



*Serving the counties of District 2: Fannin, Delta, Hunt, Hopkins, Rains, Rockwall, Kaufman, Van Zandt, and part of Dallas County*

### ***Case Study of Liberty Loss Through Government Overreach - Part 3***

In what can only be characterized as an extreme miscarriage of justice, the Texas Department of Child Protective Services (CPS) got an emergency court order in Kaufman County to remove a 4-year-old boy from his family. On June 20, 2019, the 4-year-old was forcefully taken by CPS with the assistance of law enforcement. Following that, on July 2, 2019, a Kaufman County judge upheld the order.

The doctor from Children's Hospital, who apparently initiated the process which resulted in the forceful removal of a 4-year-old boy from his family by CPS, had no history of treating the child, had never seen the child, never spoke with the parents, and did not even make a complete review of all of the child's medical records before submitting an affidavit simply expressing some concerns about the child's medical history. CPS then used (perhaps "misused" is more appropriate) this affidavit to get an "emergency" court order to remove the child from his home and start the process of permanently terminating all parental rights.

There are several problems with the affidavit submitted and the testimony of the hospital doctor who was responsible for the initiation of this CPS action. The first problem is that all of her statements about the child and parents are pure speculation. She never saw or spoke with either parent or the child before submitting the affidavit. All the "concerns" she expressed in her affidavit were simply "concerns." She presented no firsthand or even secondhand knowledge of any wrongdoing by either parent. Also, she did not express any urgency for an "emergency" action, and she made no recommendation related to a need for CPS to remove the child from his family.

Some of the highlights of inconsistencies between the affidavit, testimony, and the conclusions intended to be used are:

In her testimony, she questioned the decision made by the cerebral palsy doctor to provide a wheelchair for the child. Yet she admitted that she did not know and had not talked with that doctor. In paragraph 2 of her affidavit, she said, "I do not have access to the child's records from the cerebral doctor."

The doctor discussed several medical issues, doctor visits, treatments, and medications the child has faced in his short four years. These include a brain surgery; before allowing it, the family got four second opinions from other doctors regarding the necessity of the surgery. He was also diagnosed, tested, and treated for many issues. These included autism, sleep apnea, restless leg syndrome, RSV viral lung infection, milk-protein allergy, cerebral palsy, and reflux. However, not all doctor-ordered treatments produced good results. According to the doctor's seven-page affidavit, every medical diagnosis and treatment the child received was from a certified medical doctor. Yet under the medical findings on page four of the doctor's affidavit, the doctor appears to criticize the mother by stating in Item 4, "... mother has expressed concerns for multiple problems over the years." Wow. What loving, caring, and doting mother would not be "concerned" with so little progress being made by multiple doctors? But, the two big questions are:

*Why would CPS accept a sworn statement like this one when that doctor had never met nor talked with either parent or the child?*

*Why would an allegedly impartial court system accept such a document as fact?*



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The only “significant” concern expressed by this doctor in her affidavit is directed at the competency of the other doctors, not at the parents. In fact, almost all the “concerns” expressed by the doctor in her affidavit appear to be criticism of the previous doctor’s diagnosis and treatments.

On page 6, “Kaleb is a 4 yo male that is currently being seen by multiple doctors in the Dallas area. With much review, I have significant concerns about the accuracy of some of his diagnoses. I am very worried about medical abuse for this child.”

So, if this is truly her belief, why has she not reported these concerns to the Texas Medical Board for a malpractice investigation of the doctor for every procedure she questioned? After all, it was the doctor, not the mother, that made the diagnosis and performed the procedure.

Even though there appeared to be some conflict in testimony between hospital doctor and the CASA representative, it was quite obvious that they had coordinated their testimony. They both used very similar words and scenarios to describe the child in the hospital. However, one of them got their facts reversed on the issue of potty training. One said that “he only pooped in the toilet but he peed in his pull-ups,” while the other stated, “he only peed in the toilet but pooped in his pull-ups.”

Then, after the abduction but before the court hearing, the doctor did meet with the parents to discuss her concerns. It was noted by several people that attended the meeting, either in person or via telephone conferencing, that the doctor said her concerns had been answered and saw no reason for the child to remain in the hospital. Why, then, does CPS insist on continuing to seek custody of the child and permanent termination of all parental rights?

These are just the highlights of the concerns with the doctor’s affidavit that began the persecution of this family.

In addition to the above, citizens should have serious concerns with the way that CPS and officers of the court twisted and misused her statements.

