

## THE WAR AGAINST FAMILY RIGHTS ADVOCACY

May 24, 2003 © 2003, Suzanne Shell

Some disturbing things have been happening to advocates and advocacy groups around the country. It seems the Child Protective Services agencies who, for the past several years, stated that a parent is allowed to have an advocate during a child protection intervention or legal proceeding have decided that such a right is only to be extended to those advocates and advocacy groups who do not pose a significant threat to their agenda of redistributing children from unlicensed parents to state-licensed parents-for-pay.

Various advocates and advocacy groups who proven to be effective against CPS abuses, particularly those who have received training from the American Family Advocacy Center, have been subjected to efforts designed to render them completely ineffective.

Compounding that infringement, is the tactic of requiring parents to shut down their websites and issuing gag orders preventing them from speaking to anyone about the abuses they and their children suffer at the hands of these child savers.

It appears we have reached a new level in our battle to protect families from unwarranted and abusive intrusion by state agents. There are those among us who will remember the early and mid 1990s, where parents were not afforded access to the information that is available to them on the Internet today. There were no family advocates, and precious few advocacy organizations. The advocacy organizations that did exist operated on the premise of parents' rights, rather than family rights, and found their battles ineffective against the child savers. As we have learned since then, if we fight against the child savers on their terms, e.g. parents vs. children, rather than family vs. the state, we are destined to fail in our endeavors.

Initially, when family advocacy was introduced, the Child protective services agencies did not object to a parent having an advocate. Perhaps this was because they felt that an advocate posed no threat to their standard operating procedures. With the advent of training for family advocates and family advocacy organizations, CPS agencies have come to realize that a family advocate poses a very real and identifiable threat to their standard operating procedures.

Currently, there's only one organization that trains people how to be a family advocate, that is the American Family Advocacy Center. Trained advocates are reporting that their efforts to advocate on behalf of a parent against the child savers is being met with illegal obstacles at every opportunity.

Those most effective at that advocacy are literally being shut down. Likewise, parents who are publishing their accounts of abusive government agencies, courts, guardians ad litem and service providers are being ordered by the courts, at the request of the child protection agencies, to cease publishing their websites. There also being issued gag orders, prohibiting them from speaking with the media or others.

These very serious issues strike at the very core of our constitutionally protected rights. We no longer have the option of acquiescing to these illegal and abusive demands by government agencies. The very right of the family to exist without government intrusion depends upon those who are aggrieved by these kinds of state actions to stand up and fight them.

If you are ordered to shut down your website, and you comply, you are part of the problem. If you are gagged by a judge from speaking with the media or somebody else, and you comply, you are part of the problem. If you are an advocate whose been blocked from performing

your duties, and you don't fight it, you are part of the problem.

We can do longer sit here and fight the child savers, as well as fighting those of us who won't fight for themselves, and who will advocate that we must silently endure the deprivations of our rights imposed upon us by these amoral peddlers of our children in the name of appearing "reasonable." It is time for all advocates and parents to realize that we cannot reason with unreasonable people like the child savers. The reason we are at the juncture we are today, is because not enough people would stand up and fight for their right to be a parent, for the right to have an advocate or be an advocate, for their rights guaranteed under the Constitution, and against all of the other innumerable violations that have been imposed upon that segment of our society known as the family.

Case in point: the Director of the American family advocacy Center, Suzanne Shell, has just been dragged into a family court in a neighboring County, and added to the case as a party against her will, for the purposes of preventing her from contacting the respondent mother in that dependency case. The fact that the respondent mother and Shell opposed that joinder, was irrelevant to the child savers and the court. Their agenda included preventing the mother from having any access to Shell, because parents who have access to Shell know their rights, assert their rights, and insist that their attorneys defend them adequately. Parents who have access to Shell, to their stories broadcast on her upcoming video documentary series.

This particular mother is insisting on her right to a jury trial for the adjudication of her children. Child saver and guardian ad litem Anna Hall Owen has advised the mother that her resistance to admitting to the petition is "not in her best interests." In reality, the mother's resistance to admitting to the petition is not in the best interests of the state or the other child savers.

The child savers in this case include County attorney Rocco Meconi, and District Court Judge Julie Marshall. Fremont County Department of Human Services, along with the aforementioned child savers, believe that the reason the mother is resisting admitting it to the petition is because Shell is unduly influencing her. Therefore, they must remove the influence of Shell.

It just so happens, but this mother is a subject of Shell's documentary video project. The court order preventing Shell and this mother from having contact constitutes a prior restraint on freedom of the press. We have two options here Shell and the mother could resign themselves to this court order to move on to other issues. Or, Shell and this mother could fight. If the truth be told, most parents would choose to move on. They are part of the problem.

