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CIVIL LIBERTIES WITHOUT EXCEPTION: NCCPR's Due Process Agenda for Children and Families

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<http://www.nccpr.org/reports/dueprocess.pdf> Highlights from 13 p paper

RECOMMENDATION 1: TRANSPARENCY

All court hearings in child maltreatment cases and almost all documents should be subject to a "rebuttable presumption" of openness.

RECOMMENDATION 2: OPEN RECORDS. Reverse the current presumption that most child welfare records are closed, and allow child welfare agencies to comment freely on any case made public by any other source.

RECOMMENDATION 3: Child welfare agencies should be free to comment on any case that has been made public by any other source.

RECOMMENDATION 4: Quality legal representation must be available to all parents who must face CPS.

RECOMMENDATION 5: The institutional provider of counsel should have lawyers available 24-hours-a-day, seven-days-a-week.

RECOMMENDATION 6: Law guardians should act as lawyers.

Guardians ad litem should advocate for what the children they represent want, even if the GAL does not think it's in the child's best interests.

RECOMMENDATION 7: Before a call is accepted by a **child abuse "hotline"** and referred for investigation, the caller must be able to demonstrate that s/he does, indeed, have "reasonable cause to suspect" maltreatment.

RECOMMENDATION 8: A rational method must be established for **screening hotline calls.**

RECOMMENDATION 9: Anonymous calls should not be accepted.

RECOMMENDATION 10: No one should be listed in a **central register** of alleged child abusers, and no allegation should be substantiated, until, at a minimum, the family has had an administrative hearing conducted by a hearing officer outside of the child welfare agency. The standard of proof should be "clear and convincing."

RECOMMENDATION 11: When a report is "unfounded" all records should be expunged within 30 days.

RECOMMENDATION 12: From the moment a child is removed until the first hearing at which all sides are represented, the child welfare agency shall be responsible for **arranging daily visits**, unless it can show, by clear and convincing evidence, that this would cause severe emotional harm to the child.

RECOMMENDATION 13: All interviews conducted by CPS personnel in the course of child maltreatment investigations – not just interviews with children – **should be, at a minimum, audio -taped.** For interviews conducted at CPS offices or similar settings, videotape is preferable. Information from any interview that is not taped should be inadmissible in all court proceedings.

RECOMMENDATION 14: The standard of proof in all court proceedings should be raised from the current standard in most states, "preponderance of the evidence," to "clear and convincing." The standard also should apply when a worker decides to "substantiate" alleged maltreatment.

RECOMMENDATION 15: Abolish legal "ransom."

There is a word for taking away people's children and making them pay money to get the children back.

RECOMMENDATION 16: In all places where it appears, the phrase "**best interests of the child**" should be replaced with the phrase "least detrimental alternative."

Families with...

Nazareth Carpenter Being Held On Charges Involving Underage Mother

Bethlehem, Judea - Authorities were today alerted by a concerned citizen who noticed a family living in a barn. Upon arrival, Family Protective Service personnel, accompanied by police, took into protective care an infant child named Jesus, who had been wrapped in strips of cloth and placed in a feeding trough by his 14-year old mother, Mary of Nazareth.

During the confrontation, a man identified as Joseph, also of Nazareth, attempted to stop the social workers. Joseph, aided by several local shepherds and some unidentified foreigners, tried to forestall efforts to take the child, but were restrained by the police.

Also being held for questioning are three foreigners who allege to be wise men from an eastern country. The INS and Homeland Security officials are seeking information about these who may be in the country illegally. A source with the INS states that they had no passports, but were in possession of gold and other possibly illegal substances. They resisted arrest saying that they had been warned by God to avoid officials in Jerusalem and to return quickly to their own country. The chemical substances in their possession will be tested.

The owner of the barn is also being held for questioning. The manager Bethlehem Inn faces possible revocation of his license for violating health and safety regulations by allowing people to stay in the stable. Civil authorities are also investigating the zoning violations involved in maintaining livestock in a commercially-zoned district.

The location of the minor child will not be released, and the prospect for a quick resolution to this case is doubtful. Asked about when Jesus would be returned to his mother, a Child Protective Service spokesperson said, "The father is middle-aged and the mother definitely underage. We are checking with officials in Nazareth to determine what their legal relationship is.

Joseph has admitted taking Mary from her home in Nazareth because of a census requirement. However, because she was obviously pregnant when they left, investigators are looking into other reasons for their departure. Joseph is being held without bond on charges of molestation, kidnapping, child endangerment, and statutory rape.

Mary was taken to the Bethlehem General Hospital, to be examined by doctors. Charges may also be filed against her for endangerment. She will also undergo psychiatric evaluation because of her claim that she is a virgin and that the child is from God.

The director of the psychiatric wing said, "I don't profess to have the right to tell people what to believe, but when those beliefs adversely affect the safety and well-being of others - in this case her child - we must consider her a danger to others. The unidentified drugs at the scene didn't help her case, but I'm confident that with the proper therapy regiment we can get her back on her feet."

A spokesperson for the governor's office said, "Who knows what was going through their heads? But regardless, their treatment of the child was inexcusable, and the involvement of these others frightening. There is much we don't know about this case, but for the sake of the child and the public, you can be assured that we will pursue this matter to the end."

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