



Written by [Joe Wolverton, II, J.D.](#) on October 23, 2017

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Help! Government Kidnapped My Child!

From the print edition of The New American

According to statistical data published by the federal Department of Health and Human Services in 2012, Child Protective Services (CPS) checked up on 3.2 million children, though only 686,000 were reported as abused or neglected — meaning that 2.5 million children have been declared non-victims. Since the early years of its creation, the scope of CPS' powers has grown, and it has usurped an immense amount of the natural and God-given right of parents to rear their children.



As an *Atlantic* article examining the findings of the study cited above reported, there is a perception — at least, there *was* a perception in decades past — that “CPS most frequently intervenes in the lives of families to stop people who beat or sexually abuse children in their care, or to prevent other horrific abuses.”

Today, however, stories are common of parents routinely prosecuted and persecuted by CPS for having committed such “abuses” as choosing to homeschool their children rather than send them to federally controlled public schools, for resisting the forced vaccination of their school-age children, or for simply not being people “fit” to raise children. Fitness, of course, being defined by the bureaucrats as suits their own ends, not the purported purpose of the agency, that is, the best interest of the child.

This last expression of the excesses of CPS is at once irresponsible and ironic given that often children are removed from homes of functioning middle-class families, whereas millions of children suffering with the genuine deprivation that is concomitant with the inner city are left to fend for themselves, and in many cases, raise themselves.

As horror stories are passed around among millions of subscribers to social media, the picture of an abuse of authority on the part of CPS reveals not a noble effort to protect the lives of innocent children, but a nefarious agenda of fracturing families for the collection of federal funds.

Certainly, in some CPS offices, there are precautions in place designed to prevent the domestic despotism that has become the accepted image of the agency. It is equally true that there are parents who actually abuse children and avoid any legal accountability for their actions.

None of this, however, ameliorates the effects of CPS's actions on the American family — particularly American children. CPS, an agency established with the narrowly tailored mandate to protect children from abuse, has accumulated a shocking amount of unchallenged and unchecked power over America's families. Indeed, the breakneck speed of CPS's growth makes one wonder how long it will be until parents are permitted only as much authority over their children as the government will *graciously* grant them. And perhaps more pertinent and permanent is exactly how much the garnering of that permission will cost the men and women of this country.



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Since the enactment in 1974 of the Child Abuse Prevention and Treatment Act (CAPTA), a federal program providing grants to states to assist them with the prevention, investigation, prosecution, and treatment of child abuse, the federal government has added five additional laws expanding the scope of the agency's assessment authority to include not just abuse, but neglect, as well. Updates to the act in 1988 greatly expanded the scope of CPS authority. Notably, neglect is a term not defined by the legislation or the legislators that passed the panoply of child-protection laws. Such legal vagaries would void something as simple as a city parking ordinance through lawsuits, but have persisted in federal family laws for nearly three decades.

While there may be uncertainty as to the legal definition of key terms related to legitimate authority of CPS, what is indisputable is that with the passage of each new statute, the goal of the program has moved away from identifying and prosecuting parents whose treatment of their children many would agree should merit some measure of official intervention, and toward the statutory establishment of a federally mandated agency with the funds and the force to impose its will on the homes of those families whose behavior does not conform to the predominant political or social standards.

Arguably, in 1997, the sovereignty of parents was dealt what some consider a deadly blow with the creation of the Adoption and Safe Families Act. In her book, *Past, Present, and Future Roles of Child Protective Services*, Patricia Schene sets out the new law's purpose. The law, she writes, "reauthorizes and increases funding for the Family Preservation and Support program, while changing its name to 'Promoting Safe and Stable Families.'" "This law also requires states to move children in foster care more rapidly into permanent homes, by terminating parental rights more quickly and by encouraging adoptions."

