

We, at Heads Held High, advocate for the civil rights of the family unit. As such, it is of our opinion and position that families and their children are in extreme danger from rampant and pervasive illegal civil rights violations perpetrated by Child Protective Services agencies, not just in Monroe County, but in virtually every county in the United States. Although we are no attorneys and are not rendering legal advice, below are some laws and codes that we believe, in our opinion as advocates, will protect your civil rights as a family unit in the Commonwealth of Pennsylvania.

Family Rights in Pennsylvania

You have the right to refuse anyone from entering your home if they cannot show you a valid warrant. That includes police and case workers. They also cannot threaten you in any way to convince you to let them in your home. This is your most important right and it is protected by the 4th Amendment of the Constitution of the United States. If they insist on entering your home, just say no gently and that you're asserting your Constitutional right as a citizen of the United States and read them the 4th Amendment below. Do not back down!

4th Amendment – The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

On May 20, 2005, the Pennsylvania Superior Court ruled that before juvenile courts may issue search orders (a warrant) the social worker “must file a verified petition alleging facts amounting to probable cause to believe that an act of child abuse or neglect has occurred and evidence relating to such abuse will be found in the home”.

Caseworkers are not allowed to take children into custody without a valid court order. There are NO exceptions and your child's school or day care or any other temporary guardian is not allowed to hand over your child to anyone, including police and caseworkers, with a valid court order.

Pennsylvania law only gives police or doctors the right to take children into emergency custody if they are in imminent danger. If your children are taken by CPS caseworkers against your civil rights or CPS law, contact an attorney to file a Writ of Habeas Corpus, or contact Heads Held High.

Pennsylvania Statute 23 Pa.C.S.A. § 6369 – Taking a child into custody

You have the right to an attorney at all times. Don't let anyone tell you that you don't need one. If you can't afford an attorney, the court must appoint one for you at no charge to you.

Pennsylvania Statute 42 Pa.C.S.A. § 6337 – Right to counsel

If your child is seized with a valid warrant or due to circumstances that are deemed imminent danger or exigent circumstances, they cannot keep the child unless a court order is issued by a judge granting temporary custody to the child protective services agency for longer than 24 hours. A judge must be available in any 24 hour period, 365 days a year.

Prior to interviewing you, the caseworker must notify you orally of the existence of the report causing them to investigate, of your rights under 42 Pa.C.S.A. § 6337 (relating to the right to counsel) and 42 Pa.C.S.A. § 6338 (relating to other basic rights) and all your other rights pursuant to the child protective services laws in regard to amendment or expungement.

The child protective services agency must also notify you of the above in writing within 72 hours that they are investigating, unless there are unusual circumstances.

Pennsylvania Statute 42 Pa.C.S.A. § 6338 – Investigation of Reports; Pennsylvania Statute 42 Pa.C.S.A. § 6315b – Taking a child into custody – Duration of custody

Under no circumstances can a child be held in protective custody unless an informal hearing is held with 72 hours and the court issues an order following the hearing that the child may be held in protective custody for longer than 72 hours.

Pennsylvania Statute 42 Pa.C.S.A. § 6315d – Taking a child into custody – Informal hearing

Note: These are only some of your rights under the laws of the United States and the Commonwealth of Pennsylvania. If you have a personal computer and access to the internet, you may find all the federal laws and case law at www.findlaw.com and Pennsylvania Child Protective Services laws at <http://members.aol.com/StatutesP2/23.Cp.63.html>.