Honorable GOV. NIKKI HALEY

I hope this will serve as just a sample of the problems and charges against Child Endangerment Services. Their power was increased I believe during the Bush years but I am afraid they have gotten carnivorous in their actions. They have resorted to destroying the very families they claim to help. As you can see I am not making this up. These charges are all BACKED UP LEGALLY WITH COURT CASES AFTER COURT CASES where they have run amuck. To make it worse these are just the ones I know of, and I do not even work with Child Endangerment Services not any courts not Law enforcement or anything. But I have found this out myself, what if someone in law enforcement or Family Protective Services were to really look (a lot better than I could).

The United States Court of Appeals for the Ninth Circuit said it best, "The government's interest in the welfare of children embraces not only protecting children from physical abuse, but also protecting children's interest in the privacy and dignity of their homes and in the lawfully exercised authority of their parents."

Calabretta v. Floyd, 189 F.3d 808 (9th Cir. 1999).

They say IT'S UNCONSTITUTIONAL FOR CPS TO CONDUCT AN INVESTIGATION AND INTERVIEW A CHILD ON PRIVATE PROPERTY WITHOUT EXIGENT CIRCUMSTANCES OR PROBABLE CAUSE.

The decision in the case of Doe et al, v. Heck et al (No. 01-3648, 2003 US App. Lexis 7144) will affect the manner in which law enforcement and child protective services investigations of alleged child abuse or neglect are conducted. The decision of the 7th Circuit Court of Appeals found that this practice, i.e. the "no prior consent" interview of a child, will ordinarily constitute a "clear violation" of the constitutional rights of parents under the 4th and 14th Amendments to the U.S. Constitution. According to the Court, the investigative interview of a child constitutes a "search and seizure" and, when conducted on private property without "consent, a warrant, probable cause, or exigent circumstances," such an interview is an unreasonable search and seizure in violation of the rights of the parent, child, and, possibly the owner of the private property.

The mere possibility of danger does not constitute an emergency or exigent circumstance that would justify a forced warrantless entry and a warrantless seizure of a

child. Hurlman v. Rice, (2nd Cir. 1991) A due-process violation occurs when a state-required breakup of a natural family is founded solely on a "best interests" analysis that is not supported by the requisite proof of parental unfitness. Quilloin v. Walcott, 434 U.S. 246, 255, (1978)

The fact of the matter is that over 80% of the calls that are called in to CPS are false and bogus.

Another myth is that CPS can conduct an investigation in your home without your consent and speak to your child without your consent. CPS employees will **lie to you and tell you they do not need your consent**. The fact of the matter is they absolutely need your consent to come in your home and speak with your children. **If there is no "exigent circumstances" (imminent danger) to your children with "probable cause" (credible witness) to support a warrant,** CPS anywhere in the United States cannot lawfully enter your home and speak with you and your children. In fact it is illegal and you can sue the social worker and the police who assist them and they both lose immunity from being sued.

CPS does not have a legal right to conduct an investigation of alleged child abuse or neglect in a private home without your consent. ***In fact removing a child from your home without your consent even for several hours is a "seizure" under federal law.***

Speaking to your children without your consent is also a "seizure" under the law. If CPS cannot support a warrant and show that the child is in immanent danger along with probable cause, CPS cannot enter your home and speak with your children.

Removing a child from a safe home is more harmful then most alleged allegation as stated by many judges.

Child Endangerment Services, created an 'emergency situation' that led Darnold and Brown reasonably to believe the Walsh children were in danger of imminent harm. (Thus is the old "emergency" excuse that has been used for years by social workers.)

"There can be no doubt that the state can and should protect the welfare of children who are at risk from acts of abuse and neglect. There **likewise can be no doubt that occasions arise calling for immediate response, even without prior judicial approval.** ***But those instances are the exception.*** Other wise child welfare workers would have a free pass into any home in which they have an anonymous report

or poor housekeeping, overcrowding, and insufficient medical care and, thus perception that children may be at some risk."

THE 9TH CIRCUIT COURT SAID, PARENTS HAVE THE CONSTITUTIONAL RIGHT

TO BE LEFT ALONE BY CPS AND THE POLICE.

The 9th Circuit Court of Appeals case, Calabretta v. Floyd, 9th Cir. (1999) "involves whether a social worker and a police officer were entitled to qualified immunity, for a coerced entry into a home to investigate suspected child abuse, interrogation of a child, and strip search of a child, conducted without a search warrant and without a special exigency."

The court did not agree that the social worker and the police officer had "qualified immunity" and said, "the facts in this case are noteworthy for the absence of emergency." No one was in distress. "The police officer was there to back up the social worker's insistence on entry against the mother's will, not because he perceived any imminent danger of harm." And he should have known better. Furthermore, "had the information been more alarming, had the social worker or police officer been alarmed, had there been reason to fear imminent harm to a child, this would be a different case, one to which we have no occasion to speak. A reasonable official would understand that they could not enter the home without consent or a search warrant."