And thus the CPS we know today — the intrusive, invasive, generally unaccountable, and unchallengeable CPS — was born. The desire to protect children from abuse and neglect is, of course, not wrong. In fact, the well-being of those unable to care for themselves should be a concern for all moral people. Altruism and charity, however, have not been hallmarks of CPS or any other government agency upon whom has been bestowed great swaths of power over families. The published purpose of CPS reveals that the goal is not to protect children, but to interfere with family government as much and as often and to whatever degree they deem appropriate, without regard to the natural rights of parents to raise and train children according to their own best efforts and their own religious beliefs.

The CPS handbook defines the purported mission of this government agency:

The purpose of the Child Protective Services (CPS) Program is to protect children and to act in the children's best interest. Program objectives are to:

1. Prevent further harm to the child and to keep the child with his family when possible.

If this objective cannot be attained, DFPS considers removal of the child from the family and placement with substitute families or caretakers.

2. Provide permanence for a child in substitute care by resolving family dysfunction and returning the child to the family.

If this objective cannot be attained, DFPS recommends termination of the parent-child relationship and permanent placement of the child with another family or caretaker.

3. Provide permanence for a child who cannot return to the family by recommending termination of



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the parent-child relationship or other suitable legal authorization for permanent placement of the child with another family or caretaker.

CPS staff understand the need for preventive and supportive services that originate from community involvement in the protection of children. Staff are committed to the development of resources and agreements to help families before abuse and neglect occur. Staff work cooperatively with other department programs, other state and local agencies, the private child welfare sector, and the voluntary sector.

From that outline, one would assume that the purpose and objective of CPS is to help preserve the family. Were that true, then CPS would wield its impressive prerogatives to preserve the family unit, while simultaneously providing help to children who are abused or neglected. This treatment, ideally, would be holistic, involving parents and their children in programs planned to help end abuse and strengthen the bond between parent and child.

As it stands today, however, CPS not only violates the sanctity of the family and denies parents the due process of law before seizing children, but the agency acts aggressively against the children's wishes, as well. Consider the case of Isaiah Rider.

Concerned with her son's severe pain in his partially amputated leg, Isaiah Rider's mother, Michelle, took her then 16-year-old son from their home in Kansas City, Missouri, to a hospital in Chicago to consult with specialists whom she hoped could discover the cause of her son's suffering. Doctors diagnosed Isaiah with neurofibromatosis, a rare disorder that produces painful tumors on the nerves. The experts informed Michelle that surgery was her son's only hope of relief, and Isaiah underwent the recommended operation.

After the surgery failed to alleviate the boy's debilitating suffering, Michelle Rider did what most mothers in her lamentable situation would do — she questioned the doctors, and when her concerns were dismissed or ignored, she decided to take her son home. The officials at Lurie Children's Hospital in Chicago refused to release Isaiah, and Michelle, who worked for 16 years as a hospice nurse, was forced to fight for her son.

The battle began when on April 15, 2014 hospital officials reported to the Illinois Department of Children and Family Services (DCFS) that Michelle was preventing her child from receiving necessary medical care, and the agency ordered that Isaiah be involuntarily committed until the doctors decided he could go home!

Next, DCFS informed Michelle *in a phone call* that she was not allowed to visit her son and that when he was eventually released from the hospital he would be placed in foster care. On May 6, Isaiah was released from the hospital and placed in a foster home in the notoriously dangerous inner-city ghetto of Chicago. His mother was not notified and was not allowed to visit her son. She was being severely punished for deigning to question medical officialdom.

After six months living in that nightmare, which reportedly included being forcibly sodomized while in state custody, Isaiah was transferred from Chicago to a foster home in Missouri, his home state and the state where his mother resided. Illinois, however, retained legal custody over the boy and informed his mother that while Isaiah was in Missouri, she was not to have unapproved contact with her son. Should she fail to comply with these orders, officials of the Illinois Department of Children and Family Services warned Michelle that Isaiah would be immediately returned to Illinois.



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The fight to have her son freed from the foster system raged on for more than two years — 766 days, to be precise — and just two months before Isaiah turned 19, an Illinois family court judge ordered the case closed and Michelle Rider was reunited with her son.

