

Miranda Rights for Parents

Parents should be advised of their rights before being investigated by CPS

- The harms of intrusive CPS investigations and unfettered searches by CPS workers outweigh the purported goals of keeping children safe.
- In 2021 of the approximately 35,000 families investigated for allegations of abuse or neglect only 136 children were removed from the home due to allegations of abuse or neglect.
- That means approximately 34,864 families unnecessarily experienced intrusive CPS investigations without being informed of their rights beforehand.

21,367 children subject of investigation in 2021 → 6,303 children in substantiated cases

48% of neglect investigations are unsubstantiated

Case workers are a direct line to the police:

- Case workers often enlist the help of police to conduct investigations and enter homes. (ProPublica)
- During home searches workers also “do not typically articulate what specifically they are looking for, as they would have to do to get a warrant” and “they don’t stick to what’s in ‘plain view’, the way that police are mandated to when inside a home without a warrant”. (ProPublica)



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Miranda Rights for Caretakers

Other jurisdictions have enacted Miranda Rights for Parents Bills:

- Texas
 - This is rather new, so there may not be a lot of data collected about the impact of this Bill on CPS behavior, etc
- Connecticut (general)
 - Parents Right to Know
 - One of the first states in the country to experiment with Miranda rights for parents. (ProPublica)
- “Michael Williams, deputy commissioner of operations for the Connecticut Department of Children and Families, said in an interview that the written reports of his staff show they are getting more information from families than they did prior to implementation of the policy. The greater transparency, he said, has brought down the anxiety of the interaction.” (ProPublica)
- Connecticut also states that since the implementation of this experimental Miranda rights program, “there has been no negative impact on child safety”. (ProPublica)

Why this is the right thing to do

- Due to the overlap between the criminal justice system and the child welfare system, parents involved in the latter must be given full Constitutional rights
- Caseworkers often enlist the assistance of law enforcement officers to enter and search homes
- Anything the case worker finds is directly available to the police and states attorney
- Police can easily use this as a loophole to override the strict boundaries of the scope of what they're permitted to search
- Parents either don't know their rights or are too fearful to assert them, so case workers continue do unfettered searches
- Systems involved parents also need Miranda rights protections because the system disproportionately impacts black and brown families and their children
- Providing parents with more robust, delineated rights in the face of the child welfare system is the first step in a direction towards mitigating institutional harm