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Case Study of Liberty Loss Through Government Overreach - Part 1

This is the first of a four-part series on a case study of liberty loss through government overreach.

When the overreaching heavy hand of the government leads to even one instance of injustice, a little bit of liberty is lost for all citizens.

On July 2, 2019, in Kaufman County, Texas, another piece of liberty was chipped from our society. Once again, in a very sad courtroom scene, the “legal” abduction of a 4-year-old child by the Texas Child Protective Service (CPS) was upheld by what can only be described as an egregious miscarriage of justice.

During a hearing, that lasted more than six hours, little to no evidence was presented that indicated either parent, of the 4-year-old boy, had actually done anything remotely close to child abuse. In fact, no one involved in the whole prosecution process had ever met or talked with either parent, or met or talked with the child.

The doctor from Children’s Hospital, who apparently initiated the forceful removal, had no history of treating the child, had never seen the child, and did not make a complete review of all of the child’s medical records.

The CPS caseworker, responsible for initiating the legal process, as an “emergency” necessity, had no firsthand knowledge of any of the alleged charges she levied against the parents, had never met or talked with the child, and had made no attempt to complete a background investigation, as required by CPS policy.

Yet, the courtroom judge insisted that the process to permanently terminate parental rights be continued, that no further interaction between the child and the parents be allowed except with CPS approval and supervision, and that CPS be granted total control over all needs of the child. Yes, that is the same Texas CPS that is notorious for the extensive abuse and high rate of suicides of children, in their care and in their foster child care system.

How Could This Have Happened?

Each of the four parties (Hospital/Doctor, CPS, Court System and Child’s Ad Litem Attorney) involved failed in its primary responsibility to act in accordance with its role of “protecting the child first”.

While all four parties failed their responsibility, CPS is the root of the failure. This government agency is the real genesis of this problem and others like it. There has been multiple confirmed cases that CPS does not know when or under what circumstances it is in the best interest of the child to be removed from parental custody. All too often it seems CPS errs on the side of the parent is guilty of child neglect instead of ensuring the protection of the child from the true evil in the world.

Unfortunately, from the testimony given last week, there appears to be little or no supervisory oversight to ensure that overzealous caseworkers are actually working in the best interest of the child.

In this instance, the CPS caseworker had:

1. never seen or talked to the child;
2. not seen or talked to the parents;
3. not seen or talked to family members;
4. not seen or talked to neighbors;
5. not conducted a background investigation;
6. not attempted to resolve the issue without removal;
7. refused to disclose the allegations to the parents or to their lawyer;
8. misquoted and misrepresented a hospital doctor’s affidavit to obtain the court order and;
9. had no firsthand knowledge of any wrong doing by the parents;



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was allowed to initiate an “emergency” action to remove a child from his parents and to begin the process to permanently terminate parental rights.

By declaring it an “emergency”, the caseworker was able to forcefully remove the child by requiring his father to put him in a waiting police vehicle without having to first complete any of the procedural steps which were supposedly put in place to ensure that removal from the home was done as a last resort action.

The court hearing testimony and behavior of the caseworker can only be described as strange or bizarre. On almost every question that could be answered with a “yes” or “no”, the caseworker would first look down and appeared to be shuffling through papers looking for the answer. Then she would look up and at the CPS attorney who would be nodding her head in either a “yes” or a “no” movement. The caseworker would then answer accordingly. After a while, I began watching the judge and it appeared to me that he, too, was watching the CPS attorney appearing to be coaching the witness, but he never called them out.

Even though there was an exhaustive series of questions asked, the caseworker never gave a reason why the first and only official action by CPS had to be an “emergency” order for removal.

It was also quite clear, to me, that the CPS caseworker’s personal push led her to take it upon herself to pursue an “emergency” order. Doing so, in essence, showed the family’s attorney that she was from the government, she could do anything to that family that she wanted to do, when he indicated he was going to take the case up the CPS chain of command. Knowing that judges, for self-protection, almost always side with CPS was the only path to ensure that she got a pelt-for-her-belt.

This article is just part of this story. Each of the next three parts will address the other actors who contributed to this loss of liberty.