



Fight over 4-year-old seized by government reaches state Supremes

Authorities finally reveal accusations against parents

By Bob Unruh | August 28, 2019



Drake Pardo, center, surrounded by his mother, Ashley, and father, Daniel

A battle over custody of a 4-year-old child seized from his parents by Texas officials without any explanation is being appealed to the state Supreme Court.

[WND reported](#) the lawsuit brought by the Texas Home School Coalition on behalf of the boy, Drake Pardo, and his parents, Ashley and Daniel. The group set up a [Bring Drake Home website](#) and [posted a video on Facebook](#) to present their case to the public.

The couple argues that CPS admitted in court it scheduled a meeting for the family and a hospital prior to the seizure but didn't inform the couple that the meeting was taking place.

And a doctor cited by CPS as justification for removing the child "admitted under oath that she had never read all of Drake's medical records, had never even met the boy, had never thought there was an emergency and had never asked for him to be removed.

The case began in June when state officials, backed up by armed law enforcement officers, took custody of the child from his parents.

The couple went to court and then to an appeals court, which rejected their plea without virtually no explanation.

Now [The Texan news website reports](#) the family's lawyers are preparing to present their case to the Texas Supreme Court.

The lawyers have argued the accusers have put the Pardos in an impossible situation.

"Logically, a person cannot prove a negative (what did not happen; what psychological condition they do not have), which is why in the U.S. legal system the accusing party is burdened with proving what did happen. The trial court's order invokes a guilty-until-proven-innocent paradigm, and equates 'failure to cooperate' in unfounded, intrusive investigations with an 'emergency' unless and until the parents prove there is no emergency."

Policies violated

When the case came before the appeals court, a claim of "medical child abuse," Munchausen Syndrome by Proxy, emerged. It's a complicated mental condition in which an afflicted parent seeks unnecessary medical treatment for a child.

The family argues it had requested a surgical procedure to insert a feeding tube into Drake because of long-standing eating problems.

The couple testified the procedure had been recommended by their medical adviser.

The CPS agents took the child apparently without taking a number of preliminary steps required by the Texas Family Code. The agency also refused to disclose their allegations to the Pardos.

Further complicating the case is that a caseworker involved in the seizure said she didn't tell the family about a meeting set up with doctors because the family's lawyer, Chris Branson, told her to contact him. However, The Texan reported Branson did not begin representing the family until June 11, after the meeting was supposed to happen.

Caseworkers also admitted in court they violated policy by implementing the plan without input from the family.

Dr. Dobson: 'That is outrageous'

The home school group's [video about the case already has been viewed millions of times](#).

Famed family expert James Dobson of the James Dobson Family Institute and FamilyTalk radio [recently interviewed Tim Lambert of the Texas Homeschool Coalition about the case](#).

Lambert told Dobson that Drake is a special needs child who is medically fragile and autistic.

"They had a doctor who had treated him for some time, had some kind of procedure that didn't go well and the child aspirated, so they put the child in the hospital for four or five days," he said. "And the family was really upset. The doctor who did that never came by to check on the child while he was in the hospital."

The family followed with a complaint, he explained, and the doctor responded with a child abuse complaint against the family, even though the doctor admitted having done only an incomplete review of the medical records.

CPS then demanded to meet with the family but refused to inform them of the allegations, so they didn't meet.

"So, what CPS did, Dr. Dobson, in fact, in the court hearing on July 2nd, this case worker acknowledged that she didn't follow the protocol, she didn't follow state law or federal law. She took that doctor's affidavit and went to a judge in what's called an ex parte hearing. That means

the family and their attorney is not notified, the only person there is CPS and the judge," Lambert explained.

That judge issued an emergency removal order.

Eventually, another judge issued a gag order forbidding the family from talking about the case.

Dobson said: "So, as of this moment, you've got a special needs kid who needs his parents and needs their love, sitting in foster care with them not being able to hug him and hold him and cuddle him and tell him it's going to be okay. ... That's disaster, that is outrageous.'

Daddy, why aren't you coming with me?

Drake was seized June 20 when CPS agents simply showed up at the family's home, accompanied by armed officers, and demanded he be turned over.

The seizure of the child was caught on video:



Staff members for the Family Rights Advocacy and the Parent Guidance Center were on the phone with the family at the time, and the Pardos "remained calm but can be seen challenging the caseworker's claim to a two-week delayed 'emergency' and the decision to suddenly remove Drake," the homeschool group said.

Drake's father, Daniel, is heard for several minutes attempting to keep Drake calm as he is placed in the police car. The boy asks repeatedly why his father is not coming with him.

In the first court hearing, Judge Michael Chitty gave CPS everything the CPS agents requested, according to the homeschool group. CPS workers never had seen or talked with Drake, his parents, family members, neighbors or any doctor with first-hand knowledge of the boy's issues.