Parent RESOURCE GUIDE

This Handbook is designed to help parents understand the Texas child welfare system, their role and responsibilities when involved in a Child Protective Services case, and the roles and responsibilities of others.

Children's Commission
SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

TEXAS LAW | The University of Texas School of Law
William Wayne Justice Center for Public Interest Law

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Parent Resource Guide Workgroup

Alyce Bondurant
Associate Judge
North Texas Child Protection Courts

Cathy Morris
Associate Judge
Child Protection Court of South Texas

De Shaun Ealoms
Parent Program Specialist
Texas Department of Family
& Protective Services

Kimberlie Mansell
CPS Permanency Program Specialist
Texas Department of Family
& Protective Services

Kimberly Latham
Family Law Attorney
Latham & Rowley

Lori Kennedy
Managing Attorney
Travis County Office of Parent
Representation

Mark Zuniga
Attorney, Appellate Division
Texas Department of Family
& Protective Services

Mary Christine Reed
Director
Texas RioGrande Legal Aid

Maya Guerra Gamble
Attorney at Law
Austin, Texas

Michelle Hansford
Parent Representative, Region 5

Rita Hecker Anderson
Attorney at Law
Anderson Law, PC

Sarah Bryant
Attorney
Texas RioGrande Legal Aid

Verlyn Johnson
Parent Representative, Region 7

Veronica Forsyth
Deputy CEO
Texas CASA

Debra Fuller
Attorney
Kerrville, Texas

Helen Gaebler
Senior Research Attorney
William Wayne Justice Center for
Public Interest Law

Jack Sigman
Attorney
Sigman & Sigman, L.L.P.

Jo Poenitzsch
Chief Family Justice Prosecutor
Williamson County Attorney's Office

Johana Scot
Executive Director
Parent Guidance Center

Judy Powell
Communications Director
Parent Guidance Center

Karen Miller
Managing Attorney
Texas Legal Services Center

Katherine Barillas
Policy Director
One Voice Texas

Kenneth Thompson
Fatherhood Specialist
Texas Department of Family
& Protective Services

Commission Staff
Tina Amberboy
Executive Director

Tiffany Roper
Assistant Director

Jessica Arguijo
Executive Assistant

Monica Mahoney
Executive Assistant

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1 Introduction

Angry? Sad? Embarrassed? Stressed? You might be feeling all of these emotions and more if your family is involved with Child Protective Services (CPS). *When CPS is in your life, you may have to do things you've never had to do before like talking to an investigator, returning phone calls to a caseworker, setting up appointments with different people, and keeping those appointments even when it seems impossible. You may also have to keep a job or go to school or find a new place to live. You might be worried about being treated fairly and whether you can trust the people you talk to. Most of all, you are probably worried about what will happen to your children and family.*

This Handbook describes what happens when CPS investigates you or removes your child. *Who are all the different people working on the case? What can you expect when you go to court? What can you do to help your case and keep your family together? This Handbook answers many of your questions. It is written by a group of parents, parent advocates, lawyers, judges, social workers, and others who work with families just like yours.*

Working with CPS and the courts can be hard and confusing, but ignoring what is happening will not make it go away. *Because you love your children, it is important that you understand what is happening and act fast to address the situation. Learning how to keep your children safe, how to advocate for yourself and your children, and how to get help are all important goals when working with CPS.*

No matter how much a role you have played in your child's life up to now, your right to be a parent and your right to see and visit your child could change forever. *Maybe you see your child every day or maybe just once a month or once a year. Maybe you have never even met your child. No matter what your relationship has been so far, if you are the child's parent, you are part of the CPS case and need to understand how to protect your right to be a parent to your child. The outcome of this case may also affect your right to be a parent to future children.* ***These cases are about your child's safety and well-being and about your right to be involved in your child's life.***

Finally, remember that CPS cases that go to court are on very strict timelines! *In Texas, you will usually only have 12 months to convince the court that your child will be safe living with you. That may sound like a long time to you, but it isn't. To your child it will seem like an eternity. You will have a lot of work to do, and the time will go by very fast! This Handbook can help you learn how to make the best use of this time.*

How to Use This Book

Do not be overwhelmed by the amount of information in this ***Handbook***. You do not have to read all of it. Depending on what's going on with your case, you may find some parts more helpful than others. If you have a lawyer, you will want to ask him or her which sections of this book would be best for you to read.

Where Are You In Your CPS Case?

You will go through different stages while working with CPS, even though not all CPS cases go through all of these stages. Knowing where you are in the process can help you know where to start reading.

INVESTIGATION. CPS has either come to your home to ask you questions, spoken to your children, or spoken to someone else about your children's safety. CPS is trying to decide if abuse or neglect has occurred and if your child will be safe in your care. Depending on what CPS finds, your case could be closed, sent to Family Based Safety Services (FBSS), or your child could be placed into foster care. See page 35, The CPS Investigation.

FAMILY BASED SAFETY SERVICES (FBSS). You have been investigated by CPS and even though the investigation found that your home may not be safe for your children, you will be allowed to keep your children at home or with a relative while you receive services and work to make your home safer. See page 45.

CPS HAS REMOVED YOUR CHILD FROM YOUR CARE. In Texas, we call this ***Temporary Managing Conservatorship or TMC***. It means your child has been taken from your home and a court has given temporary legal custody of your child to CPS. You probably have gone to court at least once. You should have a CPS caseworker and a lawyer by now. See page 51.

YOU AGREED TO GIVE UP YOUR PARENTAL RIGHTS OR THERE WAS A TRIAL AND THE JUDGE TERMINATED YOUR PARENTAL RIGHTS. Children who stay in the foster care system after parents give up their rights or have them taken away are placed in ***Permanent Managing Conservatorship or PMC***. As a parent, you may be interested in learning how to heal, how to strengthen your family, and whether you may see your child in the future. See page 123.

YOUR RIGHTS WERE NEVER LEGALLY TERMINATED, BUT YOUR CASE IS OVER AND YOUR CHILD IS STILL NOT WITH YOU. This is also called ***Permanent Managing Conservatorship*** but is sometimes called ***Long-Term Foster Care***. In these cases, the child will go to live in a relative's home or with another person or sometimes CPS will remain the managing conservator. You may still be able to make some decisions for your child or visit with your child. In some rare cases, depending on the age of your child and whether your situation has become much better, you might be able to get your child returned to your care at some point in the future. See page 124.

REUNIFICATION. Your child has been returned to you and may be wondering how to avoid being involved with CPS again, how to keep your child safe, and what resources are available if you need help. See page 124.

Additional Resources and Information:

DEFINITIONS AND ABBREVIATIONS: You can find definitions for words you might not understand on page 142 and explanations of some abbreviations you may hear (for example, CPS or GAL) on page 147.

KEEPING TRACK OF YOUR INFORMATION: At the end of the Handbook, you will find tools to help you keep track of information about your case. To read more about how to use these tools, see page 129 (Managing Your Case).

RESOURCES: Depending on where you live, different resources may be available to help you deal with drug and alcohol use and addiction or get mental health services. Other services might include legal help, domestic violence shelter and advocacy services, housing support, food banks, family therapy, or parenting classes. You'll also find contact information for CPS and some county court offices. Find out more about your resources on page 157.

Every case is different. You might have questions that are unique to your situation. For example, maybe you are a father who does not have custody but would like to see your child. Maybe you are fearful for your own safety and want more information about your options? Maybe you are a teen parent or a parent who used to be in foster care? Maybe you have special medical or mental health needs? Or maybe you do not speak English or are here as an undocumented resident? If any of these apply to you, see page 103 for more information.

KEEPING TRACK OF YOUR TIMELINE: CPS cases that go to court are worked on strict timelines so it is important that you stay on top of all your services. There are calendars on page 133 to help you stay on track.

What This Handbook Is NOT:

This Handbook is not going to teach you how to handle a CPS case in court by yourself. Every parent's situation is different, and the law and court procedures are complicated. A lawyer has legal training and can help you get the best possible results in your case.

Under Texas law, every parent who has a CPS petition filed against them in court is entitled to a lawyer. If you can't afford a lawyer, the court should appoint one to work on your case for free.

The information in this Handbook is NOT legal advice and should NOT take the place of talking to your own lawyer.

See page 79 for more information about working with your lawyer.

TAKE CARE OF YOURSELF AND STAY POSITIVE

During this time it is important that you take care of yourself and stay positive. It is OK to admit if you are having trouble dealing with the situation. For your child, it is important that you take steps to work on what you can do to keep your child safe when he or she is with you, and ask for help when you need it.

FIND SOMEONE TO TALK TO. *This could be a family member, a friend, or a professional like a therapist. Your CPS caseworker may be able to refer you to someone. BUT always remember that your lawyer is the only person who is required by law to keep most of what you say confidential! (See page 29 to learn more about what confidentiality means.)*

SAY POSITIVE THINGS TO YOURSELF. *You DO have power in this situation. You have the ability to change what led CPS to become involved with your family in the first place. You have the power to change. You have the power to make this experience into a positive one.*

TRY TO STAY RELAXED AND CALM. *Take breaks when you need them. Breathe deeply. Listen to music or do other things you enjoy. You will not help yourself or your child if you get angry or aggressive with your CPS worker, the judge, or other people involved in your case.*

BE PATIENT. *Yes, your case is on a timeline, but real change takes time. If you are looking for a job, don't expect it to happen right away. If you are dealing with an addiction, be honest with yourself about it because an addiction will affect your case. Of course you want your child back home as soon as possible, but your child will be safest and you have a better chance of CPS staying out of your life, if you have completely dealt with all of your own needs before you begin parenting again.*

CREATE A HEALTHY AND POSITIVE SUPPORT SYSTEM. *It is hard to go through this alone. Surround yourself with family, friends, and professionals whom you can ask for help when you need it.*

STAY CLEAN. *If you feel beaten down, it can be tempting to fall into bad habits such as drinking alcohol, doing drugs, or being around negative people. Giving into these temptations won't help and will just make things harder for you in the long run. We all make mistakes – but as you move forward, it is important to always keep your child in mind when you are deciding how to act.*

2 How Do I Help Myself and My Family?

"Advocate" is a word you might hear a lot during your CPS case. It means asking for what you need and making sure that you get it. You may have a pretty good idea of what you need to get your life back on track, but you should listen to what others think might be helpful, too. Your CPS caseworker and your lawyer are there to help you. They have a lot of experience and might have some good suggestions. But in the end, you are the one who knows your situation best and you need to speak up for yourself.

Keep in mind that people involved in your case are probably very busy, especially your CPS caseworker. Things you've asked for may be forgotten or ignored. Phone calls may take a long time to get returned. Appointments with therapists, counselors or doctors may take a long time to get scheduled. ***But ultimately you are the one who will be held responsible if things aren't done by the end of your court case.*** *You must keep calling and keep trying to get your appointments scheduled! Or ask what you can do to help schedule appointments or get other things done.*

What Can You Do to Advocate For Yourself?

KNOW YOUR RIGHTS. Keep reading to learn about what your rights are and what you should expect from the people involved in your case. If your rights are being ignored, there are things you can do to report it. See page 91 for more information.

FOLLOW UP. If people are not returning calls or emails or helping you get started on your services, the best first step is to keep calling and remind them that you need their help. This may take several tries. Find out at the beginning of your case the name of your caseworker's supervisor and their office and cell phone numbers. Don't be afraid to call someone's supervisor – or even the CPS Program Director – if that is what it takes to get the help you need.

BE ACTIVE. There are many things that you can do for yourself. If the judge has ordered some kind of treatment or service, but your caseworker hasn't been able to set it up for you, you might find a treatment center for yourself. You might find a counselor you like or a class that would be helpful. It is important to talk to the people working on your case before signing up for treatment or services because the caseworker may have to pay for them and might need to get permission first. And be sure always to let your lawyer know and get her okay before you start down this path.

BE ASSERTIVE. Don't feel embarrassed to ask for what you need. Don't feel like you are a burden if you call your caseworker or lawyer several times. As long as you are being respectful, it will show that you are taking your responsibilities seriously.

FOLLOW COURT ORDERS. Sometimes a court may order you to cooperate, give consent, sign releases, or take other actions that you disagree with. It is important always to cooperate with a court order, even if you don't agree with the court's decision. Just because you agree to cooperate does not mean that you are giving up the right to be assertive or to argue in favor of what you think is the better course of action. ***Always*** talk to your lawyer first if you have any criminal matters pending or other concerns about following a court order.

KEEP TRACK. Use the pages in the back of this Guide to write down the name of every person you talk to, as well as their contact information and what you talked about. Write down information about court dates and other appointments. If something gets doesn't get done, don't let it be your fault.

What Can You Do to Advocate For Your Children?

Advocating for yourself so that you can become a stronger, healthier parent is important, but it is also important that you let the people caring for your child know about his or her needs. Does your child have special medical needs? Does your child take medicines or birth control that the caseworker needs to know about? Special education needs? Has your child been acting out or showing anger, frustration, or sadness? Make sure someone knows about this. It will show how much you care about your child and that you want him or her to be ok during this scary and difficult time.

MAKING YOUR CHILD MORE COMFORTABLE

Living with a different family in a different house can be hard for your child, even if they are staying with a family member. They have to learn new rules, sleep in an unfamiliar bed, and maybe even eat different foods. But there are some things you can do to help you child get used to these changes and feel comfortable in his new home:

- Give your child's caregiver your child's favorite clothes, toys, and other comfort items. (Make sure to label the items.)
- Give your child's caregiver a schedule of what your child was used to at home: When does he have sports practices and games? When does he have to be picked up from school? Is there one special TV show he likes to watch? Is there a particular friend he likes to hang out with on the weekends? Does he have regular doctor's appointments?
- Give your child's caregiver names and contact information of family and friends so that your child can call them or write them a letter if he feels lonely.

Know Your Rights!

Parents have certain rights once they become involved with CPS. These rights are written in our laws and regulations. If you believe someone has violated your legal rights, you should talk to your lawyer.

Make full use of your rights! Protect your interests and become an educated and engaged advocate.

In most cases, you have the following rights as a matter of law:

THE RIGHT TO A LAWYER. You have the right to hire a lawyer at any point in the process. If CPS files a case in court against you and you cannot afford to pay for a lawyer yourself, then the court must provide you with a free court-appointed lawyer. Before a lawyer will be appointed to your case, you will have to prove that you are not able to pay for a lawyer yourself. (A good test to see if you qualify for a free lawyer is if you are already receiving government benefits like food stamps) ***If the court has not appointed a lawyer for you by the first court hearing, you should ask for one. For more information about working with your lawyer*** ***see page 79.***

IMPORTANT

If you qualify for a free lawyer but one has not been appointed before your first hearing, ask the court for a lawyer at your very first hearing. The court must appoint a lawyer, and must move (or "continue") the hearing to a later date to give you time to meet with your lawyer and talk about the case.

THE RIGHT TO NOTICE. During a CPS investigation, CPS must try to tell you why they are investigating you and whether they met with your child and asked him or her questions about the alleged abuse or neglect. If the investigation is closed, CPS must tell you this, too.

CPS must also give you written notice if they take possession of your child. This notice should include the reasons why CPS took your child, what your rights are, and the name of a person you can contact for more information.

THE RIGHT TO ATTEND COURT. You have the right to attend all court hearings, as well as other events related to your case such as mediation (a meeting designed to settle a case that happens toward the end of the case, see page 68) or family group conferences (a meeting that usually happens at the beginning of the case, see page 76).

THE RIGHT TO VISIT YOUR CHILD. CPS must give you the chance to see your child within five days of taking custody. Your CPS caseworker should work with you to create a visitation schedule. ***However, your right to visit with your child can be limited if the court does not think it is in your child's best interest to visit with you or if visitation would conflict with another court order.***

THE RIGHT TO AN INTERPRETER. If you do not understand English or are hearing impaired, you must be given an interpreter when you go to court. CPS must take reasonable steps to make sure that you understand what is going on in your case at all times.

THE RIGHT TO IDENTIFY RELATIVE CAREGIVERS. If your child is removed from your home, CPS must give you the chance to name relatives who you would like your child to live with and who can keep your child safe while your case is going on. You will be given a form to fill out with this information. If you don't voluntarily fill out the form, you will be ordered to fill it out by the judge. Caregivers are more likely to be approved if they have a clean criminal record and no history with CPS.

THE RIGHT TO BE INCLUDED IN PERMANENCY PLANNING MEETINGS. A "permanency plan" is the goal for where your child will live at the end of your CPS case. The permanency plan for most children is to have them return safely home but there will be a backup or "concurrent" plan such as living with a relative or being adopted, if your child can't safely come home. Permanency Planning Meetings are meetings where CPS will discuss your child's permanency plan and your progress toward the goal identified in the plan. If CPS knows how to contact you, you have the right to go to these meetings and you have the right to have your lawyer with you.

THE RIGHT TO BE GIVEN A COPY OF THE JUDGE'S WRITTEN DECISIONS. After every hearing, a court order will be signed by the judge. The court order will say what happened that day in court. If the judge wants you to do something, the court order will say so. ***Court orders are very important in CPS cases because your rights can be terminated simply for not obeying the court's orders.*** You have a right to copies of these orders and you should ask for copies from your lawyer or caseworker if copies are not given to you.

THE RIGHT TO REQUEST A JURY TRIAL. If your case goes to trial, you have the right to ask that it be heard by a jury instead of a judge. You should talk to your lawyer about whether to request a jury trial.

THE RIGHT TO APPEAL A FINAL ORDER. If your rights are involuntarily terminated by a judge or a jury, or CPS is given permanent managing conservatorship (custody), you can appeal that decision. You should speak with your lawyer to find out more about what this means. Sometimes, you cannot appeal your case, for example, if you waived your right to appeal when you entered into an agreement, such as voluntarily giving up your rights or letting someone else have custody of your child.

THE RIGHT TO REQUEST A REVIEW OF CPS INVESTIGATION FINDINGS. CPS must review their investigation findings if you ask them to. To find out more about what investigation findings mean, and how to request a review, see page 46.

THE RIGHT TO REVIEW RECORDS OF AN INVESTIGATION. Unless a judge believes that it would be dangerous for your child, you have the right to review the records of the CPS investigation against you. This can only be done once the investigation is over and usually, you do not find out who called CPS to report you. See page 47 for more information.

THE RIGHT TO FILE A COMPLAINT AGAINST CPS. If you believe that CPS has not acted appropriately toward you, you can contact the Office of Consumer Affairs. This office will review your complaint and try to fix the problem. This office CANNOT review or change court orders or review actions taken by the police. The Office of Consumer Affairs can be reached at 1-800-720-7777.

IMPORTANT

If CPS does not know how to find you or if your parental rights have already been terminated, some of these legal rights may not apply to you. Every case is different, but these are rights that apply to MOST parents.

In addition to legal rights, there are things that you deserve, even if not written into law. We will call these "expectations." It is up to you to make sure that your expectations are met.

You should be able to expect the following:

You should be treated fairly regardless of your gender, race, culture, disabilities, or religion.

Being poor is not a reason to lose your child. Being poor can add stress to your life and that stress can lead to a situation where your children are not safe or cared for. But, you should not lose your child simply because you are poor and there are no questions about the safety of your child.

If you have visits with your child, they should be frequent and meaningful. Every family gets a visitation plan that spells out how often and how long you will get to visit with your child. You should have input into what this plan says.

Your lawyer should provide you with quality representation. This means he or she should meet with you before every hearing, return your calls, answer your questions, give you advice about how to handle what's going on in your case and court, and tell the judge what you want and need or help you in telling the judge what you want or need.

Your caseworker should provide you with services and help to make it possible for your child to be returned home, and you should be meaningfully involved in creating your Service Plan. A successful Service Plan will identify both your needs and your strengths; it is meant to help you change unsafe behaviors and address other challenges you may have. Your caseworker, your lawyer, and the judge should listen to what you have to say in developing your Service Plan. After all, you are the one who has to follow it. This is one of your most important jobs and you should insist that your lawyer help you and make sure you are involved. See page 77 for more information about Service Plans.

If you can provide the name of a responsible friend or family member who can provide a safe home and pass a CPS and criminal background check, you should be able to have your child cared for by someone you trust.

If you treat others with respect, you should also be treated with respect.

3 How Did I Get Here?

CPS is a part of the Texas Department of Family and Protective Services (DFPS) and is the state agency responsible for keeping Texas' children safe. CPS becomes involved with a family when a report is made that a child is being either abused or neglected.

What Is Abuse?

A child has been abused when that child is injured either physically, emotionally, sexually, or mentally. Even if a parent didn't injure the child, that parent may be considered "abusive." A parent has to take steps to prevent her child from being abused by others.

Child abuse can also include things you might not expect, such as encouraging a child to engage in criminal sexual conduct, taking sexual pictures of a child, using drugs around a child, or allowing a child to use drugs.

For the legal definition of abuse, go to Appendix C on page 151.

What Is Neglect?

A child has been neglected if that child's physical, medical or emotional needs are not adequately met.

The majority of CPS cases involve neglect, not abuse. Neglect is defined very broadly and can include anything from allowing a child to live in a dirty home, to leaving a child at home alone, to failing to take a child to the doctor. Neglect can often happen when a parent has a drug or alcohol problem and fails to pay enough attention to the child's needs.

"I didn't mean for this to happen to my family."