What was CPS's goal in its handling of the Isaiah Rider situation? The same thing, says former Oregon prosecutor Robert Weidner, that motivates it to place 3.2 million children in the system, 2.5 million of whom are later classified as "non-victims": money.

He points out that the agency gets "\$85,000 from the federal government every time they take one of those little ones and put them up for adoption." "So everyone's feeding off of this federal money that is coming in, and all they're focused on is getting the money — they talk about keeping their numbers up," he adds.

Rather than seeking the well-being of the child, then, it appears that, like most every other agency of the federal and state governments, CPS secures its continued funding (and the paychecks of the thousands of workers employed by the agency) by incrementally increasing the sphere of its oversight into the lives of American families.

Imagine the destruction wrought to families, the abuse inflicted upon children by caretakers, and the irreparable harm done to the reputations of families all in the name of securing funding. Parents are relegated to a middle-management role in the care of children, subject to the dictates of government apparatchiks who, when the cash flow is threatened, will use even the slightest suspicion (or weak rationale) to demolish families so that the spigot of federal funding stays open. Often, these bureaucrats act not as the virtuous protector of the nation's children, but as the vicious (and avaricious) destroyer of the country's most fundamental unit.

Fighting Back

There are means, however, of proactively denying this deplorable dominion to CPS, an agency, as has been explained, possessed of police-like power over the welfare of American children and the stability and sanctity of American families. Listed here are a few tactics proven to prevent the anti-family government establishment from interfering in the life of your family:

1. Know Your Rights

CPS workers aren't required to inform parents of any right of appeal or any means of recourse, and so unless a parent has studied, a CPS agent could easily snatch a child without anyone batting an eye. Most likely, CPS will gain entrance to your house by threatening to place your child into the foster care system — a tactic so terrifying it would coerce a caring parent's capitulation — or question your motives for wanting to keep the agents out, but you should remain resolute. Most parents become intimidated by the brusque nature of the workers, and allow them inside their homes; and once they are inside the home, they will do their utmost to find some form of evidence against you. Don't forget that you still have your rights; you can decide whether or not you want them to enter your house. An ex-CPS worker mentioned this, saying:

I wish I could shout from the highest mountain to parents to vigilantly learn their rights!

If they knew what their legal rights were there would be significantly lower numbers of child removals. Social workers, unlike policemen making an arrest, are not required to inform the parents of their legal rights. All we had to do to remove a child was to show up at the home and tell



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the parents we came to remove the kids. Often times we would take a police officer with us (never telling the parents he was there for protection, not to enforce an order or warrant).

99% of the time we never had to get a warrant or court order to remove kids because the parents would be so intimidated by the officer that they would just hand their kids over and show up for court the next day. But if they had legally known their parental rights, they could simply have told me that I could not take the children unless I had a court order signed by the judge or had a warrant to remove the kids.... The majority of times parents were just intimidated and gave consent for the whole process to begin; completely unknowing of what rights they just waived.

By the use of intimidation tactics, a plethora of children have been snatched from their homes by CPS. That doesn't have to happen to you. If CPS tries to barge into your home, you can inform them of your rights, and even quote the Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

If informed, CPS is legally required to bring a warrant in order to search your house, and even then, only to a limited extent. Should they try to barge into your house anyway, you have every right to call the authorities, or even initiate a court hearing regarding their lack of adherence to the Constitution.

2. Keep in Touch

In a recent study of CPS reports, it has been found that many of the complaints originate from neighbors who think it's their duty to intervene in others' lives. Corey Chaney and April Rodgers learned this for themselves when they were reported to CPS not once, but six times — thanks to a next-door neighbor. According to reports, even the couple's lawyer, Barry Sullivan, was stiff-armed by state CPS officials when he questioned the source of the charges and the cause of the investigation, despite his years of experience in family law. "Officials told me they were just following policy and procedure by investigating each call," Sullivan added.

