

MEDIA SPOTLIGHT



A BIBLICAL ANALYSIS OF RELIGIOUS & SECULAR MEDIA

SPECIAL REPORT

IF THEY COME FOR YOUR CHILD

GUARDING AGAINST STATE INTRUSION INTO YOUR HOME

by Albert James Dager

The plight of children in the United States is of great concern to many. Child abuse and neglect are becoming more common, as are crimes committed by children. The causes of these problems are many and varied, and are not the concern of this writing. What is of concern is the fact that, as a result of these problems, the state is taking an increasingly active role of intervention into the family structure, often to the detriment of the families they are supposed to help. While the media have addressed the problem of child abuse at length, they have been strangely silent about the abuse of parental rights by the state.

Certainly there are legitimate reasons for state intervention, and there are conscientious social workers who strive to keep families together. But aggressive policies of child protective agencies have resulted in many families being unjustly torn apart. Intervention is often based on nothing more than suspicion of potential abuse.

State intervention carries with it a philosophical world view that is at 180 degree odds with biblical faith. Because of their training in secular psychology and an unbiblical world view, most caseworkers hold a world view which differs radically from that of God's people—especially when it comes to how parents should discipline, educate and train their children. Children are not perceived as belonging to the parents, or to God, but to themselves (i.e., to the state, which claims a "vested interest" in children).

Secular psychology plays a major role in the state's evaluation of children being "at risk." Acceptable methods of discipline, education, and parent-child interaction are perceived to be the rightful domain of government agents working with psychiatrists and psychologists. Thus the state has become the final arbiter of what constitutes proper parenting abilities.

The rationale behind government intrusion into the family appears to be based on the assumption that parents are, de facto, incompetent to raise children properly because they haven't been approved by the state. Foster parents have been approved by the state, so they are often preferred over the child's natural parents. This is evidenced by the fact that, although children placed in foster care homes are sometimes treated terribly, the state is slow to intervene. To take action would be an admission of failure to protect the children.

Virtually every government social worker must be educated to some degree in the pseudoscience of psychology. The system is becoming closed to input from people who perceive reality differently from those trained in the psychological way. The "professionals" are given carte blanche to espouse their opinions in the juvenile justice courts. Those opinions are often based on psychological presuppositions rather than on the truth. Some caseworkers with Child Protective Services will even perjure themselves or withhold information in order to win in court.

There is no doubt that the world's problems are going to continue to escalate. This includes the problems of child abuse, juvenile crime, and every other negative aspect of parent-child relations. Escalation of these problems will result in more aggressive intrusion by the government into family life.

With this in mind, there are several important considerations for Christians who are concerned about state intervention into their own family's affairs.

This message, of course, is for those who are not abusive toward their children. It is not meant to circumvent needed intervention for those who are truly abusive. The objective is to equip good parents with the means to defend their families against unwarranted intrusion by the state.

HOW THE SYSTEM WORKS

Because state child protective agencies vary by name and procedure from state to state, we will use the terms and refer to the procedures we've observed in the state of Washington. For simplification, we will refer to the various agencies under the generic title of "Child Protective Services," or "CPS."

It isn't necessary to be a truly abusive parent in order to become caught in the web of Child Protective Services. A mere allegation of suspected abuse—mental as well as physical—can result in CPS invading one's home and removing the children, even if only for a short time. Parents are assumed guilty and must prove their innocence. The juvenile justice system is notorious for abuses against parents. Psychoanalysis and psychotherapy are generally mandated for all parents who come under suspicion.

The allegation may be based upon a parent's use of corporal punishment such as spanking, or upon perceived mental abuse through denial of a child's personal desires. It would take a book to document the number of families destroyed by spurious allegations.

Anyone may allege abuse based upon suspicion by calling the CPS office. The CPS office will assign a caseworker to interrogate the parents and to inspect the home for signs of abuse. A good caseworker will recognize a spurious allegation and will leave the home in peace. However, the allegations will still remain in a file that will form the basis for further intervention at a later date should another allegation arise. The parents are thenceforth considered possible abusers, and must live with that stigma for the rest of their lives.