– Parent Collaboration Group Parent Liaisons

Even if only one child in a home has been abused or neglected, CPS may use this abuse or neglect as a reason to be involved with and potentially remove all the children in a home.

A parent can neglect her child in many different ways. For example:

- Leaving a child alone and in danger of being physically or mentally harmed and where the parent does not intend to return
- Putting or leaving a child in a situation where the child is too young or immature to make good decisions on their own and that could result in injury or risk of immediate harm to the child
- Failing to seek or follow through with necessary medical care for a child
- Failing to provide a child with food, clothing, or shelter
- Putting a child in or leaving a child in a situation where that child is exposed to a risk of harmful sexual conduct

For the legal definition of neglect, see Appendix C on page 151.

What Does It Mean That a CPS Report Was Made Against Me?

You may be told that CPS has received a "report" or a "referral" about you. This means that someone contacted CPS – usually by calling the child abuse hotline – and said that they believe your child is being abused or neglected. By law, CPS must investigate the call. CPS will try to collect certain information, such as your child's name, your name, the name of any other parent or caretaker of your child, the kind of abuse or neglect suspected, and where your child lives or goes to school or daycare.

CPS IS REQUIRED BY LAW TO INVESTIGATE THE REPORT. Different reports are given different levels of priority. Very serious reports of abuse or neglect must be investigated within 24 hours. Reports that involve less immediate safety threats must be investigated within 72 hours.

Who Makes the Report?

EVERY PERSON IN TEXAS HAS THE DUTY TO REPORT SUSPECTED INCIDENCES OF ABUSE OR NEGLECT OF A CHILD.

Certain people, such as teachers, doctors, nurses, or child daycare workers, even lawyers involved in your case, are required to make a report within 48 hours of suspecting that a child is being abused or neglected. If they fail to make a report, they can be charged with a misdemeanor criminal offense. So, in many cases, even if a person is not sure whether you abused or neglected your child, he or she is still required to call CPS about it.

In most cases, you will not be able to find out who made the report. By law, CPS keeps that information confidential. This is so people aren't afraid to report abuse and neglect because the person they reported might get mad and try to get back at them.

What is CPS Looking For?

The first thing CPS needs to do after a report of abuse or neglect is made is to make sure that all of the children in a home are "safe."

YOUR CHILD IS "SAFE" IF:

There are no threats to your child's safety in the home.
— OR —
If threats do exist in the home, you are able and willing to take action to keep your child from being harmed by them.

In other words, even if CPS finds safety threats in your home, your child can live in your home as long as you can protect your child from those threats. The question, then, is how to decide if a child is safe ***enough*** to stay in the home?

"I didn't think I was a bad mother as long as my kids had food, shelter, and I didn't use in front of them."

– Parent Collaboration Group Parent Liaisons

How Does CPS Decide If a Child Is "Safe"?

To decide if your child is safe, CPS needs to answer two questions:

FIRST: Is there a present danger of serious harm to any child in your home?

The key words are "present" and "serious." "Present" is asking about timing – is the child in danger of harm right now or is the injury from some past danger that is not likely to happen again? "Serious" is asking about the kind of harm – is the child at risk of a minor injury or something that could cause permanent injury or require medical attention?

Examples of "present dangers of serious harm" include:

- Your child was injured and it was not an accident
- When you discipline your child, your actions seem violent or out of control
- Someone in your home is doing something dangerous around your child, such as dealing drugs, leaving weapons around the house, or being violent toward you
- You or another adult in the home is abusing drugs or alcohol

SECOND: Are you willing and able to protect your child from serious harm? This is what CPS calls "protective capacity." All children are exposed to risks; skilled parents know how to protect their child from those risks.

During an investigation, CPS will ask lots of questions to try and learn more about your "protective capacity." For example:

- Do you know what your child's needs are and how to meet them?
- Do you know how to feed your child, clean your child, and make sure your child gets enough attention?
- Are you willing to keep dangerous people away from your child? If you need help in doing this, are you willing to seek out services and legal protections if available?
- Are you willing to ask for help if you cannot meet your child's needs (such as food and housing) by yourself?
- If you get upset with your child are you able to control your emotions?

- Are you able to provide a safe place for your child to live?
- If someone tells you that your child is not safe, will you take what they say seriously and try to fix the problem?

If CPS answers the first question ***"yes"*** (a present danger of serious harm exists in your home) and the second question ***"no"*** (you are not willing or able to protect your child from the danger), then CPS will take steps to protect your child.

Even when CPS decides a child is unsafe at home, however, the child won't always be removed. CPS has other steps it can take other than removing a child, such as helping parents to create a safety plan or asking parents to voluntarily and temporarily place children with a relative or friend (called a Parental Child Safety Placement (PCSP)). But if these other options aren't going to work, then CPS has no choice but to remove a child from her home.

It's My Child! Why Is the State Allowed to Get Involved?

As a parent, you are generally allowed to raise your child in the way you see fit. Our Constitution protects your rights to make most decisions for your child. However, children have rights, too, including the right not to be abused or neglected. So when a child is abused or neglected, the State is allowed – and expected – to take steps to protect the child. This can include removing a child from his or her home.

CPS will usually get a court order from a judge before removing your child, but in very serious cases of abuse or neglect, the State can take your child from your home without first asking for a judge's permission. To make sure that they did not remove your child for no reason, CPS will have to immediately file legal paperwork with the court and schedule a court hearing. At the hearing, CPS will have to convince the judge that they had reason to believe that your child was unsafe and needed to be removed. The judge will decide whether the reason is good enough.

If the judge gives CPS permission to keep your child, the court must watch the case very closely. There will be court hearings every few weeks or months. You should plan to attend all of these court hearings so that the judge can check in and see how you and your child are doing. If you can prove to the court that you are able to provide a safe home for your child, it is more likely your child will be returned to you.

A complete discussion of the court process is on page 64.

CPS CASES ARE CIVIL CASES, NOT CRIMINAL CASES!

Although people don't normally go to jail in civil cases, if a judge orders you to do something in your CPS case and you do not obey the court's order, the court can hold you in "contempt of court." You could be fined and you could be jailed, but it will not be because of the abuse or neglect– it will be because you disobeyed the judge. Also some rights that apply to criminal cases will not apply to you in a civil case.

In a criminal case, for example, the person accused of a crime has the right to remain silent (also called "pleading the fifth"). This means the person does not have to answer questions when talking to the police and cannot be forced to testify at trial. CPS cases are different. In a CPS case, you can be asked to testify and if you refuse to answer the questions, the judge or a jury can take your silence into account and hold it against you.

"My addiction still steals from my son's childhood – even years after being clean."

– Parent Collaboration Group Parent Liaisons

4 Who Are All the People Working on My Case?

While your CPS case is open, you will work with many different people with different roles or jobs. Here are some of the players you will meet. You should try to become familiar with their different jobs, so that you know what each person can or cannot do for you or your child.

CPS Workers

When CPS first receives a report of abuse or neglect, the agency assigns an ***Investigative Worker*** to the case. This is the person who will perform the investigation, including interviewing you, your child, and other people involved in the report. This is also the CPS worker who will attend the first hearing where the court decides whether abuse or neglect occurred. She will testify about what she found out.

If CPS finds your child is unsafe but thinks it doesn't need to remove your child, you may be assigned a ***Family Based Safety Services (FBSS) Worker*** who will work with you and provide services to make your home safer. If you have a FBSS worker, your child might be living in your home or with a family member that you agreed to.

If a court determines that abuse or neglect has occurred and grants CPS custody (also called Temporary Managing Conservatorship or TMC) of your child, then your case will be transferred to a ***Conservatorship Caseworker*** (or Caseworker). This is the CPS caseworker who will be assigned to your case through the entire court process. You may have more than one conservatorship caseworker during your case. This usually happens because the first caseworker gets assigned to a different case, stops working at CPS, or moves to a different job. In most places in Texas, your conservatorship caseworker is not the same worker who did the initial investigation.

Every CPS caseworker has a ***CPS Supervisor***, who is the person responsible for signing off on final decisions for the agency. If you have questions or concerns about how your caseworker is handling your case, you can contact your caseworker's supervisor for more information. If you get a new caseworker, you may also get a new supervisor.

Your caseworker does not just work with you. He or she will also be working with your child, other family members, teachers, doctors, therapists, foster parents, and other people who may be involved with your child during the case.

Case Managers Who May Not Work for CPS

Depending on where you live in Texas, you might have a case manager working with your child, in addition to a CPS caseworker. A case manager will do a lot of the same things that the CPS caseworker usually does, but instead of working for CPS, the case manager works for an agency that contracts with DFPS to give you or your children services.

District Attorney, County Attorney or Regional Attorney

Just like you have a lawyer and your child has a lawyer, CPS also has a lawyer who represents the agency in court. This lawyer will be arguing for CPS's side of the case and must prove by a certain amount of evidence why your child should be in CPS custody. The lawyers who represent CPS may have different names depending on what court you are in. Some are elected by voters and work for the county where the court is. These are known as District or County Attorneys. Others work for CPS' parent agency DFPS and are known as Regional Attorneys. No matter the job title, the client of these lawyers is CPS.

Parent's Attorney

This is the lawyer who will help you and argue your side of the case in court. The court will appoint a lawyer to represent you for free if you do not have money to pay (this is called being "indigent"). In Texas, every parent has the right to a court-appointed lawyer, if they are indigent and they do not want the state to take custody of their child or try to terminate their parental rights. Even if CPS says it does not plan to terminate parental rights and it only wants to take custody of a child, the court should appoint a lawyer to represent the parent. Usually, each parent will have his or her own lawyer, although in some cases, the same lawyer might represent both parents. See page 79 for more information about the Parent Attorney's role.

"I always thought I was a good mom, even though I used drugs. What I didn't realize was that I could not be the mom I needed to be while I was high, locking myself in the bedroom, telling my girls "just a minute" several times before answering their knocks at the door, with more drugs and paraphernalia in our home than food."

– Parent Collaboration Group Parent Liaisons

Attorney Ad Litem For Child (AAL or Lawyer)

This is the lawyer who represents your child during a CPS case. Your child's lawyer is also appointed by the court. In Texas, every child, no matter how young, has a lawyer appointed to represent them in CPS cases. Your child's lawyer cannot stop representing your child unless the court gives them permission. The lawyer should attend all hearings in your child's case until the court dismisses him or her.

When more than one child is involved, there may be more than one AAL. An AAL may not be able to represent all of the children, especially if children are asking for different things. For example, maybe one child wants to return to his parents and the other child wants to live with a grandmother. Just like each parent having his or her own lawyer, each child may also end up with his or her own lawyer.

Each child must also have a Guardian ad Litem. Depending on the age and ability of your child, the AAL might act as both the lawyer and the Guardian ad Litem. The Guardian ad Litem's role is explained next.

Guardian Ad Litem For Child (GAL)

The Guardian Ad Litem or GAL is a person appointed by the court to help the court to better understand your child's best interests. The GAL will review the case and advise the court on what she thinks is best for your child. The GAL can interview people, including you and your child, and meet with anyone else who is involved in the case, like teachers, doctors, and daycare providers. The GAL will file reports with the court before each hearing to tell the court what she has learned and how she thinks your child is doing.

For babies and very young children, the GAL and the AAL may be the same person. For older children, the GAL might be someone else, who may also be a lawyer. Sometimes a CASA volunteer will serve as the GAL. CASA stands for Court Appointed Special Advocate. CASAs are trained volunteers who will do all of the things that any other GAL would do, including interviewing people, filing reports, and advising the court.

Judge

The judge is the person who runs the court hearings. The judge will listen to all sides of the case and then make decisions that she thinks are in the best interest of your child. For example, the judge will decide where your child will live during the case or how often you may visit your child.

Do not contact or write your judge a letter about the case. Judges can only communicate about a case when everyone involved in the case is there in court. This rule makes the process fair for everyone.

Mediator

A mediator is a person trained to help people work out differences and reach an agreement outside of court. The mediator is independent and neutral, which means she is not going to take sides in your case or argue in favor of either you or CPS. Things discussed privately with the mediator are confidential and will not be shared with the other parties without your permission. The mediator is there to help you and CPS talk about the case and see if there are things that everyone can agree to, without asking the judge to make the decision. Mediation is discussed in detail at page 68.

Counselor, Therapist, Other Social Workers

During any CPS case, there will be lots of people working with you and your children. Some of these people will work for CPS, the child's caseworker. Others will be independent, such as the therapist you might see as part of your service plan or a school counselor working with your child. You will need to try to work with all of the people involved in your case if you hope to get your children returned and the CPS case closed.

"Denial, pure and simple. I had an anger problem, grew up in an abusive household, lived with an abusive man, and abused my children. The day I received the call from the CPS investigator, was an eye-opening moment for me."

– Parent Collaboration Group Parent Liaisons

5 Confidentiality

If CPS becomes involved with your family, it will gather lots of information about you and your child. This may include information that you think should be private – for example, personal information (name, birthdate, social security number), medical information, school records, criminal records, and therapist or counseling notes. They can ask you questions, ask your child questions, and ask your friends and families questions.

But even though CPS has the right to lots of information, there are limits. Some information is "confidential," which means that CPS cannot request certain information or make some people answer certain questions without your permission. It is always important to think about confidentiality and the limits to confidentiality when you are speaking with CPS caseworkers, relatives and friends, and anyone else who might become involved in the case.

To help build trust, there are rules about what information a lawyer can share with other people. Information is confidential when it is kept private between you and your lawyer and not shared with other people, like your CPS caseworker or the judge. You should talk to your lawyer about anything you think is important for you and your child, but you should know that there are some things a lawyer does not have to keep confidential.

WHAT IS CONFIDENTIAL

In general, your lawyer must keep what you tell her and what she learns about your case confidential.

You want to develop a strong and trusting relationship with your lawyer. If you don't trust your lawyer, you may not want to tell her the truth, but she may not be able to represent you very well.

WHAT IS NOT CONFIDENTIAL

Two of the most important things that a lawyer does not have to keep secret:

- *A lawyer has a duty to make a report **if she believes that a child has been abused or neglected, or that a child will be abused or neglected.***
- *A lawyer may share confidential information if doing so will **stop a crime from happening.***

Will My Lawyer Share Confidential Information?

Sometimes, it can be a good strategy to share confidential information. In other words, just because your lawyer can keep what you tell her private doesn't mean that she should. In fact, it might help your case for your lawyer to share some of the things you have told her. For example, if you are doing very well in counseling or drug treatment, sharing information about your progress can help convince the judge and CPS that your child should be returned home.

Your lawyer should talk to you about what information she wants to share and why she wants to share it. In the end, it is always your right to decide whether to agree to let her share the information.

Talking to People Other Than My Lawyer?

Conversations that you have with anyone other than your lawyer are not confidential. This includes conversations with your CPS caseworker, other lawyers in the case including your child's lawyer, your child's guardian ad litem or CASA worker, and family or friends. ***If something is not confidential, it can be used without your permission, even if you told the person you were talking to that you wanted it to be kept secret.*** The people you talked to could be called to testify in court later on in your case. What you told them could be used as evidence to terminate your parental rights.

An important exception to this rule involves information that comes out during mediation. Usually, everyone involved in the mediation will sign something called a "confidentiality agreement" at the beginning of the mediation. By signing, everyone is agreeing that whatever is talked about during the mediation will be considered confidential and cannot be used outside of the mediation. For more information on mediation, see page 68.

The Family Group Conference, which is part of the CPS Team Decision-Making process, is like mediation in that information shared during the conference will be kept confidential. An important exception to this rule, however, is if information that is shared raises concerns about a child's safety. In that case, CPS will use the information in deciding how best to protect the child.

IMPORTANT

*Conversations with your CPS caseworker are **NOT** confidential.*
*Conversations with your child's lawyer are **NOT** confidential.*
*Conversations with the CASA worker are **NOT** confidential.*

What If I Also Have an Open Criminal Case?

You should never discuss criminal charges with anyone unless your lawyer is there with you or tells you it is OK. ***You do NOT have a confidential relationship with anyone but your lawyer! This means that anything you say to anyone other than your lawyer can be used as evidence against you in the criminal case.***

The lawyer who represents you in your criminal case may be different from the lawyer who represents you in your CPS case. Both lawyers have to keep what you tell them confidential but a criminal lawyer can better advise you about how any statements you make to CPS, CASA, or other people involved with the CPS case might affect your criminal case.

You should encourage your CPS lawyer and your criminal lawyer to talk to each other and have a joint plan for how to resolve both cases.

You should take your criminal case very seriously! If you are convicted or placed on deferred adjudication or probation for a crime involving injury to a child or endangerment of a child, this could be used as a reason to terminate your parental rights.

IMPORTANT

*If you have an open criminal case involving child abuse or neglect, speak to your criminal defense lawyer before speaking with CPS or **any** other person who is not your lawyer. Remember that conversations with relatives, teachers, or friends are NOT confidential or protected, even if they promise not to tell anyone.*

Your Child Has The Right to Confidentiality, Too!

Every child involved in a CPS case is appointed a lawyer. Your child's lawyer has a duty of confidentiality to your child, just like your lawyer has a duty of confidentiality to you. In other words, your child can tell her lawyer things in secret, and the lawyer must keep those things a secret unless the child says it is OK to share them.

It can be hard to understand why your child's lawyer is allowed to know things that you do not know. However, that is how the attorney-client relationship works and it is important that your child be able to trust her lawyer. Your child's lawyer's job is to represent what your child wants. It is important for your child to have a voice because her life is being affected just as much as yours.

Remember that it is ***not*** appropriate to ask your child's lawyer to tell you things your child has said or to get angry at your child's lawyer if she says things in court that you don't agree with. It is also ***not*** appropriate to get mad at your child for sharing his feelings with his lawyer.

STOP! Online Information = Public Information

Are you someone who likes to use Facebook and Twitter, or who shares photos and other personal information online? If so, you need to be careful about what information you share and who you share it with. ***This is because everything that you share online is public information.*** If CPS becomes involved with your family, it is almost certain that someone who is working on the case – lawyers, CPS caseworkers, CASA volunteers – will search online to see what they can find out about you and your friends and relatives.

It is important to think about how the things you post online can hurt your case. What would a CPS caseworker or the judge think if they saw:

- A picture of you surrounded by empty alcohol bottles?
- A comment you make about using drugs or going out and partying?
- A video of you getting into a fight?
- A picture of you with an ex-boyfriend who has abused you or your child in the past?

Any of these things could suggest that you are not a safe parent. You don't want to have to explain these things to a judge in court.

SOCIAL MEDIA TIPS

Everything you share online is public information! Anything you say or do online can come back to haunt you, even if you posted it many years ago. And once something is online, it is hard to get rid of it, especially if it has been shared with many people.

What can you do to avoid problems?

DON'T POST! *If CPS is involved in your life, you should avoid using social media. Anyone can see what you post and you cannot control what other people post on your accounts or how information that you post will be used by other people. Posts or pictures involving drugs, alcohol, gangs, weapons, and things like that will suggest your child would be unsafe at your home or around your friends and relatives. Also, think about comments you make on other people's sites or when you choose to "like" someone else's post. Could someone make a mistake about what your actions mean? If so, don't post!*

CHECK PRIVACY SETTINGS. *If your information is not set to private, ANYONE can see everything you post online. On sites like Facebook, Twitter, and Instagram, you can change your settings so that only friends can see your information. However, even this may not be enough. Remember that your friends could give your information to CPS or someone involved in the case, like a CPS caseworker or CASA, could ask to become your friend.*

KEEP TRACK OF WHAT OTHER PEOPLE POST ABOUT YOU. *Even if you are careful about what you post, other people can still post pictures or videos of you or your children on websites like Facebook and YouTube. The best thing you can do is not put yourself in any situation where a bad or not so good picture of you could be taken. You can also tell your friends and family that you want to keep your private life off the internet.*

DO NOT DELETE YOUR ACCOUNT OR DESTROY EARLIER POSTS. *If CPS files a court case against you, it is against the law to destroy information that CPS might ask for during the investigation or want to use in court. Courts are still trying to figure out how to deal with Facebook, Twitter or other social media accounts, but deleting your account or even deleting individual pictures or other information could be considered destroying evidence and get you into a lot of trouble. It is NOT against the law to deactivate your accounts or become an inactive user.*

So be safe! Avoid social media while you have a CPS case or investigation pending. And always talk to your lawyer before disabling your accounts, deleting pictures or videos you've posted online, or asking friends to delete pictures they've posted of you. Your lawyer will advise you about what action is safe to take.

6 The CPS Investigation

If CPS is investigating you, it is because someone has reported to CPS that he or she thinks your child has been abused or neglected. You probably do not know for sure who made the report – it could have been a family member, a neighbor, a teacher, a doctor, a police officer, or even a stranger. But once a report is filed, it is CPS's job to investigate the report to see if it is true.

IMPORTANT

Everyone has a legal duty to let CPS know if they think a child is being abused or neglected and that person (the reporter) do not have to be right about it. But a person should report abuse or neglect to CPS only if they really think something has happened. ***Reporting something that you know is not true is called "False Reporting" and is a crime (Class B Misdemeanor).***

What Can CPS Do During an Investigation?

It is the investigator's job to gather information that will help determine whether your child is safe and whether CPS needs to become further involved with your family. The investigator has many ways to gather the necessary information. She can:

- Talk to people who have information about the alleged abuse or neglect, including doctors, teachers, neighbors, and relatives
- Talk to people who have knowledge of your family
- Take pictures, including of your child and your home
- Inspect your home
- Examine your child for injuries or poor health
- Get copies of police reports, CPS histories, school records, and medical records
- Have a medical or psychological examination done on your child

What Can I Do?

