

**FAQ About Strip-searching Children in Colorado**  
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**Do government workers in Colorado really strip-search children?**

Yes. Strip searches sometimes happen in the context of school searches, but most often because of an allegation of child abuse. Social workers regularly examine children's private areas. They also take color pictures of private areas. Sometimes they do not even notify parents first, such as when a social worker goes to a child's school and strip-searches the child.

**Don't government workers ask for consent before they strip-search or photograph a child?**

Government workers may or may not ask for consent. The position of the Department of Human Services (DHS) is that it does not need consent from parents. All social workers need, in DHS' own words, is to "reasonably believe" there is "possible abuse." In some cases, parents discover that their children have been strip-searched at school. In other cases, if parents withhold consent, the social worker will call the police to "make them cooperate."

**How and why does DHS photograph children's private areas?**

DHS justifies its position by a statute in Colorado that allows social workers to take color photographs of "visible injuries." C.R.S. § 19-3-306. DHS argues that "visible injuries" means injuries that can be seen on a naked child, allowing social workers to take off the child's clothes. DHS stated, "There is no limitation on the taking of the photographs because the purpose is to document injuries, regardless of where the injuries may be."

So a social worker can whip a camera out of her purse to photograph your child's private areas if she "reasonably" believes there may be abuse.

**Doesn't my child have any constitutional rights not to be strip-searched and photographed?**

Yes. The U.S. Supreme Court has ruled that educators must be very careful about school searches that go as far as a strip search, even under the more relaxed school standards. Case law in the Tenth Circuit (our circuit) holds that social workers are subject to the Fourth Amendment. This means that social workers can only perform a strip search when there is consent, a court order, or a real emergency.

### **Does a strip search endanger my child?**

We carefully teach children to protect their private areas and not to let strangers touch them or view them except in a medical setting. For a social worker to strip-search a child, and worse yet, then photograph the child, violates this teaching. Research shows that children are humiliated by strip searches and often experience the searches as sexual abuse. Children do not recover quickly from sexual abuse, and sometimes they do not recover at all.

### **Is this strip-search policy dangerous to our society?**

Right now in Colorado, we have a government job description (social worker in the Department of Human Services) where the job gives the worker discretion to view naked children and take pictures of them. We know from bitter experience that child sexual offenders seek out jobs where they have access to children. In our opinion, DHS's current position on strip-searching is recklessly endangering children in our society.

### **How does DHS protect these pictures of naked children?**

DHS has no specific rules about how children are photographed, or chain of custody for the pictures. It has admitted, "The Department has not developed specific oversight procedures regarding obtaining photographic evidence of abuse." While DHS files are confidential, we believe that there are no safeguards on the cameras or pictures that the social workers take before they get into DHS files. There is great risk that these pictures will make their way into the stream of child pornography on the Internet. DHS has stated that if this happened, it would be a misdemeanor, with a fine of \$300-500. (It would also be a federal felony in dealing in child pornography, which DHS seems to be unaware of.)

### **If DHS cannot strip-search children, will child abuse go unchecked?**

We all agree that child abuse must be investigated. It should not be investigated by making children strip down in front of strangers in their schools, bedrooms, or garages, because that endangers the child (and the lasting consequences of child sexual abuse to the child outweigh any possible benefit).

If children's private areas need to be viewed, it should be done in the context of a medical examination, with pictures taken under HIPAA protection. If parents do not wish to consent to a medical examination, it is very easy to get a court order if there is probable cause. And if there is not probable cause, the child should not be examined.