



PARENTAL RIGHTS: TOP 10 TIPS
HANDLING A SOCIAL WORKER “KNOCK ON YOUR DOOR”

All parents have the right to raise and educate their children as they deem best without governmental interference. Traditionally, American parents have a fundamental liberty right to raise and educate their children under both the First and Fourteenth Amendments to the U.S. Constitution.¹ A fundamental constitutional right is given the highest level of scrutiny and protection from the courts.

Many anonymous tips to Child Protective Services hotlines of alleged child abuse are false or greatly exaggerated. Government enforcement of false allegations tear apart families and may result in government authorities forcibly removing children from their parents' care. Understand that the social worker, school official or police officer at your door is not necessarily your enemy. If a complaint is filed they have an obligation under the law to investigate. Do not unnecessarily antagonize the investigator. Some investigators do have an agenda inconsistent with the best interests of your children.

One red flag is when an investigator at your door tells you that you have to allow him entry to your home because it is the “law.” This is blatantly false and evidences that the person at your door is either directly lying or is woefully ignorant of the law. When faced with an investigator improperly trying to enter your home, politely refuse entry and follow these tips.

1. DO NOT ALLOW ENTRANCE TO YOUR HOME.

An investigator can only enter your home if you consent (so do not consent), if he has a court order or search warrant, or if there is an emergency situation directly threatening the life or safety of your children.

2. GET IDENTIFICATION.

Ask for a business card, ask to see their ID or badge, or have them write down their name, address, email and telephone number for you.

3. DISCLOSURE OF ALL ALLEGATIONS.

A social worker is required by federal law to inform you of all the allegations against you.

4. GET ALL QUESTIONS IN WRITING.

Always request that the official put all questions in writing. It is best not to answer specific questions. You may not realize the legal importance of a particular answer. Moreover, the government may misrepresent your comments later in court. Ask if any formal complaint or petition has been filed in court, and request a copy before responding to any questions. Tell him you need to speak with your attorney first.

5. NO INTERROGATION OF CHILDREN.

Never let the investigator meet with your children alone. Make the official get a court order. If he claims that you have physically harmed your children, be prepared to bring them to the door so that the investigator can see no physical abuse occurred. Do not let the official question your children until you get legal advice.

6. HANDLING THREATS/INTIMIDATION.

If the official threatens to use force to enter your home, do not acquiesce. That will be construed by the courts as consent by you, even though it was under duress. If the officials force their way into your home, do not physically resist them, but continue to make it clear to them verbally that you are not consenting to their illegal and unconstitutional entry into your home. Record the encounter with your phone or other device. Be sure to inform the investigator that he or she is being recorded, unless you are in a state (like Michigan) that does not require such prior notice.

7. ALWAYS MAINTAIN A POLITE AND COURTEOUS DEMEANOR.

Proverbs 15:1. “A soft answer turns away wrath, but a harsh word stirs up anger.”

8. SEEK ASSISTANCE IMMEDIATELY.

If you detect any hint of a claim suggesting you physically harmed your children, call your pediatrician, and have the children seen immediately. Call your attorney right away.

9. SEEK COMMUNITY SUPPORT.

Immediately notify your family, friends, church, support groups, and others of what occurred.

10. AVOID COMPROMISING SITUATIONS.

Do not spank your children in public, unless absolutely necessary. Do not physically discipline anyone else's children. Use common sense to protect yourself and your family.

If you follow the above recommendations you can greatly increase your ability to protect your children. Do not be afraid to exercise your rights, and thereby protect your family.²

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¹ *Pierce v Society of Sisters*, 268 US 510, 45 SCt 571 (1925); *Meyer v Nebraska*, 262 US 390, 399 (1923); MCL 380.10.

² See *O'Donnell v Brown, et. al.*, 335 F.Supp.2d 787 (W.D. Mich. 2004).