There are a lot of things you can do to help your case during a CPS investigation. First, you have the right to show CPS that you can keep your children safe! You also have the right to speak with a lawyer at any point in the investigation. You will not be given a free court-appointed lawyer at the investigation stage, but you always have the right to hire your own lawyer.

Here are some specific things you can do to show CPS that you can keep your children safe:

- Offer names of people who know you well and who can confirm that you are not abusive or neglectful
- If you child was physically hurt (or appears to be physically hurt), give the investigator names and contact information for anyone you think will back up your explanation for how your child got hurt. This could be a neighbor who saw what happened or a doctor who knows that your child has a certain medical condition
- If you have a disagreement with a CPS worker, stay calm and explain your position to her

Only give CPS the names of people who actually know what happened (not just what you told them) or who know you or your child well. You also want to be sure that the people you identify to CPS will be respectful and not create new problems for you and your family. CPS is not required to talk to every person you identify, but a good investigator will talk to as many people as it takes to get an accurate understanding of the situation.

If you feel like CPS is taking advantage of you or not treating you fairly, you should talk to a lawyer or someone who has experience working with CPS. If you do not have money to pay for a lawyer and cannot find a lawyer to help you for free, and you do not know anyone else who can help, you can ask to speak to the caseworker's supervisor. For more info about working with CPS see page 89.

"I didn't know how to be a parent."

– Parent Collaboration Group Parent Liaisons

IMPORTANT

A CPS investigation can look at issues that were not part of the original report, but that come to CPS's attention during the investigation. Maybe the original report was that you injured your child, but when CPS comes to your house to investigate, they find you with drugs. Now, CPS will investigate not only the physical abuse, but also whether you can parent your child if using drugs.

The Investigation Process: What Should I Expect?

INTERVIEWS: CPS will talk to many different people and ask them questions about what happened. The information CPS gets from talking to people will make up a big part of the case.

WHO WILL CPS TALK TO? A CPS investigator will want to talk to you and anyone else she thinks might have been involved in the abuse or neglect. The investigator may also talk to:

- People who live with you and your child, like roommates, spouses, boyfriends, girlfriends, and other children in the home
- Anyone who witnessed the abuse or neglect, like a neighbor or a police officer
- Doctors who treated your child's injuries
- Teachers who were concerned about your child's health or well-being
- People who know you and your child well, like family members, roommates, and friends
- People who know you and your family, but may not have direct involvement in the alleged abuse or neglect

If the other parent has been abusive towards you, you can request a separate interview from the other parent.

DO I HAVE TO TALK TO CPS? No, you can tell the investigator that you do not want to answer any questions, but you risk the CPS investigator thinking you have something to hide. If you are unsure about what to do, you should ask a lawyer for advice, especially if you have an open criminal case.

WHAT HAPPENS IF I DO TALK TO CPS? If you do decide to talk to the investigator, she must first tell you who she is, what the report of abuse or neglect said, and what the allegations against you are. She will then ask you to tell your side of the story. If you admit to abusing or neglecting your child, this information can be used as a reason to remove your child in order to keep your child safe. However, being honest about your struggles as a parent can also result in you getting the services you and your family need in order to be happy and healthy.

The caseworker might ask if you would be willing to work out a safety plan (see page 48 for more information on safety planning). She should also ask if you have any relatives or close family friends who might be able to provide a safe home for your child during the investigation. It is a good idea to provide names and contact information for anyone you think would be a responsible person to care for your child, even if you are not sure they will be willing to help.

Will CPS talk to my child? Yes. A CPS investigator can interview any child who is a reported victim of abuse or neglect at any reasonable time or place, including your child's home or school or daycare. The investigator will want talk to your child about:

- Whether she was abused or neglected
- What happened
- Whether she feels safe now
- Whether she thinks the abuse or neglect will happen again

If the investigator tries to interview your child at home, she must get your okay or "consent" first. Consent means that you give someone your okay or permission to do something. Consent must be voluntary, which means that you make the decision yourself, without pressure. No one can force you to give consent. Remember, though, that you are not the only one who can consent. If the child is staying with a relative or babysitter, that person can also consent to CPS interviewing the child.

The CPS investigator will want to talk with your child somewhere private. Most of the time, you will not be allowed to listen to or be involved in the interview. This is so your child can talk freely and honestly.

Most important, never ask your child to lie or pressure her to say things in a certain way. If CPS finds out you did this, it will make you look bad and can get you into trouble with the judge. Asking your child to lie also can make her feel bad and caught in the middle. Remember that CPS in your life is just as scary for your child as it is for you!

If CPS wants to interview your child at school, the rules are a little different. If you are present at your child's school when CPS wants to interview your child, then CPS MUST get your consent. But if you are not at the school when CPS wants to interview your child, then the interview can happen without your consent. And if you refused to consent to your child being interviewed at home, CPS cannot then try to get around this by going to the school to interview your child.

WHAT COUNTS AS CONSENT?

- Saying "yes"
- Nodding your head "yes"
- Opening the door and waving a caseworker inside your house

WHAT DOES *NOT* COUNT AS CONSENT?

- Silence
- Saying "no"
- Shaking your head "no"
- Asking someone to leave your house even after you have let them inside

HOW WILL I KNOW IF MY CHILD WAS INTERVIEWED? CPS should notify you within 24 hours of your child being interviewed.

WHAT IF MY CHILD DOES NOT SPEAK ENGLISH OR HAS A COMMUNICATION DISABILITY? If you child's ability to communicate in English is limited, then CPS has to take steps to provide an interpreter. If your child has a hearing, vision, or speech disability, CPS has to take steps to make sure there is a way for your child and the investigator to communicate during the interview. If your child is not given the assistance that is needed, you should talk to a lawyer.

Examining Your Child:

The CPS investigator has the right to request different examinations of your child, depending on the type of abuse or neglect that has been reported. The most common exams are ***physical***, ***sexual abuse***, or ***medical***.

CPS must ask for your consent if you are available in person at the time the examination is done – whether at home or at school. You can say yes or no. Your child can also say no. But CPS does not have to get your consent if a court has ordered the exam or if your child is already removed from the home. So, even when you refuse to consent to an examination, CPS will probably ask a court to order the exam anyway.

IMPORTANT

Remember that even if you choose NOT to consent, CPS can always ask the court to allow them to act anyway. Most of the time, the Court will order the investigation to continue even without your consent, so keep this in mind when deciding what to do.

DISOBEYING A COURT ORDER TO COMPLY WITH A CPS INVESTIGATION CAN BE USED TO TERMINATE PARENTAL RIGHTS!

If you are not available in person to give consent, the CPS investigator must tell you that an examination was done and must also tell you if photos were taken.

If your child is feeling nervous, she can ask to have another person stay in the room to help her feel safe.

PHYSICAL EXAM. A CPS investigator will usually want to look at ("visually examine") the child who is the reported victim of abuse or neglect. CPS can also visually examine any other child in the home. The purpose of this exam is to see if the child has any obvious physical injuries, such as bruises, burns, or cuts, or signs of neglect, such as malnourishment, poor hygiene, or severe diaper rash.

Sometimes, the investigator will need to look under your child's clothes. This often happens with young children who cannot speak or clearly say what happened. Unless your child is a baby, only a woman investigator should examine a female child, and only a man investigator should examine a male child. If this is not possible, another adult must be in the room for the exam.

SEXUAL ABUSE EXAM. If a child has been sexually abused or severely physically abused, she will probably go to a special child advocacy center and be interviewed there. Photos may be taken of any injuries and tests will be run to see if there was sexual abuse. Sexual abuse examinations should only be done if: (i) a parent has given consent; (ii) a judge has signed a court order allowing it; or (iii) CPS has conservatorship of the child.

Sexual abuse examinations may only be done by a qualified doctor or nurse. A CPS investigator should ***never*** conduct a sexual abuse examination.

MEDICAL EXAM. A CPS investigator may ask that a medical exam be conducted on your child if the report suggests that your child may have injuries that cannot be seen just by looking, if CPS wants a doctor's opinion on what could have caused an injury, or there are concerns about medical neglect. CPS may also ask for a medical exam if your child has an injury that requires treatment and you have not yet taken your child to see a doctor. The consent rules for medical exams require that you must either go to the doctor with the CPS worker or you must consent to the exam in writing.

Inspecting Your Home:

CPS does not have to give you any notice before coming to your home. An investigator or caseworker can show up at your door any time of day.

When a CPS worker comes to your door, she must tell you who she is and must ask for your consent to come into your home. If you do not consent, she cannot enter. This is true even if the CPS worker comes with a police officer, which may happen if the CPS caseworker is worried about her own safety or if the police are doing their own investigation. Unless the police officer shows you a warrant, it is still your choice whether to allow them into your house.

You are not the only person who can consent to CPS entering your home! Any other adult living in the home can consent, and even a child can consent if the caseworker decides the child is old enough to make that decision.

However, if you and another adult disagree about whether to consent and at least one of you says "no," then CPS cannot come into your house without a court order.

You can also "withdraw" your consent. Even if you tell a CPS investigator that she can come into your home, you can always change your mind and tell her to leave. The CPS worker will have to leave.

In deciding whether to allow CPS into your house, take time to think through the possible outcomes before saying 'yes' or 'no.'

YES. If you say 'yes,' the investigator will appreciate that you are cooperating. Also, it could be helpful to show CPS that your home is safe. On the other hand, if CPS finds anything in your house that could be a safety threat, it may be used as a reason to remove your child. Before answering, think about what CPS will see if they walk into your house and start looking around.

NO. If you say 'no,' the CPS caseworker may think you are trying to be difficult and could hold it against you. And even if you say 'no,' CPS may be able to get into your home anyway. One option is for CPS to ask a judge for a court order allowing them into your house. Another option is that the CPS investigator may believe your child is in such a dangerous situation that she must be removed immediately. This is called "exigent circumstances" and is only used when CPS believes the danger to be so great that there is not enough time to get a court order. In this case, a CPS caseworker can come into your house without your permission, but only to remove your child.

Photographs:

PICTURES OF YOUR HOME. If you allow a CPS investigator into your home, she might want to take pictures of your living conditions. You can expect that photos will be taken of any dangerous conditions such as broken glass, animal waste, things people use to take drugs, or weapons that are easily reached. If your house is very dirty (for example, piles of garbage, rotten food, or signs of bugs or rodents) or needs major repairs (for example, toilets that don't work, loose electrical wiring, or holes in the walls), they will take pictures of these problems as well.

If you are home at the time the CPS worker comes to the house, CPS must get your consent before taking any photos. If you are not at home, and your child is old enough to understand and give consent or there is another adult in the home who gives consent, then CPS can take photos.

PICTURES OF YOUR CHILD. If you allow CPS to talk to your child at home or if your child is interviewed at school, the CPS investigator will take pictures of any injuries she sees on your child's body. If your child is dirty, very sick, or appears hungry, the investigator may take pictures to show how your child looked that day.

If pictures must be taken of body parts underneath your child's clothing, the person taking photos should be the same gender (male or female) as your child. The only reason a caseworker should ever take pictures of a child's genitals or private parts is to document severe diaper rash.

PICTURES OF OTHER EVIDENCE. A CPS investigator might go to the place where an injury occurred and take pictures. Pictures may also be taken of physical evidence, such as a belt used to hit a child.

Record Requests:

CRIMINAL HISTORY. CPS will run a criminal background check on you and anyone else who lives in your home. If a person living in your home has been arrested for crimes like assault or drug use, he or she may be considered a safety threat to your child. Household members who have been convicted of sexual offenses may also be considered to be a safety threat. A long criminal history record of any kind may make CPS question your ability to provide for your child, especially if you have spent significant time in jail or will be going to jail soon.

CPS HISTORY. CPS will run a check to see if you or anyone else in your home has a history with CPS in Texas. CPS may run child welfare checks in other states too. The investigator will be able to see if CPS has investigated you before or if you have had any other children removed.

If you have been involved with other abuse or neglect reports, CPS will look at how you handled those cases. If you addressed the safety concerns and improved your care of your child (improved your "protective capacity"), CPS will consider this. If you did not fix the problem or refused to cooperate then, this fact may make CPS more concerned about your ability to keep your child safe. CPS will also look for patterns of abuse and neglect. If several reports have been made about you recently, the investigator will be more concerned than if only one report has been made.

SCHOOL RECORDS. CPS may ask your child's school for a copy of school records. This information will tell CPS whether your child is absent a lot, whether he gets to school on time, how his grades are, and how he is behaving in school. Just because your child has poor grades or gets into trouble doesn't mean you have abused or neglected him, but sometimes school problems start to show up when there are also problems at home.

MENTAL HEALTH OR MEDICAL RECORDS. CPS may ask you to sign a release of information so they can look at the mental health or medical records of you and your child. If you are not sure whether to sign a release form, you should talk to a lawyer.

If you refuse to sign the form, CPS can ask a judge to sign a court order allowing the caseworker to view the records. The court will set a hearing to decide whether CPS should see these records and you will be told when and where the hearing will take place. You or your lawyer can attend the hearing and tell the judge why you think CPS should not have access to the records.

CPS Investigation Outcomes: What Happens Next?

At the end of every investigation into abuse or neglect, CPS will label the case in one of the following ways:

- Reason to Believe: Based on the evidence gathered, CPS believes that abuse or neglect has occurred
- Ruled Out: Based on the evidence gathered, CPS believes that abuse or neglect did not occur
- Unable to Complete: CPS cannot make a determination because the family cannot be located, moves, or refuses to cooperate with the investigation and a court order requiring cooperation is denied
- Unable to Determine: There is not enough evidence to determine whether or not abuse or neglect occurred

At this point, having completed the investigation and entered its findings, CPS will have several options for what to do next.

SAFETY PLANNING: CPS may choose to work with you to create a safety plan that will allow your child to stay safely at home while the investigation is going on. Both you and the CPS worker must agree on all of the terms, and you must be willing to follow the plan. If you don't follow the plan, there will be consequences, which may include CPS removing your child. If the other parent has been violent and abusive to you, you can request to have separate safety plans from that parent.

FAMILY BASED SAFETY SERVICES (FBSS): If your child can be kept safely at home by using a safety plan, but you need some extra support to ensure long-term safety, then your case may be referred to FBSS. FBSS workers continue to assess the safety of your child and will address any immediate safety concerns while helping you get connected to services like daycare, parenting classes, anger management classes, or treatment services. If you refuse FBSS when offered, then CPS can ask a court to order you to participate.

PARENTAL CHILD SAFETY PLACEMENT (PCSP): If your child is not safe in your home, CPS may ask you to send your child to live temporarily with someone else you know and trust who is willing and able to provide a safe home. This is different than a removal. PCSPs are meant to provide temporary safety for your child while giving you a chance to deal with any safety threats in your home. The person you pick should be someone who has a close relationship with you or your child.

Unlike FBSS or other safety planning, PCSP will not allow you to live with your child while you fix the safety threats in your home. Your CPS caseworker will help you identify the things you must do and the changes you must make before your child can be returned home. If you do not complete the requirements, or if you refuse to cooperate with CPS, then CPS may ask the court to grant them temporary managing conservatorship of your child, and your child may or may not stay with the person identified as the caregiver in your PCSP agreement.

A PCSP probably is not an option if there has been severe injury or abuse to your child, or if you violated conditions of an earlier PCSP. Also, CPS will not approve your child's temporary placement if the relatives or friends who will be responsible for the child cannot pass the required background checks, or cannot keep the child safe for some other reason. And a PCSP can end at any time if the relative or friend with whom the child is living refuses to cooperate with CPS or is no longer able to keep the child safe, or if you do not want your child to live there anymore. If there is no other safe placement option, CPS may ask the court to grant them temporary managing conservatorship of your child.

REMOVAL: If a safety threat is too great to be prevented by one of the above options and CPS concludes that you are not able to protect your child, then your child will be removed from your home. As mentioned earlier, your child can be removed before CPS gets a court order or immediately after CPS gets the court's permission. See page 51 for more on removal.

I Disagree With CPS' Findings: Can I Ask for a Review?

If you don't agree with the outcome of your investigation, Texas law requires that CPS give you the chance to have the investigation findings reviewed. You must request the review in writing within 45 days after you get the letter telling you the outcome of the investigation.

You are ***not*** entitled to review if a court has already signed an order saying you committed the abuse or neglect. Also, you are ***not*** entitled to review if your parental rights have been terminated.

It is important to know that requesting review does not turn back the clock. Most importantly, it will not prevent your child from being removed if that is what CPS believes is needed to protect your child. What it can do is change how CPS describes the outcome of the investigation in your case file.

You are allowed to attend the review and can bring a lawyer with you or send one in your place. You are allowed to bring any evidence that you think would change CPS's mind about the outcome of the investigation. During the meeting you will be asked questions and your CPS case file will be reviewed.

You will get a letter telling you the result of the review within 45 days after it is held. If no change is made and you are not happy with the result, you can appeal the decision with the DFPS Office of the Office of Consumer Affairs. See page 92 for contact information for the Office of Consumer Affairs and other agencies that provide oversight for CPS.

IMPORTANT

If you are unhappy with an investigation or feel like you and your family are not being treated fairly, you always can ask for clarification of the status of the investigation or file a complaint about how the investigation is being conducted. This will be an informal review with the investigation supervisor where you will talk about your concerns. If you request a review, it must be held within 14 days.

Can I Get a Copy Of the Investigation File?

In general, CPS records are confidential. However, you can request records about yourself if CPS has investigated you for child abuse or neglect. The records should include information about:

1. The original report of alleged or suspected abuse or neglect, and

2. The files, reports, records, communications, audiotapes, videotapes, and other papers used or created during the investigation

CPS has the right to go through the files before giving them to you and "redact" (cross out or delete) certain confidential information. For example, you will not be given:

1. The name of the person who made the initial report, or

2. Any information that might put someone else's safety at risk

You can get more information about requesting records by calling DFPS at 877-764-7230 or emailing *Records.Management@DFPS.STATE.TX.US*. You will want to ask the office to send you a "Form 4885-G" that you will need to fill out and return.

"I didn't understand what I was doing was neglect and abuse."

– Parent Collaboration Group Parent Liaisons

HOW CAN I PREVENT SAFETY THREATS?

If you have any ideas on how to keep your children safe, you should suggest that they be included in your safety plan. After all, you know your situation better than anyone. Here are some options to think about:

ASK FRIENDS AND FAMILY FOR HELP. *Is there someone who could watch your child for you when you go to work, drive you to interviews, or even let your child stay in their home temporarily?*

TAKE ADVANTAGE OF COMMUNITY RESOURCES. *These could include parenting classes, shelters, food banks, job assistance, and legal help. See Appendix D for help on where to find resources.*

ASK YOUR CPS CASEWORKER FOR HELP. *Your caseworker can offer home visits, home monitoring, and other case management services like transportation, protective daycare, or substance abuse testing.*

THINK ABOUT THE PEOPLE YOU LIVE WITH. *If another adult in the home is the one causing the abuse or neglect, you can tell him or her to leave. In cases of domestic violence, you can ask for a protective order that requires the abuser to leave your home. See page 117 for more information about how to keep yourself and your family safe in cases of domestic violence.*

MOVE TO A SAFER ENVIRONMENT. *If the place you are currently staying is not safe, you can move with your child to a relative's house, a friend's house, or a shelter. You could also choose to stay where you are, but place your children with a relative so they can be safe while you are working with CPS.*

INTERFERING WITH AN INVESTIGATION

There is a difference between knowing and asserting your rights, and interfering with a CPS investigation. Interfering with a CPS investigation is a criminal offense, and can lead to arrest.

- *It is a Class B Misdemeanor if, during a CPS investigation, you move without giving CPS your new address or try to hide your child from CPS with the intent to interfere with the investigation*
- *It is a Class B Misdemeanor if CPS tells you they plan to transport your child and you try to prevent CPS from transporting your child*

A Class B Misdemeanor is punishable with up to a $2,000 fine and/or up to 180 days in county jail.

If CPS has reason to believe that you might leave the state or the country in order to avoid an investigation, CPS can ask the court for a temporary restraining order. If the restraining order is granted then you will not be able to leave the state with your child.

WHEN DO THE POLICE GET INVOLVED?

CPS has to tell the police about reports it plans to investigate, but this does not mean that the police will be involved in your CPS case.

The police get involved in an investigation if there is reason to believe that a crime has been committed. Cases of physical abuse, sexual abuse, and very serious neglect (such as starvation or abandonment) may be investigated as a crime. In these situations, both CPS and the police will investigate the case for different reasons. CPS wants to keep your child safe; the police want to collect evidence to support criminal prosecution.

If only CPS comes to your door, they are NOT there to arrest you. They do not have the power to do that. If CPS tries to ask you questions, you will NOT be arrested if you say no.

A police officer might come to your house along with the CPS investigator. Sometimes, the officer is only there to protect the CPS worker. Other times, the officer may be doing his own investigation for a criminal case against you. You do not have to let the police into your house unless they have a warrant to enter.

