

National Outrage

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Help! My Kids Are Gone!

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Dear Parent:

Many parents have written, called, and e-mailed asking if they can take part in the class action pending against the State of Utah. Similar actions have been commenced in Washington State and Florida, with a remarkable outpouring of public support. This should be quite interesting to those who claim that this national outrage is only something cooked up by right-wing conspiracy theorists.

Please understand, however, that if your children are currently in state custody, participation in the lawsuit will have no effect on your pending case. If your children were only recently removed, you are at a very critical stage, and you will have to take some immediate steps. Juvenile court cases are different from any other kind, because it is your conduct, not the competence or incompetence of your attorney, that will make the difference. If you have not read the essay "What Child Welfare is All About" on the National Outrage website, please do so. It's under the sub-heading "[The Real Story](#)" at www.nationaloutrage.org. You need to understand that from the moment the State decided to take your children, their only intention was to terminate your parental rights in one year. This is not "kind of, sort of, the way it tends to work out" or something that only happens in those ubiquitous "cases that fell between the cracks." This is their plan. This is their only plan. In spite of absolutely anything they may tell you, absolutely everything the caseworkers, therapists, police, GUARDIAN AD LITEM, or judge do is for the sole purpose of insuring that when you come to trial next year for termination of your parental rights, the case against you will be so airtight that you won't have a chance. In order to prevent this from happening, you (not just your attorney) need to do everything you can right now to keep them from gathering evidence against you. The basic outline is as follows:

1. Two tracks, In Court and Out of Court.

A. In Court. It's highly advisable to fight absolutely everything you can in court. Do not sign anything, whether it be a treatment plan, release of information, or anything, without going over it thoroughly with your attorney. Every time you sign any paper of any kind, you waive one of your appeal rights. If you don't sign a paper, the judge may order whatever it was you wouldn't agree to, but that's okay. That's because on any issue before the court, you can either agree or be ordered (but you can't be ordered to agree. That's called duress). If you agree, you give up an appeal right. If, on the other hand, you are ordered, you end up having to do the same thing, but you preserve your appeal rights. If your appeal rights are intact, their case for termination is weaker. Also, in a worst-case scenario, where your rights are terminated, your children are adopted out, and you lose on appeal, your children will still find their way back to you some day. If you can look them in the eye and say you never, ever gave up on them, it will undo much of the damage that's been done.

B. Out of Court. Comply. Always, always, always be polite, both in court and out. Never get in a caseworker or judge's face, ever. Kiss up in every way you can, but be firm about your rights. "I'm sorry, I don't mean to be rude, but my attorney has asked me to provide all information through him." This is your right. If they think you're being obstinate, blame it on your attorney. That's what attorneys are for. If your attorney won't accept that responsibility, get another one. But always be polite, if not downright sugary.

2. Compliance. Once a judge has ordered something, comply with it 110%, and don't argue. Be cheerful about it, and thank everyone for helping you to get your life in order. Kiss up, kiss up, kiss up. Here are three of the most common stumbling blocks:

A. Urinalysis. If you are ordered to do regular or random urinalysis, **DON'T MISS ONE, EVER.** This is not like probation or parole, where your probation officer will cut you some slack if you slip here or there. This is zero-tolerance. Don't ever miss a UA ever, and don't ever come up dirty, **EVER.** If your car breaks down and you can't get to the UA, you may have to steal one to get there. If DCFS calls you at 4:55 to go get a UA, and the place closes at 5:00, go get a UA that same day someplace else, at your own expense. Get a written confirmation of every single UA, and get your own copy of the results every single time. If you come up positive when you know you're clean, start paying for your own UA's at someplace different from where they are sending you.

B. Therapy. If you are ordered into any kind of therapy, **DON'T MISS A SINGLE SESSION, EVER.** You may think the court wants to see that you're making progress in therapy. They actually don't care. The only thing that counts is attendance. If the therapist calls you an hour before your session to say that the session has been cancelled, go to the therapist's office immediately and get that in writing, signed by the therapist. Then show up at the scheduled time, just to make sure. If they call you to say that your Wednesday group has been rescheduled to Thursday, show up on Wednesday anyway just to make sure. And get a written confirmation at every therapy session that proves you were there, and take the confirmation home with you that same day. Don't trust them when they say that they're keeping a regular attendance list. Keep your own separate proof.

C. Visitation. If you have visitation, supervised or not, **DON'T MISS A SINGLE VISITATION, EVER.** The same rules apply as with the therapy. If they call to say that visitation has been delayed an hour, show up at the original time, or even a little early, and wait the hour. If they call to say a visitation has been cancelled, show up anyway. If you don't, your child will be brought to visitation (even though they said he wasn't coming) and will wait and wait for you. When you fail to show up, they will tell your child that you don't love him. After about three no-shows like this, your child will be convinced you don't love him, and will refuse to come to any further visitations. Don't let this happen.

WARNING: The court does not care that it was DCFS's fault that you missed a UA, a therapy session, or a visitation. **THE COURT DOES NOT CARE.** Anything you fail to do will be considered your fault, no matter what, no matter how well you can prove it was the caseworker's fault. Don't try and argue this point. Just accept it.

