

Texas AG Refuses to Follow Order of Judge Against CPS

[November 8, 2018](#) [Angie](#)

Well, I guess we know who is part of the problem! And that would be Texas Attorney General, **Ken Paxton**. Oh, how I wish I had this information BEFORE the mid-term elections!

We should all be aware by this time, that CPS, DCF and any other alphabet name they give themselves, is nothing more than a giant legalized human trafficking ring. We have been exposing this on our channel for about two years now, but it has been going on for decades.

What we have been seeing lately, that is very exciting, is that more parents are fighting back! And more judges are agreeing with parents and making judgments against CPS!

Two years ago, in Houston, Judge John Schmude harshly admonished Texas CPS by calling the actions by agency representatives in filing a parental custody lawsuit "**groundless**", according to [Breitbart](#). He stated that the Department "**deliberately misled the Court**" during a hearing in 2014, and that the removal of the child without a court order was based on "**incorrect assumptions which they made no effort to confirm.**" We all know that is common practice for this agency around the world, not just in Texas.

He further ordered "**in light of the egregious violations of parental and constitutional rights that transpired during this case ... the Court strongly suggests that all caseworkers, supervisors and program directors currently employed by TDFPS within Harris County, Texas**

read carefully the following:

1. ***The United States Constitution;***
2. ***Article 1 of the Texas Constitution (“BILL OF RIGHTS”);***
3. ***Chapter 262 of the Texas Family Code (“Procedures In Suit By Governmental Entity To Protect Health And Safety Of Child”);***
4. ***The case law cited [in the Order] under section entitled ‘CONSTITUTIONAL PROTECTIONS;’ and***
5. ***The Oath TDFPS caseworkers swear or affirm “to uphold the mission of the Texas Department of Family and Protective Services, to protect children, the elderly, and people with disabilities ... uphold the Constitution of the United States and of Texas ... discharge the duties of my position to the best of my ability ... honestly demean myself and act in accordance with the public trust placed in me. So help me God.”***

What? What is this craziness where a judge suggests reading the UNITED STATES CONSTITUTION???! You don't hear that every day, but thank God we have heard it in this case!

Judge Schmude went on to note that Texas law also provides that ***“[a]ctions which break the ties between a parent and child ‘can never’ be justified without the most solid and substantial reasons’.*** Moreover, the Fourth Amendment to the United States Constitution protects people from warrantless government intrusions and warrantless searches and seizures. Warrantless searches are ***“presumably unreasonable unless there is consent or exigent circumstances.”***



In December 2014, a class action [lawsuit](#) was actually brought against CPS according to Breitbart Texas, the lawsuit was filed by a New York advocacy group called **Children's Rights**. About 12,000 children who were in long-term care in Texas were included in the class action suit. The advocacy group successfully sought and received a scathing 116-page order from a federal district judge, named Judge Janis Graham Jack.

She ordered the State of Texas to enact reforms and wrote an opinion that said that the long-term foster care system was improperly run. She further declared, "**children have been shuttled throughout a system where rape, abuse, psychotropic medication and instability are the norm,**" as reported by the [Dallas Morning News](#) in December 2015.

Judge Jack went on to say that the responsibility for the abuse is a **bipartisan issue**... and that there is plenty of blame to go around. She also stated when a system designed to protect children and look out for their best interest normalizes "**rape, abuse, psychotropic medication and instability**" something is very wrong.

The department of CPS was actually ordered to pay monetary retribution in

the amount of \$27,500. They were also ordered to make several modifications to their department, which the Texas Attorney General, Ken Paxton, refuses to enforce.



Two years later, in January of 2018, Judge Janis Jack ruled that Texas leaders will remain under the watchful eye of appointed special masters for **three years** as they implement more policies for how abused and neglected children are protected. That direction is necessary, she said, because the state has failed to address the system's problems "***despite decades of awareness and extensive reports***", according to the [Texas Tribune](#).

In her ruling, Judge Jack wrote, "***Years later, the system remains broken and [Department of Family and Protective Services/ CPS] has demonstrated an unwillingness to take tangible steps to fix the broken system.***"

Judge Jack ordered Texas officials to adopt almost 100 changes, including reduced workloads for caseworkers, a ban on children sleeping in state offices and steps to better monitor and reduce sexual abuse. As expected, Texas Attorney General, Ken Paxton, quickly pounced on Judge Jack's

order, calling it *"incomplete and impractical"* with *"unrealistic mandates"* and immediately filed an appeal. In October a federal appeals court upheld Judge Jack's ruling. That means Texas must hire more of two types of protective-services employees who check on foster kids who are lingering in the state's custody after being removed from their birth families.

Governor Greg Abbott, Paxton and state lawmakers are not happy about federal interference — and are adamant that the state does not need oversight to overhaul the Department of Family and Protective Services and CPS agencies across Texas.

It was decided by the appeals court judges that outcries by foster children that they are being harmed are not investigated quickly or thoroughly, and it was decided unanimously by Judges [Jerry E. Smith](#) of Houston, [Edith Brown Clement](#) of Louisiana and [Patrick Higginbotham](#) of Austin, formerly of Dallas, who were on the appeals court panel, according to [Dallas News](#).

The judges declared, that CPS ***"is aware of the systemic deficiencies plaguing its monitoring and oversight practices,"*** and that ***"It [the state of Texas] also knows that these deficiencies pose a significant safety risk for foster children. Despite this knowledge, [the department] has not taken reasonable steps to cure the problems. Indeed, it is not clear that it has taken any steps at all."***

One modification ordered was simply that caseworkers were to immediately begin monthly meetings with foster children without their foster family or caregiver present. The requirement, which should have already been happening, was mandated after records showed that ***"former foster children testified at trial that they were unable to report abuse to a caseworker because the abuser — often the caregiver — was present***

during caseworker visits."

In the original order by Judge Jack, state officials were ordered to create within the next 30 days a plan to address missing medical and mental health records for foster children. Within four months, state officials were to also develop a plan for an integrated computer system containing complete records for each foster child, including medical and mental health history, education and court records. Poor record-keeping has contributed to sexual and physical abuse, un-diagnosed developmental disorders and other problems, Judge Jack said. These timelines were deemed unreasonable by the appellate court.

Judge Jack also ordered the department to see top-priority children within 24 hours of when they were taken by Child Protective Services; mark in children's records if the children have been sexually abused; *write a policy on what constitutes child-on-child sexual abuse*, (shouldn't this have been one of the FIRST policies included?) and no longer have children sleep in CPS offices overnight. If any children do spend a night in an office, the agency would be required to log it for a monthly report to the special masters.

For the 2018-19 state budget, the Texas Department of Family and Protective Services received \$4 billion — up from \$3.5 billion for the previous two-year cycle. That includes about \$300 million to continue pay raises for caseworkers and another \$88 million to more than 1,000 caseworkers over the next two years. The department also has \$95 million to boost payments to foster care families and other providers.

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