TRANSPORTING YOUR CHILD

In most investigations, CPS can drive your child to a doctor's office or some other place only if you consent or if a judge signs a court order permitting the transport. However, if CPS believes that your child has been abused and may be abused again when she gets home from school, then CPS can pick your child up from school and drive her to a child advocacy center or doctor's office or other location ***without your permission*** *for an interview, an examination, or both.*

If CPS transports your child, they have to try to give you notice. Most of the time, they will give you notice by talking to you in person or on the phone. But if you cannot be reached, CPS may leave you a phone message or a note.

In most cases, CPS will tell you where it took your child. But if CPS thinks your child will be in even more danger if you find out where she is, it has the right not to tell you where your child is.

"I couldn't find the energy to be a mom."

– Parent Collaboration Group Parent Liaisons

7 Removal

Texas law gives CPS the right to remove a child from his home if the child needs protection. But CPS's right to remove is not unlimited. CPS can only remove your child if you agree to the removal or if a judge signs an order giving CPS permission to remove your child.

The Decision to Remove a Child:

PARENT CONSENT. As a parent, you can "consent" (agree) to let CPS remove your child. You have consented to a removal if you clearly tell CPS that it is okay to remove your child. Note that if one parent consents to removal but the other parent does not, then CPS cannot remove the child unless they get a court order, or unless immediate removal is necessary to protect the child from serious harm. Sometimes a parent will consent to CPS taking custody of their child in order for the child to receive mental health services. If this is your situation, see page 119 for more information.

COURT ORDER. A CPS caseworker can ask for a judge's permission to remove your child. The caseworker will list out all the reasons why your child needs to be removed from your home in order to be safe. The judge will read the list and decide whether there is enough evidence to support removal. If the judge agrees that your child should be removed, then he or she will sign an order allowing CPS to remove the child. (If your child is in immediate danger, CPS can remove your child ***before*** getting permission from the judge, but must then get the judge's approval within 3 days. See ***Exigent Circumstances*** section below.)

There is a difference between immediate danger (emergency) and a less urgent situation (non-emergency). CPS will ask the judge to grant an ***emergency order*** when there is reason to believe that your child is in immediate danger (meaning your child is probably going to be harmed right now or very soon). CPS has to convince a judge that immediate removal is necessary to protect your child. Because CPS believes the situation to be urgent, you probably will not have a chance to attend this hearing. If the judge agrees with CPS, then he or she will sign a court order giving CPS permission to remove your child. The removal can be from your home, the school, or wherever CPS may locate the child. Within 14 days after your child is removed, you will get to attend a hearing where you can tell your side of the story to the judge. The judge may decide to return your child to you at this time or to keep your child in a different home. You can ask for a lawyer at this hearing to help you understand what's going on. See page 79 to understand how to get a lawyer.

If CPS thinks your child is not in immediate danger, the court has more time and will schedule a hearing that both you and CPS will attend. CPS will say why it thinks your child should be removed, and you will get to tell your side of the story to the judge. The judge will decide whether to remove your child after he hears both sides. If the judge decides to let CPS remove your child, he will sign a ***non-emergency order*** giving CPS permission to do so.

EXIGENT CIRCUMSTANCES. If the CPS caseworker and supervisor believe that your child is in immediate danger of physical abuse or sexual abuse, removal can happen without your consent and without a court order. This is done only in the most serious situations. The court must hold an emergency hearing on the first working day after the removal.

A child should not be removed from his home if there are other available options to keep the child safe at home. Alternatives include safety planning, sending the case to Family Based Safety Services (FBSS), or agreeing to a Parental Child Safety Placement (PCSP). See page 45 for information on these other options.

Parent Notification:

CPS must give parents information about the removal of their child by the next day, if the next day is a weekday. If the removal happens over the weekend, you will get notice on Monday. A CPS worker might come to your house and talk to you in person, or, if you are not home, CPS might leave a "Notice of Removal" letter marked "confidential" at your house.

"Notice of Removal" letters should include the following information:

- The CPS caseworker's name and contact information
- The facts that led to the removal
- Information on the court process
- Your legal rights and responsibilities, including
    - *The right to receive notice of court hearings*
    - *The right to an attorney, either appointed by the court or one that you hire, depending on your situation*
    - *The right to visit your child, unless specifically denied by the court*

You should immediately contact the name of the person from CPS who removed your child or children to find out information about court hearings where a judge will determine whether CPS can keep your kids away from you.

Family Notification:

Your family and friends will be one of the most important resources you have during your CPS case. Even if you feel angry or embarrassed about CPS being involved with your family, it is important to reach out to people you trust as soon as possible. Also, you should know that CPS is REQUIRED to notify your family of the removal anyway.

Within 30 days of the removal, CPS will give notice to the following ***adult*** relatives of the child (on both the mother's and father's side) letting them know that the child has been removed from the home and asking them to become involved:

- Grandparents
- Great-grandparents
- Aunts and Uncles
- Nieces and Nephews
- Brothers and Sisters

The notification to family will include the following information:

- The name of the child who has been removed
- An explanation of the options available if that person wants to help take care of your child
- The resources available if that person chooses to help care for your child
- Information on becoming a foster parent
- Information about the upcoming court hearing

Also, shortly after the removal takes place, your CPS caseworker will give you a document called a "Child Caregiver Resource Form." There is a place for you to write down the names and contact information of any other relatives or family friends you think might take care of your children for you. You must fill out this form. If you do not, the judge likely will order you to fill it out, and if you still do not fill it out, you could be in violation of the court's order. The CPS caseworker will also ask your child, if he is old enough, to provide names of relatives or family friends who might help take care of him. Notice that your child has been removed from your care will also be given to all of the people whose contact information is provided by you or your child.

The reason your family and friends are notified is because CPS is looking for possible places for your child to live while your case is going on. Also, CPS wants to encourage and support family connections for both you and your child. Most parents prefer to have their child stay with family rather than go into foster care. Your child may feel more comfortable with someone he knows, rather than a stranger. Also, family members may be willing to keep you updated on how your child is doing. In contrast, if your child goes into foster care, you probably won't know the family and may be told very little about where your child is living or who they are living with.

Keep in mind that just because you ask for your child to live with a family member or friend doesn't mean that CPS will agree with your request. The relative or friend must be able and willing to provide a safe living environment for your child. Because of this, CPS is very cautious when choosing where a child can live and there are lots of things that could keep a relative or friend from being allowed to care for your child – even someone who is a close relative and spends time with your child. For example, a criminal history (especially drugs, serious assaults, or crimes involving children), drug use, mental health concerns, or past CPS history often will keep a person from caring for your child. If one person in the home is willing to take your child but another person is not, CPS probably will not place your child there. The person must also have enough room in his or her house or apartment for your child and be willing and able to follow the rules the court sets up (for example, only allowing you to see your children when the judge says it's OK).

WHO COUNTS AS "FICTIVE KIN"?

You might hear CPS workers use the phrase "fictive kin." This means a person who is not related to you or your child by blood or marriage, but who knows your family well. An example might be a godparent, a close friend who your child calls "aunt," or a person who grew up with your mom or dad.

If a CPS worker asks you for names of people who could be "family placements" or "kinship placements," it is OK to give information about close family friends as well as family members.

Frequently Asked Questions:

WHAT WILL HAPPEN DURING THE REMOVAL? WILL I GET TO SAY GOODBYE? This is a complicated question and it depends on the facts of your case. The way your child is removed will depend on how much danger CPS thinks she is in, the place where the removal happens, and how you behave during the removal.

PLACE OF REMOVAL: Removals can happen at school, daycare, or a hospital when you are not there. It is also possible that your child could be removed from your house or apartment when you are not home. In these cases, you will not get to say "goodbye" because you will not know about the removal until after it happens. If you can be located, a CPS caseworker will find you and explain what happened and why your child was removed.

Sometimes a removal happens while you are with your child – at your home, at a CPS office or even a police station. In these cases, usually you will be able to say "goodbye." If the removal happens at home, you may be able to help your child pack a few things. Keep in mind, however, that if you get angry and start fighting or yelling you may not be allowed to say "goodbye" or help pack.

Sometimes your child will already be living with someone else because you have agreed to it as part of a safety plan. In this case, your child may not actually be taken from the place she is currently living, but CPS asks for legal custody and might ask to terminate your parental rights by filing a lawsuit. When this lawsuit is filed, it means certain rights and protections for you and your child kick in, but it also starts a legal case that you will only have 12 months to work out.

YOUR COOPERATION: If you have already been working with CPS, CPS may tell you about the removal in advance to give you time to prepare your child.

If CPS believes that your child is in immediate danger, the removal may happen quickly and without warning. This will be scary for both you and your child. It is important to remember that in these cases nothing you say or do will stop what is happening, but how you act at that moment can have a big impact on how your child feels about what is happening.

You may want to try to hold on to your child and keep CPS from taking her, but this will only make things worse. You may also want to fight or yell at the CPS workers, but that will only upset your child more. You should never assault or get violent with a CPS caseworker or any law enforcement officer involved in the removal of your child because that can result in you going to jail and facing prosecution. This will only make getting your child returned to your care more difficult. If you can remain calm, hopefully your child will be less scared and CPS will appreciate your cooperation.

Staying calm doesn't mean that you are giving up your child for good. It just means that you understand you will have to go to court and show that you are a safe parent before you can get him back.

WILL THE REMOVAL BE FORCEFUL? CPS is not supposed to use force on you or your child, but if a police officer is there, he or she may not be required to follow the same rule. If a parent refuses to let a child be taken from her arms, force might be used against the parent to remove the child. If the child does not want to be removed and fights back, then restraint may be used to get the child away from the parent. But these are worse case scenarios.

It is best for you and your child if these emotional situations can be avoided. That is why if you know your child will be removed you should do your best to prepare her for it. Try telling her that she needs to live with someone else for a little while so you can have some time to work on being the best parent you can be.

If you think that unnecessary force was used against your child during the removal, you can report this to your lawyer, your child's GAL, and your child's Attorney ad Litem.

WHAT DOES MY CHILD NEED TO TAKE WITH HIM? If your child is removed from his home, he may be able to pack a few things – like clothes, a jacket, a toothbrush and a favorite toy – to take with him.

If your child is not able to take anything with him, he will be given what he needs by CPS or his foster family.

Later in your case, you may be allowed to bring your child clothes and toys, but only if CPS gives you permission.

WHERE WILL MY CHILD GO? CPS can place a child almost anywhere the CPS worker thinks is appropriate where your child will be safe, and where space is available.

CPS may not know for sure where your child will be placed at the time of removal. If a foster family or a kinship placement is not available right then, the CPS caseworker will need to find a place where your child can stay for a short period of time. Your child might go to a single family foster home, a shelter that provides temporary care, or to a group foster home for a few days. If your child needs medical care or extra support, then she might go to a medical facility.

CPS workers try to keep brothers and sisters together, but it is not always possible. Whether all your children go to the same placement will depend on where space is available and on each child's individual needs.

If CPS thinks that you or someone you know might threaten the caregiver or your child's safety, it may not tell you where your child will be living.

HOW CAN I MAKE SURE THAT MY CHILD STAYS WITH SOMEONE I TRUST? You should do whatever you can to help your caseworker contact family and friends who may be able to take care of your child.

Fill out the entire "Child Caregiver Resource Form" quickly and give it back to your caseworker. You might also contact your family members in advance and tell them that they may be getting a call from CPS; this way they will be more likely to answer the phone and cooperate with CPS. CPS will run background checks on these friends and relatives and will also do home visits and interviews with them. If CPS agrees that a family member or friend's home is safe and appropriate, there is a good chance that your children will be placed there.

You can provide more names to the caseworker at any time.

If CPS does not approve a family member or friend's home for placement, talk to your lawyer about what you think would be best for your child. Your lawyer may be able to convince the judge to place your child with a family member, even if CPS doesn't agree. Remember that in the end, it is the judge's decision where to place your child.

WHAT IS FOSTER CARE? Foster care is the term used when the state takes custody of your child and places him in someone else's home. Foster parents are people who are approved by the state to care for children in their home. So, when your child can't live safely at home and there is no appropriate relative or family friend who is willing and able to care for your child, CPS will put your child in foster care. This means that some other adult will be taking care of your child for you.

Foster care can include:

FOSTER HOME: A foster home is a home with one or two parents who are paid by the state to take care of children whose own parents are involved with CPS. All foster homes (or agencies that run foster homes) are approved by the Department of Family and Protective Services, which includes special training for all of the foster parents. The families can choose which children they want to host; some foster homes take just one child at a time, while others will take several children or sibling groups; some foster homes take only babies, while others will take children of any age. And some foster homes are "therapeutic," which means the foster parents have extra training to care for children with special medical, behavioral, emotional, or mental health needs. Children in foster homes usually attend the neighborhood school where the foster home is located, unless the foster parents are willing and able to drive the children to another school.

SHELTER: Shelters are usually used to care for children on a short term (up to 30 days) or emergency basis until a more permanent placement can be found.

GROUP HOME: If no foster homes are available or if your child needs more structure or supervision than a foster home can provide, your child might be placed in a group home. These homes can have up to six, ten, or even more children living together. Children living in group homes usually attend the neighborhood school where the home is located.

RESIDENTIAL TREATMENT CENTER (RTC): RTCs are usually bigger than group homes and will take care of children with more serious medical, behavioral, and emotional needs. They often provide services like counseling and psychiatric care. RTCs sometimes run their own charter schools so that the children can attend school without having to leave the RTC campus.

KINSHIP PLACEMENT: This includes your family or friends who agree to have your child stay with them. You can voluntarily place your child in a kinship placement as part of a safety plan you create with your caseworker. Kinship placements may also be used if CPS removes your child. This is the preferred option in most cases, but if CPS cannot find any relative or friend that it deems to be appropriate caregiver, then CPS must place the child in a non-kinship setting. See "Who Counts as Fictive Kin" sidebar on page 54 for more information.

Foster care is meant to be short-term until you convince CPS and the court that you are able and willing to keep your child safe or until some other permanent living arrangement is found for your child. Unfortunately, some children remain in foster care until they turn 18, if no other safe and permanent living arrangements are available.

Foster care may be necessary in many cases, but this does not mean that CPS or anyone else thinks it is perfect. Children in foster care often end up moving around a lot, which forces them to change schools, leave friends, and possibly move far away from family. It is CPS's job to try and find the best home possible for your child, but the truth is that there are not enough foster homes for all of the children who need them. All the more reason to do everything you can to help CPS to find a relative or kinship placement for your child, and in the end, regain custody.

HOW CAN I BE SURE MY CHILD WILL BE SAFE IN FOSTER CARE? The honest truth is that you *cannot* be sure your child is safe in foster care. Foster parents have to go through background checks, home visits, and training, but it is not possible to know for sure that all of them will be good foster parents.

If your child ever tells you that he is being hurt or neglected by a foster parent – or wherever he is living – you should immediately report it to your caseworker, your lawyer, your child's lawyer, and your child's GAL.

HOW MUCH CONTACT CAN I HAVE WITH MY CHILD? In most cases CPS should arrange for you to see your child within five days after CPS is granted temporary managing conservatorship. However, you will not get your visit if CPS has some reason to believe that it would not be good or safe for your child. This might be the case if your child has suffered serious injuries or if you child is afraid to see you.

To get additional visits with your child, you will have to work with your CPS caseworker to come up with a visitation schedule. Your visitation schedule may change over time. If things are going well with your case and CPS thinks you and the child would benefit from more contact, then you may get to see your child more often. On the other hand, if problems come up during your visits or CPS thinks the visits are no longer in your child's best interest then you might get to see your child less. (See page 95 for more information on visitation.)

HOW WILL REMOVAL AFFECT MY CHILD? Removal is hard for almost any child. Many children may cry but others become quiet and withdrawn. The children may feel like they have done something wrong and are being punished. They may also wonder what has happened to you and worry about whether you are safe.

Children often have a lot of questions after they are removed. You should be prepared to answer these questions truthfully. Try not to offer false hope like telling your child she will get to come home soon (unless you know this is true). It may take a long time before your child can come home, if at all. If you are not sure how to answer a question your child asks, it's ok to tell them you do not know the answer, but that you will talk to your caseworker or your lawyer and find out.

CAN I STILL MAKE DECISIONS ABOUT MY CHILD'S EDUCATION AND RELIGIOUS TRAINING? If your child goes into foster care, he will probably have to change schools. However, if you believe it would be best for your child to stay in the same school, discuss this with your caseworker and your child's lawyer as soon as possible! Your child has the right to stay in his school, but if the foster home or relative's home is far away, this might not be possible. Sometimes arrangements can be made to keep your child in the same school.

Similarly, if you are concerned about your child's ability to practice her religion while in foster care, talk to your caseworker and the child's lawyer and GAL. They will try to make arrangements with your child's foster parents. Foster parents are supposed to be supportive of your child's religion.

"I wanted to feed my child but the drugs wouldn't let me."

– Parent Collaboration Group Parent Liaisons

WHAT CAN I DO IF MY CHILD TELLS ME SHE IS SCARED OR IS BEING HURT AT HER FOSTER HOME? If your child makes any report of abuse or neglect, you should immediately tell your lawyer, the CPS caseworker, and your child's lawyer and GAL. Your lawyer, your caseworker and your child's lawyer and any GAL are required by law to report abuse or neglect of any child, including yours. If your child is in immediate danger, you should call the police.

It is important to remember, though, that your child may really just be feeling unhappy or lonely. This is normal. Listen to your child's concerns and help her to think up ways to feel better. Your caseworker may be able to offer good advice about ways you can help your child.

WILL I BE NOTIFIED BEFOREHAND IF MY CHILD HAS TO BE MOVED TO A DIFFERENT PLACEMENT? In most circumstances, you will be notified before your child is moved; however, sometimes your child will need to be moved quickly. This might happen if his foster family can no longer keep him or if there is reason to believe that the foster home is no longer safe. In these cases, your child may be moved without your knowledge but the caseworker must notify you of the move soon after it happens.

If there is not a need to immediately move your child, your caseworker should talk with you about the plan to move your child and seek your input on the decision.

"I felt empty inside and filled the emptiness with drugs and broken relationships and failed to realize that I was emotionally neglecting my kids by doing so."

– Parent Collaboration Group Parent Liaisons

8 The Court Process and Planning for a Permanent Situation for Your Child

As soon as CPS files a law suit, you will need to start going to court so the judge can check in with you, CPS, your child's attorney, and other people involved in your case. The judge will want to talk to everyone so that he or she can get as much information as possible about what happened when your child went into foster care, what you are doing to address CPS's concerns, and what CPS is doing to help you regain custody and keep your child safe.

Overview

It is important that you and your lawyer go to every hearing – keep track of hearing dates on your calendar and be sure to contact your lawyer before every hearing. At the end of each court hearing, the judge should sign a court order listing out things that you or CPS or someone else has to do. Your attorney or the court should always give you a copy of these orders and make sure you understand them. If you don't get a copy of the court order right away be sure to remind your attorney or ask your caseworker or go to the clerk's office at the courthouse.

> **!** **IMPORTANT**
>
> *Court hearings can start without you! It is important that you and your lawyer are on time to every hearing and prepared for any questions about your case and what you need to get done to try to get your child back home.*

By law, most CPS cases last 12 months. If there are big changes in your situation, CPS can ask the court to dismiss a case at any time, but usually there are several hearings where your judge will sign orders that control what happens in your case. If you do not understand the purpose of any hearing, or you are worried about what will happen at a hearing, you should talk to your attorney. During the months that your case is open, you will probably go to several hearings.

There are also Permanency Planning Meetings that don't happen at court where you and CPS can talk about things like where your child will live during the case and whether you are meeting your goals toward creating a safer home for your child. The judge does not attend Permanency Planning meetings, but your lawyer should come with you to both court hearings and Permanency Planning Meetings.

These are the names given to each hearing or meeting by the Texas Family Code (the law that governs what happens in your case):

Adversary Hearing – happens at court

Permanency Planning Team Meetings – happens at CPS Office

Status Hearing – happens at court

Permanency Hearings – happens at court

Mediation – can happen anywhere

Final Hearing (Trial) – happens at court

The Adversary Hearing

This may also be called the "262 Hearing" or the "Show Cause Hearing." This will probably be the first hearing you attend after a court gives CPS the okay to place your child in foster care or in another home. (See page 51 for more on removals.)

This hearing must take place within 14 days of when CPS removes your child. Sometimes, the court will grant a delay for up to 7 days, but only in some situations. This is one of the most important hearings in your case and you will want to have a lawyer help you get ready. (See page 79 for more information about working with your lawyer.) ***If you qualify for a free lawyer but one has not been appointed, ask the court to push the hearing date back so a lawyer can be appointed to represent you.***

CPS will tell the judge why it removed your child. You or your lawyer will tell the judge why CPS's claims are not true or why, even if true, it is now safe for your child to come back home. The judge will decide whether CPS has provided enough evidence to grant CPS custody. If CPS has not provided enough evidence, the judge can dismiss the CPS petition. If the judge decides CPS has provided enough evidence, the judge can name CPS as your child's "Temporary Managing Conservator" or in other words, give temporary custody of your child to CPS.

If CPS is named the "TMC," the court will enter an order that includes information such as where your child will live, child support payments (if there are any to be made or collected), paternity testing (to identify a father), and a visitation schedule. The court may also order that you do certain things like get a drug or alcohol assessment, undergo psychological testing, or submit to other assessments before your next hearing, which is called the Status Hearing.

IMPORTANT

An order signed by a judge in a CPS case is very powerful. If you are ordered to do something, and you don't do it, it can be used against you to terminate your parental rights.

