



Texas Home School Coalition

ASSOCIATION

Dedicated to Serving and Protecting the Home School Community of Texas

Tim Lambert, President • P.O. Box 6747 • Lubbock, Texas 79493
(806) 744-4441 • Fax: (806) 744-4446 • E-mail: staff@thsc.org • www.thsc.org

January 27, 2014

John J. Specia, Jr.
Commissioner
Department of Family and Protective Services
PO Box 149030
Austin, TX 78714

Commissioner Specia:

By way of introduction, let me state that the Texas Home School Coalition Association is a statewide advocacy organization for home educators, with almost 60,000 families on our mailing list. As the home school advocacy organization for the state of Texas, we act as a liaison with state and federal agencies in regard to issues related to home education. In fact, the state department of education, the Texas Education Agency, frequently refers calls received by that agency regarding home education to our organization for verification or resolution.

I am writing in regard to the T____ and C____ T__ case in Dallas County. The children of this family were removed wrongfully as a result of the actions of CPS caseworker Ms. Shan Robinson.

Ms. Robinson investigated a complaint resulting from an autistic child temporarily in the T____' care wandering away from their home on September 11, 2013, and being returned by police. The child was returned to his mother's home by the T____, of their own accord, on that same day in response to the incident, without any intervention at that point by CPS. CPS was notified by police at the time, but it was a week later that caseworker Shan Robinson came to do the standard walk-through investigation of the T____' home. Mrs. T__ was cordial and fully cooperative with Ms. Robinson's investigation on September 18, 2013. At that time Ms. Robinson noted the clean, large house, and everything seemed fine.

In the course of their conversation that day, however, the caseworker questioned Mrs. T__ about her ministry to the homeless and her choice to home school, and she asked Mrs. T__ why she would choose to stay at home with her children. Ms. Robinson said, "Nobody in their right mind would want to stay home all day with so many children!"

Ms. Robinson had the children come to her office on September 20, 2013, for an interview, as some of the children were not at home during her first visit. Apparently her comment, "Nobody in their right mind," was not merely a figure of speech, because she issued a "safety plan," requiring the T____ to take parenting classes and requiring Mrs. T__ to have a psychological examination. The safety plan expiration date was October 20, 2013. Ms. Robinson handed Mrs. T__ a directory of all the clinical providers that work with CPS (from prenatal care to drug rehab) and gave her no further instructions. Ms. Robinson did not communicate again with Mrs. T__, and while Mrs. T__ did everything she thought she needed to do to be in compliance, she assumed the case would be closed out when the expiration date of October 20, 2013, came and went.

BOARD of
DIRECTORS:

Ray Ballmann,
D. Min., D.D., S.T.M.
Glen Rose

George Clay
Wichita Falls

Kent Dowden
Wylie

James Frank
Wichita Falls

Donna Harp
Austin

Pat Hurd
Weatherford

Mary James
Austin

Tim Lambert
Lubbock

Doug McKissick
Cypress

Tom McMinn
Hempstead

Gavino Perez
San Antonio

Sarah Singleton
Houston

David Strassner
Houston

On October 31, 2013, Ms. Robinson returned to the home with a Family Based Safety Services evaluator, and Mrs. T___ produced certificates documenting that she and her husband had already taken the requisite parenting classes within the last year and had had two family therapy sessions in the previous two weeks. In addition, Mrs. T___ produced a certificate from her doctor noting her physical and mental fitness to care for children. Ms. Robinson signed a copy of the doctor's certificate to show she had received it and left the home, saying she would ask her supervisor if the provided documents were sufficient for compliance. The FBSS worker remained behind for a short time and noted that CPS had no services that could be offered to the family because the T___ had already taken so many parenting classes on their own as part of their work with [Safe Families](#). The T___ did not hear again from Ms. Robinson or the FBSS evaluator.