Rodgers said the couple pleaded with CPS workers to consider whether someone was making false calls. "We asked CPS, how many calls are you going to take before you realize this isn't true," Chaney said. "They said, 'Oh, we have to respond to every call.'"

While it would be much better to do away with the CPS hotline entirely, until that happens, it seems that staying in touch with neighbors, friends, and family would be a way to keep CPS out of the loop, providing each other with a way of handling any perceived problems at home.

3. Keep Data

If CPS still comes knocking at your door, make sure to keep data. One of the most useful methods is to purchase a recorder, and record all interactions with CPS. They may try to convince you otherwise; they may try to say that CPS will have all of the data necessary for the investigation, or they may even threaten you by saying that only someone who's guilty of abuse would be taking action against them. In other words, "We're from the government and we're here to help and you don't need to worry about a thing."

The modus operandi of CPS (in light of its mission statement and funding demands described above) is to consider parents guilty until proven innocent. Such a presumption could later prevent parents from



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collecting and presenting evidence of their innocence, evidence that would prove invaluable should the case proceed to court.

4. Get a Strong Attorney

The outcome of one's case is heavily swayed by the efficiency of one's lawyer. Thus, when looking for an attorney, it is imperative that one chooses an attorney with years of experience fighting CPS. Note the stress on the word "fighting." Why the need for such diligent searching for effective legal representation?

Often, CPS itself provides a list of family law attorneys to families being investigated by the agency, creating a conflict of interest that might escape notice by a family frightened by the traumatic turn of events that accompanies CPS intervention.

If a parent wishes to live a life free from the stress of CPS breathing down the family's necks every time they make a decision for their child, then they must hire an attorney who is unafraid of butting heads with CPS. Had the Maple family realized this sooner, perhaps they could've been reunited with their son much more quickly.

The Ohio family had been fighting the state for several weeks concerning the right to determine what is and is not in the best interest of their child, seven-year-old Camden Maple, when they discovered that their attorney had chosen to withhold information from the case, which could have ended the investigation much more quickly.

After an interview at the principal's office at Bowman Primary School in Lebanon, Ohio, the school staff demanded that Camden's parents seek professional mental health assistance to deal with their son's disability. Christian and Katie Maple then proceeded to have a long discussion with Camden about his behavior, believing that they had solved the matter on the family level.

The following morning, though, the school called the Maples, following up on the administration's suggestion that they take Camden to the hospital so that he could have his disorder properly diagnosed.

Mr. and Mrs. Maple, somewhat perplexed that the school would continue contacting them regarding the raising of their son, nevertheless explained that they had addressed the situation without the need of psychological or any other type of medical intervention.

The school in turn demanded to know the contents of the family's discussion regarding Camden's "condition." The Maples informed the school that it was a private matter, but that they ultimately decided it was unnecessary to have Camden psychologically evaluated.

"The school thinks he is ADHD; we as parents disagree," the Maples explained. "We believe that it stems mostly from boredom and not being challenged in the classroom. The school has tried on several occasions to get us to have him diagnosed, so that he can be medicated."

When their offer was rebuffed, the school decided to call CPS, accusing the Maples of "health neglect." On March 3, 2017, after several visits to the Maples' home, Camden was seized by CPS and taken from his parents and siblings, all because Christian and Katie Maple chose to challenge the authority of a school administrator and CPS.

Christian and Katie Maple are a typical health-conscious family. They take their kids in for regular doctor's appointments, and vaccinate their children on a regular basis. Their only flaw, as CPS would



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put it, is that they chose a medical choice for Camden contrary to what the school wanted.

"We as parents do not have the problems the school claims to have with him, at home. We know how to deal with a rambunctious 7 year old, but the school is content with making him believe that he is a bad child; we disagree," the Maples said.

Camden has been tested a full grade level above his current grade. When the class has assignments, he often finishes before the rest of the class, and spends the rest of the time drawing. When the teacher notices that Camden is drawing, Camden is punished for his creativity.