3. Flow of Information. You have the right to remain silent. If you choose not to remain silent, every sound coming from you will be used against you. This is the basic rule of getting your kids back. Provide as little information as you can get away with, and make sure all information is

provided through your attorney, not directly to any caseworkers (no matter how "routine" they make it out to be). "Information" means anything about you at all: Your social security number, your criminal history, your employment history, your family history, your psychological background, your health records, who your relatives are, what the inside of your house looks like, ANYTHING about you. As much as you possibly can, pick and pay for your own therapists, psychologists, and assessments. If possible, make sure they are people who do not have a contract with the State. This is the one part of this ordeal where every cent you spend is worth it (it's more important than paying your attorney), because it is the therapists and psychologists who will tell the judge whether you should get your kids back. Make sure they're YOUR therapists, not theirs. But as you do all this, always, always, ALWAYS be polite and cooperative (without compromising) with the caseworkers, police, and psychologists. Make them feel good. Let that caseworker know that you consider her God. Because when it comes to getting your kids back, she is.

4. Emotions. It's always okay to cry. Don't let anyone tell you otherwise. This is hell, and you're entitled to cry. Do not show any anger, and DO NOT ever argue with a caseworker or police officer, EVER. It's okay to be frightened and confused, but don't tell that to anyone from the State. Don't tell anyone you're depressed. For one, you don't have time to be. For another, they'll use it as an excuse to put you on drugs and keep your kids away from you. This system is designed to play on your fear and anxiety. It's mental warfare, but once you know what it's all about, you have the ability to outsmart them.

5. Focus. Here's a familiar bit of advice in an entirely new context:

God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.

A. Here are the things you cannot change: (i) The foster parents can do anything they want. You have no say in what they do with your kids whatsoever. So don't argue. Quite frankly, they have a license to kill. (ii) The system is grossly unfair. It violates every constitutional right you have. There are good people all over the country trying to change that, but it won't happen before you get your kids back. You have to deal with the system as it is, whether it's fair or not. (iii) The caseworkers, police, attorneys, judge, and GUARDIAN AD LITEM lie. It's a fact of life. Just expect it, and learn to keep your mouth shut. They can't twist your words if you don't give them any to twist. (iv) Nobody believes this is happening. This is the same process by which the Nazis were able to run concentration camps for twelve straight years. NOBODY COULD BELIEVE IT WAS HAPPENING. Welcome to Amerika. These are things you cannot change.

I'm not trying to be rude. It's just that so many people waste an enormous amount of time and emotional energy banging their heads against the wall about these things. It's awful, and it hurts, and it's okay to cry, but reconcile yourself to these things, and focus on those things you CAN do to get your kids back. Otherwise, you'll waste at least 10 weeks of precious time coming to terms with your shock.

B. Here are the things you CAN do: (i) Shut up, and shut up now. This is rule number one. In most cases, the entire case against the parents for termination is built entirely out of what comes out of the parents' mouths. That's a quote from an assistant attorney general of the State of Utah. Don't argue, don't be rude, don't show any exasperated body language, but don't provide any information except through your lawyer. Even a bad public defender (there are good public defenders, believe it or not) can do an adequate job if YOU take control of your conduct. (ii) Comply with everything you are ordered to do, cheerfully, completely, and, whenever possible, before being asked or

ordered to do so. This particularly means never missing a urinalysis, never missing a therapy session, never missing a visitation, and never missing any other meeting, class, hearing, or activity you are directed to do. (iii) Pray. This is no joke. You have the basic intuition to calm down inside and get yourself out of this mess, and God will help you do it. He's certainly not helping them. (iv) Be patient. They are playing on your anxiety over never seeing your children again. This fear drives many people to make horrible compromises. Accept the fact that it may be several days or weeks before you see your children. Accept the fact that it may be two or three months before the next hearing. Accept the fact, horrible as it is, that your children may be abused by the foster parents. Your children will recover, and it will be through your love and faith. Remember, this is mental warfare, and patience and faith are your greatest weapons. Silence, compliance, patience, and faith are well within your ability to change, and you have the courage to do them, because you will do anything to get your children back.

C. Wisdom to know the difference. This is what attorneys are for. They know what to say and what not to say, and when. But with or without your attorney's help, you're going to run this show. Educate yourself as much as possible. Get a copy of the book "Profane Justice" by Suzanne Shell. Search the net. Search this website. Learn about the U.S. Constitution and what your rights are as a citizen. Did you know that you didn't have to let the caseworkers in when they first came to your door? In any other kind of case in any other kind of court, you can hand your attorney a set of facts and laws and ask him to fix it. In juvenile court, only YOU can steer the situation, hopefully with the help of your attorney, but without him if necessary.

I hope this is of some help to you. If you have further questions, you can contact my office at 801-558-6262.

Good luck, and God bless you!
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If you have questions about the legal issues and actions covered on this web site, send mail to info@nationaloutrage.org.

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