

THINGS PARENTS SHOULD KNOW ABOUT CPS

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First off, let me say that CPS (Child Protective Services) is a necessary evil in our society. Our children are our future and they should be kept safe. Because of that, CPS has an important job to do, but like any governmental agency created to address a social issue, they tend to become overly invasive and oppressive.

Their employees are underpaid, and as a natural consequence of that, usually under-qualified.

In any CPS action, there is supposed to be judicial oversight, but the reality is that CPS court is little more than a formality and CPS judges “rubber-stamp” whatever CPS workers want to make a parent do.

With that as a basic background, there are a few things about CPS that parents should know.

1. If CPS gets a report, even just a phone call, that someone is abusing or neglecting their child or children, they are required to investigate. The reporting person will remain anonymous. (In criminal matters, a person has a constitutional right to face his accusers. Not so in CPS cases. Anyone with a grudge against you can trigger a CPS investigation into your parental abilities and family situation, and you aren't even allowed to know who it was.)
2. A CPS investigator can visit and question children at school without any notice to the parents. Parents cannot obstruct a CPS investigation, but they can refuse to talk to the investigator. They cannot refuse CPS access to the children.
3. CPS will tell people that if they do not cooperate and do anything CPS asks them to do, that CPS will take their children away from them. That is an empty threat. The truth is that CPS can only take children without a court hearing, when there is a clear and immediate danger to the children.
4. If CPS seeks a court order to remove someone's children from them, the parents are entitled to attorneys to represent them. Because the parent-child relationship is a constitutional right, if they cannot afford an attorney, the court must appoint them one.
5. CPS will ask parents to sign a Family Safety Plan, “to avoid going to court,” and to “avoid having your children taken from you.” NEVER sign anything with CPS without first consulting an attorney. Once you sign that family plan, failure to comply with CPS instructions is sufficient basis for the court to remove your children, regardless of the accuracy of the initial report.
6. The CPS judge that I refer to as a “rubber-stamp” judge, does not have the final say. After the initial hearing, if the CPS judge makes a ruling in favor of CPS (as always), the parents are entitled to a new hearing before the elected district judge, IF NOTICE OF APPEAL is given within 3 days.

CPS is a very difficult agency to deal with, even if you have an attorney. It should never be given the power that it has, and as with any governmental agency should be treated with great distrust. “We are from the government and we are here to help.” Yeah, right.