Permanency Planning Team Meetings

Early in the case, you will be asked to attend a Permanency Planning Meeting. This is NOT a court hearing and does not include the judge, but it is just as important because it is where you will develop your Service Plan or Family Plan of Service. You, your lawyer, your child's lawyer, your child's GAL, your CPS caseworker, and possibly your child (if over the age of 7) and your child's foster parents or other caretakers should all be invited. (See "Service Plans" on page 77 for more information.)

Your Service Plan will include a permanency goal for the outcome of your case. This is also called the "Permanency Plan" and it says what you want your child's permanent living arrangement to be. Most of the time, at the beginning of your case, the Permanency Plan will be "reunification" – meaning the plan is for your child to come home to you. There will also be a second, backup Permanency Plan that is worked at the same time, in case your child cannot come home. The backup plan may include having your child live with relatives or friends long-term, having your child adopted by friends or by strangers, or your child continuing to live in foster care until he turns 18. Your Service Plan will list out things that you have to do to reach the permanency goal established for your case.

You will probably attend more than one Permanency Planning Meeting because things about your case will change over time. Later Permanency Planning Meetings allow everyone to talk about how you are doing with and meeting the permanency goal. They also help you keep track of the progress you have made to make your home safer for your child.

These meetings are also a good place to talk about changes to your Service Plan, which might involve new services or stopping old services that aren't working for you. Make sure you tell your lawyer before the meeting about any changes and make sure your voice is heard at the Permanency Planning Meeting!

"SERVICE PLANS"

It is important that your Service Plan only address concerns that are in the petition. For example, if drug and alcohol use are NOT part of the CPS petition, the Service Plan should not require you to do drug or alcohol testing or counseling. Talk with CPS about what goes in your Service Plan so that you are not expected to complete services that are not needed! (See page 77 for more information on Service Planning).

IMPORTANT

Signing the Service Plan tells the court that you agree to all of the things included in the Plan and also that you agree with what the Service Plan says about why CPS became involved with your family. There is space at the end of the Plan where you can write in ANY thing you do not agree with, including the reasons CPS gives for why your child isn't safe with you.

- *READ YOUR PLAN CAREFULLY!*
- *TELL CPS YOU WANT TO REVIEW THE PLAN WITH YOUR LAWYER, IF YOU HAVE ONE!*
- *TALK WITH YOUR LAWYER, IF YOU HAVE ONE!*

Not completing the Service Plan can lead to a court terminating rights.

The Status Hearing

The Status Hearing will be held about 2 months after your child is removed and within 60 days after CPS is given TMC of your child. The Status Hearing will take place after your first CPS Permanency Plan team meeting. At this hearing, the judge should hear from you about your Service Plan. The judge should ask you if you were involved in creating the Service Plan and if you understand the Service Plan and the things you must do before a judge can return your child. The judge will ask if you've been able to make any progress so far. The judge will also warn you (like at every hearing) that unless you can provide a safe home for your child, your parental rights may be terminated.

If there is anything in your Service Plan that you don't agree with or that you don't think you will be able to complete, you should tell your lawyer before the Status Hearing. (See page 77 for more information on Service Plans).

Permanency Hearings

Your first Permanency Hearing will be held about 6 months or 180 days after the court gives CPS custody of your child.

At this hearing, the court will again review how your child is doing and will also review your Service Plan and the Permanency Plan or goal to make sure you are on track. Later Permanency Hearings will be held about every 4 months after the first Permanency Hearing, although they can be more often if the judge wants them to be.

CPS must also file a report that provides a summary of how things are going in the case. CPS should always provide you or your lawyer with a copy of a Permanency Progress Report before the Permanency Hearing. Read the Report and talk with your lawyer, if you have one, to make sure you know what is being said about you and your child. Local rules may vary, but your lawyer may respond to the Progress Report to correct any big mistakes.

CASA may also give the court written reports detailing what has been going on in your case and what needs to be done to keep everything on track like: How is your child doing in school? How is visitation going? Have you been doing all of the things the case plan requires? Have there been problems setting up services for you or your child? In short, these reports give the court the information it needs to make sure everyone is doing all they are supposed to be doing to keep your child safe and to support the parents' efforts to make the changes needed to bring their child home. You should be able to have a copy of each of these reports.

The judge will review your case to make sure you are doing what is ordered in the Service Plan, and can make changes to the Service Plan, if necessary. The judge can return your child to you if you have shown that you can provide a safe home and it is in your child's best interest.

There are usually at least two Permanency Hearings. In many cases, a judge isn't likely to return your child at the first Permanency Hearing. It's more likely to happen at the second Permanency Hearing that is held about 10 months after your child has been removed from your care. However, if your child cannot be returned home by the second Permanency Hearing, the judge will probably schedule a date for a Final Hearing, if one hasn't already been set.

Mediation

Mediation is when all of the parties in a case, including CPS, meet to talk with a mediator (not the judge) about the legal case to see if there are ways to resolve the issues. Parties in the case can ask for mediation or the Court can decide, on its own, to order mediation. Mediation can happen at any time during the case and can take place anywhere, even by telephone or at the courthouse. At mediation, the parties might agree on all of the issues in a case or on just a few issues.

Mediators do not act like judges. A mediator listens to all of the arguments and helps find solutions, but does not make decisions about the case. The mediator is considered "neutral," which means that he or she should not take sides in the case. Anything said in mediation must be kept confidential – it cannot be told to the judge and cannot be used in the trial against you or the other parties. ***An important exception to this rule is that if any information about new or previously unreported claims of abuse or neglect is disclosed during mediation it must be reported to CPS***.

When parties reach an agreement – whether on some or all issues in a case – that is called a settlement agreement. The agreement must be in writing and signed by all of the parties (and their lawyers) OR disclosed to the judge in open court and made part of the court record. The agreement will be entered as an order of the court.

Final Hearing (Trial)

The law requires the judge to issue a "Final Order" within one year of the date that CPS was granted TMC. The judge can also grant one six month extension but only under extraordinary circumstances and if it's in the best interest of your child. It is important for children to have a permanent home, which is why the law only allows one year to decide if your parental rights will be terminated, if your child will be placed with a relative or someone else you have chosen, or if your child will be placed in the permanent custody of DFPS so he or she can be adopted by someone you know or maybe by a stranger.

IMPORTANT

Extensions are granted only in very special circumstances, so don't plan on it happening in your case. This means you MUST be on track to complete your service plan within ***ONE YEAR***!

At the final hearing, judges often hear from witnesses and review other evidence to decide whether you followed your Service Plan, whether you can be a safe parent, and what will be best for your child in the future. In order to terminate your rights, the evidence offered by DFPS must be clear and *convincing* on at least one ground for termination and termination must also be in your child's best interest. The grounds for termination in the Texas Family Code are a list of things that parents did before, during, and after their children lived in their home that may have been unsafe for the children. For a court to terminate your parental rights, it must find that you did one of these things, plus that termination of your parental rights is in the best interest of your child. (See Appendix C on page 151 for more information on the grounds for terminating parental rights.)

Final Hearings sometimes last all day or even several days. You should ask your attorney how long she expects the Final Hearing to last and make plans to take off work and have someone watch your other children, if necessary.

After the trial, the judge will sign a Final Order. The Final Order can do any of the following:

- Return your child home to you
- Appoint CPS, a relative, or a friend as your child's managing conservator, but not terminate your parental rights
- Terminate your parental rights

If your rights are terminated, and the court does not give a relative or another person conservatorship of your child, then your child will be in the conservatorship of DFPS and can be adopted by a relative, friend, foster parent, or someone else.

Frequently Asked Questions

I DON'T HAVE A WAY TO GET TO COURT – WHAT SHOULD I DO? It is important that you plan ahead for each of your court hearings. If you don't have transportation, talk to your caseworker; she may be able to get you a bus pass or help you figure out some other way to get to court. If you are not able to find a ride, talk to your lawyer about it. At least if you do not make it to court your lawyer can explain why. But, you should always do you best to attend court because it shows the judge you are taking your case seriously.

WHAT TIME SHOULD I GET TO THE COURTHOUSE? You should get to court early! For example, if your case is set for 9:00 A.M., plan to be in the courtroom by 8:30. This will give you a chance to find your lawyer and talk to her and ask any questions before the judge calls your case.

There are lots of things that can make you late for court. There might be traffic, your ride might be late, or your bus may be running behind. Keep in mind that at many courthouses, especially in big cities, parking can be hard to find. You want to allow yourself time to find a parking space and to walk a few blocks to the courthouse, if necessary. Also, in many courthouses, you will have to go through a metal detector or security, which can sometimes mean waiting in line. All of these things can take longer than you expect so always plan to get to court early!

WHAT SHOULD I WEAR TO COURT? You should dress like you are going to church or to a job interview. You should try to look professional, clean, and respectful. Do not wear shorts, short skirts, athletic pants, flip flops, or t-shirts with pictures or writing on them. Remember that people may judge you on how you look as well as how you act.

Men should try to wear nice pants and a shirt with a collar, if possible. Women should wear pants or a knee-length or long skirt, and a modest shirt. You may want to bring a sweater or jacket since the courtrooms can be cold.

Never wear a hat or sunglasses and don't chew gum or eat food or drink anything inside the courtroom.

HOW LONG WILL MY HEARING TAKE? It is very hard to say how long court will take. It really depends on where you live, the judge, the day of the week, and how long the hearings before yours last. You should ask your lawyer what to expect.

Unless your lawyer tells you otherwise, you should plan on being in court for several hours. Most of this time will be spent talking to your lawyer and other people working with you, waiting for the judge to call your case, and waiting to get a copy of the order.

WHAT SHOULD I BRING WITH ME? If you have been keeping track of your visitation and Service Plan accomplishments, such as meetings and visits you went to, make sure to bring those records with you. You should also bring a list of any questions you want to ask your lawyer, caseworker, or others working on your case.

If your attorney says you will have to wait for your case to be called, you might want to bring something to do, like read a book. Do not bring newspapers, as they can be noisy and distracting. If you are looking at your phone, make sure the volume is OFF and you are still paying attention to what is happening in the courtroom. Some courts do not allow phones to be used in the courtroom – this is something you should ask your lawyer before going into the courtroom.

Be careful about bringing food; most judges won't allow food in their courtroom. If you need to eat, you should go outside. Always make sure your lawyer knows where you are going and can call you back quickly, if needed.

Also, remember that you will have to go through a metal detector or security to get in to the courthouse. NEVER bring weapons to the courthouse. If you have concerns about your safety, you should talk to your lawyer about how to handle the situation.

WHAT IF I HAVE (OR THINK I MAY HAVE) A WARRANT? If you have a warrant or think you might have a warrant out for your arrest, then you need to talk to your lawyer. It is important that you get the warrant taken care of BEFORE your CPS hearing. You need to be at the CPS hearing, but going to court could lead to your arrest if the problem is not taken care of before the hearing.

You can call or check online to see if you have any warrants out against you. Two good places to start your search are your county's Clerk of Court or Sheriff's Office. Even if they don't have records showing a warrant on you, they should be able to tell you where else to be checking.

CAN I BRING FRIENDS AND FAMILY WITH ME? Yes, you can bring anyone you want with you, especially if it makes you feel more comfortable. Make sure your friends and family know that they will have to be respectful and quiet during the court hearing. If your friends or family get upset or start saying things to the judge during your hearing, it might be bad for your case. Sometimes there may not be room for them in the courtroom and they will have to wait outside while the hearing is going on.

WHAT DOES THE COURTROOM LOOK LIKE? WHAT ARE THE COURT PROCEDURES? Every courtroom will look a little different, but some things are the same. The judge will sit at the front of the room behind a desk. This is called the "bench" and some benches might be tall so the judge sits higher than everyone else in the courtroom. The judge's clerk will often sit to the side or in front of the judge. There may also be a person who is recording everything said during the hearing. This person, called a court reporter, may be typing into a special machine.

There will be two tables facing the judge. This is where you, the lawyers, CPS, and your child's GAL and others involved in the case will sit when your case is called. In some hearings, people on your case may stand between these tables and the judge's bench. Follow your lawyer's lead on this. In the back of the courtroom, there will be chairs or benches for people who are waiting for their cases to be called.

When the judge comes in, a court officer will say, "All rise." Everyone has to stand up. When the judge sits down, everyone can sit down again.

The judge will usually call cases by the last name of the children involved (if your children have different last names, the judge might just call the case using the last name of the oldest child). It is very important to always be quiet while the judge is in the room. If you have to get up and leave in the middle of someone else's hearing, make sure you do it very quietly.

HOW SHOULD I ACT? WHAT SHOULD I DO? When the judge calls your case, everyone involved will get up and move to the front of the courtroom. Your lawyer will tell you where to sit or stand. There is generally no need for you to talk unless the judge asks you a question directly. If you are not sure what to say, ask your lawyer. If you do not understand what the judge is saying because you don't speak English, make sure you ask for an interpreter.

Never interrupt the judge or anyone else who is talking. Never raise your voice or get angry. This might be hard, especially if CPS or someone else is saying something you don't agree with, but you have to remember that you are trying to show you are a safe parent. If you get mad or yell, then the judge might think that you cannot stay calm around your children. Remember, the judge gets to decide, based on evidence presented, whether or not your child will be returned to you.

If you want to say something, whisper it to your lawyer and your lawyer will handle it. If the judge asks you a question, answer respectfully. You should say "Yes, your honor," or "No, your honor." If you don't understand a question, don't say "What?" Instead, you should say, "I'm sorry your honor, but could you please repeat the question?"

TIPS:

Court hearings are your chance to tell the judge how you are doing and what you have been doing to make your home safer. It is important to make good use of your time in front of the judge.

Always remember:

- *BE ON TIME!*
- *BE RESPECTFUL!*
- *ASK FOR WHAT YOU NEED TO BE SUCCESSFUL!*
- *SHOW HOW HARD YOU ARE WORKING TO GET YOUR CHILDREN BACK HOME!*

9 CPS and Family Group Decision-making

When you are involved with CPS, it is important to have your family, friends, and other support networks helping you through the process.

CPS will help to organize meetings, called ***Family Group Decision Making*** *meetings, where you can invite people you trust and who support you. Sometimes the meeting is called a "Family Team Meeting" and is usually held BEFORE your child is removed from your care. A "Family Group Conference" is a meeting that is held AFTER your child has been removed.*

Your family and friends (your support network) are allowed to attend, and can help you come up with ideas on how you can address any problems you are having, and what you can do make sure your child will be safe at home. This is a good time to set aside old conflicts and to focus, instead, on your child's needs. Families know their children best and be very helpful in figuring out how the family can solve problems and making sure everyone does what they say they will do. Take advantage of these meetings!

If the other parent has been abusive towards you, you should ask for a separate meeting and support in planning for you and your children's safety before, during and after the meeting.

A Family Group Decision Making meeting may also be where you work out your Family Plan of Service or your Service Plan.

Family Team Meeting and Family Group Conference *are two different types of Family Group Decision Making; both are designed to include families more fully into the process.*

Family Team Meeting (FTM)

The family team meetings usually are held before CPS files a court petition for removal, when children are still living at home with their parents. The family team meeting is a way for CPS to decide quickly if safety concerns can be addressed without having to remove your child. Family team meetings are voluntary – you can choose not to attend, but these meetings are a good place for you to tell CPS early on about the kinds of help and support you may need to keep your child safe. In fact, you can request a FTM yourself at any time if you think it would be helpful and CPS has not scheduled one already.

At a FTM, family, friends, and relatives will meet and come up with a plan for how to address the safety concern. You can invite anyone you can think of who may be able to provide you and your child with support. Since there probably won't be a court case going on at this point, you will not be eligible for a free lawyer to assist you at these meetings. However, you always have the right to bring a lawyer with you, if you can pay for one yourself.

Family Group Conference (FGC)

Family group conferences are used more often after your child has been removed and is living away from the home, with a relative or in foster care. A FGC is a large meeting with parents, relatives, friends, neighbors, teachers, and anyone else you want to invite; the group gets together and comes up with a plan for how to keep your child safe now and begin making plans for how to keep your child safe once he is returned home.

You should have a lawyer at this point. If so, you will want to prepare with your lawyer for the FGC. Talk with your lawyer about what you want or don't want to have happen. Ask your lawyer to come to the meeting. There may be other lawyers in the room, including your child's lawyer or GAL, and it is better if your lawyer is there with you.

Although CPS will be there for part of the meeting, your caseworker will leave the room at some point to give you and your family more control in coming up with the plan. Although CPS will have to approve the final plan, you and your family can be creative in putting the plan together. You and your family must be willing to hold each other responsible for whatever you agree to in the plan. For example, if you agree not to go to your mom's house to see your children without permission from CPS and you break that promise and visit your children anyway, your mother may have to call CPS or the police, if that's what she agreed to do to hold up her end of the bargain. If the family doesn't follow the plan it comes up with to keep your child safe, CPS can step in and get a court order and things will no longer be in the family's hands.

The FGC meetings can be long, up to four hours or even longer. You can bring a meal or snacks to share with the people who are at the meeting if you think that might help everyone work together and focus longer.

Service Plans

Your Service Plan, also called a Family Plan of Service, is a written agreement with CPS that lists out services you need to complete to address CPS's concerns about your child's safety. A Service Plan includes supports or services that you or CPS think are needed to help you keep your children safe at home, but some of the most common services include:

- Drug and alcohol treatment
- Mental health evaluations
- Parenting education
- Counseling/therapy
- Random drug testing
- Domestic violence shelter and other services
- Legal services

Your Service Plan goes into effect when you sign it. This means that you should agree with everything in it before you sign it. If you are not sure about something, ask your lawyer. But even if you refuse to sign the Service Plan, you refuse to attend a service planning meeting, or your caseworker cannot find you, the court can still order you to follow the plan. Any changes to the plan must also be signed by you or ordered by the court.

A CPS case is a LOT of work! In addition to everything in your Service Plan, you also visit with your child on a regular basis, meet with your caseworker, meet with your lawyer, and go to court hearings. And all of this is on top of going to work or school, or possibly taking care of other children! Keep this in mind when you are talking with CPS about your Service Plan. Be honest about how much you can handle.

"CPS helped me reach a sufficient amount of pain that led to change."

– Parent Collaboration Group Parent Liaisons

I Don't Like My Service Plan

You should be involved in creating the Service Plan. Your opinion matters! If your caseworker gives you a Service Plan without talking with you first, read through the plan carefully. Tell your caseworker if you think the plan includes services that are not needed or if you see any problems that may stop you from completing all of them. If you work weekends, for example, but a certain parenting class only meets on Saturdays, then you probably will not be able to complete that service. Your caseworker needs to know that, but depending on your situation, certain services may be required even if difficult to complete. If the other parent involved is abusive to you, you can request separate service plans.

Even if you disagree with what is included in your Service Plan, completing the services is YOUR RESPONSIBILITY! Your caseworker may remind you about your services, but you should not expect this. On the other hand, your caseworker is responsible for helping you to set up services and for making sure that you can actually begin services in time to be successful. If you are not sure where to go or who to call to start your services, ask your caseworker. If your caseworker is not helping you, contact the caseworker's supervisor. If you still do not get a response, your lawyer may need to step in.

!

WARNING!

Failure to follow through with your Service Plan is a reason to terminate parental rights under what is called the "O" ground, which refers to one of the 20 different grounds or reasons listed alphabetically in the Texas Family Code that CPS may use to try and terminate your parental rights. Don't let this happen to you! If you are having a hard time finding or finishing services, DON'T WAIT… ASK FOR HELP ASAP!!

10 The Parent Attorney

It is good to have a lawyer helping you whenever CPS is involved with your family. A lawyer can answer your questions about what is going on and can help you make decisions about how best to help yourself and your child.

This section explains when and how you can get a lawyer to help you, what kinds of things you should expect (or not expect) your lawyer to be doing to help you try to get your child back home, and ways that you can help your lawyer too.

Can I Get a Lawyer To Help Me?

You can talk to and hire a lawyer at any time, including during the investigation stage, if you can afford one. But you are not entitled to a court appointed lawyer during a CPS investigation. What this means is that you can have a lawyer helping you if you pay for the lawyer yourself, but the court does not have to give you a free lawyer until later in the CPS process, and only then if you are determined to be indigent.

Paying for a lawyer is hard for many people – lawyers can be very expensive. Organizations that offer free legal advice may be able to help, but there are not many legal aid lawyers who work on CPS cases. You can also try to find a lawyer willing to give you limited advice for a lower fee – maybe you can call and talk to the lawyer for advice, even if the lawyer does not come to CPS meetings with you. Reading this Handbook is another way you can help yourself even if you are not able to pay for a lawyer yourself. (See page 157 for more information about lawyer referral services.)

Do I Qualify For a Free Court-Appointed Lawyer?

You must meet all 3 requirements for a court to appoint you a free lawyer:

INDIGENCY. You must be "indigent" – this means that you have a low income and cannot afford to pay for a lawyer yourself.

LAWSUIT. CPS must have filed a lawsuit in court asking to be appointed the temporary managing conservator of your child or for your parental rights to be terminated.

OPPOSE THE PETITION. You must "respond in opposition" to the suit – this means you must go to court and show that you are going to fight the CPS petition.

