

Investigation Reveals North Carolina CPS Took HUNDREDS of Children Away from Parents Illegally

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[Source](#)



Brian Hogan is one of many parents who lost his daughter to Cherokee County Dept. of Social Services and is now involved in a federal lawsuit against Cherokee County. [Image Source](#)

“I’m sort of flabbergasted by it. It’s one of those situations where – very rarely am I speechless – I am absolutely speechless over it.”

These were the words spoken by North Carolina District Attorney Ashley Welch, when reporter Kate Martin, writing for the [Carolina Public Press](#), asked her to respond last week (August 2019) to news that an internal memo revealed that state officials knew that Cherokee County Department of Social Services was illegally removing children from their homes, before a civil lawsuit was filed in 2018 and before a request was made for a State Bureau of Investigation probe into the matter.

In 2018, Associated Press reporters Mitch Weiss and Holbrook

Mohr published an investigative report showing that Cherokee County Department of Social Services removed many children from their homes illegally, perhaps “hundreds.”

From the [2018 story](#):

When Brian Hogan got a call that his wife had suffered a massive heart attack, he knew he had to get to the hospital fast. So Hogan asked his neighbor to take care of his 10-year-old daughter, then headed 60 miles east to the intensive care unit in Asheville, North Carolina.

What happened next would eventually expose a practice by a child welfare agency that illegally removed potentially hundreds of children from their homes in this poverty-stricken mountain community.

Hogan said the Cherokee County Department of Social Services threatened to throw him in jail, place his child in foster care or give his daughter to another family for adoption if he didn't sign a “custody and visitation agreement,” known as a CVA.

“They gave me no choice,” said Hogan, 38, who told AP that child-welfare workers wanted to remove his daughter because they believed he placed the girl in an “unclean” home while he was caring for his hospitalized wife.

Hogan said the Cherokee County Department of Social Services threatened to throw him in jail, place his child in foster care or give his daughter to another family for adoption if he didn't sign a “custody and visitation agreement,” known as a CVA.

In order to remove a child from a biological parent, social workers must get a court order from a judge, said Sara DePasquale, assistant professor of public law and government at the University of North Carolina.

Not only did Cherokee County child-welfare workers bypass that critical legal step with Hogan, they did the same thing with dozens, possibly hundreds, of other parents, according to interviews, court documents and copies of the agreements obtained by the AP.

“What they did had nothing to do with protecting children,” said Melissa Jackson, the attorney who discovered the practice while trying to help Hogan get his child back. She said all the agreements are illegal because they did not take place with court oversight, as required by law. ([Full Story.](#))

Soon after the AP story broke, North Carolina officials took over the Cherokee County Department of Social Services to stop the corruption. As the [AP reported back in 2018](#):

North Carolina officials said Friday they will take over a county child welfare agency that illegally removed children – potentially hundreds of them – from their homes.

The North Carolina Department of Health and Human Services said it will temporarily take over the Cherokee County Department of Social Services starting Monday.

The move comes after an Associated Press investigation revealed Cherokee County child welfare workers were not following state law and getting a judge’s approval to remove some children from their biological parents. ([Full Story.](#))

The CPS agency reopened 6 months later, but recent new evidence has been uncovered showing that CPS officials knew about the corruption before any investigations had even started, and did nothing about it.

From the [Carolina Public Press](#):

A Western North Carolina district attorney told Carolina Public Press on Wednesday that she was “flabbergasted” over

state officials' failure to advise her when they suspected the Cherokee County Department of Social Services staff of involvement in potentially criminal activity months before civil litigation exposed the problems and led her to request for a State Bureau of Investigation probe.

A judge called out Cherokee County's removal of children without court oversight as unlawful and unconstitutional in February 2018. But a memo, recently obtained by CPP through an extensive request for DHHS public records, shows that state officials had caught on to the improper practices at the county's child welfare office at least four months earlier.

Details in the October 2017 memo by a DHHS staffer describe potential felonies, District Attorney Ashley Welch told Carolina Public Press on Wednesday. Yet nobody at DHHS contacted her office.

Until shown the memo this week, the DA had no idea that DHHS knew in advance about the improper practices in Cherokee County, Welch said.

Welch said she first found out about Cherokee County's unlawful custody and visitation agreements, not from state officials, but when she read the March 2018 Associated Press story in USA Today.

"You would hope (DHHS) would bring it to someone's attention," Welch said Wednesday. "I was a little troubled that this is stuff that they were dealing with internally, with no notification either to law enforcement or my office."

"If you turn a blind eye and continue to let it happen, you are talking about aiding in the commission of a crime," Welch said. ([Source.](#))

Attorneys “Traumatized” Over Legal Kidnapping of Their Clients’ Children

The [Carolina Public Press](#) goes on to report:

David Wijewickrama, one of the attorneys representing parents in a federal lawsuit against Cherokee County and several of the county’s current and former employees, was shocked by DHHS’ prolonged inaction when he read the memo.

“I was traumatized and devastated on behalf of the affected families and children that the state of North Carolina knew this, came in and took over Cherokee County DSS and to my knowledge did nothing to audit every single file that had been touched by that office in 20 years,” Wijewickrama said.

“It seems to me like DHHS did the absolute minimum.”

Wijewickrama and his fellow attorneys are seeking class-action status for what he says could be hundreds of children and parents who may have been coerced to sign the unlawful custody and visitation agreements. The lawsuit is now winding its way through a federal court.

If Cherokee County was caught falsifying contact records, it “could jeopardize their federal funding and reimbursement,” Peel told CPP.

Read the [full story](#) at the [Carolina Public Press](#).