

**Drug Testing?** Unless provided a **Written Order** by the Court, do not submit to a drug test. Know Your Rights Series # 7 “Questions and Answers on Drug Testing” can guide you to more information.

### **Record Keeping 101 –Developing a case File**

**If you have been contacted for any reason by a government official, it is time to develop a case file. Keeping accurate and complete records will help you and your attorney better prepare.**

Every time you talk to a Government Agent, no matter how trivial it may seem write down their **name, job title and department that they work for. Make a note of the date and time.** Write a summary of the conversation immediately after the contact is over so it is fresh in your mind.

If you agree to anything (i.e. a future meeting or a parenting class) make sure you follow up with a letter confirming your understanding of the conversation. **Any time you correspond with an agency, date it and keep a copy of what you sent.** It is preferable to send correspondence certified return receipt, this way they can't claim they didn't receive your letter.

**Keep** a file with your notes and correspondence in chronological order and store it in a safe place, do not give a copy of the file to anyone including an attorney until you have made a back up copy.

**Remember:** *Anything you say can and will be used against you*

**www.saveourfamilies.com**  
A Project of FL CAN  
**www.floridacannabisaction.net**

### **Filing a Complaint**

In Florida the DCFS is divided into 15 districts, headquartered in Tallahassee. If you feel the department has acted illegally or you have been poorly treated, complain to the supervisor and the legal director in your district, letters are far more effective than phone calls.

If your district is un-responsive or your answer is unsatisfactory, write to the Director in Tallahassee.

Department of Health and Human Services  
Secretary Kathryn Kearney  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399

**References for following the guidelines set out in this brochure.**

**For a listing of DCFS Districts and Headquarters go to:**  
[http://www.state.fl.us/cf\\_web/districts.html](http://www.state.fl.us/cf_web/districts.html)

**For Statewide listing of Legal Aid Services go to:**  
<http://www.trls.org/legalaid.html#>

**For a guide to all FL Courts go to:** [www.flcourts.org](http://www.flcourts.org)

**To find your Circuit Court go to and click on your county:**  
<http://www.clerk.co.brevard.fl.us/pages/counties.html>

Your Local Phone Book or the Save Our Families Staff can help you find this information if you do not have computer access.

*This brochure is best referenced with its companion #4 in the Just Say Know Series “Making Your Attorney Work for You”*

**FL CAN's**

### **“Just Say Know Series” #6**



## **Protect The Family**

### **A Guide to Encounters with The Department of Children and Family Services**

**“Appellant’s claim, that a search warrant is not required for home investigatory visits by social workers, is simply not the law.”**

**Calabretta v Floyd 189 F. 3d 808  
(9<sup>th</sup> Cir. 1999)**

*An analysis of Family Law in Florida Courts has shown that parents and children's constitutional right to due process is routinely being ignored. The Department Of Children and Family Services (DCFS) Investigators and staff are often over-zealous and poorly trained. This brochure is intended to help parents understand how to protect their rights while holding the DCFS and the Courts accountable. As with any encounter with a government agent it is important to remain calm, be polite but firm, don't be intimidated.*

## When DCFS Phones

If you receive a phone call from the DCFS: Make sure you identify the **name** and correct spelling of the person calling; their **job title** and a **phone number** where they can be reached. Also make a note of the time and date of the call for your case file.

Remain calm. Keep the conversation short. If the investigator is making allegations or demanding information from you, politely explain that before you answer any questions you would like to contact legal services. Do not agree to any course of action until you have spoken to counsel. You should ask what allegations are being made against you. Keep a log with legible and accurate notes of all phone conversations with the Department. **Do not volunteer information** even if the worker says it will be better for everybody if you cooperate with the investigation.

## When DCFS Comes to Your Home

If a DCFS Protective Investigator or any other agency comes to your home **never let them into your home unless they have a search warrant**. Do not allow your children to be questioned. Politely tell the workers to come back when they have a court order. Ask the Investigator for their I.D. and business card. Always ask the Investigator for a **Parents**

**Rights Brochure** if they don't have one tell them to come back when they have one for you.

Tell the Investigator that you will be contacting Legal Services immediately and that they can arrange a meeting through your attorney or representative. Make sure that your relatives, roommates, baby sitters and any houseguests know how to respond if you are not at home. **Make sure your children know NOT to talk to ANY agency unless you are present.**

## When DCFS Comes to School

If your children attend School or Day Care it is important to teach them not to speak to government agents. Most schools will allow state agents to interview your children without informing you. You should notify the school principal, teachers and day care workers in writing that you would like them to contact you before any interviews with your children take place. Retain a copy of the letter for yourself.

You could also give your child a laminated card to present to agents, for example:

### Notice to Government Agencies

**I have a right to have my parents present prior to answering any questions. I am now exercising that right and request that you contact my parents immediately.**

On the back of the card make sure you list several contact numbers, home, work, cell or pager so the agent can't claim they couldn't reach you.

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## Court Orders and Hearings.

If the Department serves you with a notice to appear in court, make sure you show up on time, *preferably with a lawyer*. If for some reason it is impossible for you to make it to court (i.e. transportation, health or work) make sure you fax your reason to the Department, the Clerk of Court Juvenile Division and the Judges Assistant (J.A.). Retain a copy of the fax transmittal sheet and attach it to the fax for your records.

If you appear in court and have not hired or cannot afford to hire an attorney, politely tell the judge that you would like a continuance until you have hired or been appointed an attorney. If the Department lawyers or the Judge ask you to sign anything (i.e. a case plan) politely but clearly decline until you have met with an attorney.

Do not interrupt the Judge or Lawyers even if what they are saying is untrue. If you cannot hear or don't understand what is being said politely inform the judge of that fact. Do not try to argue the merits of your case or argue over facts. Just continue to assert your right to an attorney and simply deny any allegations made against you.

Always bring a couple of pens and a notepad so you can write down what is being said.

Contact FL CAN's  
Legal Support Network  
2613 Larry Court  
Melbourne, FL 32935  
1-321-726-6656 or 1-321-253-3673