A caseworker on a power trip, or one suspicious of "unacceptable signs" (which is not uncommon) will disregard the evidence of a stable home environment and will remove the children pending further investigation. The children will be placed in foster care (sometimes together, sometimes separated) at a location unknown to the parents. A court date will be set for "fact-finding," usually within 72 hours.

In the interim, the caseworker will interview relatives, neighbors and friends of the family to determine if there are other suspicious elements. The family's privacy will be violated, and everyone—even strangers in the neighborhood—will be left with the impression that the parents are abusive.

In some cases, the caseworker will divulge confidentialities to others, even though such a practice is illegal. By so doing, the caseworker prejudices others to assume the worst about the parents and encourages them to cooperate by offering any slightest concern as confirmation that the parents are abusive.

The caseworker will have input with all psychologists and other professionals involved with the family. Such input often prejudices the professionals against the parents, and clouds their judgment in assessing the case.

CPS will present its findings to the court, and will make recommendations based upon its perceptions. The parents must be represented by an attorney who will attempt to refute the state's allegations on short notice.

It should be understood that the CPS caseworker does not represent the child's interests, but the state's interests. The superior court of the county may appoint a Guardian ad Litem (GAL) to represent the child's interests. The GAL is not affiliated with CPS, but is an independent investigator who will make recommendations to the court in the child's interests. Some GAL's are prone to accept the CPS position and do very little to help the family. Others genuinely want to keep the family together, but the courts often give less consideration to GAL's whose evidence conflicts with that of the CPS caseworker. For all practical purposes CPS is considered the child's true advocate. Thus, juvenile justice judges generally side with CPS recommendations, recognizing the caseworker as a professional capable of handling the situation in the best manner.

The laws of virtually every state require that all juvenile agencies, as well as the courts and the GAL's, must strive with purpose to reunite the family. Termination of parental rights is seen as a final solution to an otherwise unresolvable situation.

However, the law and the implementation of the law are often two different things. Many CPS bureaucrats justify their existence by the number of cases they can maintain. There is added incentive in the form of state and federal funding based upon the number of children in foster care. The agencies get no funds for the families they reunite. They rely upon foster care situations for added funds. In addition, the parents are usually charged for the foster care. The expenses easily run into the tens of thousands of dollars for several months of separation.

The state-appointed attorneys are a mixed bag, ranging from excellent to incompetent. All of them are overloaded with cases that keep them running from court room to court room. It isn't unusual for state-appointed attorneys to meet their clients for the first time just prior to going into court (sometimes only moments before the hearing). Only the most diligent (one of whom we have been blessed to know) will extend themselves for their clients. But even they are at a disadvantage simply because of the sheer weight of their caseload. The opportunity for a close client-attorney relationship is seriously hampered in even the best of circumstances.

There are those attorneys on the other end of the spectrum that take the position that CPS must be right or they wouldn't make the allegations. A client that denies the allegations is seen as uncooperative and a nuisance. It's easier for the attorney if the parents just admit they are abusive and do what CPS wants. We've seen cases sabotaged by such attorneys who literally sacrifice their clients to the wolves.

In the courtroom, those who are not parties to the action may be required to leave, regardless of their ability to supply testimony in favor of the parents. Testimony from non-professionals is generally shunned or looked upon as an attempt to take control out of the state's hands. The courts usually recognize supportive members of the community, provided they assist the CPS caseworker in implementing the court's orders. Often such implementation rests upon the caseworker's interpretation of the court orders. A good attorney for the parents will make sure that the interpretation is proper. Lacking a good attorney, everything rests in the hands of the CPS caseworker.

The parents will likely be required by the court to undergo psychoanalysis at an agency determined by CPS. In all likelihood, the parents will be perceived as needing psychotherapy to overcome their tendency to abuse.

If they do not admit to being abusive they will be considered "in denial." As long as they continue to maintain their innocence their therapy will be considered unsuccessful, and their children will be kept from them as an incentive to admit that they have a problem.