Texas law is not specific about how much income you have to have to be considered indigent. Most courts give you a form to fill out where you will write down how much money you make each month and what your monthly expenses are like rent, utilities, daycare, and gas. You should fill out the form if you think there is any chance you might be able to have a free lawyer. One easy test, for example, is whether you get any other government benefits, like SNAP/food assistance. There is no penalty for filling out the form even if you do not end up receiving a court-appointed lawyer.

For parents who are under 18 years old, you are also entitled to a lawyer. You should make sure to ASK the court for a lawyer if one is not immediately appointed to your case. Your ability to pay for a lawyer will be based on your income, not that of your parents. For more information relevant to teenage parents, See page 110.

How Soon Will I Get a Court-Appointed Lawyer?

If you are not able to pay for a lawyer yourself, the court should appoint a lawyer to represent you. All judges handle this differently because the county where your case is filed actually pays for the lawyer. Some judges will assume you are indigent and opposed to CPS taking your child. In this case, a lawyer will likely contact you to say he or she has been appointed to your case before you attend your first hearing. Other judges wait until that first hearing to meet you and determine whether you meet the three tests listed above. If you do not have a lawyer by the time that you show up for this first hearing, which happens within 14 days of CPS removing or asking for your child to be removed, then you should immediately ask the court to appoint you a lawyer.

How soon you hear from your lawyer once he or she is appointed varies, but it should only be a few days between the time the court appoints your lawyer and you hear from him or her.

What Should I Do If the Court Is Slow to Appoint a Lawyer?

Even though the law says you're entitled to a court appointed lawyer if you are too poor to hire one and you are opposed to the CPS lawsuit filed against you, the law is not specific on exactly when the judge must appoint the lawyer. Many judges appoint lawyers right away because they believe it is important that everyone have a lawyer to help them with their case. Other judges wait until later in the case and there is sometimes not very much you can do about it except keep asking the judge for a lawyer to help you every chance you get.

Do I Need To Tell My Lawyer Everything?

Your lawyer will ask you lots of questions about yourself, your children, and your situation. Some questions might seem too personal or you might feel too embarrassed to answer, but remember that your lawyer must keep everything that you tell her confidential. Unless you are telling about things that could put another person in danger, she is not allowed to tell anyone else what you say without your permission. (See page 29 for information about what lawyers can and cannot share.)

So be honest. The more your lawyer knows the better – especially if what you are telling her is something that CPS or other people are going to learn anyway. It is better for your lawyer be the first to know something, rather than be surprised by information that comes out in front of the judge!

YOU ALWAYS WANT TO TELL YOUR LAWYER THE TRUTH ABOUT:

- Why CPS investigated you for child abuse or neglect
- Whether you've been investigated by CPS in Texas or any other state in the past
- Whether you have any history of drug use, excessive alcohol use, domestic violence or fighting in the home with your husband or wife or a boyfriend or girlfriend, or criminal charges of any kind, even if not related to why CPS investigated you in the first place
- Who your child's other parent is and where he or she can be contacted. If the other parent can take care of your child safely, that parent is likely able to take custody and your child can possibly avoid living in a foster home
- Whether you have a job or go to school, and your daily schedule
- Whether you have housing and transportation, including details about anyone with whom you share housing

"There was less and less room left for parental responsibilities."

– Parent Collaboration Group Parent Liaisons

YOU SHOULD ALSO TALK WITH YOUR LAWYER ABOUT:

- Your goals for your case
- Whether you have friends or relatives that you'd like your child to stay with while your case is open
- Whether you want a contested hearing where your lawyer and CPS have a trial with evidence about the allegations of abuse and neglect or you would rather agree to some of the CPS allegations or what CPS is asking you to do
- What services you think you need and what services you think you don't need
- What your visitation options are and how you would like to set up visitation
- Whether your children have any special needs that need to be addressed
- The timeline for your case, including your 12 month deadline (write this deadline down on page 133 of this book)

If your lawyer doesn't ask you about some of these things and you think they are important for her to know, tell her!

Things My Lawyer Should Be Doing

All lawyers have certain obligations or duties that they must do to help their clients. Lawyers in CPS cases have a number of things they are required to do after they accept your case from the court. Here is a list of the most important things that your lawyer should be doing for you.

MEET WITH YOU. Your lawyer should call you to set up a meeting as soon as she is appointed by the court. Of course, you can help speed up the process by calling your lawyer first. If your lawyer does not answer, be sure to leave a message stating your name, that you are a new client, your phone number or other way to contact you, and the best time of day to reach you. It's a good idea to write down on your telephone log (page 135) every time that you call and leave a message.

It is best if you can meet with your lawyer a day or two before court. Often, however, lawyers like to save travel time by meeting clients just before the court hearing. Whatever you and your lawyer decide to do, make sure you have enough time to fully discuss your case. Let your lawyer know if you'd like to have a different meeting schedule or if you need more time to prepare.

INTERVIEW EVERYONE WITH "SIGNIFICANT KNOWLEDGE" OF YOUR CASE. This includes talking to the CPS caseworker who conducted the investigation, your child's lawyer, the CASA volunteer, and any other person interviewed by CPS or who has knowledge about the abuse or neglect allegations.

INVESTIGATE THE FACTS. Your lawyer probably will talk with you first to get your side of the story and will talk later to the other people involved in the case to find out what they know. If your child has physical injuries, your lawyer probably will talk to your child's doctor to learn more about the injuries and how your child is doing.

SHOW YOU COPIES OF ANY COURT DOCUMENTS. The first court filings will include the CPS worker's affidavit explaining why CPS got involved with your family and why your child was removed, if that is what happened; it will also include the CPS petition, which is the basis of the lawsuit, setting out why CPS is asking to be appointed temporary managing conservator of your child and/or terminate your parental rights. Make sure your lawyer takes the time to explain these to you and ask questions if you are confused or do not understand what something means.

Your lawyer will continue to receive copies of any new documents filed in your case. You should be given copies of all of the documents and your lawyer should answer any questions you have about them.

TALK WITH YOU ABOUT ANY PROPOSED OR AGREED COURT ORDERS. At the end of each hearing, the judge will order certain things, which get written down in a court order that is signed by all the parties. The written order must reflect exactly what the judge said, so it is very important that everyone read the order before signing. Many times, the order will say that you are required to do certain things. Your lawyer must make sure that you understand exactly what you need to do so you don't get in trouble with CPS or the court.

Sometimes, your lawyer may receive a draft of an order. A "draft" means it includes things that the other people in the case hope you will agree to, but it is not something that the judge has signed yet. Your lawyer must review these drafts with you and you must agree to the terms before your lawyer can sign them.

REPRESENT YOU IN A WAY THAT IS CONSISTENT WITH YOUR STATED GOALS FOR THE CASE. Your lawyer's job is to represent what you want to the court. Your lawyer should help you think of ways to reach your goals, but also tell you if she thinks your goals are unrealistic. Listen to your lawyer carefully before making decisions; she has more experience with how courts work, how CPS deals with these cases, and what the law allows. Sometimes, you and your lawyer may disagree about the best way to help you reach your goals, but the final decision should always be yours.

TALK WITH YOU ABOUT WHETHER YOU WANT A CONTESTED HEARING OR A TRIAL. If you want either of these things, your lawyer should request it for you. The only hearing that can be contested, besides your final hearing or trial, is the Adversary Hearing, discussed on page 64.

KEEP YOU INFORMED ABOUT WHAT IS GOING ON IN YOUR CASE. Your lawyer must be told whenever a hearing is scheduled in your case, and she should make sure you also know so that you can attend. Your lawyer should also tell you if anything important happens on your case between court hearings.

HELP YOU TO AVOID SAYING THINGS THAT COULD HURT YOUR CASE. Your lawyer will do most of the talking for you in court. If anyone wants to talk with you about the case, including the other lawyers (like your child's lawyer or the lawyer representing CPS), you should not talk to them without your lawyer's knowledge and permission. In general, it is not a good idea to talk to other lawyers unless your lawyer is there or she specifically tells you that you can talk to that person.

GO WITH YOU TO ALL COURT HEARINGS AND OTHER IMPORTANT MEETINGS. Your lawyer is allowed to come with you to any CPS meeting to which you are invited. Do not believe anyone who tells you that your lawyer cannot come with you. You are not entitled to attend every meeting CPS has about your child (such as an internal staffing), but if you are invited or entitled to attend, so is your lawyer. Some of the meetings your lawyer should definitely attend with you include a family service planning meeting, a family group conference, a permanency conference, and mediation.

Your lawyer must attend every court hearing! Sometimes your lawyer may have conflicts that prevent her from being in court with you and she may ask another attorney to "substitute" for her at the hearing. If this happens, your lawyer should let you know in advance and should also make sure that the "substitute" lawyer knows your case and is well prepared for the hearing.

Be sure to tell the judge if your lawyer is late for court. You should never go forward with a hearing without having a lawyer at your side.

UNDIVIDED LOYALTY, CONFIDENTIALITY, COMPETENT REPRESENTATION. All Texas lawyers owe their clients these three duties, which are based on the Texas rules of professional conduct. "Undivided loyalty" means that your lawyer cannot represent both you and someone whose goals for the case conflict with yours. "Confidentiality" (discussed on page 29) means that your lawyer must keep what you tell her between the two of you unless there is good reason to share the information. "Competent representation" means that your lawyer must know what she is doing, protect your interests, and listen to what you say. If your lawyer violates any of these duties, you can file a complaint and she can be disciplined. See page 88 for more information about filing a complaint against your lawyer.

How Can I Help My Lawyer?

Your relationship with your lawyer is very important. You know your case better than anyone, so you should do everything you can to make sure your lawyer has all the tools she needs to represent you well. Here are some things you should do to help your lawyer.

STAY IN CONTACT. Your lawyer cannot represent you very well if she doesn't know where you are. Always tell your lawyer if you get a new phone number or move to a new address. Your lawyer is probably very busy and has other clients so will not have time to hunt you down. It is your responsibility to let her know how to reach you at all times.

THINK AHEAD. Before each meeting with your lawyer, think about any questions or concerns you have. Write them down and be sure to ask at the meeting. Also write down any thoughts you have about services you need or problems you'd like your lawyer to help you with.

KEEP TRACK OF YOUR CASE. Every time you complete a service, get a letter or a certificate or some other proof of completion. Keep a copy for yourself (put it in the back of this handbook) and if possible, make a copy and give it to your lawyer. Get letters from your therapist or counselor to show how you are progressing, and give copies to your lawyer. Sometimes, it can be hard for a lawyer to remember all of the details from each of her cases (she will have more clients than just you), so if she has it in writing it will be easier for her to tell the court how well you are doing.

TELL YOUR LAWYER WHAT YOU WANT. If your lawyer doesn't know what you want, she won't be able to represent you very well. This includes letting her know if you feel like she doesn't return your calls or she doesn't explain things very well. Remember that your lawyer cannot read your mind – she only knows what is bothering you if you tell her. If you don't feel comfortable talking to your lawyer about something, you might try writing a letter instead.

BE HONEST. It may be tempting to lie about problems you are having because you think it will help you get your child back faster. But not talking about your problems will not help you or your child. The truth usually comes out anyway. So, be honest with your lawyer about what is going on in your life. The two of you can work together to get you the help you need.

ASK QUESTIONS. Your lawyer knows that being involved with CPS can be overwhelming. Don't feel embarrassed to ask questions. It will be easier for your lawyer to explain things to you at the beginning than it will be to go back to try and change something you agreed to because you didn't understand what was going on.

BE PERSISTENT. Your lawyer is busy and probably has other cases to worry about. You may have to call her a few times before she calls you back. There is no harm in being persistent as long as you are also respectful.

BE REALISTIC. There will be times that you feel frustrated – by CPS, by the court, by everything going on in your life. It can be easy to take out your frustration on your lawyer, but remember that she cannot solve all of your problems for you. There are many things that *only* you can do, like completing your services, staying free of drugs, and showing up for visits with your children. The last thing you want to do is to undermine your relationship with your lawyer who is trying to help you and your family.

EXPRESS FRUSTRATION. It is better to vent or express any anger and frustration you have about your case to your lawyer rather than your CPS caseworker or your child's lawyer or GAL. Your lawyer is on your case to help you and most lawyers understand you are scared, angry, frustrated, sad, or depressed. And most lawyers are ok with you expressing your sadness, anger, and frustration with them and would prefer that rather than have you lose your temper with your caseworker, the judge, or especially in front of your child.

What If I Don't Like My Lawyer?

Although your lawyer is there to help guide you through the court system, she cannot do everything for you. So first you should ask yourself WHY you don't like your lawyer.

Is it because you don't think your case is moving fast enough? That is not your lawyer's fault; she does not schedule your court hearings. Is it because you don't think that CPS is treating you fairly? That is not your lawyer's fault either; she cannot control how your caseworker acts.

Instead of blaming your lawyer for these problems, try to work with her to make your case stronger. She is the expert who can answer your questions and try to help you address the problems you are having. In most cases, the two of you can work together to come up with solutions.

Of course, sometimes you may have good reason to be unhappy with your lawyer. Maybe she doesn't return your phone calls, doesn't meet with you before hearings, or doesn't explain what is going on. ***Those things are not OK and mean that your lawyer is not doing her job.*** In these cases, you will want to do the following:

DOCUMENT WHAT IS GOING ON. For example, if your lawyer is not good about returning your phone calls, start to write down every time you call and what you say in your voice message.

WRITE YOUR LAWYER A LETTER. Putting things in writing can help you communicate better. Make a copy of the letter. It can serve as proof that you tried to work out your problems with your lawyer.

IF YOUR LAWYER STILL DOES NOT RESPOND OR TRY TO MAKE THINGS BETTER, YOU CAN ASK THE JUDGE TO APPOINT YOU A NEW LAWYER. Before you do this, make sure you have a good reason; there should be an ongoing problem and not one isolated mistake. Try to have evidence to support what you are saying – bring your phone log or copy of your letter to court. The judge does not have to give you a new lawyer so you want to make your request as strong as possible.

For the most serious examples of lawyer misconduct, you can file a formal grievance with the State Bar of Texas. But filing a grievance does *not* get you a new lawyer, so always try to work things out yourself *before* taking this step. For more information, call the Grievance Information Helpline at (800) 932-1900 or go online to http://cdc.texasbar.com.

IS THERE A "CONFLICT OF INTEREST?"

A lawyer is not allowed to represent two people at the same time who have different goals or opposite interests. When this happens, it is called a conflict of interest.

The most common way this happens in CPS cases is where a lawyer is appointed to represent both parents of a child (the mother and the father). At first, the parents may seem to have the same goals. However, as the lawyer learns more about the case, it may turn out that the parents want different things. Or, it may turn out that one parent is safe but the other one isn't.

If you think there is a conflict of interest for your lawyer, you should say something as soon as possible. You can talk to your lawyer about your concerns. If your lawyer doesn't address your concerns, you should talk to the judge.

11 Working With CPS and Other Service Providers

With an open CPS case, you will meet and work with a lot of different people. In addition to your CPS caseworker, you may meet with doctors, therapists, drug/alcohol counselors, and teachers, as well as lawyers, GALs, and others actively involved in your case.

Many of these people will be important in your case, so think in advance about how to best use your meeting time with each person. Some of these people will be looked at as experts by the judge and they will tell the judge about the work you are doing to bring your children home. If you build a good relationship with your therapist or your child's therapist, doctor, or teacher, that person can tell then the judge a lot about how ready you are to have your child returned to your care!

Working With CPS

Your CPS caseworker is probably the most important person on your case. He or she is the person you will work with the most to coordinate any services you are ordered to get, arrange visits with your child, talk to a therapist or parenting coach about how you are doing with your services, and he or she will report to the judge how you are doing with your services, your visits, housing, employment, and anything else you've got going on. He or she will also report to the judge when you are doing or NOT doing well with your services, visiting with your children, seeking and finding housing, working at a job for money so you can take care of your kids. If your case goes to trial, your caseworker will be the person telling the judge why your parental rights should be terminated. ***For all of these reasons, it is VERY important to have a good relationship with your caseworker.***

CPS caseworkers are good people with caring hearts. They care a lot about the work they do and have chosen their job for this reason. Caseworkers are also very busy and have lots of cases just like yours that they must pay attention to, and like everyone, caseworkers sometimes make mistakes.

Caseworkers work with many families. This means that your caseworker may not respond to your calls as quickly as you would like or may not remember every detail of your case as well as you think he or she should. This can also be very frustrating for parents who are in the middle of the CPS process and for whom every request may seem urgent.

You are in a hard situation and worried about your children and the future of your family. These are very serious worries, indeed. But if you can communicate with your caseworker about your needs, and do what you are asked to do, your caseworker can have a positive impact on your life!

Your caseworker can connect you with valuable services and can give you information about housing, domestic violence, substance abuse, parenting, employment, job training, food assistance, medical care, and anything else you are having trouble with. Take advantage of your caseworker's knowledge!

Working With Other Service Providers

In addition to working with your caseworker, you probably are also working with a lot of other people called "service providers." This might include doctors, drug/alcohol counselors, therapists, parent coaches, and possibly others. These people are important to your case and can be asked to testify in court about how you have done working through your service plan and completing all of the tasks the judge ordered you to complete in order to get your children back home. In other words, it is important to build good relationships with these providers for all the same reasons that you want to have a good relationship with your CPS caseworker!

Some service providers you might like a lot and find really helpful, but that may not always be true. You might not like some of the people or feel they don't like you or you might find some of the services not all that helpful or right for your situation. Whether you like the provider, you should do everything you can to try and make the relationship work. Many of the services are short-term – only a few classes or a few hours. If this is the case for you, try to keep a good attitude. Take notes, prepare for class, ask questions, listen for 2 or 3 key tips – in other words, if you can think of ways to stay interested then the time will go by more quickly!

Even with a good attitude, there may be times that you find that you just can't work with a certain provider. This can be a problem, especially if the person is someone you will work with long-term or one-on-one, such as a therapist or doctor. In these cases, you should talk with your caseworker to see if you can change to a different service provider. You might even speak with the provider to see if she can refer you to someone else who she thinks you might like. Be respectful but also be honest about what it is you are looking for and what you think would be most helpful. If that fails, speak to your lawyer about asking the judge to order your caseworker to find a different service provider.

GOOD COMMUNICATION IS KEY! Here are some ways to build good communication with your caseworker and other service providers:

- Make sure you have the person's phone number, email address, office address, and his or her supervisor's phone number written down where you can always find it
- Find out which days they are more likely to be in the office or what time of day they are more available to talk on the phone or meet
- If you call and it goes to voicemail, make sure to leave a message with your name (and your child's name, if that's needed), your phone number, what days and times you are free to talk, and why you are calling
- Write down every time you call and leave a message. Keep a record of these contacts so that you can tell the court of your efforts – it shows the court that you are being responsible and working hard to complete your service plan
- If you have called several times and have not heard back, call your CPS caseworker (if you're trying to reach a service provider) or caseworker's supervisor (if you're trying to reach your caseworker) and politely explain the situation; the caseworker should make sure the service provider calls you back; if you're having a hard time reaching your caseworker, the CPS supervisor should make sure your caseworker calls back
- If you can't get anyone to return your calls, tell your lawyer what is going on and ask your lawyer to call
- If you still don't get an answer, there may be other steps you can take, such as filing a complaint; but filing a complaint should NOT be your first step

Making Complaints

If your caseworker won't help you with something or is treating you disrespectfully, you have the right to make a complaint. Before you make the complaint, try to work out the problem with your caseworker. If you can't work it out with your caseworker, try to work out the problem with your caseworker's supervisor. Ask your lawyer to help you. If all else fails, you can make a complaint. But remember that filing a complaint won't necessarily get you a new caseworker or get your child back right away and it will probably make your situation worse if you file a complaint without good reason.

If you are unhappy with a CPS investigation, See page 46 for more information about filing a complaint or seeking review of investigation findings. For complaints about CPS rules or caseworker conduct, go to:

OFFICE OF CONSUMER AFFAIRS

When: When a CPS worker has acted inappropriately or unfairly.

How: Contact the office at 1-800-720-7777 or at oca@dfps.state.tx.us. When making a complaint, include the names of the people involved, the CPS caseworker involved, the name of anyone else you have made the complaint to, and your contact information.

What: This office will review your complaint and make recommendations.

OFFICE OF THE OMBUDSMAN

When: When a CPS worker has failed to follow CPS policies and procedures, or broken some other rule.

How: Call 1-877-787-8999 (for the deaf or hearing impaired, call 711 or 1-800-735-2989) or make a complaint in writing to:

HHSC 000 MC H-700
PO Box 13247
Austin, Texas 75711-3247

Include your name, phone number, your complaint, and your case number.

What: This office is a neutral third party, which will review your case and make recommendations on how case actions might be changed.

The Office of Consumer Affairs and the Office of the Ombudsman deal only with CPS decisions. Neither office can change a court order or review actions taken by law enforcement. If you want to challenge a court decision to terminate parental rights, you need to talk to your lawyer about filing an appeal in court. (See page 17 for more information about filing an appeal in court.)

