

10 THINGS AN
EXPERIENCED CPS
ATTORNEY KNOWS
WHEN A SOCIAL
WORKER KNOCKS ON
YOUR DOOR



Answers to the questions you didn't know to ask.

by Candace Jones, Esq.

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DEDICATED TO

the parents of Los Angeles County



IMPORTANT-PLEASE READ:

The contents in this e-book are for informational purposes only. They are suggestions, opinions and thoughts, not hard and fast rules that apply to each and every situation.

The truth is, every investigation is different because every family is different and every social worker is different. The purpose of this e-book is to provide a backdrop and perspective on the CPS Investigation process. **It is NOT intended to substitute for actual legal advice with respect to your specific circumstance.**

Finally this is not a book about social change. I don't think it's helpful to talk about systemic issues that require legislative change when the purpose of this e-book is to help you make informed choices to help you keep your child in your home or get him or her returned to you as soon as possible based on the current state of the law/CPS agencies.

This e-book is based on California Law only.

Downloading/Reading this E-book does not create an attorney-client relationship. This E-book may constitute a Legal Ad.

-Candace

#1: You Are NOT "Innocent Until Proven Guilty"



The social worker is not stopping by for a glass of lemonade. Lemonade is what you have to make subsequently with the lemons she* provides. She comes because someone—and she won't tell you who—has made an anonymous call to say that your child* is not safe. It's a big deal. This is her job and she is coming to *your* home.

It is not assumed that you are Mrs. Brady or Danny Tanner or Claire Huxtable. There is a red flag and it suggests to a government agency, that is supposed to protect children, that a child is in danger. The social worker represents that agency. Don't assume it knows you or likes you. And what may seem silly to you—because you know you just had a fight with so-and-so and they are just petty enough to lie about you—may very well be very serious to the agency.

**Obviously social workers can be men and you may have more than one child. For the sake of clarity I will refer to the social worker as "she" assume there is only one child.*



Tread lightly. Because this system is not like criminal court where you are presumed innocent. If there is a "prima facie" (on its face) risk to the child, the department may remove the child and ask questions later. The law focuses on the child and if there is initially a "prima facie" and ultimately a "substantial" risk to the child because of something you did or failed to do then you may very well have a court case. There is a lot more precision and legal complexity that can be added to my last statement, however this is the Cliff Notes version.

The longer I've been an attorney, the less I talk. I listen. I want to know what you know. I want to know how you think and I want to know what your goal is. In that vein, if a social worker wants to talk to you because she has to investigate an anonymous call, listen to her questions and how she responds to your answers.

#2 Social Workers Are Like the Police



If social workers are like the police, it begs the question, “Should you talk to them at all?” And this is the million-dollar question—that if I had an answer...I would have a million dollars. The answer is: it depends.

But the better question is would you talk to a police officer who is asking you questions? It depends then too, right? Most criminal attorneys tell you not to say anything until you talk to an attorney. And in fact, once arrested the police tell you what you are being arrested for and issue the Miranda Warning and advise you have the right not to say anything, you have the right to an attorney, and whatever you do or say can be held against you in the court of law, along with other warnings.

I wish that warning was on the back of the cards social workers leave on your door. I wish they told you what they were investigating. The truth is—you don't know exactly what they are investigating and why they are coming to your home. You may have some idea because you know you just had (fill in the blank) happen or still happening in your life. They will ask about your entire life history and what you say and do can be used against you in the court of law. You will think you're having a chat in your living room, but it is an interview and she will return to her office at some point, review her notes and write up what she remembers and review it with her superiors.





That being said, it should be clear– you don’t have to talk to a social worker. But it’s a double-edged sword. If you don’t talk to her, she may consider you uncooperative and develop further suspicions.

If you do, you may say things you regret or what you say may not be communicated as you intend. If you do choose to talk to the social worker, keep it short.

