

"State of Texas Loses Right To Retain Custody of More than 400 Children"

By Alicia Williamson on 5/22/2008

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After deliberating for only a few days, in a rather surprising turn of events, the state of Texas has lost the right to retain custody of over 400 children taken from the Fundamentalist Church of the Latter Day Saints (FLDS) polygamist sect ranch. On April 3, the children were taken during a raid after a hot line phone call claimed domestic abuse was going on in the sect. The girl, who allegedly made the phone call claimed to be a pregnant, abused teenage wife, although the girl has never been found. Investigations are still ongoing to find the girl. The Department of Family and Protective Services issued a statement defending the raid, saying it removed the children "after finding a pervasive pattern of sexual abuse that puts every child at the ranch at risk." CPS further stated: "Child Protective Services has one duty — to protect children. When we see evidence that children have been sexually abused and remain at risk of further abuse, we will act," the department said.

Third Court of Appeals Reaches a Decision

On Thursday, May 22, 2008, the Third Court of Appeals in Texas reached a decision about the children, a case that involves one of the largest child-custody cases in U.S. history. The court stated that "legally and factually" there was insufficient grounds and "extreme" measures taken by the state. The ruling also went on to say that the state was not able to provide any evidence demonstrating that the children were in danger, which according to Texas law, are the only grounds that would constitute taking the children from their parents. The court of Appeals also said there was no evidence to demonstrate that several of the teenage girls had been sexually abused. According to Child Protective Services spokesman Patrick Crimmins, child welfare authorities are planning to appeal the ruling. According to Osler McCarthy, a spokesman for the Texas Supreme Court, Child Protective Services notified the court on Friday, May 23, 2008 that they would file something today saying the state would ask the high court to block the ruling made on Thursday.

FLDS Argues They Were Persecuted For Their Religious Beliefs

Members of the Fundamentalist Church of the Latter Day Saints (FLDS) argued that they were being persecuted for their religious beliefs but on Thursday, May 22, 2008, members of the polygamist group told FLDS spokesman, Rod Parker, that they feel validated and are thrilled by the outcome. The parents stated they're looking forward to seeing the children returned although when they will be reunited is not yet known. The ruling gave a lower-court judge 10 days to release the youngsters from custody, but the state's appeal to the Texas Supreme Court to block the ruling could impact on the release. The youngsters are in foster homes all over the sprawling state, with some brothers or sisters separated by as much as 600 miles. An elder from the sect stated that parents were elated, but he added: " There will be no celebrations until some of the children are getting hugs from their parents."

Child Protection Officials Claimed Girls Ages 15 Had Become Pregnant

When the children were taken, child-protection officials argued that five girls at the range had become pregnant at age 15 and 16 and that the sect pushed underage girls into marriage and sex with older men in addition to grooming boys to enter into such unions when they became of age. Only a few dozen of the roughly 440 children seized are teenage girls; half were under 5 years of age. The appeals court determined that the state acted too quickly in taking all the children away without first going to court.

Sect's Lawyer Very Satisfied

According to the sect's lawyer, Julie Balovich of Texas RioGrande Legal Aid, "it was the right decision." She also commented on the appeals court saying: "The appeals court has stood up for the legal rights of these families and given these mothers hope that their families will be brought back together."

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