

Court Halts 'Aggressive Social Workers'

Posted: July 19, 2003 1:00 a.m. Eastern
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A homeschooling couple won a state Supreme Court appeal against child protective service investigators who tried to launch a probe after their 2-year-old daughter slipped outside the house for a few minutes without her clothes on.

The North Carolina Supreme Court ruled 7-0 against the state's Department of Child Protective Services, declaring there was no legitimate basis even to begin an investigation of Jim and Mary Ann Stumbo of Kings Mountain, N.C.

"The decision means that families will be protected from aggressive social workers who are acting solely on the basis of anonymous tips," said Jim Mason, litigation attorney for the Virginia-based Home School Legal Defense Association, or HSLDA, which represented the family.

The Stumbos' legal troubles began in September 1999 when their toddler – in the middle of having her clothes changed – chased a kitten out the door. An older sibling brought the naked 2-year-old inside three minutes later, but a passerby reported the family to social services.

Just two hours later, a social worker came to the Stumbos' house, demanding to enter and privately interview each child.

The Stumbos contacted HSLDA, which advised them to not let the worker come in. Later, the CPS won a court order forcing the family to comply. HSLDA challenged the decision, but it was upheld by the North Carolina Court of Appeals, which ruled the order did not constitute a "search" under the Fourth Amendment.

The Stumbos appealed to the state high court, which heard the case in February 2002.

In his majority opinion, Justice Robert Orr called the Stumbo case "a circumstance that probably happens repeatedly across our state, where a toddler slips out of a house without the awareness of the parent or caregiver – no matter how conscientious or diligent the parent or caregiver might be.

"While no one wants that to happen," Orr said, "such a lapse does not in and of itself constitute 'neglect.' "

Mary Ann Stumbo said the motivation for pressing the case went beyond her family. "We're just glad this ordeal is over and hopefully this decision will help other families across the country," she said, according to an HSLDA statement.

DSS Needs 'Tools'

Officials said the ruling's impact on social workers' procedures was not immediately clear.

A disappointed Jennifer Tolle Whiteside, the head of non-profit Prevent Child Abuse North Carolina, believes it will be detrimental.

"My concern is that over 107,000 children are reported abused or neglected in our state each year," she told the Associated Press. "DSS needs to have the tools to be able to investigate and assess child abuse situations in our state. We think that social workers are doing a good job in a very difficult situation."

However, a Charlotte father embroiled in a controversial child-neglect case hopes the ruling will bolster his efforts to get back his 10 children, who were placed in foster care in 2001.

Jack Stratton and his wife also resisted social workers who asked to interview their children, the Charlotte Observer reported.

"The Supreme Court decision not only exonerates the Stumbos, it exonerates the Strattons and proves that our children were wrongfully taken," he said.

John Wasson, the Department of Social Services director in Cleveland County, where the Stumbos live, said he's worried the ruling might encourage abusive parents to resist social workers' efforts to help, according to the Charlotte paper.

He emphasized the social worker did not try to enter the Stumbos' home but spoke with them in the driveway. The worker left, he said, after the family refused to allow her to interview the children.

"We did not try to force our way into the house," he told the Observer.