Indeed, sometimes I consider preparing a written statement, so nothing gets misconstrued, or requesting a meeting at the office where you can bring a support person instead of meeting with them one-on-one. And of course, there is always seeking legal advice from an attorney. The investigation lasts 30 days (more or less).

Ultimately, be quiet or tell the truth. If you’re going to choose to talk–tell the truth. It’s simple. Lies are the worst thing you can do because you will forever be labeled a liar and the social worker will convey every single lie to the judge should she file a court case and that’s a *very difficult* first impression to overcome.

#3 A Social Worker Can Talk To Your Child



I know I said you have the option to talk to her. And it's true. You also have the option to let the social worker into your home. But it's extremely likely she will ask to talk to your child. And if you decline to let her in the home to interview the child, she can go to the school or the other parent's home, etc. So use that information as you will and make the best choice you can.

#4 Leave a Paper Trail



I've heard on more than one occasion that the report generated for the court did not accurately reflect the sentiments or statements of the parent. This is not always the case and I'm not going into any conspiracy theories. But there is such thing as human error and so if you can imagine having a conversation, taking a few notes and then writing up that conversation several hours or even a few days later, you can easily see that there is room for inaccuracy and mistake.

My thoughts on this are that we are in the 21st century.

Social workers won't let you record a conversation (take it up with the legislature—they are considering police officers wearing body cameras...#Imjustsayin). But what's to prevent you from writing an e-mail or sending a letter? This is a suggestion: The social worker is taking notes when she is talking to you. You take notes too.

When she leaves, send an e-mail or write a letter summarizing the conversation you had—but BE PROFESSIONAL. If you can't do this right, don't do it at all.



Also worth mentioning: DON'T SIGN STUFF UNLESS YOU KNOW WHAT YOU ARE SIGNING.

If you understand and agree-great. But make sure you take a copy of it. Again, we are well into the 21st century, if you don't have a 3-in-one printer in your home where you can make a copy-pull out your smart phone and take some pictures. There's no reason for you not to have a copy of legal/contractual documents you are signing.

If you don't understand, ask for the social worker to leave a copy or the paperwork so you can review it in its entirety and e-mail or fax it back to her.

#5 You Need To Be Self-Aware



You are scared. You are emotional. You are not thinking clearly and you need to be aware that you are not thinking clearly. Do something to relax yourself in the midst of the chaos to relieve stress. Count to 10. Count sheep. Go for a walk. Buy a punching bag. Shop. Eat ice cream.

If you are prone to anger—it is best not to take it out on the social worker. It's like a high-speed police chase. It may feel like a rush but we all know it will end. And we all know that it will end badly. So pretend the social worker is your grandmother and don't say anything you wouldn't want to say to your grandmother. Better yet—don't say anything you wouldn't say in the presence of a judge.

#6 Be Proactive



It's all about risk. That's it. The social worker (and the scores of CPS personnel she is consulting with about your case) is accessing the risk. What is the risk to the child without services for the family? What is the risk to the child if left in your home? And their job is to minimize risk. And they do this through programs. They identify the risk: i.e. bad parenting habits. Then they ask themselves, are these habits so bad that the child needs to be removed from the home? If so, where can the child go? If the child can stay in the home, what service does the parent need? And it's not as complicated as you think: Parenting classes and/or individual counseling to address poor parenting habits. And this goes on for each risk perceived (domestic violence, drug abuse, alcohol addiction, physical abuse, etc.)

At the end of the day, you know what's going on in your life. Own it. Face it. Watch some Dr. Phil or Steve Harvey and consider what you need to do to become the best version of you possible. Because in their Big Brother way, that's why CPS exists: take families that are like "Married with Children" and convert them into the "Brady Bunch." Beat them to the punch, so they can leave you alone.