And now the 9th Circuit Court of Appeals defines the law: "In our circuit, a reasonable official would have known that the law barred this entry. Any government official (CPS) can be held to know that their office does not give them unrestricted right to enter people's homes at will. We held in White v. Pierce county (797 F. 2d 812 (9th Cir. 1986), a child welfare investigation case, that 'it was settled constitutional law that, absent exigent circumstances, police could not enter a dwelling without a warrant even under statutory authority where probable cause existed.' The principle that government officials cannot coerce entry into people's houses without a search warrant or applicability of an established exception to the requirement of a search warrant is so well established that any reasonable officer would know it."

And there we have it: "Any government official can be held to know that their office does not give them an unrestricted right to enter peoples' homes at will. ... The fourth Amendment preserves the 'right of the people to be secure in their persons, houses ... 'without limiting that right to one kind of government official."

In other words, **the parents have the constitutional right to exercise their children's and their 4th and 5th Amendment protections** and should just say no to social workers especially when they attempt to coerce or threaten to call the police so they can conduct their investigation. **"A social worker is not entitled to sacrifice a family's privacy and dignity to her own personal views on how parents ought to discipline their children." (The Constitution and the Bill of Rights were written to protect the people from the government**, not to protect the government from the people. And within those documents, the people have the constitutional right to hold the government accountable when is does deny its citizens their rights under the law even if it is CPS, the police, or government agency, or local, state, or federal government.)

The Court's reasoning for this ruling was simple and straight forward: "The reasonable expectation of privacy of individuals in their homes includes the interests of both parents and children in not having government officials coerce entry in violation of the fourth Amendment and humiliate the parents in front of the children. An essential aspect of the privacy of the home is the parent's and the child's interest in the privacy of the relationship with each other."

PARROTING OF THE PHRASE "BEST INTEREST OF THE CHILD" WITHOUT SUPPORTING FACTS OR A LEGAL BASIS IS INSUFFICIENT TO SUPPORT A WARRANT OR COURT ORDER TO ENTER A HOME.

THE U.S COURT OF APPEALS FOR THE 7TH CIRCUIT RECENTLY

RULED THAT CHILD ABUSE INVESTIGATIONS HELD ON PRIVATE PROPERTY UNCONSTITUTIONAL.

The decision in the case of Doe et al, v. Heck et al (No. 01-3648, 2003 US App. Lexis 7144) will affect the manner in which law enforcement and child protective services investigations of alleged child abuse or neglect are conducted.

The decision of the **7th Circuit Court of Appeals found that this practice, i.e. the "no prior consent" interview of a child, will ordinarily constitute a "clear violation" of the constitutional rights of parents under the 4th and 14th Amendments to the U.S. Constitution. According to the Court, the investigative interview of a child constitutes a "search and seizure"** and, when conducted on private property without "consent, a warrant, probable cause, or exigent circumstances," **such an interview is an unreasonable search and seizure in violation of the rights of the parent, child**, and, possibly the owner of the private property.

CES is a "moving force" behind the on going violations of federal law and violations of the Constitution. **This idea of not complying to the 4th and 14th Amendment is so impregnated in their statutes, policies, practices and customs, it affects all and what they do and they take on the persona of the feeling of exaggerated power over parents and that they are totally immune and can do basically do anything they want including engaging in deception, misrepresentation of the facts and lying to the judge. This happens thousands of times every day in the United States** where the end justifies the mean even if it is unlawful, illegal and unconstitutional. This is our tax dollars hard at work.

I can tell you stories for hours where CES employees committed criminal acts and were prosecuted and went to jail and/or was sued for civil rights violations. CES workers have lied in reports, court documents, asked others to lie, kidnapped children without court order, crossed state lines impersonating police and then kidnapping children and were prosecuted for that and including a number of cases were the case worker killed the child. This is our tax dollars hard at work.

It is sickening on how many children are subject to abuse, neglect and even killed at the hands of Child Endangerment Services.

Perpetrators of Maltreatment

Perpetrators of Maltreatment

While In Custody of:	Physical Abuse	Sexual Abuse	Neglect	Medical Neglect	Fatalities
CPS	160	112	410	14	6.4
Parents	59	13	241	12	1.5

These numbers come from The National Center on Child Abuse and Neglect (NCCAN) in Washington.

This is our tax dollars hard at work.

Number of Cases per 100,000 children in the United States. These numbers come from The National Center on Child Abuse and Neglect (NCCAN) in Washington.

Imagine that, 6.4 children die at the hands of the agencies that are supposed to protect, and only 1.5 at the hands of parents per 100,000 children. CES perpetrates more abuse, neglect, and sexual abuse and kills more children then parents in the United States.

If the citizens of this country hold CES to the same standards that they hold parents to, no judge should ever put another child in the hands of ANY government agency because CES nationwide is guilty for more harm and death than any human being combined.

