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THE SOCIAL WORKER AT YOUR DOOR 10 HELPFUL HINTS

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More and more frequently, home schoolers are turned in on child abuse hotlines to social service agencies. Families who do not like home schoolers can make an anonymous phone call to the child abuse hotline and fabricate abuse stories about home schoolers. The social worker then has an obligation to investigate. Each state has a different policy for social workers, but generally they want to come into the family's home and speak with the children separately. To allow either of these to occur involves great risk to the family.

The home-school parent, however, should be very cautious when an individual identifies himself as a social worker. In fact, there are several tips that a family should follow:

1. Always get the business card of the social worker. This way, when you call the Home School Legal Defense Association, the HSLDA attorney will be able to contact the social worker on your behalf. If the situation is hostile, immediately call HSLDA and hand the phone out the door so an HSLDA lawyer can talk to the social worker. We have a 24-hour emergency number.
2. Find out the allegations. Do not fall for the frequently used tactic of the social worker who would tell the unsuspecting victim that they can only give you the allegations after they have come into your home and spoken to your child separately. You generally have the right to know the allegations without allowing them in your home.
3. Never let the social worker in your house without a warrant or court order. All the cases that you have heard about where children are snatched from the home usually involve families waiving their Fourth Amendment right to be free from such searches and seizures by agreeing to allow the social worker to come inside the home. A warrant requires "probable cause" which does not include an anonymous tip or a mere suspicion. This is guaranteed under the Fourth Amendment of the U.S. Constitution as interpreted by the courts.

However, in some instances, social workers or police threaten to use force to come into a home. If you encounter a situation which escalates to this level, record the conversation if at all possible, but be sure to inform the police officer or social worker that you are doing this. If entry is going to be made under duress you should say and do the following: "I am closing

my front door, but it is unlocked. I will not physically prevent you from entering, and I will not physically resist you in any way. But you do not have my permission to enter. If you open my door and enter, you do so without my consent, and I will seek legal action for an illegal entry.”

4. Never let the social worker talk to your children alone without a court order. On nearly every other incident, HSLDA has been able to keep the social worker away from the children. On a few occasions, social workers have been allowed to talk with children, particularly where severe allegations are involved. In these instances, an attorney, chosen by the parent, has been present. At other times, HSLDA had children stand by the door and greet the social worker, but not be subject to any questioning.
5. Tell the official that you will call back after you speak with your attorney. Call your attorney or HSLDA, if you are a member. In nearly 30 percent of the cases, the problem is solved immediately that day by HSLDA lawyers. Approximately 65 percent of the situations are resolved within the next two weeks. Of the remaining 5 percent, 1 percent goes to court and is handled by HSLDA. The 4 percent that cannot be resolved do not involve home schooling and are referred to other attorneys since they are not covered by HSLDA.
6. Ignore intimidations. Normally, social workers are trained to bluff. They will routinely threaten to acquire a court order, knowing full well that there is no evidence on which to secure an order. In 99 percent of the contacts that HSLDA handles, the threats turn out to be bluffs. However, it is always important to secure an attorney or HSLDA in these matters, since there are occasions where social workers are able to obtain a court order with flimsy evidence.
7. Offer to give the officials the following supporting evidence:
 - a. a statement from your doctor, after he has examined your children, if the allegations involve some type of physical abuse;
 - b. references from individuals who can vouch for your being good parents;
 - c. evidence of the legality of your home school program. If your home school is an issue, HSLDA attorneys routinely convince social workers of this aspect of an investigation.
8. Bring a tape recorder and/or witnesses to any subsequent meeting. Often times HSLDA will arrange a meeting between the social worker and the parents after preparing the parents on what to discuss and what not to discuss. The discussion at the meeting should be limited to the specific allegations and you should avoid telling them about past events beyond what they know. Usually, anonymous tips are all they have to go on, which is not sufficient to take someone to court. What you give them can and will be used against you.
9. Inform your church, and put the investigation on your prayer chain. Over and over again, HSLDA has seen God deliver home schoolers from this scary scenario.

10. Avoid potential situations which could lead to a child welfare investigation.
 - a. Conduct public relations with your immediate neighbors and acquaintances regarding the legality and success of home schooling.
 - b. Do not spank children in public.
 - c. Do not spank someone else's child unless they are close Christian friends.
 - d. Avoid leaving young children at home alone.

In order for a social worker to get a warrant to come and enter a home and interview children separately, he is normally required, by both statute and the U.S. Constitution, to prove that there is some "cause". This is a term that is synonymous with the term "probable cause". "Probable cause" or cause shown is reliable evidence which must be corroborated by other evidence if the tip is anonymous. In other words, an anonymous tip alone and mere suspicion is not enough for a social worker to obtain a warrant.

There have been some home-schooled families who have been faced with a warrant even though there was not probable cause. HSLDA has been able to overturn these in court so that the order to enter the home was never carried out. Home School Legal Defense Association is committed to guarantee legal defense for every home schooler who is being investigated by social workers, provided the allegations involve home schooling. In instances when the allegations have nothing to do with home schooling, HSLDA will routinely counsel most families on how to meet with the social worker and will talk to the social worker to try to resolve the situation. If it cannot be resolved, which it normally can be in most instances by HSLDA's involvement, the family is responsible for hiring their own attorney.

HSLDA is beginning to work with states to reform the child welfare laws to guarantee more freedom for parents and better protection for their parental rights. HSLDA will be sending out *Alerts* to its members in various states where such legislation is drafted and submitted as a bill.

For further information on how to deal with social workers, HSLDA recommends *The Right Choice: Home Schooling*, which was written with the intention of informing home-school parents of their rights in order to prevent them from becoming a statistic. Federal statistics have shown that up to 60 percent of children removed from homes, upon later review, should never have been removed. The child welfare system is out of control and we need to be prepared. is available at the HSLDA table at this conference. Also, to obtain *The Right Choice* or join the Home School Legal Defense Association call 540-338-5600, or write HSLDA, P.O. Box 3000, Purcellville, VA 20134.

Adapted from The Right Choice: Home Schooling by Christopher J. Klicka, Esq.