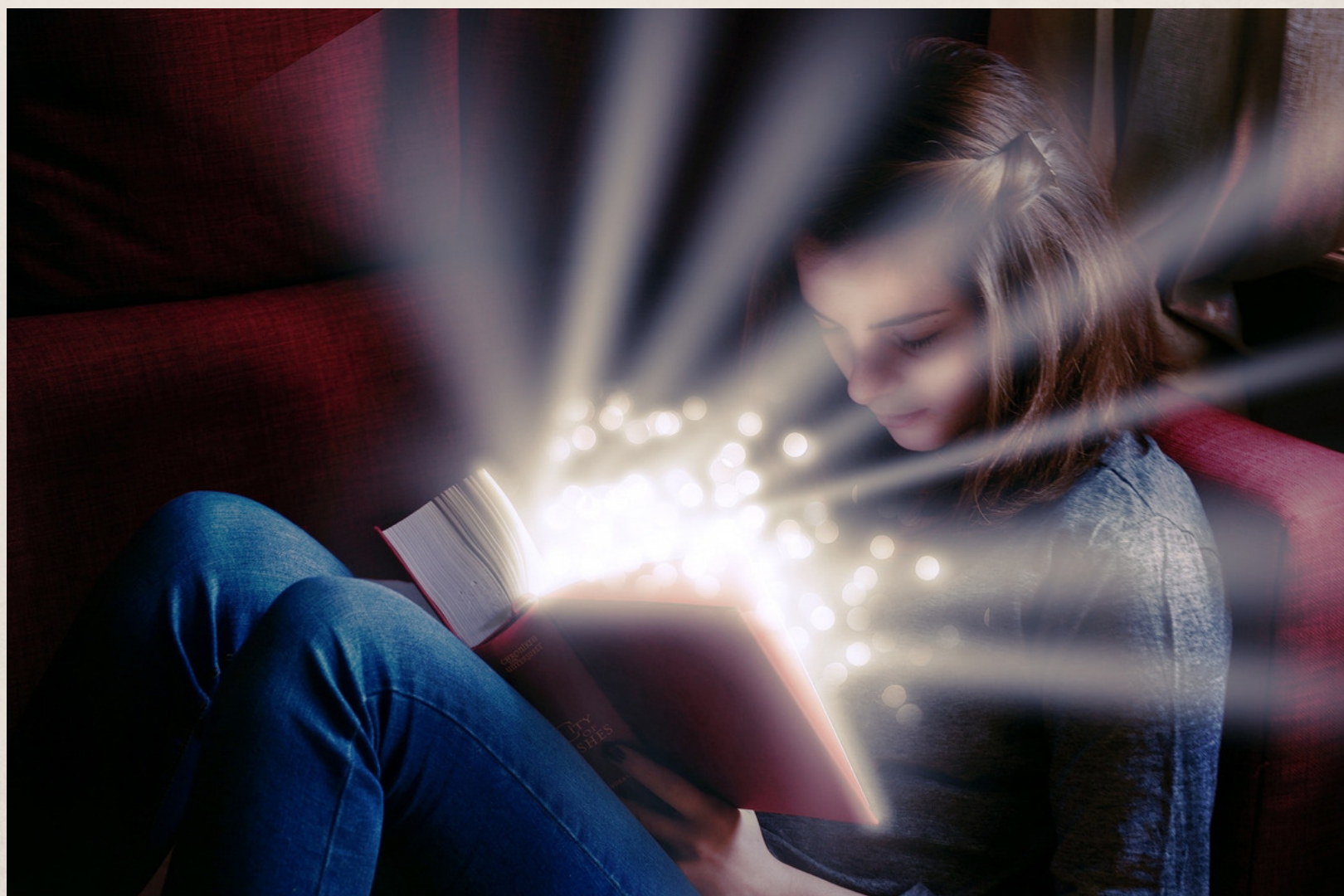
#7 Provide Documentation



If you're going to get into some services—always keep the contact information on you and regularly get a letter from the service provider so you can give it to the social worker to show proof of progress and enrollment. Again, this decreases risk. If you are addressing the problem, it makes it less likely that they will intervene.