If they admit guilt in the hope of speeding up the process of their children's return, they will be officially designated as abusive, and the therapy will escalate. One parent may even be

induced to plead guilty under threat that, otherwise, their spouse will also be charged and indicted. (With admission of guilt, however, they may also be arrested and charged in criminal court.)

In some cases the child may be returned home pending the parents' compliance with CPS orders; in most cases the child will remain in a foster home. The parents may or may not be allowed visitation with their children, depending upon the CPS caseworker's evaluation of their progress toward alleviating their unacceptable behavior. Separation may be anywhere from a few days to several years, depending upon the objectives established for the parents by the caseworker.

The nightmare of CPS intrusion into a good home environment may continue for years. Seldom is it over in a matter of weeks, or even months. Once a file is opened on a family, even if it involves only one of several children, that file may remain open until the last of the children has reached the age of eighteen.

WHAT TO DO — WHAT NOT TO DO

If a child injures himself, but does not require attention by a medical professional, it would be wise for parents not to let him attend school or be seen apart from trusted friends until the marks or bruises subside.

If the child needs medical care, do not leave him alone if at all possible. If a child care professional becomes suspicious, the child will be interrogated without the parents present. If he is young, especially, he may become frightened and respond inappropriately. In answer to the question, "How did you get that bruise," he may say, "I don't know." He may even change his story as to how he got the bruise, based upon how the professional responds to his answer. If his answer does not indict his parents, he may be asked the same question again and again. Sensing that the professional doesn't believe him, he may offer a different version of what happened. This may be all the professional needs to confirm his or her suspicions that abuse has occurred. Pressed further, the child may change his story yet again. A "sure sign" of abuse.

If the injury accidentally occurred at the hands of a parent, the child may even blurt out, "My mommy did it!" He has no idea of what is going on. The parents will not learn of the details of this interrogation until they hear them in court, unless the CPS caseworker notifies them beforehand.

If They Come For Your Child

Should a CPS agent knock on your door and tell you they've received allegations of abuse, there are some things you definitely should not do.

If the children are home do not allow the caseworker in (all the while being pleasant), without a warrant and a police officer present. Keep your children home from that point on; do not give the authorities any opportunities to pick up your children elsewhere.

If they have already picked up your children, you will have no choice but to cooperate. In either case, take the following steps:

1) Immediately call an attorney. As pleasantly as possible, insist to the caseworker that you will not speak to him or her except in your attorney's presence. NEVER speak to a caseworker without your attorney present. Chances are good that your words will be twisted and used against you. Do not allow the caseworker to badger you or to threaten you. Keep calm, and say nothing that will convey that you are upset with the caseworker's actions. The caseworker is there to "help" you, and you must be appreciative of his or her assistance. The worse your attitude, the worse it will go for you. It's not pleasant, but it's a fact of life.

Find an attorney who specializes in child custody cases and practices before Juvenile Justice Court. Most attorneys are not prepared to deal in the juvenile justice system which is a law unto itself.

2) Immediately enlist the aid of friends who will vouch for your integrity.

3) Head off CPS. Call as many people as possible that you think CPS will contact for statements, and warn them that CPS is on the prowl. Get written statements—especially from trusted child care professionals—that will confirm your integrity and the fact that you are not abusive parents.

The CPS worker will attempt to paint you in the worst possible light. This will be done by omitting good testimonies, and by wording questionable input in a manner that will imply the worst. Rumors and allegations can carry equal weight with proven facts.

4) At the fact-finding hearing, have your attorney challenge every allegation. Make CPS prove that what they are alleging is not based on rumor, hearsay or suspicion.

Should the judge side with CPS and order therapy for you and your children, probably the best thing you can do is comply with the order, trusting the Lord to protect your minds and the minds of your children from

the psychological intrusion. The only other alternative would be to take your children and become fugitives from the law. This, of course, could create even more problems.

A Possible Shortcut

There is another possible solution, but it would take a savvy attorney who practices before the Federal District Court. According to an attorney we know, a certain tactic has worked in the only case of which he is aware.

