medical Advice form
 - Clearly state that based on the information or lack of information and answers, you do not concur the benefits of the tests, treatment or care plan outweigh the risk and you wish to follow up with your physician
 - **get out of there as soon as possible.**
 - Follow the instructions **HOW TO HANDLE CPS**

SAMPLE CASE FROM 2019

EVERY CASE IS DIFFERENT

EVENT: Mom and friend: wrapped a child in shrinkwrap to a chair as a means for safe restraint.

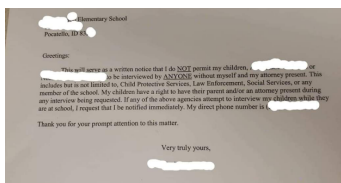
REPORTED: School or someone reported them for wrapping child in shrinkwrap and spanking with a wooden spoon:

INTERVIEWED: Worker interviewed child at school on the 11th of the month.

CPS CONTACT: Mom agreed to a home visit,

MOM SOUGHT HELP FROM ADVOCATES

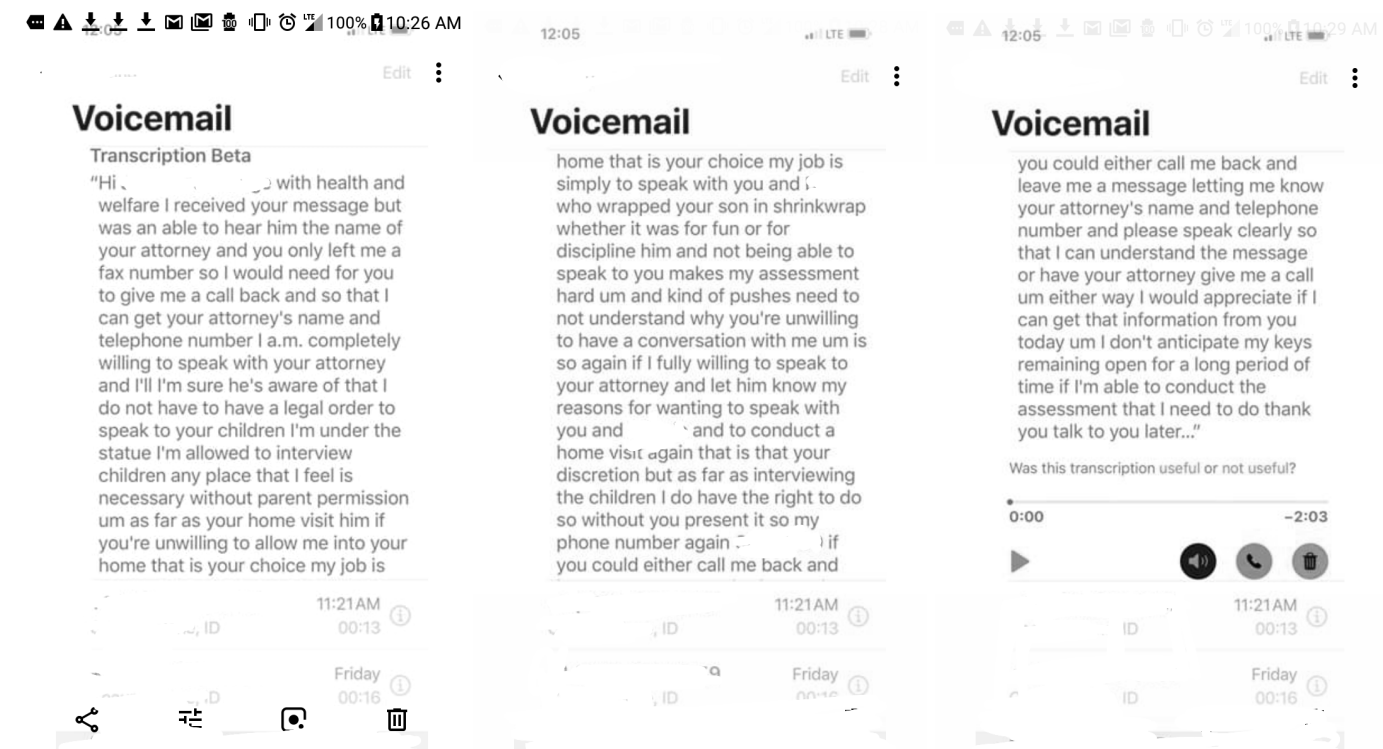
MOM REVOKED PARENTAL DELEGATION FROM SCHOOL: Mom gave a simplified version of the [SAMPLE LETTER](#) to her children's school.



