

What to do if you get a visit from a social worker or CPS

Submitted by Sarah Fitz-Claridge on 23 March, 2005 - 12:47

Please note that this is not intended to be legal advice, it is just my own personal layman's view of what I would do if I had children and I received a visit from a social worker, education welfare officer or other state official who might be in a position to take children away against their will. If you find yourself in this unenviable position, I strongly advise you to seek legal advice from a qualified lawyer immediately, and before you take any actions.

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If I receive an unexpected visit from a social worker, here is what I shall do:

1) Not let her in. This is because these cases are lost and won on the balance of 'evidence', and the moment a social worker enters one's home, and starts taking notes, that counts as 'evidence'. No matter what ridiculous interpretations the social worker comes up with, a court will at least listen to what she has to say, and treat her evidence as expert testimony. So the thing to do is to avoid getting into a situation in which the other side has loads of 'evidence' whilst you yourself have none.

2) Bend over backwards to cooperate with the enquiry in every way that would not involve the social services getting damning 'evidence'. So,

- I'd ask them to provide a written statement describing the nature of the allegation or whatever it is they are investigating. It is essential to know what it is one is trying to refute. I'd argue for a full statement, not just a vague one.

- I'd ask them what sort of evidence would convince them that there was no problem, in case there was something simple that would end it. That would on no account include letting them come to my home and 'test' my children, for the reasons given above.

- I'd offer to go to their offices to discuss it. I'd immediately hire a competent lawyer with expertise in this area, and I'd take her with me to every meeting, because sometimes, I am sorry to say, officials do not observe the law in these cases, and it would be useful to have someone there who can spot transgressions or discourage them.

- I'd write lengthy reports (beautifully presented) to give them (something to put in their files) providing arguments/evidence against whatever it is they are concerned about.

- I'd tape record every conversation with anyone from the social services (it seems to encourage them to stay within the law if nothing else). These tape recordings would not be admissible as evidence in court, but if, for example, an official

threatened me in a telephone call (as happened to someone I know), it would be jolly useful to have a tape of it to play the head of social services (unless the person you were recording *was* the head of social services!).

- I'd assume that everything I said or wrote or did was, as it were, on the record, and might be used in court – so it is essential to do nothing which might make one look unreasonable.

3) I'd immediately *myself* hire as many experts as necessary to talk to (etc.) my children, to provide evidence that would win a case or put the minds of the social services at rest. I'd hire paediatricians, child psychologists, eminent educationalists or teachers, anyone eminent who would write a character reference – whatever might be useful. It might be important to make sure that the social services accept my experts before going ahead, but there is no reason in principle for social services to insist upon using their own experts: experts are experts, and have their reputations to consider. In this way, I could have more control over how my child is treated, and hopefully ensure that there is no abuse of my child.

4) Given that I'd provided expert testimony that everything's fine, then – unless my lawyer informed me that I had no choice – I would not allow the social services to have access to my children, especially not without me being there. This sort of thing can be extremely traumatic for children.

This is an expensive business. Not everyone can afford all this [it might be argued].... – So don't eat. Seriously – this sort of thing is so important that if I found myself in such a position, I'd do whatever it takes to bring the enquiry swiftly to a satisfactory conclusion, and if that meant selling the (metaphorical in my case!) family silver, that's what I'd do. Everything in life is a matter of priorities. Protecting one's children is a priority. These cases can wreck lives if not handled carefully.

A final note

To maximise the chance of a good outcome in the event that something like this happens to you and your family, on no account keep your children cloistered away from the rest of the world. Children *need* access to the world, and you should make sure that they know about any child abuse helplines in your area, and that they are able to go to places, meet people, and do things on a regular basis.

If you and your children develop a wide network of friends and have a lot of contact with a variety of interesting people, then you will have many potential witnesses who will be both supportive and glad to provide sworn affidavits that will put the social workers' minds at rest (or persuade the judge if it comes to court).

If you find yourself having to deal with a social worker, education welfare officer, local education officer, CPS or any other person with the power to take your children away, it is very important to keep in mind that these people are very well-intentioned. They are trying to do their job, and although it may be terrifying for you, it is essential to remain calm and friendly. If you panic, bad things are more likely to happen. Instead, bend over backwards to find legally significant ways to reassure them that all is well. They need to ensure that they themselves meet their own legal obligations (for example, they are legally bound to investigate if there is even a malicious anonymous allegation), so it is important to help them do that – without putting your children at risk.

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Comments

dealing with social workers..

Submitted by jazzy (not verified) on 9 March, 2011 - 23:11

When the social worker Trina Whidden and her supervisor came by my house On September 20010 I had a feeling of some sort they were taking my kids, for no reason at all, I offered them coffee or tea,they said no and they explained why there were there, but didnt give out names of course who rated us out, then trina took my five year old into her room and asked her questions, my 5 year old likes to take things out of good tense to bad tense and of course they were believing her I guess and then we went to court 2 months after, cause social workers didnt have papers ready then we took parenting course we learn alot in that, no one is perfect and we all need parenting leasons it was hard to stay calm everyday.I cried for lots of hours and days cause you just dont take kids away from their mom in that order Of course social workers dont care about us parents. Ive had my kids taken away for 6 months but we are still involved with them, our social worker Trina Whidden didnt even say sorry after we got them back, they had no reason to take my girls away and torture them and make their lifes harder then it was before, been dealing with the ministry all my life with my kids and they just shut the file down until someone reports again, thats why i cant trust anyone in the town at all. I love my kids so much, Im scared that they will take them away again, for another wrong reason.

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social services

Submitted by j.p (not verified) on 9 October, 2011 - 13:38

I know first hand how social workers twist your words or out right lie on their reports.I am on methadone but my child is very happy and well looked after.The only reason I can think the SW wrote the things she did was she thought a single mum on medication had no right to be a normal parent and I said I was going to put in a complaint against her for contacting the school and my GP without my permission.Lucky for me my next social worker was thorough.The first one wrote I'd refused to let her in and was acting drunk all that week.It was just very lucky for me the school had a report on me for that same week and the exact time she reported this.There were so many things she lied about that I could actually prove were wrong but it could've been so different.Take photos,record everything and get witnesses if possible for the times they see you.Don't sign anything.She asked me to sign something that gave me only supervised contact as i was on the way out the door to get my child on a fri.pm.No chance to get to a solicitor on the weekend.

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