File a petition in Federal District Court, stating that you and your children have been deprived of the constitutional right to life, liberty, property and the pursuit of happiness without due process. If the District judge rules in your favor the case is over, and CPS will have to return your children. And they will know they aren't dealing with the average victim.

If the District Court judge rules against you, you can appeal to the Federal Appellate Court. Should that court decide in your favor, CPS will be faced with having to revamp their entire way of doing things. This is because an appellate court case will set a precedent that can be used by others in their fight with CPS.

To my knowledge and the knowledge of our attorney acquaintance, such a case has never yet reached the appellate level. But the prospect of the dire consequences upon CPS should they lose at the appellate level may prompt them to settle out of court in order that the occasion not arise. They won't want to risk losing at that level.

Yet even if they do contest it and win, you may have further appeal to the U.S. Supreme Court. Should a CPS agency lose at that level, all of the states might have to revamp their policies, guaranteeing the rights of parents and children under due process.

Do Not Hesitate

You may assume that you are a model parent who need not fear CPS intervention. Do not allow naiveté to cloud your judgment. Many model parents have been caught in the trap.

BEFORE anything happens you should be prepared to act immediately. First, of course, keep a strong prayer life. Dedicate your children to the Lord. Make sure you are not living in disobedience to God's Word. Your best protection is the Lord Himself. If you are truly a child of God, nothing can befall you without His direction or permission.

1) Find an attorney now who can represent you in Juvenile Justice Court. Make sure he'll be on immediate call.

2) Find an attorney now who can represent you in the Federal District Court. Make sure he will be on immediate call.

3) Start saving money now, that will be designated for your defense. If you never need it, it can go for your child's higher education (carefully selected), first home, marriage, etc.

4) Find as many professionals (doctors, registered nurses, etc.) who will help you with their testimony.

5) Determine whom you can trust with your child's welfare and enlist their help. The court may allow friends or relatives to care for the children during the ordeal. (An added benefit is that you will not be charged for the child's foster care as long as they do not receive payment from the state.)

6) NEVER allow your children to come under the influence of child care professionals, especially without being present yourself. All such professionals—including teachers—are required by law to report any signs of possible abuse, regardless of whether or not they even suspect abuse. Should they not report such signs, they are subject to prosecution, fines and even imprisonment. They may be nice people whom you think you can trust implicitly, but they are operating under fear. They have no choice but to act.

7) Instruct your children NEVER to discuss family matters with anyone else unless you are present, even in the classroom. To prodding they should respond, "I want my daddy (or mommy)."

NOTE: The Rutherford Institute a non-profit legal aid organization, now addresses child custody and state intrusion cases for Christians. They conduct seminars which inform on present and projected laws as well as on parental rights. For seminar information, or for legal help, call (804) 978-3888.

Although the Rutherford Institute was founded by Christian Reconstructionists, not all of their attorneys are Reconstructionists. And the legal advice they provide has nothing to do with the eschatological views of the founders. At least they offer some hope against government intrusion.

A major drawback in attempts to deal with government intrusion today is that attorneys are sometimes hampered by judicial decisions that are increasingly based on international law rather than on U.S. law. However, there are some judges who will do what's right, so all the news isn't bad.

The best you can do is the best you can do—and trust God in the process.

HOW TO PROTECT YOUR CHILDREN

Home Life

In the process of training up children to be obedient to God and to their parents—as well as to all properly constituted authority—it behooves both fathers and mothers to protect their children from unnecessary intrusions from the world. Those intrusions come in the form of television and radio programming, motion pictures, music, playmates, schools and myriad other influences. While it is impossible to keep the world out entirely, it is imperative that the world not be given opportunity to corrupt the thinking of children. It's one thing for the world to intrude; it's something else for Christian parents to invite or tolerate the world's influences upon their children.

It's a sad fact that many Christian homes have children that are rebellious and living no differently than the world's children. The crisis in the Church is such that, in most cases, drastic measures are now called for. The problem is that drastic measures are almost always met with more rebellion from the children. Still, if parents will resolve to train up their children in God's Word, and to do all they can to combat the world's influence on their children, it will be an important step toward resolving the crisis in their own home.