#8 Many Social Workers Went To School To Become Fairy Godmothers And Became Disenchanted



I don't want to make overly broad stereotypes. But if you happen to encounter a disgruntled social worker, do your best not to take it personal. Just like there are good and bad police officers; good and bad attorneys; good and bad teachers; good and bad bus drivers; good and bad flight attendants; etc...there are good and bad social workers.

But take a step back and think about the kinds of people who are interested in social work. It's usually the people who care. The ones who want to make a difference and help people. That's the reason she got the degree in social work- she wanted to be a fairy godmother. And then she started working and one of several things have probably occurred in her career:

(1) she got burnt—she believed in a client and helped them, extending herself beyond her job description and it backfired in a major way; and/or

(2) she is disenchanted— she got into the field and realized there is so much red tape and limitations to her ability to help and she feels helpless; and/or

(3) she is overwhelmed—she has too many cases and can't help people the way she wants to; and/or

(4) she is on a power trip—she realized that being nice doesn't work with some people and so she threatens you to make you comply with what she wants because she doesn't know how else to be effective at her job.

Realize that none of these issues, and there could be more, are about you personally. You know you—so you do you (with grace). Be the loving parent you are and let the chips fall where they may. Trying to fix the chip on a social worker's shoulder is not your job.



#9 Know When To Fight



#8 feeds into my next point. Know when to fight. Pick your battles and usually it is better if you let someone else fight for you. It's unfortunate, but you are under the microscope, so anything you do to defend yourself looks self-serving. If you can get an advocate to help you articulate your position you're in a much better stance to communicate your position.

You also need to know what matters, in order to know when to fight. That means, you need to educate yourself on the system. You can do some research on google- and there are many good articles out there-or you can take my one hour crash course on the CPS System called *1,000 Shades of Gray: Know What An Attorney Knows About The CPS System.*

#10 Know Who To Fight: The Other Parent Is Not The Enemy (Unless They Are)



This is to my single parents. Sometimes, you need a break. Maybe you've been doing it all on your own or you've been the primary caretaker. It's okay to ask for help. Life is challenging. So if you have a half-way decent co-parenting situation, recognize that it may be better to let the other parent come in and provide support and extra care with your child rather than to keep trying to do it on your own. Again, this may help to decrease risk.

However, I know that a good portion of you that just read that statement are being investigated because of the actions of the other parent so this whole section maybe irrelevant to you.



#11 Know Who Your Friends Are

Thus I add a bonus section, for those of you who found my last section useless. Use your support system and if you don't have one start building one. You need it. Depending on whether or not the investigation opens up into a full-blown case, this can be a marathon that lasts years. Don't use up all your energy in the beginning. Be sober minded and think clearly.

Short term planning will be the death of you (figuratively of course). Think of it like a diet. If you go extreme and pick a diet plan you know you won't commit to long term, you fail and probably end up worse than you started (at least according to studies). Make some lifestyle changes that you can commit to. To do that you, you will need a support system—a good one. If your current support system is built up of liars and people that take you for granted—destroy that one and build a new one.

Think about the people in your life that truly care for you and your children—the kind of people that would take you and your kids out to dinner and not ask for reimbursement or your kidney later. Think of those people and enlist their help. (*Anybody else have TLC's song, "What About Your Friends?" playing in their head?*)

The Elephant In The Room: What Happens If It's All Bogus?

The elephant in the room is what happens if there is no problem? What happened if someone lied or was sorely mistaken and you and your family are being dragged through the courts based on misrepresentations?

Then you need to talk to an attorney. You will find out one of two things: (1) You're right or (2) you're overlooking some important facts. Either way, you need to have a conversation with an attorney to figure out how to proceed.



Additional Resources

I hope this e-book was helpful. If you feel like you need more help you can check out these additional resources which are available on our **Online Legal Clinic**. You have to complete a 15 question application to access these and other resources.



1,000 Shades of Gray: Know What an Attorney Knows About Child Protective Services

In this one-hour crash course, I talk to you about the major facets of the court system so you can now how to avoid pitfalls and most importantly how to avoid the termination of parental rights.