Katie and Christian had recommended different methods on how to deal with Camden, but the school chose to ignore the will of the parents and to turn the case over to CPS, intending to deprive the parents of their natural authority, believing that they just didn't know what was best for their child.

At one point, Camden was sent to the principal's office and was interrogated for his behavior. During the interview, Camden announced that "he felt that he was bad and wanted to erase himself from the earth." The counselor then proceeded to demand Camden describe how he would do this. It was from this interview that the school contacted the parents, and demanded that Camden receive medical attention. However, after the conversation they had with their son, the Maples deemed psychological treatment unwarranted, and wonder if the school is so focused on the incident because of the funding they'd receive for Camden being diagnosed as a special-needs child.

"Camden said that he did not want to hurt himself and just said that because he was upset and wanted to see what the counselor would say," the Maples report. "He has never said anything about harming himself prior to this incident or after.... If we really believed that he would have really hurt himself, then we would have taken him to be assessed. They've blown this way out of proportion."

When their decision was rejected, Bowman Primary School contacted CPS about the situation. Immediately, the state's social workers were sent to the Maples' home, demanding access to their home in order that they might ascertain the mental state of the children. To his credit, Christian refused to allow the agents into the house, citing the rights against such intrusions that are protected by the Fourth Amendment.

Undeterred, two weeks later, the Maples received a phone call that there was an "Emergency Shelter Care" hearing that day, and at that hearing, Camden's future would be decided by a family judge possessed of information provided by CPS and the school counselor.

The court heard the school counselor's diagnosis of a mental disorder — despite the fact that law clearly dictates that only a doctor can make such diagnoses.

At the hearing, a pattern of school-incited CPS persecution of the Maples was revealed. The school had contacted CPS on four other occasions within the past year regarding Camden.

"CPS never contacted us about these phone calls because they themselves admit that the calls were unsubstantiated," Mrs. Maple testified.

Regardless of the lack of reasonable cause, on March 3 the court ordered that Camden be seized by CPS and forcibly removed from his family. That afternoon, social workers and police officers arrived to take Camden into state custody.

The parents were then subjected to drug tests and psychological evaluations — all of which they passed.



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Katie even said that their psychological evaluator was “thoroughly confused” as to why they were there.

The Maples were a normal family with one unforgivable flaw: They dared defy the state and its irresistible, unquestionable, unconstitutional claim to control the lives of every American from cradle to grave. In this case, the Maples took on CPS and they must now pay for that transgression by being denied the right to raise their son.

The fight with CPS is already going to be arduous; it doesn't help to add to the burden if one's attorney, the one who is supposed to be helping the parents, is also aiding Child Protective Services. Mrs. Maple revealed to this author that the Maples fired their first attorney after they discovered he was acting against their interests and trying to negotiate a deal with CPS, a deal the Maples did not want. Make sure that your attorney is well-verified by other parents who were once in your shoes, as they would know whether or not that attorney will ensure the preservation of your family.

5. Keep Calm

It's understandable that having case workers outside your door would be stressful, but it is imperative to keep calm. Otherwise, CPS will use your stress or anger as the excuse they need to say that they feel the child is in danger, and get a warrant issued and start court hearings. Thus, as difficult as it may be, be sure to remain calm and polite when discussing a situation with CPS agents. The moment you lose your temper is the moment they have leverage over you.

Now, that doesn't mean that a parent shouldn't be firm. Be sure to ask the agents what exactly you have been accused of, and request to see a warrant. If they have neither an explanation nor a warrant, feel free to politely send them away, or request that they bring a warrant before trying to enter your house. Of course, the parents aren't the only ones that ought to remain calm. CPS will often find one way or another to corner your child and interrogate them, even if you have explicitly stated that you don't wish for CPS to interview your child alone. The reason Camden Maple was taken away from his family in the first place was because he was interviewed by a school counselor in close contact with CPS, who goaded the seven-year-old into saying that he wished he could “erase himself from the earth,” which then gave CPS all the evidence it needed to state that the parents were at fault for such behavior. That being the case, it's clear that parents need to teach their child beforehand what to do should a CPS agent ever attempt to interrogate them.