On November 5, 2013, Ms. Robinson was informed during her staff meeting with Supervisor Diana Etheridge and Program Director Linda Gomez that the provided doctor's certificate was not sufficient and that Mrs. T___ would have to complete a psychological evaluation with a CPS contractor. Ms. Robinson did not contact the T___ family to let them know of this decision. Instead, a full eight days later Ms. Robinson submitted an Order To Participate request to Dallas County Judge Graciela Olvera, an associate judge of the 256th District Court.

The judge refused to sign the Order To Participate and instead ordered the children removed. Rather than contact the family at any point to clear up the confusion, Ms. Robinson wrote an affidavit justifying the judge's actions by making it appear there was a problem in the home, using three previous CPS cases against the T___ that had been administratively closed or ruled out in order to pad her report and to throw doubt on the safety of the children, something that is against CPS policy. The affidavit also notes the judge's concern for the mental state of the parents, although he refused to sign the order requiring a psychological evaluation.

Although she had not been in the home in 20 days, Ms. Robinson ended her affidavit of November 20, 2013, with the words, "It is felt they would be in imminent danger and at risk of serious harm if allowed to remain in the care of their parents/guardian without them appropriately addressing the physical neglect and neglectful supervision concerns that place the children at risk of harm."

The T___ had immediately addressed the neglectful supervision concern before CPS even intervened, as evidenced by the return of the autistic child to his mother on September 11, 2013. There were no other neglect issues noted at any point by Ms. Robinson, either in any of her meetings with the family or in her affidavit. Ms. Robinson also stated in her affidavit, "All reasonable efforts commensurate with time and circumstances have been made by TDFPS to prevent or eliminate the need for removal of the children, and to make it possible for the children to return home," an assertion that was simply not true. No effort was made to prevent the removal of the T___ children in the weeks between the determination that they were not in compliance and the submission to the judge for removal orders, as evidenced by the court record.

On November 21, 2013, armed constables came to the T___ home with Writs of Removal, took the T___' seven children, and placed them in foster care. At the CPS office immediately afterwards, Ms. Robinson told Ms. T___ she knew there was no cause for removal but that she had to come up with something to satisfy the judge. This statement was repeated twice by Ms. Robinson in the presence of Ms. T___ and her 25-year-old daughter, A____ D_____. Ms. Robinson also denied the option of putting the children in kinship placement, in spite of the fact that there were many suitable families ready to take the children immediately, stating, "We don't do that anymore."

In the court hearings that followed on December 16, 2013, and January 7, 2014, Ms. Robinson testified that the T___ home was safe and clean, and she insisted that that she did not request removal, but only an Order To Participate. However, under cross examination by the T___' lawyer on January 7, Ms. Robinson did acknowledge that she added the statutory language about imminent harm, as well as the closed CPS cases, to her report to the judge, and that she did not attempt to contact Mrs. T___ at any point after the safety plan was issued to let her know she was not in compliance. Ms. Robinson testified that she knew Mrs. T___ thought she was in compliance because of the documentation that she had submitted to Ms. Robinson.

The hearing on December 16, 2013, focused almost exclusively on the family's faith, community service, and their home schooling rather than on evidence supporting removal of the children. While some of the children have been returned to the family as a result of the appeal hearing on January 7, 2014, the family is not being allowed to home school, and some children remain away from the family. The actions caused by this caseworker and her supervisor cannot be ignored. She did not follow CPS procedure; instead, she traumatized these children, wasted CPS and county resources by placing seven children, who were living in a loving, safe home, into foster care.

Commissioner Specia, it appears that these egregious actions were taken by this caseworker and supported by her supervisor in order to facilitate or cover the judge's unjustified removal of these children. The removal has caused harm to the children and the family, and I urge you in the strongest terms to initiate a full and vigorous investigation of Ms. Robinson and her supervisor in this matter and to pursue disciplinary actions or removal for both.

Sincerely,

A handwritten signature in black ink that reads "Tim Lambert". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Tim Lambert

cc: Ms. Lisa Black, Assistant Commissioner Child Protective Services; Ms. Kristine Mohajer, CPS Education Specialist; Governor Rick Perry; Texas Senate Health & Human Services Committee; Texas House Human Services Committee; Texas home schoolers