Additional Resources



Navigating the Matrix (CPS Investigation): 30 Days of Legal Advice

If you've just been contacted by a social worker you can sign up for this service and we can walk with you as you are being investigated. I can help advise you throughout the CPS investigation which lasts approximately 30 days.

Additional Resources



Navigating the Matrix: CPS Interviews

In this video I provide helpful tips on how to prepare for an interview with a social worker.

Meet Candace



Hi there.

Yes. I'm an attorney. But get those stuffy images and greedy stereotypes out of your head. I became an attorney to help people and I'm here to help you. Too many people don't know the little things that can make all the difference in their lives. Sometimes you just need a friendly neighbor with some helpful insight. So thanks for stopping by- I'm The Attorney Next Door! :)

Calling myself The Attorney Next Door has been a long time coming. You see, law school doesn't teach lawyers how to help people. It teaches us how to think from different perspectives, see issues from multiple vantage points and argue different positions. It teaches us to research the law and apply it to different fact patterns.

But it doesn't teach us how to take our skills and services and make them affordable and accessible to the general population. But that's what I'm about.



Ignorance is not bliss and can often cause a huge legal headache and massive attorney fees to fix. And if you get to that point, you probably need an attorney.

Therefore, I created an **Online Legal Clinic**. It is an ever growing library of legal resources. Some free, some paid, but all purposed to fit the DIY litigant on a budget.

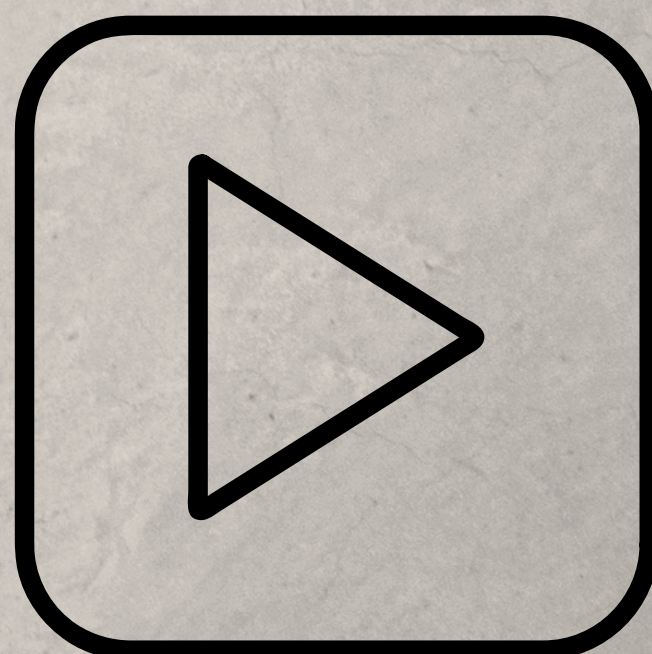
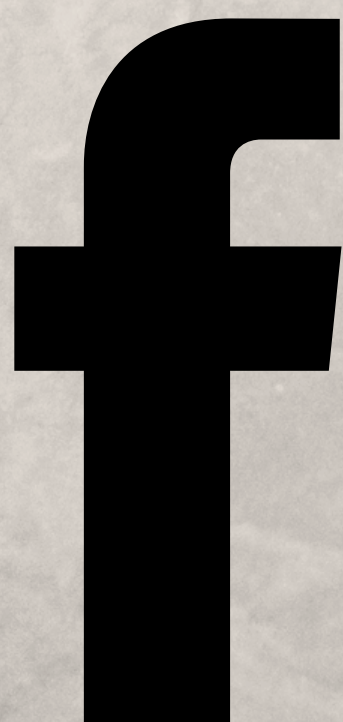
I hope you find the **Clinic** helpful if you can't afford the traditional attorney or just don't want to deal with us lawyers ;). In addition, I provide Mediation and Traditional Representation services. I also like to chat about Family Law and DCFS so feel free to check out my video blog.

the Attorney **NEXT DOOR**



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