Shell and this mother have resorted to filing a complaint in the Colorado Federal Court in Denver. They're alleging violations of First Amendment freedom of association and freedom of the press, due process, right to contract, and viewpoint discrimination. They have named seven defendants. They have done this without an attorney. The Fremont County Department of Human Services and its employees have hired a powerful, high priced legal firm to represent them. The courts have the attorney general representing them. The guardian ad litem has hired an attorney who is also a guardian ad litem. The mother's attorney is representing himself. Oh, did I mention, the mother is slightly developmentally disabled and has been ordered by the federal court to prepare and file her own pleadings.

Sounds a little bit like David and Goliath, doesn't it?

The question is, why did they filed this lawsuit without representation? It certainly looks like an exercise in futility, and an expensive exercise at that.

I'm not going to pull any punches here... this lawsuit was filed because if the child savers can shut Suzanne Shell down from practicing any advocacy, from associating with any parent, from engaging in any news gathering, they can shut you down.

They can shut you, the advocate, down. They can shut you, the newspaper or television broadcast station, down. They can shut you, the Webmaster, down. They can shut down any public scrutiny. They can shut down any private investigator. They can shut down any investigative reporter. They can shut down your elected representatives from looking into their conduct. They can isolate parents and children from any information that apprizes them of their rights and child saver obligations, and from a support network to encourage them when they're going through a child protection intervention. They can work unfettered by any public scrutiny or resistance to their conduct.

The child savers, by and through Fremont County, believe that they are invincible. I do not exaggerate when I state that they are probably already gathering monetary and other support from other counties in Colorado to assist them in their endeavors to not only shut down Suzanne Shell, but obtain judgments from the federal court for their court costs and attorneys fees. The fact that they will obtain monetary support from other child savers will not preclude them from requesting reimbursement for their attorney fees from both Shell and the mother.

This case will decide the amount of control any child protection services agency is legally permitted to exert over parents and outside parties covering issues that have nothing to do with a parent's ability to provide a safe and appropriate home for their children, the merits of any child protection case, or compliance with any court order treatment plan.

It is the contention of Shell and this mother, that the agency has acted outside of their authority in depriving them of their freedom of association for the purposes of advocacy and news gathering.

The original petition has been filed, parties have been served, and Shell is seeking to file a supplemental petition to cover acts that have occurred since the filing date of the original petition.

Shell and this mother are seeking assistance from anybody who wishes to see advocacy continue, to ensure that media access to families affected by child protection interventions is not impaired, but to protect the constitutionally protected rights of a parent to freely associate with anyone they choose to without the scrutiny of the child savers.

Specifically, the mother in this case requires an attorney to prosecute her claims. Shell would also like an attorney, but is willing to manage on her own if that is necessary. However, there's a very great potential that bad case law will be made on this case if both parties are not properly represented by qualified and aggressive attorneys who are knowledgeable in constitutional law. Shell and this mother have committed to take this case as far as they can.

Shell and this mother are requesting you to disseminate this message as widely as you possibly can.

If you are an attorney, we're appealing to your conscience and your sense of doing the right thing and at the very least, representing the respondent mother.

If you are member of the media, PRIOR RESTRAINT IS AT ISSUE in this case. If you value a Free Press, get your attorneys on this case and cover this story in your publication or broadcast.

If you are an advocate or a parent who has benefitted from the services of an advocate, and you don't want them coming after you to do the same thing they're doing to Shell, they are

asking you to contribute to their prosecution of this case. To date, Shell has borne the entire burden of all expenses related to this case. As many of you know, Shell does not charge for her services to families who seek her help, so now is the time to give back what you have benefitted from. This appeal is made shamelessly, because Shell and this mother are in dire straits, and the issue is one of monumental proportions to our movement. It has taken years to build momentum to this point, and we don't want to waste the opportunity.

Expected decisions to arise out of this case include: the rights of a parent to associate with anyone despite an ongoing dependency case, the right of the media to have access to parents to cover these cases, the right of advocates to be advocates unobstructed, the right to be free from discrimination based on a critical viewpoint of child protection agencies and their practitioners, freedom from being dragged into a court case as a party for the sole purpose of restricting your practice and the right to publish your horror story about government abuses without suffering retaliation for doing so.

If these issues are of any importance to you, this is the testing ground for them. If support is not forthcoming, Shell will continue to document the demise of the family advocacy movement and the American family for posterity. However, she will not be available to assist any family in any future cases. If your group wants her training to become an effective family advocate, expect to pay for it in the future. It boils down to this, if you aren't there for her now, she won't be there for you in the future.

We will agree, it is a tough stand, but we believe that if you won't respond to this crisis, you are part of the problem, and we will respond in kind. Desperate times call for desperate measures.

On-line donations can be made at the website <http://www.profane-justice.org>. Contact information is also included on that website for the media or attorneys who wish to contribute services or coverage and for those who wish to mail in a donation. Donations are not tax-deductible.

Assuming we get adequate response to our request for assistance, filings in this case are anticipated to be posted for public access in the near future. Meanwhile, the case number is 03-RB-0743 (MJW), Colorado Federal Court, Denver. We will be issuing periodic updates on this case.