



National Home Education Legal Defense, LLC

*What do
you do...*

if a State Social Worker knocks
on your door?

— OR —

How do you defend yourself
against a charge of
educational neglect?

Knowledge through Freedom
Freedom through Knowledge

PARENTS HAVE RIGHTS



Parents have federal and state Constitutional and statutory rights that protect them from government intrusion into their homes. The fourth amendment of the United States Constitution protects parents from unreasonable searches and seizures by government agents. Warrantless searches are presumptively unreasonable. This means that no government official can enter your home without your permission, without a warrant, unless there are exigent circumstances where an emergency exists and someone is in need of immediate aid. This exception would not apply when the complaint is solely for “educational neglect” or “truancy”.

In fact, the United States Constitution establishes only a minimum standard for the exercise of individual rights. That means that your state’s constitution, and statutes, may afford you even greater protection from unreasonable searches and seizures in your home.

In order for government agents to obtain a warrant, they need to show a judge sufficient evidence amounting to probable cause to believe that a crime has been committed.

www.nheld.us

If A Social Worker, With or Without a Police Officer, Knocks at Your Door...

Don'ts

• Don't let the person into your house.

This is especially true if the police accompany the social worker, and they do not have a warrant allowing them to enter your house. If you allow them into your house, they can, and will, use anything they see, or hear, against you. If you go outside to talk with them, the police can arrest you without a warrant.

While standing at the door, politely, but firmly, tell them that you do not consent to them entering your home, and that you would like them to communicate what they want in writing so you can respond appropriately. In particular, ask them to provide you with a written copy of the allegations made against you. If they refuse, ask them to check with their legal counsel for permission to do so. Tell them you will be happy to make an appointment with them to provide them further information after they provide you with the written allegations.

• Don't talk to DCF unnecessarily.

Don't allow DCF to talk with your children without consulting with legal counsel. Anything you or your children say will be used against you. If there is an allegation of educational neglect, usually providing documentation through paperwork is sufficient to defend against the claim. If the circumstances and the law require DCF to talk to the children, you may still have control over how, when, where and in whose presence, that discussion takes place. Check with legal counsel before allowing any interview with the children.

Do's

• Know your rights.

Have copies of all applicable statutes handy or readily accessible, i.e., legal authority to homeschool, duties of parents, duties of public school board, truancy, educational neglect, duties of government agents.

• Request in writing a copy of the allegations made against you.

You cannot defend yourself unless you know what is being alleged against you. A verbal statement by a social worker is insufficient, as the statement may leave out important facts and details.

• Minimize communication.

Only communicate with government agents when absolutely necessary.

• Communicate with government agents only in writing.

Send your communication by certified mail, return receipt requested, and keep a copy of what is sent.

• Act firmly, but politely.

When communication in person is unavoidable. Tell them to put their request in writing to avoid misunderstanding.

• Be aware of phone contact.

The same advice applies if a social worker or police contact you by phone.

VISIT:

National Home Education Legal Defense
www.nheld.us
or
www.dgstevensonlaw.com

STAY *Informed*
STAY *Strong*
STAY *Free*

- Protect your children.
- Protect your family.
- Protect your freedom.
- Empower yourself with the knowledge of your rights.
- Don't let the government intimidate you into compliance.

Together we will stay free.

JOIN
NHELD
NOW!



MORE PRACTICAL TIPS

How to defend yourself against a charge of educational neglect or truancy can be a challenge.

Sometimes government agents will allege things other than educational neglect, such as emotional neglect, in order to make sure an investigation will take place. When that happens, a defense may become more difficult, and may require provision of additional evidence, or the assistance of full legal representation by counsel. Anytime when the government agent is requesting permission to look at additional records, or to talk with others, such as physicians or counselors, it is wise to limit any consent, if it is given at all, to only those issues, and only those time frames, that are directly related to the allegation.

Where possible, the better practice may be to refuse permission to view the records and to talk with professionals. That's because if you don't provide them with information, the government agents may not have other means to obtain the information, so that they are forced to close the case.

Also, beware that when a government agent asks you to provide your date of birth, that's usually so that the agent can conduct a police background check.

You don't have to help the government convict you of anything.

When in doubt, contact NHELD.

National Home Education Legal Defense

Attorney Deborah G. Stevenson

Executive Director

P.O. Box 704 • Southbury, CT 06488

Phone: (860) 354-3590 • Fax: (860) 354-9360

Email: Stevenson@dgstevensonlaw.com

Disclaimer: This information is intended as a guide only. Nothing herein should be construed as legal advice. Contact a licensed attorney in your state, if necessary.

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