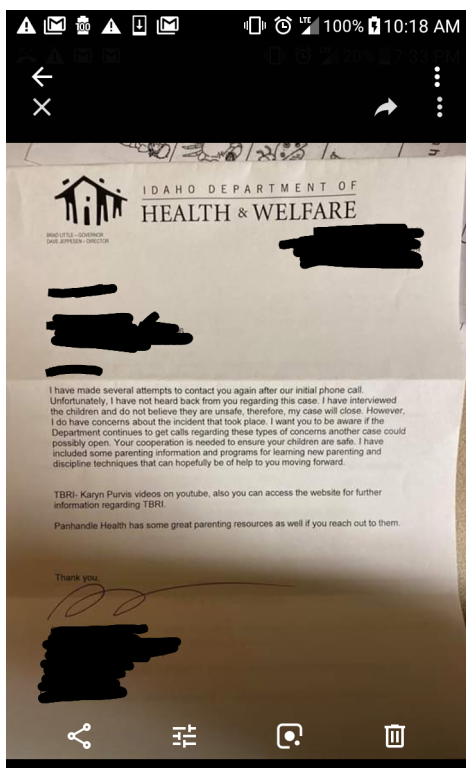
MOM DID NOT FOLLOW THROUGH: Mom then changed her mind and no showed to the home visit.

MOM CALLED CPS: Mom made a voicemail to the worker stating that all communications would need to go through the attorney.

CPS CALLED MOM: Worker left voicemail on the 28th (see transcribed voicemail below)



MOM RECEIVED LETTER: Case closed by 30th of the same month.



MOM RECEIVED LETTER:

ADDITIONAL RESOURCES

Helpful Videos:

Miste Dealing with CPS knocking

<https://youtu.be/i8YC-dKw4Bc>

Helpful Sites:

Legal help and resources

<https://pacificjustice.org/resources/for-parents/12-steps-to-protect-your-children-from-child-protective-services/>

CPS Idaho

<https://facebook.com/IdahoCPS/?tsid=0.8804381350915305&source=result>

<https://cpsdefense.com/ten-things-you-must-do-if-cps-knocks-at-your-door/>

<https://healthfreedomidaho.com/protecting-your-parental-rights-when-cps-investigates/>

PRINT AND PLACE INFO ON YOUR DOOR:

<https://healthfreedomidaho.com/cps-knocks/>

HAVE YOUR OR YOUR CHILD'S RIGHTS BEEN VIOLATED?

File a Complaint.

https://docs.google.com/document/d/1g_XdDtxqrlee9VIGLQxz10dLp26x7As0o8NJHhkxjeU/edit?usp=drivesdk&oid=109853203992508943379

Have a case already? (In Idaho)

Contact the CPS Legislative Oversight Committee

alee@senate.idaho.gov, msouza@senate.idaho.gov, kanthon@senate.idaho.gov,
cbucknerwebb@senate.idaho.gov, mmoyle@house.idaho.gov, jmonks@house.idaho.gov,
Bgoesling@house.idaho.gov, mwintrow@house.idaho.gov

Share your story with the legislators of the Health and Welfare committees and ask them to have the Citizens Review Panel review all aspects of your case and report back to them.

HOMESCHOOL RESOURCES

<https://heritagedefense.org/>

<https://homeschoolidaho.org/idaho-homeschool-law/health-and-welfare-guidelines/>

HSLDA <https://hslida.org/join>

They fight for homeschool rights, if you join, you can have legal counsel in CPS cases relating to education. They list homeschool laws and other information relating to homeschool on their site.

Their information is helpful, but to join, you need to be an independent homeschooler, if you have your kids enrolled in a program like Tech Trep, your kids are in public school, therefore not homeschool. If only some of your kids are in these programs and some are independent homeschoolers, they may qualify.

They no longer require a statement of faith to join.

CURRENT CASE (Child in Custody)

COMMUNICATE: FIND OUT WHAT EXACTLY IS EXPECTED OF YOU

VISITS: ASK YOUR SOCIAL WORKER FOR AS MANY VISITS AS POSSIBLE. FOSTER PARENTS CAN SUPERVISE, WHATEVER YOU HAVE TO DO TO GET THE VISITS AND MAINTAIN CONNECTION WITH YOUR CHILD(REN)

CHILDS CARE AND TREATMENTS: MAINTAIN YOUR PARENTAL OVERSIGHT AND INSIST ON YOUR AUTHORITY FOR THE FINAL DECISION.