



Child Protection Services Pro Se Help Kit

Video Series

#2 – Know Your Rights

Family Preservation Foundation, Inc.

- Hello, I'm Dwight Mitchell the founder of Family Preservation Foundation. Welcome to our Child Protection Services Pro Se Help Kit video series.
- I hope you enjoy the content and it allows you to better understand your rights and options while involved with CPS.

- After a 22-month battle, I successfully defeated Dakota County Social Services in Minnesota State court and had my children returned. Although filled with anguish, it was an education to say the least, and I will be passing on the benefit of my knowledge, and “Lessons Learned”, while cross referencing Minnesota State Statutes, and case law which is readily available on Google Scholar.

- I would like to advise you that I am not an attorney, licensed to practice law, nor am I providing legal services. I recommend you obtain your own attorney if possible and review my video in this series titled “Working with your Attorney”. This is a very important unit in our series, and will assist you in not being misguide like I was, by my attorney’s legal strategy, incompetence and/or greed.

- This video series is for education purposes only. I will go over the beginning, middle and the end of the CPS process and what you can do in your defense and fight against CPS! This will be hard work for you, and a lot of reading, but nothing worthwhile in life is free. The Minnesota templates I provide are examples only and must not be used as is.

- You must create your own court filings while acting in a Pro Se capacity. I do not have examples of everything, but ask other group members, because they may be able to help you. **BUT REMEMBER**, you are not allowed to stand in court and say that someone helped you, or told you to do it a certain way. You are doing this for yourself. You must read, review and submit court filings for yourself.

Know Your Rights And What To Say If CPS Comes to Your Door

- You have the same rights that you would have if you were being interrogated by a police officer investigating a crime no matter what the CPS worker says.
- Even though the dependency process is civil in nature, the same fundamental rights are at stake.
- You may essentially lose your family. That's a liberty interest that is protected.
- All of the liberty requirements come into place. The warrant requirement, the 14th amendment due process requirement, all of these come into play with CPS.

ASK WHAT THE CHARGES ARE



- Always be polite, Ask for I.D. and “what are the exact charges?” Hostility is considered evidence of guilt.
- Take the allegations seriously. I don’t care how absurd or unbelievable the caseworker sounds. SHE is serious, that is why she is at your door, and she KNOWS you are guilty.
- Anything you say can and will be used against you in a court of law and the details will be twisted against you.
- If the case worker starts accusing you directly, politely say you must speak with your attorney before answering any questions. Make an appointment to speak at another time.

YOU HAVE THE RIGHT TO REMAIN SILENT



- In other words SHUT UP, SHUT UP NOW. This is most parents **single biggest mistake**. **NO** is a full sentence!
- It is important that you not submit to a CPS interrogation before talking to your attorney. It is natural that innocent parents who have nothing to hide want to explain everything so that a reasonable person can see that there's no problem.
- To CPS, the accusation IS the evidence against you. CPS screen all calls, and only investigates what they feel is true.
- That caseworker is there to find evidence to support what she already believes to be true – that you abused your child.

YOU HAVE THE RIGHT TO REMAIN SILENT #2



- Do not assume they have a court order, or even enough evidence to get one. They cannot come in your home without a court order unless they witness an emergency taking place.
- Child Protective Services cannot simply take your children away from your home. Except in exigent circumstances, a court order is required before CPS can legally remove a child from your home without your consent.
- Exigent means that an emergency is actively taking place and action must be taken immediately.
- The same applies to schools and hospitals.

- Find an attorney who has experience **FIGHTING** cps. Please note that I said experience in **FIGHTING** CPS.
- When? As soon as you realize your family is being investigated.
- The sooner an experienced attorney enters the picture, the sooner they can put a stop to abusive CPS tactics.
- Public Defenders and some attorney's believe their role is to find out what CPS wants and make sure their clients do it. This way often leads to disaster and child loss.

NEVER LET THEM IN YOUR HOME.



- Under no circumstances should you let any government agent in your home unless he or she has a court order.
- Ask to see the warrant or order. Make sure it's signed by a Judge and keep it because the CPS worker may lie.
- Don't believe claims of "it's an emergency." If it were a true emergency, they would not be asking, there would be a police officer forcing their way into your home.
- There are no exceptions. No warrant, no entry. If you invite a caseworker or police officer into your home, you have waived your 4th amendment protection.

CAN THEY TALK TO MY CHILDREN



- In Minnesota CPS has the right to speak with your children without you being present even if you do not provide your consent. They will generally just go to the child's school when the parent is not around.
- If the report comes from a teacher, CPS can interview your child at school without getting your permission also.
- All parents should talk to their children about CPS and give them 3" x 5" index cards that say if you want to ask me any questions whatsoever, my parents must be present. Put your contact information on the card.

RECORD EVERYTHING



- Video record everything is possible, especially the first time they come to your home or the child removal.
- Tape record all conversations with CPS. They hate being recorded, but it's perfectly legal to secretly record any conversation that you are a part of.
- Get a tape recording App for your Smart Phone also so that you can record all phone calls with CPS.
- Get everything relating to CPS in writing. Do nothing with CPS based upon verbal discussions.

HAVE A DOCTOR EXAMINE YOUR CHILD



- If the allegation is one of physical abuse, have your doctor give your child a thorough physical exam. Ask him to write a letter stating that no bruises, marks, or health concerns were found on the child that would create suspicion of child abuse or neglect. Go to a doctor you trust.
- **NEVER** go to a doctor recommended by CPS. All doctors recommended by CPS are paid for by the county government. They will write and say anything that CPS tells them to.

- If the allegation is one of drug addiction against you, do NOT take a drug test. CPS must prove you take drugs. They cannot do this without a drug test. CPS cannot make you take a drug test, nor can a police officer or Judge. No matter what they say.
- If you consent to take a test, go to the local hospital lab.
- **NEVER** go to a lab recommended by CPS. All labs recommended by CPS are paid for by the county government. They will write and say anything that CPS tells them to.

NEVER ADMIT GUILT



- Never, ever admit to anything. Even if CPS has taken your children and offers to give them back if you if you admit to the allegations (they won't). Especially if you done nothing wrong. Even if you did make a momentary mistake, admitting to it may be a quick way to jail and to lose your kids forever. Make CPS prove every allegation!
- CPS agents are not above lying to you to prove you guilty of something, so don't trust what they say. They won't understand. They won't give you a break. They will use anything you say against you, and even make stuff up.

NO MANDATORY SERVICES REQUIREMENT



- **NEVER** agree, or cooperate regarding any CPS services or Case Plan **WHATSOEVER** during the investigation phase, no matter what the social worker says. You will not get your children back any faster! In fact, it does just the opposite in Minnesota and shuts off the requirement for the 60-day mandatory evidentiary trial were CPS must prove all allegations against the parent.
- Nothing is mandated unless you go to 60-day evidentiary trial, you are found guilty of child abuse and the judge orders CPS services / Case Plan for you and your family.

GET FPF / FAMILY / FRIENDS INVOLVED



- Family Preservation Foundation is here to help answer questions whenever possible.
- Speak with other FPF parents who have dealt with CPS.
- View the FPF education materials.
- Give CPS names of family members if the children must be removed from the family home.
- Get reference letters from doctor's, pastors and friends stating you are a good parent.
- It's harder for CPS to illegally take your child when a crowd of people are watching.

- In closing I would like to leave you with one piece of MAJOR advise. Do not believe anything anyone tells you unless you have read the Minnesota State Statue and Caselaw yourself. Especially anything told to you by State and County officials, this includes Judges. Make them show you the relevant Statues that they are referring to, just as I will throughout this entire series.