

How Child Protective Services Works

"Most of the time, I was taking their kids away for no good reason"

--A New York City CPS worker.[1]

All it takes to begin the potential destruction of a family is a call to one of the child protective "hotlines" in every state. The call can be made anonymously, making the hotlines potent tools for harassment. More often, however, false allegations are well-meaning mistakes made by people who have taken the advice of the child savers.

Though state laws generally encourage -- or require -- reports if you have "reasonable cause to suspect" maltreatment, child savers urge us to call in our slightest suspicions about almost any parental behavior. (And that sort of advice is not limited to adults. One group has published a comic book effectively telling children to turn in their parents to "other grown-up friends" if they get a spanking).[2] The hotlines then forward the calls to child protective services (CPS) agencies who send workers to investigate. These workers can go to a child's school or day care center and interrogate them without warning. Such an interrogation can undercut the bonds of trust essential for healthy parent-child relationships and traumatize children for whom the only harm is the harm of the investigation itself.

Workers can search homes and strip-search children without a warrant. Child savers insist such searches are rare. But in the course of defending against a lawsuit, the Illinois Department of Children and Family Services acknowledged how common they really are. In its legal papers, the department said that any effort to restrict strip-searching "would immediately bring the child abuse hotline investigations to a halt." [3] Such a statement can be true only if strip-searching is routine.

Then it is up to the worker to decide if the case will be "substantiated" and the accused will be listed in a state "central register" of suspected child abusers. Workers make these decisions on their own. There is no hearing beforehand, no way for the accused to defend themselves. (In some states, but not all, they can try to fight their way out of the register after the fact). No proof is required to "substantiate" a case. In most states, "substantiated" means only that there is "some credible evidence" of maltreatment, even if there is more evidence of innocence.

And what if parents object to all this? What if they want to defend their children against a strip-search, for example? Technically, in some circumstances, they can say no to a CPS worker (though the worker doesn't have to tell them this -- there is no equivalent of a "Miranda warning"). But if they do say no, the worker can wield the most feared power of all -- the power to remove a child from the home on the spot.

Workers have that power in 29 of America's 55 states and territories. In all but four of the rest, they need merely call the police to do it for them.[4] Parents then must go to court to try and get their children back. In most states, there is supposed to be a hearing in a matter of days, but often it takes far longer before that child's parents get their day in court.

And it is a very short day. Such hearings tend to be five-minute assembly line procedures with a CPS lawyer who does this for a living on one side, and a bewildered, impoverished parent who just met her lawyer five minutes before -- if she has a lawyer at all -- on the other. Children are almost never returned at these hearings. If the children are lucky, they may get to go home after the next hearing in 30 or 90 days. Or maybe they will never go home at all.

And who are the CPS workers who wield this enormous power? In most states, a bachelor's degree in anything and a quickie training course devoted largely to how to fill out forms are the only requirements for the job. Turnover is enormous and caseloads are crushing. And the worker will find little guidance in the law, which is so broad that almost anything can be deemed abuse or, especially, neglect (See [Family Preservation Issue Paper 6](#).) Given all that, it's easy to see why so many children are needlessly removed from their homes.

But that is not the only tragedy. Enormous caseloads dominated by false and trivial cases steal workers' time from children in real danger. That's the real reason children sometimes are left in unsafe homes. (See [Family Preservation Issue Paper 8](#).)

There is a CPS worker who allegedly told several parents "I have the power of God." Even more frightening than the thought of a worker saying such a thing is the fact that it's true. CPS workers do have the power of God. And rarely is the power of God accompanied by the wisdom of Solomon.

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1. Amy Pagnozzi, "HRA Insider: I Took Kids From Parents For No Good Reason," *New York Post*, February 4, 1991, p.7

2. Prevent Child Abuse America / Marvel Comics, *The Amazing Spider Man*, April, 1990, pp.5,6.

3. Defendants' Post-Hearing Memorandum, *E.Z. v. Coler*, No. 82 C 3976, United States District Court for the Northern District of Illinois, Eastern Division, April 17, 1984, p.23.

4. Lucy Alf Younas, *State Child Abuse and Neglect Laws: A Comparative Analysis, 1985* (Washington DC: National Center on Child Abuse and Neglect, 1987) Table 9.