TIP SHEET:

ATTITUDE MATTERS. *The judge wants to see that you take a report of abuse or neglect seriously. If you seem unmotivated to make changes or if you ignore safety threats to your child, CPS and other providers may think that you will not keep your child safe.*

BE HONEST. *You should never lie or give false explanations of what happened. If CPS or other providers find out the truth, they will not trust you. On the other hand, sometimes it may be best not to tell everything or answer all questions immediately because these people can talk about what you tell them in court. If you are not sure how much or what you should tell, you should ask your lawyer before you meet. (See page 29 for more information on confidentiality and working with your lawyer.)*

BE RESPECTFUL. *You should never be violent or aggressive. CPS caseworkers are often young social workers who are doing a very difficult job. Therapists and other service providers work under a lot of stress, as well. If you can remember to remain calm and respectful, then you are showing your caseworker and the court that you can also be calm and respectful toward your child.*

SHOW UP. *Keep all appointments! This includes visitation with your child. If you cannot get somewhere in time, call and let the person you are meeting know. Time is valuable; don't make the people who are trying to help you wait. When you miss an appointment, the judge may think that you don't care about the case or you may not be ready to be a responsible or protective parent!*

"I chose to get high."

– Parent Collaboration Group Parent Liaisons

12 Making the Most of Visitation

Under current Texas law, CPS must arrange for you to visit with your child no later than five days after CPS is granted TMC. CPS should work with you to create a visitation schedule. ***This right can be limited if the court or the DFPS does not think it is in your child's best interest to visit with you or if allowing visitation conflicts with another court order, such as a protective order.***

A judge can order visitation to be either supervised or unsupervised and order other limits as needed. For example, the judge may order where the visits will occur, who will supervise, or who may be there during them. The rules about visitation should always take into account what is in your child's best interest at that time. Please see Appendix E on Page 158 to familiarize yourself with documents CPS uses to describe the different stages of visitation, what a visitation plan should look like, when visitation is not authorized, and what CPS documents when it supervises or observes visitation between you and your child.

The right to visit with your child will be one of the most important rights you have during a CPS case. *Not only will visits allow you to keep in contact with your children, something that is probably very important emotionally both to you and your child during this difficult separation, but it also gives you the opportunity to show CPS how well you can parent and why the court should allow your children to come home.*

The rest of this section describes visitation and offers tips for how to make visitation during a CPS case as meaningful and successful as possible.

Is My Visitation "Supervised" or "Unsupervised"?

When a visit is ***supervised***, it means that someone will be watching while you and your child spend time together. Because there are concerns about child safety, CPS wants to make sure that your child is safe during the visit. If you do or say anything that makes the CPS worker feel your child is not safe, she will step in and talk to you about it or end the visit.

In most cases, your first visits will be supervised by a CPS caseworker. Later in your case, the court may allow a family member or a friend to supervise. If visitation goes well for a long time and you have shown that your child can be with you safely, the judge or CPS may decide that visits can be unsupervised.

When a visit is ***unsupervised***, it means that you can be alone with your child without anyone watching. This takes time and it is important to be patient and not expect to get unsupervised visits right away or even within the first few months.

What Will Supervised Visitation Be Like?

How CPS handles supervised visits can differ, depending on where you live. Most supervised visits take place at a CPS office. Your child's foster parents or the relative caring for your child will bring your child; you will need to get yourself to the visit. You and your child will be given a special room for the visit. There will usually be a table and chairs or a sofa and there will usually be toys and games in the room. Most rooms have a one-way mirror that a CPS worker will use to watch the visit, although sometimes the CPS worker may be in the room with you.

Your CPS caseworker may be the person supervising the visit or, if she is not available, another CPS employee can supervise. Most of the time, there is no need to talk with the supervisor while you are with your child. But, if there is an emergency or if your child gets very upset or starts acting out and you do not know how to handle the situation, you can always ask the visit supervisor for help. You should also always tell the visit supervisor if you or your child needs to leave the room to use the bathroom or for any other reason.

If you have been accused of physically or sexually abusing your child, there may be limits on how much you can touch your child. Make sure you know these limits before the visit starts! Otherwise, you should feel free to be affectionate with your child the way you normally would.

Sometimes, other people may also want to observe your visit. Your child's CASA worker or your child's lawyer may want to watch how you interact with your child so that they can make better decisions about what to recommend in court. You may not always know when these other people are watching, so always act appropriately!

Most of the time, it is OK to bring snacks, toys, and games with you to a visit. In fact, you SHOULD bring these things if you can! However, it is smart to check with your caseworker first.

During the visit, you are completely responsible for your child's needs. This means that if your child is a baby, you should make sure she is fed and that her diaper is changed and you should come prepared with food, if approved by CPS, and diapers, etc. If your children are older, you should make sure that no one gets hurt and that they are not fighting.

Give your child your full attention during every visit! Remember, people are watching how you interact with your child. If you are talking or texting on your cell phone or wearing head phones, it looks like you are not paying attention to your child.

Stay Positive!

Supervised visits can be hard! You may feel like you are being punished, and you might be tempted to complain about the situation to your child or say certain things because you know the CPS worker is watching. Stop and think before you say anything negative and remember that your goal is to get your child home. Stay positive and calm at all times!

IMPORTANT

Check in with your caseworker!
Be on time!
Attend every visit!

Why Is Visitation So Important?

The biggest reason is so that your child can see you! There is no doubt that you and your child miss each other and it is important to spend as much time together as possible. It can be hard to handle the emotions that go along with visiting your child, but it is very important to show your child that you want to see her. It is also important for your child to feel like she can trust you to always show up. Children feel safer and more loved when there is a routine that they can count on.

The other big reason is that visitation gives CPS an opportunity to watch how you interact with your child. Your CPS caseworker's observations can have a BIG IMPACT on your case! Everything you do during visits – both good and bad – can be reported to the judge. For this reason, you should take every visit seriously.

Remember that visitation can help your case!

VISITATION CAN HELP YOU TO BECOME A BETTER PARENT. CPS will be watching you and your child interact. Your CPS worker may give you feedback after a visit, saying what you did well and what you could do differently. On the other hand, some CPS workers may not talk to you about the visits at all. If this is your situation, ASK your caseworker how the visit went and at your next visit try to make the suggested changes. If you are not sure how to make the changes, ask your caseworker, your lawyer, or your therapist for help. No one is a perfect parent - – everyone can benefit from learning new skills!

VISITATION CAN SHOW CPS THAT YOU ARE WORKING YOUR SERVICES AND MAKING THE CHANGES NEEDED TO HELP YOU BECOME A SAFER PARENT. If visits go well, your caseworker may recommend that a family member be allowed to start supervising visitation instead of CPS; these visits will be more relaxed and can take place at fun places like a park or a restaurant or even your home.

On the other hand, if visits do not go well, you can also end up with fewer or even no visits! This can happen if you miss visits, if you act inappropriately around your children or attend a visit after drinking alcohol or using drugs, or if you don't pay any attention to your children during the visits. Don't let this happen to you!

Before Your Visit

Confirm the visit. Most CPS caseworkers want you to call the day before to confirm that you will attend. It is VERY important that you make that phone call! It's a lot of work to set up a visit and your child will be excited to see you. By failing to confirm or just not showing up, you disappoint your child and leave her feeling frustrated and confused, and you also risk having the caseworker think that you don't care about seeing your child!

When you call, if your CPS worker doesn't answer the phone, leave a clear message stating:

- Your name
- Your child's name
- Date and time of the scheduled visit
- Confirm you will arrive on time

Make a note in your visitation log (page 137) that you called. Remember, if your visit is on a Monday, you may need to confirm on the Friday before. Ask your caseworker what she wants you to do.

KNOW HOW YOU WILL GET THERE. If you don't have a car, make sure you have a way to get there lined up in advance. If a friend or family member is driving you, call and confirm with them the day before. Have a backup plan in case your ride cancels on you. If you are taking the bus, make sure you know what time you have to get to the bus stop. If you can, take an earlier bus just to be safe. If you don't have transportation, it is important to ask your caseworker for help. Don't wait until the last minute!

ASK FOR PERMISSION. If you plan to do anything out of the ordinary, such as bring gifts or clothing or bring a family member with you, ask your caseworker for permission first. Make sure you ask at least several days in advance so that you can get an answer.

BE EARLY. Although it's important to be on time, it is even better to be early! You never know if the bus will be running late or if traffic will be bad. If you show up late, it looks bad for you even if it's not your fault. And if you are running late you need to call to let your caseworker know what is going on! Caseworkers are very busy and have lots of other visits to schedule – if you are late, your CPS worker can cancel the visit and, if it happens too often, you can lose visits. Keep your child in mind – you don't want him to feel like you have ignored him or abandoned him if you don't make it on time.

PREPARATION COUNTS. It is important to show your caseworker that you are prepared for visits. Bring healthy snacks to eat with your child if the visit takes place during lunch or after school. Also bring activities to do with your child. Make sure that the activities are age appropriate and are things that your child likes to do.

After Your Visit

MAKE GOODBYES EASY. Even though saying goodbye to your child can be difficult, you want to make it as easy on your child as possible. Take the last 5 minutes of your visit to plan together what you will do at your next visit. Let your child take home a picture or drawing so he can remember your time together. You and your child can plan to have the same goodbye every visit so you know what to expect.

Ask for tips. Once your child has left, ask the person monitoring the visit two things:

- How did I do?
- What can I do differently?

If you don't know that something you are doing is a problem, you will probably keep doing it at every visit. It is better to know right away if a change needs to be made. Don't be afraid of helpful criticism. Remember, we can ALL improve our parenting skills!

KEEP TRACK. Use the visitation log on page 137 of this book to write down the date and time of the visit. If anything unusual happened, write it down. If your caseworker gave you any feedback, write that down, too. Review the feedback before your next visit. If your caseworker was the one who canceled the visit, make sure you write that down!

KEEP LOOKING FOR PEOPLE WHO CAN SUPERVISE VISITS. Remember, visits may happen outside of the CPS office if you can find someone who can monitor the visit. Ask anyone you know who might be an appropriate visit supervisor, for example: teachers, neighbors, church friends, relatives or extended family, CASA workers, family friends. Any of these people might be able to supervise visits between you and your child, if CPS approves.

TIP SHEET: MAKE VISITS FUN!

HEALTHY SNACKS:

- *Fruits like apples, oranges, bananas, grapes, or raisins or vegetables and dips like carrot sticks and ranch dressing, or celery sticks and peanut butter*
- *Crackers and cheese, rice cakes, trail mix, juice boxes*
- *If you bring food that can spoil, like yogurt or milk, be sure to keep it cold*
- *It is OK to bring sweets like chocolate or cookies on special occasions, but do not only bring those types of food; keep them as a treat*
- *Your children may ask for food like potato chips and cokes, but try to find healthier alternatives like vegetable chips or chocolate milk; teaching your children healthy eating habits is a parenting skill that CPS will want to see*

FUN ACTIVITIES:

AGES 0 – 2
Peek-a-boo, nursery rhymes, singing and bouncing, naming body parts and colors

AGES 3 – 12
Drawing and coloring, making a craft together, read a book together, play a board game, make up a funny story and act it out

AGES 13 – 18
Work on homework, talk about friends and school, paint fingernails or braid hair, play cards

TIP SHEET: VISITATION DOS AND DON'TS

DON'T DO THIS!	DO THIS INSTEAD!
Talk about the case, your CPS caseworker, your child's foster parent, or anyone else involved in your case	*Stay focused on the positive – talk to your child about the progress you are making. Have you found a new job? Did you start school? Did you find an apartment? Ask about your child's progress. How is school going? Is she enjoying playing a sport or music? Is she making new friends?*
Talk to or text friends on your phone during the visit	*TURN YOUR PHONE OFF! Even if the conversation is important, talking or texting during a visit will make your CPS worker think you are ignoring your child. Talk to your child about her day and play games with your child instead.*
Act annoyed if your child cries	*If your child is sad, comfort her. Talk calmly to your child about how she feels. Understand that she is dealing with many different emotions, just like you are. She might be crying to get your attention because she misses you or is worried about you.*
Punish your child by spanking, grabbing, pushing, yelling, or screaming	*NEVER use physical punishment during a visit! NEVER yell at your child during a visit! Talk calmly to your child about their behavior and what the consequences of that behavior will be. If you truly cannot control the situation, ask the supervisor for help.*
Talk to your child about problems you are having	*If you talk about your problems, your child may worry about you and be scared that she may not get to come home. Instead, before each visit, try to come up with at least two good things that have happened to you since your last visit and tell you child about those things. For example, you might have an upcoming job interview or you might have completed a class and been given a certificate.*
Tell your child that he will be coming home soon (Unless your caseworker tells you that you can say this!)	*You cannot know for sure when your child will be able to come home, so don't get his hopes up. Instead, continue to tell your child how much you love and miss him and that you are working hard to make sure he is taken care of. Focus on the things you DO know will happen – for example, you might remind him that you have another visit scheduled for next week, and you are really looking forward to it. If your child asks "When can I come home?" you can say, "I don't know, but I hope it is soon, and I am so glad I get to see you now!"*

DON'T DO THIS!	DO THIS INSTEAD!
Get angry or depressed because visits are supervised	*First of all, be patient and remember that if visits go well, they may not have to be supervised. Second, talk to people in your life about how you are feeling. Tell your friends or family about the visit ahead of time so that you can have support ready afterward. Finally, remember all the ways that supervised visitation can actually help your case; take advantage of those opportunities.*
Get jealous if your child talks about how much he likes his foster parents or foster home	*Although it can be hard to think about your child having fun without you, remember how important it is that your child be happy and healthy. Tell your child that you are glad he is happy and safe at his foster parents' house, and that you are grateful that his foster parents are taking such good care of him. Remember that you are his parent and he will always love you in a special way.*
Get angry or punish your child if she does not seem happy to see you	*Your child may feel sad or scared going to a visit because she knows you will have to leave her again. Talk to her about her feelings. Tell her you understand that she may be sad and that is OK. Remember that it may take several visits before she acts normally around you. If she seems sad all the time, you might talk to your caseworker about getting her a therapist to talk to.*
Show favoritism to one child over another	*Treat all of your children the same. Spend a part of the visit individually with each one, if possible. If not, include all your children in any activity. If CPS thinks that you're neglectful or abusive toward one child that can be a reason to take all your children away.*
Use curse words or other harsh language	*Never speak inappropriately in front of your child during the visit. Even if you are sad or angry, you must stay positive during the visit. Talk about happy things and make sure to have fun.*
Show up to the visit under the influence of drugs or alcohol	*NEVER visit with your child when you are under the influence or smell like drugs or alcohol. If you have an addiction that is not under control, you need to speak to your lawyer about getting help immediately.*

13 Special Topics

This Guide is for all parents who have (or have had) CPS involved with their family. Sections 1-12 deal with many issues that face almost any parent in this situation. CPS investigations or court hearings can look pretty much the same no matter how or why your child came into care.

But some parents have issues that make their CPS cases a little different. For example, parents who have special physical or intellectual needs or who live with a mental illness. Fathers, especially fathers who don't see their children, teenage parents, or parents who are in prison may also have questions specific to their situation. This section includes information to address these more individual issues.

A. Parents with Disabilities or Special Needs

The Americans with Disabilities Act (ADA) applies to CPS cases. So, if you know (or think) you have a disability or special need, then you need to tell your lawyer so she can tell CPS and the court.

Examples of conditions that ***may be considered*** a disability include:

Back or spinal injury, psychiatric or mental impairments such as depression or post-traumatic stress disorder, migraine headaches, epilepsy, diabetes, vision and hearing impairments.

The ADA does not give a list of all the possible disabilities or special needs. Instead, the law covers "physical or mental impairment that substantially limits one or more major life activities."

Temporary conditions, such as a broken leg, usually are not covered. Disorders resulting from the current illegal use of drugs also are not covered. The condition must "substantially limit" a major life activity. Ask yourself: How serious is my condition? How long have I had this condition? How much does the condition interfere with my daily life?

WHAT DOES IT MEAN FOR MY CASE IF I DO HAVE A DISABILITY OR SPECIAL NEED? CPS caseworkers must take reasonable steps to make sure that parents understand what is going on in their case. This is especially true for parents with special needs who may require ***"accommodations"*** – in other words, a different kind of service, or even extra services – to give them the same chance as any other parent to work their service plan and try to get their children back home.

Parents with disabilities or special needs are more likely than other parents to become involved with CPS and they are more likely to lose their parental rights. To avoid this happening in your case, you need to convince CPS that you can keep your children safe, even if you maybe do things differently than other families. Think about ways that your disability might benefit your children – teaching them patience or independence, for example, rather than something that needs to be fixed or overcome. In the end, it will be up to you and your lawyer to teach your caseworker and the court about your disability and how it affects or does not affect your ability to be a safe parent.

WHAT DOES IT MEAN IF CPS SAYS I AM "NOT ABLE TO CARE" FOR MY CHILD? These are called "Inability to Care" cases (ITC). CPS can argue ITC in many different situations, including everything from severe intellectual disability to a single mental health diagnosis of depression or bipolar disorder.

For an ITC case, CPS must prove:

- You cannot care for your child's physical, emotional, and mental needs because you have a mental or emotional illness or a mental deficiency
- You probably will not be well enough to care for your child's needs before your child turns 18 years old
- CPS has been caring for your child for at least six months
- CPS has made reasonable efforts to return your child
- Terminating your parental rights is in your child's best interest

Every parent in an ITC case has the right to a lawyer as soon as CPS files its petition in court; you do not need to be indigent (too poor to afford to hire a lawyer) or even opposed to CPS removing your child. ***Under Texas law, the CPS case cannot continue until the parent is given a lawyer.*** If you are a parent in an ITC case, you cannot be forced to speak with CPS about the case or go to court without a lawyer to help you.

ARE THERE ACCOMMODATIONS TO HELP ME WITH MY SERVICE PLAN? Yes. CPS must make "reasonable efforts" to help you keep your children safe at home or, if your children are removed, to help you get your children back. For parents with a disability, reasonable efforts must consider the parent's situation. Depending on your needs, you could ask for special one-on-one services, transportation, special therapies, or anything else that would help you to work your service plan. Simply offering you the same list of services that CPS offers to every parent may NOT be enough.

ARE THERE ACCOMMODATIONS TO HELP ME BE MORE ACTIVELY INVOLVED IN MY CASE? Yes. The ADA requires that CPS and the court make whatever modifications are needed to allow you to participate fully in your case, including any court hearings, mediation, visitation, and services. So, for example, if you have a hearing disability then you have the right to a sign language interpreter or other help every time you go to court. If you are blind, you could ask for all notices and court orders to be in braille or audio recorded.

I HAVE BEEN DIAGNOSED WITH A MENTAL ILLNESS. IS THERE ANYTHING SPECIAL THAT I SHOULD BE THINKING ABOUT? A mental health diagnosis can be especially challenging because of the time that may be needed for treatment and the risk that symptoms can come back. It is extra important for you to focus on the one year deadline for completing your service plan – work to get treatment and other services in place as quickly as possible to give yourself the most time to get healthy and stable.

Ask for psychological testing to be done in a way that makes it easier for you and help you do your best. For example, maybe you feel less anxious when you are in your own home or have a pet with you. Or maybe the medicine you are taking makes it harder for you to do testing in the morning, but you feel better by the afternoon. You want to be sure that testing gives CPS and the court a true picture of how you live, including those things that are part of your life and help you to manage your illness.

B. Non-Offending Parents

Sometime parents are named in a CPS petition, but are not suspected of having abused or neglected their children. These are called "non-offending parents" and are included in the petition *only* because they are one of the child's parents.

WHY WOULD I WANT TO GET INVOLVED IN A CPS CASE IF I AM A NON-OFFENDING PARENT? First, if you are a non-offending parent who does not live with the parent who is accused of neglecting or abusing your child, your child might be able to live with you or one of your family members during the CPS case. You might even be able to ask for custody of your child. However, if you live with the parent who is accused of neglecting or abusing your child, you may not be considered as a non-offending parent by CPS because you may be viewed as allowing abuse or neglect to occur without taking steps to protect your child.

Second, if you do not get involved and the court ends up terminating the other parent's rights, your parental rights may also be terminated and you will no longer have a legal relationship to your child. So, if you have any interest in having contact with your child in the future, then you need to protect your rights now!

For these reasons, get involved! If you know that a CPS case involving your child is going on but you have not heard anything from the court, let CPS know that you want to be involved! Call the CPS office in the county where your child lives or write them or the court hearing your case a letter. Make sure CPS or the court knows how to reach you; ask for your child to be placed with you or a person you know.

AS A NON-OFFENDING PARENT, WHAT ARE MY RIGHTS? A non-offending parent has all of the same rights as any other parent named in the petition. You have the right to a lawyer and you have the right to put on evidence and to ask questions at the hearing. See page 15 for a more detailed description of your rights.

AS A NON-OFFENDING PARENT, DO I HAVE TO COOPERATE WITH CPS? Yes. A non-offending, non-custodial parent has the right to have their child placed in their care by the court unless the court finds that placement with the non-offending, non-custodial parent (or a relative) is not in the best interest of the child. The court might decide that it is in your child's best interest for you to go through the same process as the parent accused of having abused or neglected your child. For example, you may need to have a home study done before CPS will release your child to you.

AS A NON-OFFENDING PARENT, DO I HAVE TO WORK A SERVICE PLAN? Maybe. CPS could require you to work a Service Plan or do certain things before you can get custody of your children. So, most of the information in the Guide that applies to the offending parent could also apply to you. Ask for a lawyer as soon as possible, and ask your lawyer to let the court know you are a non-offending, non-custodial parent who can keep your child safe and will be protective against the offending parent.

AS A NON-OFFENDING PARENT, DO I HAVE TO GO TO THE COURT HEARINGS? Yes. To protect your rights you need to attend all of the court hearings and do everything the court and CPS asks of you. If you live far away from where the court case is happening, you may be able to join court hearings by telephone or video. Ask your lawyer for more information.

