



January 16, 2023

The Honorable Jill Vogel  
Virginia Senate  
Pocahontas Building  
Room E612  
900 East Main Street  
Richmond, Virginia 23219

RE: Support for S.B. 1367, “A Bill to amend and reenact §§ 16.1-228 and 63.2-100 of the Code of Virginia, relating to child abuse or neglect; definition; independent activities.”

Dear Senator Vogel:

By way of introduction, our organization, the Parental Rights Foundation, and our parent organization, ParentalRights.org, have worked nationwide and in the Commonwealth of Virginia for the last 15 years to protect children by empowering parents. On behalf of our thousands of supporters in Virginia, we are pleased to support S.B. 1367, introduced by you and your chief co-patron, Senator Jennifer Boysko.<sup>1</sup>

S.B. 1367 is very important to the parents and children of Virginia. S.B. 1367 will protect innocent families from being caught up in unnecessary and potentially traumatic investigations<sup>2</sup>

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<sup>1</sup> The text for S.B. 1367, as introduced, is available online at <https://lis.virginia.gov/cgi-bin/legp604.exe?ses=231&typ=bil&val=sb1367&submit=GO>.

<sup>2</sup> See, e.g., Doriane Lambelet Coleman, *Storming the Castle to Save the Children: The Ironic costs of a Child Welfare Exception to the Fourth Amendment*, 47 Wm. & Mary L. Rev. 413, 417-419 (2005) (“[I]n the name of saving children from the harm that their parents and guardians are thought to pose, states ultimately cause more harm to many more children than they ever help. In 2002, for example, the states conducted approximately 1.8 million investigations concerning the welfare of nearly 3.2 million children. Only about 896,000, or twenty-eight percent, of these children were ultimately found to be victims of abuse or neglect. Seventy-one percent, or roughly 2.3 million children were thus subjected to state mandated “thorough” investigations involving at a minimum interviews, examinations, and/or home visits, in circumstances where the state in the end could not show that the children were unsafe and in need of rescue. Investigating these children is consistent with the states’ highly precautionary strategy to remedy the nation’s maltreatment problem. However, from the perspective of the investigated child, the process is not so clearly meritorious. Indeed, despite the authorities’ best intentions, the process can be harmful in two related ways. First, the investigations undermine the fundamental values of privacy, dignity, personal security, and mobility that are protected by the Fourth Amendment. It is critical in this regard that the Fourth Amendment uniquely has been interpreted to recognize the child’s own individual interest in these values, by guarding her right also to be free from unreasonable searches and seizures both inside and outside the family

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by the Department of Social Services in Virginia by clarifying that a loving and caring parent who allows his or her child to engage in “independent activities” will not be considered to have neglected the child.

S.B. 1367 provides freedom to parents to let their children grow and thrive and allows Virginia’s Department of Social Services to focus attention on children who are truly in danger of abuse or neglect.

Passage of S.B. 1367 into law will add Virginia to a growing number of states – including Colorado, Oklahoma, Texas, and Utah – that have recently amended their state child neglect laws to protect innocent parents from facing child neglect investigations simply because a bystander or child welfare investigator disagrees with the parenting decision that was made.

Unnecessary child neglect investigations are not benign. Indeed, the harm that children, parents, and families suffer when forced to undergo the trauma of an unnecessary child neglect investigation is well documented. We submitted an *amicus curiae* brief with the Federal Court of Appeals for the 10<sup>th</sup> Circuit in 2018 detailing this harm. This brief and information about the underlying case pending before the 10<sup>th</sup> Circuit at that time, are available at <https://parentalrightsfoundation.org/does-v-woodard/>

We are grateful for your leadership, and for your introduction of S.B. 1367. Please do not hesitate to reach out to me for any reason. I can be reached via phone at 540-751-1200, or via email at [will@parentalrights.org](mailto:will@parentalrights.org).

Very truly yours,



William A. Estrada, Esq.\*  
President  
Parental Rights Foundation & ParentalRights.org

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CC: The Honorable Jennifer Boysko

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home. Second, ... depending upon the child and the nature of the investigation, the process can cause emotional and psychological damage ranging from temporary discomfort to significant long-term harm.” (*cleaned up*)).