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## NEWS

# Lawsuit over 'strip search' of 6 young Kentucky siblings may proceed, judge rules

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Calling it a "three-act tragedy," a federal judge has ruled a former Hardin County family's lawsuit may proceed over the alleged "strip search" of their six young children by a state social services worker and a sheriff's deputy checking for suspected abuse.

"America's founding generation may have never imagined a Cabinet for Health and Family Services," U.S. District Judge Justin Walker wrote in an Aug. 18 order and opinion. "But they knew their fair share of unwelcome constables."

According to Walker's ruling, the case unfolded this way:

In March 2017, Elizabethtown mom Holly Curry left her six children, all under age 7, in the family van for a few minutes while she went into a local coffee shop to get them muffins on the way to karate class.

Police responding to a call about unattended children in the van determined they were unharmed after speaking with Curry but notified the cabinet, which investigates child abuse and neglect.

And the next day, a state social worker appeared at Curry's home, asking to come inside to see the children. When Curry declined, the worker returned with a Hardin County deputy sheriff and, under threat of taking the kids from the home, came in and removed clothes from the frightened and tearful children to search for signs of abuse, the lawsuit said.

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Or, as the federal judge put it:

"Act One: An 'attentive and loving' mother gets muffins for her children. Act Two: There's a knock on her door and a threat by the government to take away her children. Act Three: Her children are strip-searched without cause."

No abuse was found, and the cabinet's investigation was closed against Holly Curry and her husband, Josiah Curry. The family has no history of any suspected abuse or neglect, and the social services worker had no grounds to "strip search" the children, the lawsuit said.

The cabinet has been dismissed as a defendant in the case.

But Walker, in his order, ruled neither the social worker, Jeannetta Childress, nor the deputy, Michael Furnish, and his employer, the Hardin County Sheriff's Department, are shielded by immunity over some of the family's claims.

Walker's order allows the case to proceed against them over claims Holly Curry was coerced into allowing the worker and deputy into her home, noting the children had been "utterly unharmed" while waiting in the van and officials had no grounds to threaten to remove the children from the home.

He also ruled the Currys may sue over the alleged strip search of the children.

"If Childress did what the Currys allege, strip-searching the children was clearly unconstitutional," Walker said. "The Constitution protects against that approach to children's privacy and no reasonable social worker could think otherwise."

The cabinet did not immediately respond to a request for comment about the ruling. Nor did the Hardin County Attorney's office, which represents the sheriff's department and the deputy.

Cabinet spokeswoman Susan Dunlap in an email said social workers are trained in the "TEN-4" rule in which bruises appearing on the torso, ears or neck of a child age 4 or younger are signs of possible abuse. Also, bruising on babies who are too young to take steps or pull up is cause for concern.

Dunlap did not respond to a request about policies regarding removal of children's clothes by a social workers to examine them for abuse. But Walker's ruling noted that Childress had said under questioning she believed she had the right to do so.

"Incredibly, Childress repeatedly testified that she should 'automatically' strip search any child who was four or under," his order said.

Holly Curry, in an interview, said the ordeal was traumatic for her family, especially the children.

"It was just a terrifying experience for the family," she said.

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The Currys, who lived in Elizabethtown while her husband, an Army officer, was stationed at Fort Knox, have since moved to a new posting in New Jersey. Holly Curry said she and her husband are pursuing the case because they believe what happened was wrong and they are seeking change.

"I really hope what comes out of this is justice and reform within the system," she said. "I recognize in society there's a need for children to be protected ... but it seems to me it's a system that's broken."

The Currys, who teach their children at home, are being represented by the Home School Legal Defense Association based in Virginia.

Jim Mason, a lawyer representing the Currys, said Walker's ruling is a significant advance in the case for his clients.

"They are pleased with the ruling, of course," Mason said. "I think it's an important ruling."

In a video on the home school association's website, Holly Curry speaks briefly about her ordeal and the fear of losing her children if she didn't comply with demands of the social worker and deputy sheriff.

"I was terrified," Curry said. "I was terrified that one wrong move and they were going to remove all the children."

She was alone at home with her children when the social worker arrived, "pounding" on the door and demanding entry. Her husband was out of town and, unsure what to do, Curry refused, according to the lawsuit.

So the worker left but returned with the deputy and told her if she did not cooperate, they could get a court order to take the children. At that point, Curry agreed to let them into the home, the lawsuit said.

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Curry found the behavior of the social worker and deputy threatening and intimidating, the lawsuit said.

Childress did not ask Curry's permission before removing the children's clothing to inspect their bodies, and Furnish, the deputy, was present for the searches of the children who ranged from an infant to age 6, the lawsuit said.

The worker took clothing and diapers off the two youngest children and pulled down the pants and looked into the underwear of the older ones, the lawsuit said.

When Curry attempted to reach for her cell phone to call her husband, Childress blocked her by moving over on the couch and sitting on it, the lawsuit said. It said the social worker also asked about her religion.

When Curry responded that the family is Catholic, the lawsuit said Childress laughed and said, 'You're the second Catholic family I've interviewed in two days!'"

In May 2017, Childress called Josiah Curry and told him that no allegations against the Currys would be substantiated but added that if they were reported to social services again, "bad things are going to happen, and we could take the kids away," the lawsuit said.

On June 1, 2017, the lawsuit said, Childress called Holly Curry and told her, "We're not going to substantiate findings for you this time, because we think it was a one-time 'oopsy-daisy.'"

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