CES nation wide is guilty for more human rights violations and death of children then the homes they took them out of. When are the judges going to wake up to see that they are sending children to their death and a life of abuse when children are removed from safe homes at the mere opinion of a bunch of social workers. This is our tax dollars hard at work.

We the people of the United States are ruled by law, not by feelings. If the courts allow states and their agencies rule by feelings and not law, we become a nation without law that makes decisions based on subjectivity and objectivity. **CES has been allowed to bastardize and emasculate the Constitution and the rights of its citizens to be governed by the rule of men rather than the rule of law.** It is very dangerous when governmental officials are allowed to have unfettered access to citizens home. It is also very dangerous to allow CPS to violate the confrontation clause in the 6th Amendment were CPS hides, conceals and covers up the accuser/witness who make report. It allows those individuals to have a safe haven to file fraudulent reports and CPS aids and abets in this violation of fundamental right. **All citizens have the right to know their accuser/witness in order to preserve the sanctity of the rule of law and that the Constitution is the supreme law of the land.**

FAMILY RIGHTS (FAMILY ASSOCIATION)

The state may not interfere in child rearing decisions when a fit parent is available. Troxel v. Granville, 530 U.S. 57 (2000).

The forced separation of parent from child, even for a short time (in this case 18 hours); represent a serious infringement upon the rights of both. J.B. v. Washington County (10th Cir. 1997)

Absent extraordinary circumstances, a parent has a liberty interest in familial association and privacy that cannot be violated without adequate pre-deprivation procedures. Malik v. Arapahoe Cty. Dept. of Social Services (10 Cir. 1999)

Parent interest is of "the highest order," and the court recognizes "the vital importance of curbing overzealous suspicion and intervention on the part of Child

Endangerment so called professionals and government officials." Thomason v. Scan Volunteer Services, Inc. (8th Cir. 1996)

DUE PROCESS

Child's four-month separation from his parents could be challenged under substantive due process. Sham procedures don't constitute true procedural due process. Brokaw v. Mercer County (7th Cir 2000)

My daughter was been removed from me now for six months and is clearly a violation of my due process.

When the State places a child in a foster home it has an obligation to provide adequate medical care, protection, and supervision. Norfleet v. Arkansas Dept. of Human Services, (8th Cir. 1993)

Children may not be removed from their home by police officers or social workers without notice and a hearing unless the officials have a reasonable belief that the children were in imminent danger. Ram v. Rubin, (9th Cir. 1997)

SEIZURES (CHILD REMOVALS)

Police officers or social workers may not "pick up" a child without an investigation or court order, absent an emergency. Parental consent is required to take children for medical exams, or an overriding order from the court after parents have been heard. Wallis v. Spencer, (9th Cir 1999)

Child removals are "seizures" under the Fourth Amendment. Seizure is unconstitutional without court order or exigent circumstances. Court order obtained based on knowingly false information violates Fourth Amendment. Brokaw v. Mercer County, (7th Cir. 2000)

Defendant should've investigated further prior to ordering seizure of children based on information he had overheard. Hurlman v. rice, (2nd Cir. 1991)

Police officer and social worker may not conduct a warrantless search or seizure in a suspected abuse case absent exigent circumstances. Defendants must

have reason to believe that life or limb is in immediate jeopardy. Good v. Dauphin County Social Services, (3rd Cir. 1989)

IMMUNITY

Social workers (and other government employees) may be sued for deprivation of civil rights under 42 U.S.C. § 1983 if they are named in their 'official and individual capacity'. Hafer v. Melo, (S.Ct. 1991)

Social workers were not entitled to absolute immunity where no court order commanded them to place plaintiff with particular foster caregivers. K.H through Murphy v. Morgan, (7th Cir. 1991)

Decisions of the United States Supreme Court Upholding Parental Rights as "Fundamental"

Paris Adult Theater v. Slaton, 413 US 49, 65 (1973)

Conclusion

The U.S. Supreme Court has consistently protected parental rights, including it among those rights deemed fundamental. As a fundamental right, parental liberty is to be protected by the highest standard of review: the compelling interest test.

As can be seen from the cases described above, parental rights have reached their highest level of protection in over 75 years. The Court decisively confirmed these rights in the recent case of Troxel v. Granville, which should serve to maintain and protect parental rights for many years to come.

You will notice I am not giving my address. Namely because I do not trust Child Endangerment Services to leave me alone after accusing them like this. Additionally I don't want you to think this is just 'one low level secretary in Cincinnati'. This is wide spread city after city and state after state.

Just a few websites to research farther if you don't take my word for it

http://justicewomen.com/tips_bewarechildprotectiveservices.html

http://familyrights.us/how_to/when_they_come_after_you.htm

http://www.parentsinaction.net/english/Legal/KnowYourFamilyRights.htm

http://fightcps.com/faq-frequently-answered-questions/

http://protectingourchildrenfrombeingsold.wordpress.com/about/fourth-amendment-rights/

http://justicewomen.com/tips_bewarechildprotectiveservices.html

http://beatcpsnow.com/gpage.html