6. Keep a Schedule

It's typical for CPS to attempt to postpone court hearings, thereby stripping parents of their Fifth Amendment rights: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.”

Not only is the delay strategy incredibly cumbersome for the parent, but the longer the process draws out, the more likely that CPS will be able to keep your child. Gregory A. Hession, an attorney against CPS, mentioned, “It is not uncommon for the department to delay these challenges for a year or more. And the long delay is really detrimental to your case. This deprives you of receiving the legal protections provided by the state and federal constitutions and that you are innocent until you are proven guilty. DCFS gives you none of these things.... Parents do not have the right to due process. You



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can fight all you want at the pre-trial hearings, if you are lucky enough to secure them, but the judge will never let you present your side in full.”

That being the case, it’s important that once the warrant is issued, you as a parent make sure that the court date is initiated and followed through with a lawful adjudication of the matter by an impartial judge as soon as possible. Otherwise, it’s unlikely that you’ll have the privilege of ever seeing your child again.

7. Keep Vigilant

As mentioned above, the federal government pays state CPS agencies \$85,000 for every child placed in the foster care system by CPS, thus encouraging cash-strapped state governments to tailor laws favorable to CPS and to relax regulations that might keep their agency from getting a place at the federal trough.

Remembering that perverse pecuniary arrangement might motivate parents to stay on top of every communication between CPS and district attorneys, judges, and other magistrates appointed to oversee the legality of the proceedings. Any privations suffered by parents and their children — including the experience of the child while in foster care or CPS custody — must be shouted from the rooftops over and over again at every level and every step of the legal proceedings.

Part of this necessary awareness and accountability is to ensure that a family has its name — including the names of the children — expunged from CPS databases. Community.apna.org explains why: “Your name and case is entered into the CPA database registry when you are being investigated. However when you have been found innocent, your name must be removed from the database. This often does not happen, and so you need to keep in touch with the CPS and request them to remove your name from the database and send you a letter confirming the same.”

If your name remains in the CPS database, then caseworkers are able to monitor your family, and your “records” are sent to a number of individuals with whom your children might have contact — doctors, teachers, or therapists, for example — and they are all alerted that you are being “watched” by CPS, and are required to report anything they deem to be of concern. Thus, a little bit of vigilance can go a long way.

Often, decisions critical to the stability of families and the health and welfare of children are made by CPS caseworkers with mere months of experience, and they are trained to believe that their mission is so important it justifies violating constitutional restrictions on the power of the federal government.

Today, Child Protective Services agencies wield fearsome power. At the whim of this or that director or low-level bureaucrat, children and parents may be separated for days, weeks, months, and, occasionally, forever. It is not too late to force these family-busters back inside their cubicle farms.

Different Policies for Different States

The tips provided above are generalized; that is to say, in most circumstances, if the above methods are utilized, parents should be able to avoid losing their child — but one must also be aware that certain states will be more difficult than others. According to childwelfare.gov, “Federal laws and regulations provide overarching standards and guidelines for child protection, child welfare, and adoption; but each State has its own laws and regulations for child welfare matters.”

That being the case, those who live in states with stronger CPS policies, such as Massachusetts,



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Arizona, and Texas, ought to be more wary and more fierce should they have a run-in with CPS. If you are concerned with CPS overreach in your state, it would be wise to look up and familiarize yourself with the policies of your state's specific CPS organization. That way, if they break any of their own policies, you as a parent have leverage against them.

While these methods may be useful in warding off CPS, it still doesn't change the fact that parents shouldn't have to deal with such a blight at all. In order to be rid of these worries for good, Americans must recall that they are the government. There is no authority above that of the people, and their sovereignty is not justly subject to any state agency. As individuals are converted to this truth, it is then their obligation to educate their neighbors, enlisting the enlightened into the ranks of those men and women who will rise up and resist any and all attempts by any and all strata of government to destroy the foundation of all civil society — the family.

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