Once repentance and petition for God's help is forthcoming, it will be necessary to take action to prevent further intrusion by worldly philosophies and ungodly ideologies. It may be necessary to remove the television set if it cannot be restricted properly. Remove the ungodly music and rock star posters from children's bedrooms. Remove the occult-oriented toys and charms, as well as statues and other elements of eastern religions, not only in the children's rooms, but throughout the home. Every parent must ask for God's wisdom in recognizing the evil in their home as well as for guidance on how to combat that evil.

It's also imperative that children be instructed on the reasons for the drastic action. Whether or not they believe God's Word to be true, the appeal to Scripture must form the basis for all such action, regardless of how unreasonable it may seem. It's time for parents to cease fearing their children and start taking control. Children should be taught to obey on the basis of authority, not on the basis of what they consider fair. Any turmoil that results will be met by God's faithfulness.

Education

The responsibility for a child's education does not lie with the government; it lies with the parents. The time for trusting the government education process is over. While there are some children whose faith has not been subverted by the system, the overwhelming pressure to conform to the world has taken a terrible toll upon Christian families. Government schools have shut God out of the equation. In His place they've offered increasingly ungodly resources for teaching. If for no other reason than that God's Word is forbidden as a guide for children in formulating their life's choices, government schools should be rejected.

Christian schools may or may not be an answer. Many Christian schools use the same curricula as the government schools, and utilize psychological methods. And they are subject to government control in order to maintain their educational, non-profit status.

The best solution is for Christians to educate their children at home. There are excellent home education programs available that parents can use without having the perceived "advantage" of an educational degree. The time for home education may be short, however, so do it while you can.

The Church

Some churches and denominations are formulating policies to deal with suspected child abuse. This is a good idea provided they follow the biblical procedure of first dealing with sin within the confines of the church body. All too often, however, they handle things in a worldly way. They will report to CPS behind parents' backs on the basis of mere suspicion.

Church officials are quick to defend that position by saying that Scripture requires them to be obedient to authorities. But they'll waffle on the insistence that the church first deal with perceived sin in its own ranks through the scriptural method of confrontation. Their excuse, then, is merely a way to avoid confrontation within the church body, and allow the "professionals" to handle it. Cowardice too often supercedes godly action.

To trust the world is to ignore God's warnings. Such church authorities cannot be trusted themselves. They see their role more as child care professionals than as ministers.

Christians should find out what their church's policy is regarding children's protection. If there is no policy, they should encourage their

eldership to formulate a policy that will avoid unwarranted reporting to state authorities. Should someone be suspected of abuse, their accuser should first confront them with their concerns in the spirit of Matthew 18.

If the person accused admits their sin and submits to the church's counseling and discipline to correct their actions, they should be given the opportunity to reform without further ado. If the accuser is not satisfied with the person's response, and child abuse can be PROVEN, the accuser should then report the accused to the eldership. If abuse is PROVEN, and there is no repentance before the elders, the accused should be treated as an unbeliever and reported to the state authorities. Even after this, however, the church should offer help in reestablishing the family's unity.

If a church's elders do not want to follow the scriptural procedure because they fear the church's reputation in the community will be injured, or because they fear government repercussions, it would be better to find another fellowship that will honor God's Word above the world's dictates and opinions.

CONCLUSION

Perilous times lie ahead for God's people. The world is becoming increasingly hostile toward those who hold to biblical faith. The Gospel is foolishness to those who perish. Therefore, those who adhere to the Gospel are seen as foolish and incompetent to assume the roles of responsibility the world deems acceptable.

Even churches can be found complicit in helping the state take children from parents whose only "crime" is that they are deemed too poor or uneducated to properly take care of their children. They do not measure up to today's "Christian" standards of sophistication.

In the short time left we must take every step necessary to ensure that the world does not gain the victory over the areas God has entrusted to our care. The most important areas that need our protection are the minds and bodies of our children. v



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