DO I NEED TO DO ANYTHING IF MY CHILD COMES TO LIVE WITH ME? Yes. If you are awarded custody of your child during the CPS case and you have been paying child support, you need to tell the Attorney General's Office of the "change in status." And that you have a court order granting you legal custody. Contact the Office of the Attorney General Child Support Office at (800) 252-8014 for more information.

Remember anything you tell CPS can be used against you! There is no confidentiality between you and the CPS caseworker or anyone else involved in the case, other than your own lawyer. (See page 29 for information on confidentiality and page 79 for information on working with your lawyer.)

C. Fathers

Sometimes a child's biological father is unknown. You might not even know you have a child. Or, you may know you have a child, but you've never seen or met the child. Or maybe the mother says you are the father, but you don't think that's true. This section tells you how a court decides if you are a child's "legal father" and what that means in a CPS case.

WHAT IS A LEGAL FATHER? A child can only have one legal father. This means that a court will need to make sure that YOU are in fact the child's legal father before including you in the process. Step-fathers are a legal father only if they adopted the child.

Being a child's legal father brings both rights and responsibilities. A legal father has the right to make certain decisions about his child and to see his child, but he also is responsible to help pay for his child's care. A legal father can also leave benefits to his child, such as inheritance, Social Security, insurance, and veteran's benefits.

HOW DO I KNOW IF I AM A CHILD'S LEGAL FATHER? If the parents are married when a baby is born, the husband's name usually is put on the birth certificate and he is the baby's legal father. This is called a "presumed father" and it happens automatically unless the father says he is NOT the child's biological father.

If the parents are not married when a baby is born, the father's name is NOT put on the birth certificate unless the parents do something to show the man is the child's legal father or, in other words, establish paternity. The parents must do one of the following:

- Sign a form called an Acknowledgment of Paternity (AOP) and file it with the State Vital Statistics Unit at the Department of State Health Services
- Go to the Child Support Office and sign an Agreed Order establishing paternity and setting a child support amount
- File a Paternity Petition in court, asking that an alleged father be named the legal father
- If you are in court, ask the judge to order a paternity test

I AM NAMED AS AN "ALLEGED FATHER" IN A CPS PETITION, NOW WHAT? An "alleged father" is a man who the mother thinks could be the biological father of her child. This happens a lot where a father has not had contact with a child or maybe does not even know that a baby was born.

If you are named as an alleged father, the CPS court will need to be sure you are the biological father before making you part of the CPS case. To find out if you are the biological father, the judge will order a simple test (a DNA test) where samples of spit are taken from your mouth, the child's mouth, and the mother's mouth. The DNA on each sample is compared to see if you and the child are related.

The child's CPS caseworker will help you set up a time and place to do the DNA test. The Office of the Attorney General is the agency that does the test. When the results are back, the CPS caseworker will tell you if you are the child's biological father. If you are not the biological father, you will not be part of the CPS case.

To find out more about establishing paternity, you can contact the Vital Statistics Unit at the Department of State Heath at 1-888-963-7111 or the Office of the Attorney General at 1-800-252-8011 or www.oag.state.tx.us.

THE COURT SAYS I AM A CHILD'S LEGAL FATHER, BUT I DON'T THINK I AM. If this happens, you should ask the court to order a DNA test. The court will need to be convinced that mistakes were made in establishing your paternity or see some other evidence that proves you are not the father. This can get complicated, so talk to your lawyer, if you have one.

DO I GET A LAWYER EVEN IF I AM NOT A LEGAL FATHER? In Texas, the court must appoint you a lawyer if you cannot afford to pay for one yourself and you are the legal father. The court will also appoint a lawyer if you are an alleged father to make sure that CPS does everything it needs to try to find you. If a DNA test is needed to establish paternity, you will not get a court-appointed lawyer to assist in a CPS case unless the DNA results show you are the biological father.

In a case where CPS does not know how to find you, a lawyer will stand up in court to say if CPS has done a good job trying to find you. After that, the court usually dismisses the lawyer because his job is done. If CPS finds you, and you turn out to be the father, the court will appoint you a lawyer and you will want to get involved in the case to let CPS and your lawyer know what you want to have happen.

WILL I HAVE THE SAME LAWYER AS THE CHILD'S MOTHER? Depending on where you live, if you and the child's mother are both getting court-appointed lawyers and you live together, you probably will have the same lawyer unless there is a conflict between you. If you and the mother are not together and you both want full custody of your child, then a conflict exists and the same lawyer cannot represent both of you.

In some parts of Texas, parents almost always have their own lawyers, even if they are married and living together. Because court practices differ, you should always ask the court for your own lawyer at the start of a case. Even if you and the mother get along, conflicts can come up at any point and it is better not to have to bring a new lawyer into the case later.

PATERNITY REGISTRY

If you do not stay in contact with the mother of your children, you should register with the Texas State Paternity Registry. This is a list that will tell the court who you are and how to contact you, if CPS ever files a case involving your child. You register by filling out a Notice of Intent to Claim Paternity. Call the Vital Statistics Units at (888) 963-7111 for more information. If you do not register, the court can terminate your rights without even trying to find you.

D. Teenage Parents

Parents who are under the age of 18 can be involved in CPS cases in two ways – as a child, if you are being abused or neglected by your own parents, and also as a parent, if CPS alleges you abused or neglected your own child. Teenage parents can be involved with CPS as a child, as a parent, or as both.

Teenage parents are responsible for keeping their children safe, just like any other parent. If someone files a report with CPS saying that you are abusing or neglecting your child, CPS will investigate and could remove your child. Everything in this Guide applies to you as a parent and you should take the time to read it so that you understand what is going on.

Being a child in your own CPS case should never be the only reason you are investigated by CPS as a parent. If you think this is what is happening, you need to talk with your lawyer about how to deal with the second case.

Because you are a teenager, your lawyer can ask for special kinds of help. For example, you might be able to get help finishing school, home services so that you can care for your baby while working your Service Plan, or one-on-one help from people who are trained to work with teenagers. Other help might include things like getting your driver's license, opening a bank account, getting transportation to visit with your child, or finding housing. In the end, even though you are a parent, you're also still a kid and that means you may need more or different kinds of services than older parents.

Finally, if you are a teenager who is involved with CPS, as a parent AND as a child, you can ask CPS for birth control, if that is something you want or need. This is your right; you do not need the consent of your parents, your caseworker, your foster parents, or anyone else. The most common birth control is called Depo-Provera, also called a "depo" shot, which is a shot that you get every 3 months (but this might not be what is available where you are living). Your CPS caseworker is supposed to get you birth control right away; if that doesn't happen ask your lawyer to help.

Remember that you have a right to a lawyer. Ask the court for a lawyer, if you do not have one already. For more information about how to get a lawyer and how to work with your lawyer, see page 79.

If your parent is hurting you or your child, you need to get help. You should immediately call the police. You can also contact CPS at 1-800-252-5400. If you do not protect your baby from your parents or others, that can be a reason for the court to terminate your parental rights. As long as there is a place where you both can go and your child is safe in your care, then your child should be able to stay with you.

"Addiction left me so weak and my disease was so powerful."

– Parent Collaboration Group Parent Liaisons

E. Parents who are Former Foster Youth

Many parents who get involved with CPS grew up or spent part of their childhood in foster care. Sometimes adults who experienced abuse or neglect as children grow up to be parents who do not understand how to care for and keep their own children safe. It is a difficult cycle that can be hard to break.

If you are a parent who used to be in foster care when you were a child, here are three tips to keep in mind as you work to get your own children back home.

- ***CPS's role in your case TODAY is very different than when you were a child.*** Today, CPS's goal is to protect your child, not to protect you. This means that while you do not want to lie or mislead CPS, you also don't have to tell them about all of your problems or concerns. Because you cannot expect CPS to keep what you tell them confidential or not use it against you if what you tell them leads them to believe your child is not safe, you should try to talk with your lawyer BEFORE you talk with CPS, if possible.

- ***CPS may have information about you from when you were a child in foster care and may try to use this information now.*** For example, CPS might say that your experiences as a child make it harder for you to safely parent your own children today. If you think this is happening to you, you want to talk with your lawyer about ways to stop CPS from using this information to harm you as an adult.

- ***Do not leave your children with anyone who has been found to have abused or neglected you or other children.*** These are not people you or your children should live with or your children should visit, especially if the visits are unsupervised. Do not ask these people – even family or close friends – to watch your children while you are in school or at work.

As a former foster youth, you also have the right to an "After Care Case Manager," at least until you turn 21 years old (and sometimes later than that). Your After Care Case Manager can help put you in touch with services for housing, employment, job training, public benefits (health care or food stamps, for example), education, and other community resources.

If you need help getting after care started, contact the CPS Preparation for Adult Living (PAL) office and they will refer you for case management. To get started, call the state PAL office at 512-438-5442 or go to http://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp. ***DO NOT discuss your case or give details of CPS's investigation or case against you to the PAL office, which is part of CPS; say only that you want case management services.***

F. Incarcerated Parents

Generally, incarcerated parents have the same rights and duties as parents who are not incarcerated.

Although being in jail or prison may stop you from being part of your child's case as much as you could be if you were not incarcerated, you must still be:

- Notified of any court hearings
- Interviewed so you can provide information about whether your child is safe at home
- Provided information about where and who your child lives with
- Given any services that are available where and while you are incarcerated
- Included in any plans developed about your child as much as possible
- Allowed to provide the names of relatives and close friends who may be able to take care of your child
- Given a copy of the plan about what will happen to with your child
- Given updates about the case on a regular basis

If you are in a facility that is close to where your child was living when CPS got involved, your child's caseworker might be able to come and meet with you in person. If not, the caseworker will probably keep in touch by mail.

CAN CPS PLACE MY CHILDREN IN CARE JUST BECAUSE I AM IN JAIL OR PRISON? A court can terminate parental rights if a parent's arrest or incarceration leaves a child without appropriate adult supervision or living in a home that is not safe. In other words, it is the risk to your child that comes from your incarceration that can cause problems with CPS.

WHAT CAN I DO TO HELP MY CPS CASE? Make a list of every person in your family and circle of friends who would be willing to care for or would like to have regular contact with your child. Give their name and contact information to your lawyer so that your lawyer can give the information to CPS and to the Court. This will increase the chances of your child being placed with your family or friends. This is something every parent should do, but it is especially important for parents who are incarcerated, especially if it will be a long time before you are released and able to care for your child.

Depending on where you are incarcerated and the charges against you, you may be able to take part in programs while incarcerated that will meet the requirements of your CPS case. Programs may include parenting classes, drug and alcohol abuse treatment, job skills training, and group counseling programs like CHANGES. Sign up for every program offered to you and tell your lawyer and caseworker!

Stay on top of your case. Be sure to read and return all correspondence that you receive from CPS, the courts, and your children. Keep a copy, if that is possible, of anything that you send out. Just like any parent, you will want to keep track of all of the dates and deadlines in your case!

ARE THERE SPECIAL ISSUES RELATED TO MY CRIMINAL CASE THAT I NEED TO THINK ABOUT? If the reason for the incarceration is the same as the reason for the CPS case, your CPS lawyer should advise you about the risks of participating in certain CPS services (sex offender evaluation, individual therapy, etc.) and may suggest limits in what you agree to talk about or what you agree to let be released to CPS.

Always remember that CPS's lawyer will probably know or talk with the lawyer prosecuting you for any criminal charges!

WILL I BE ABLE TO TALK TO OR VISIT WITH MY CHILD? Your child's CPS caseworker will take into account your child's safety and well-being in deciding how much contact you can have with your child. If the reason you are in jail is because you have abused your child, the caseworker will be less likely to allow any contact. But simply being incarcerated should not prevent some contact with your child.

There are different options for contacting your child, depending on the rules where you are incarcerated and your caseworker's decision. For example, you might be able to see your child in person, write letters, talk by phone, talk online using video chat, or share photos.

It may be difficult to visit with your child in person if you are in a facility far from where he or she is living. Even if you are close, the court or CPS may not allow visits. If your child is with a family member you may have a better chance of getting visits.

If your child is going back to the other parent, you need to work with your lawyer to get the best visitation schedule possible after your release, even if that date is after the case closes.

WHAT CAN I DO TO IMPROVE MY CHANCES OF GETTING VISITS? There may be programs in your facility to help you to prepare for visits. MATCH/PATCH, which stands for Mothers And Their Children/Papas And Their Children, for example, helps parents improve parenting skills. You must apply to be a part of this program. If you are accepted, you have to attend classes during the week and stay on good behavior, and you will be allowed to visit for an hour with your child. Many of the facilities have programs like MATCH/PATCH that are designed to help with parenting and visitation. Ask what is available in your facility and sign up as soon as possible.

CPS HAS ALREADY REMOVED MY CHILDREN. CAN THE COURT NOW TERMINATE MY PARENTAL RIGHTS JUST BECAUSE I AM IN JAIL OR PRISON? It depends. Your parental rights could be terminated if any of the following applies:

- You have been convicted or are on community supervision for causing the death or serious injury of a child or for committing certain other serious crimes
- You are convicted and imprisoned for two years or more from the date of the filing of the CPS petition
- You murdered the child's other parent or hired someone else to do so

With each of these grounds, the court must also find that terminating your parental rights is in your child's best interest.

If this is not your situation, then you need to talk with your lawyer as soon as possible about what options exist to keep your parental rights.

WILL I BE ALLOWED TO GO TO THE CPS COURT HEARINGS? It varies county to county. Some counties issue a bench warrant that allows you to leave the jail and travel to court. You need to let your lawyer, CPS, and the court know as soon as possible if you want to come to court so they have time to make the needed arrangements.

Even if you are not able to attend the hearing in person, you always have the right to participate by telephone. Talk with your lawyer about making the needed arrangements.

G. Parents Who Do Not Speak English As a First Language

Parents who do not speak English as their first language have the right to an interpreter every time they go to court. Your CPS caseworker must also take reasonable steps to make sure that you understand what is going on in your case at all times.

CPS can call a special phone number and a translator will be provided for the phone call. They also have translators for meetings like Permanency Conferences or Family Group Conferences. This will be a translator, though, not a certified interpreter.

If you are not given an interpreter in court, your attorney should point this out to the judge. The hearing should not happen until an interpreter is present. ***Do not rely on family or friends or your lawyer; always insist on a certified interpreter.***

Even if you speak a language that is not very common in the U.S. and an interpreter is hard to find, the court must still find you someone who speaks your language before the case can go forward.

H. Parents Who Are Undocumented Immigrants

WILL I BE DEPORTED? Not by CPS. CPS is not an immigration agency and does not deport people. Children and families who are involved with CPS are entitled to services whether or not they are here legally. U.S. Immigration and Customs Enforcement (ICE) is the only government office that can start deportation proceedings.

WILL PEOPLE IN MY HOME COUNTRY FIND OUT WHAT'S GOING ON WITH CPS? Yes. CPS is required to notify the home country whenever a child who is not a U.S. citizen comes into CPS custody. The only time this law does not apply is when a child is a citizen of both the U.S. and some other country. In all other cases, whether the child is undocumented or has permanent resident or some other legal status, CPS must give notice to the home country.

I'M WORRIED THAT SOMETHING I SAY WILL BE USED TO DEPORT ME OR MY CHILD. WHAT CAN I DO? Remember, CPS does not deport children or families. It is important to always give accurate and true information to CPS, even if you or your child are undocumented. You want to be sure that you and your child receive all of the benefits and services to which you have a right.

I. Parents With Native American/Indian Heritage

The Indian Child Welfare Act (ICWA) is a federal law that protects the best interests of Indian children. The goal of ICWA is to preserve Native American families and culture. There are special rules that CPS must follow if your child is a member of an Indian tribe or eligible for membership in a tribe.

Indian Child and Custody Proceedings have specific definitions under federal law. If you know (or think) your family has any Native American or Indian heritage tell your caseworker right away and tell the judge at the very first hearing or until it is addressed by the court! If your tribe confirms that you or your child are members or even if your child is only eligible to be a member, ICWA applies.

Your tribe can choose to get involved in the state court case or ask for the case to be transferred to a tribal court. You have the right to be notified of any proceeding that involves your child in tribal court. You also have the right to object to the case being transferred to a tribal court, but the tribe's decision to transfer the case trumps the parent's objection.

There are special protections for children under ICWA. Before removing your child, CPS must take extra steps to try to avoid breaking up the family, and must do so in a way that takes the family's culture into account. If your child still must be removed, CPS must try to place your child with extended family or a foster family that is approved by the Indian tribe. There are also special protections in place if you want to consent to foster care placement or consent to termination of your parental rights.

A non-Indian parent of an Indian child has the same rights as an Indian parent, if the child is considered a member or eligible for membership in an Indian tribe. An "alleged father" must admit paternity or be declared the child's "legal father" before being recognized as a parent for purposes of ICWA.

J. Victims of Domestic Violence

CAN MY CHILDREN BE REMOVED EVEN IF THEY ARE NOT BEING HARMED BY THE DOMESTIC VIOLENCE? Yes. Domestic violence is a safety risk factor for children and not protecting your child from that risk is a type of neglect. "Abusers" are people who commit domestic violence and they are more likely to abuse their children as well. Children may suffer emotional and mental harm if they witness or live in a home where someone is abusing a parent or caregiver. Children can also get hurt if they are present during a fight or try to protect a parent from violence. As a parent, it is your responsibility to protect your child from these dangers. Your CPS caseworker can refer you to services and talk to you about options that may help.

CAN MY PARENTAL RIGHTS BE TERMINATED IF I AM NOT WILLING TO BREAK-UP WITH MY ABUSIVE SPOUSE, BOYFRIEND, OR GIRLFRIEND? Yes. If you do not leave an abusive partner or take steps to "kick out" an abusive person from your home, CPS and the court may take it as a signal that you are not willing or able to protect your children from the violence.

WHAT CAN I DO TO KEEP MY CHILDREN SAFE FROM THE VIOLENCE?
Here are some general strategies to consider for keeping your family safe:

- Make a safety plan and share it with your children if it is appropriate and will help them to stay safe; you can call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) for help in creating a plan

- Find a safe space away from the abusive person; this may mean going to a shelter for victims of domestic violence, staying with a trusted relative or friend, or taking steps to remove the abuser from your home; you can discuss these options and the emergency shelter resources available in your community with your CPS worker

- Consider getting a protective order to limit the abuser's access to your house and/or your children, or custody orders that keep the abuser from having unsupervised contact with your children

- Find supportive services for yourself and your children, such as counseling, parenting classes, and positive bonding activities, to help you heal from the abuse

- Make sure that anyone caring for your children is able and willing to keep the children safe and not let the abuser near them; this includes anyone who is caring for your children, even grandparents and other family members

WILL CPS BECOME INVOLVED WITH MY FAMILY IF WE ARE IN A DOMESTIC VIOLENCE SHELTER? No. Going to a shelter does not lead to an "automatic" report to CPS. CPS will get involved with your family only if someone reports abuse or neglect that affects your children. Seeking shelter in a domestic violence program is a good step to protect your child.

Staying in the shelter may be the best way to protect you and your child. Working with shelter staff and using community resources is a good sign that you can protect your child. If CPS is involved, your caseworker may offer services or resources to help you as well.

WHAT HAPPENS IF I ALREADY HAVE AN OPEN CPS CASE WHEN I COME TO THE SHELTER? Tell your CPS caseworker that you have moved to the shelter and let them know how to get in touch with you. Your caseworker, as well as shelter staff, will help you. They are concerned about your safety and your children's safety.

WILL CPS TELL ANYONE ELSE WHERE WE ARE? No. By law, CPS must tell both parents when an investigation is started, but CPS does not need to tell the location of the investigation or where you or your children are staying. Talk to your CPS case worker if you are worried about the abuser having information about you or the investigation. Make sure you know when and what information will be shared with the abuser so that you can safety plan as needed.

WHAT HAPPENS WHEN I LEAVE THE SHELTER? When you leave the shelter, you will need a plan to protect yourself and your children. If CPS is working with you, discuss your options with your caseworker. Having a safety plan in place to protect you and your children is important. This might include getting a protective order from the court or taking other steps to keep the abuser away from you and your family.

K. Parents Who Are Not Able to Care For Their Child

Some parents may find that they simply cannot care for their child. Maybe you are a young mother with no family support to help you care for a baby. Or maybe your child has serious medical or mental health issues, and you cannot care for the child now that he is bigger and stronger. Situations like these can lead to a "voluntary relinquishment of parental rights." This means you are agreeing to have CPS take custody and for the court to limit or terminate your parental rights.

MY CHILD SUFFERS FROM SEVERE EMOTIONAL DISTURBANCE AND NEEDS MORE HELP THAN I CAN PROVIDE. WHAT CAN I DO? Some children have such severe needs – behavioral, emotional, or medical – that it can be difficult for families to give them the level of care needed to keep them safe at home. These children may need specialized care, such as staying at a Residential Treatment Center or receiving intensive outpatient services, which can easily cost more than most families can afford. In these cases, parents sometimes ***"refuse to accept parental responsibility"*** and CPS takes custody of their child so the child can receive necessary mental health services. There are also cases where CPS works with the Department of State Health Services (DSHS) to serve families so that parents are not forced to give up parental rights solely so that their children can get the services they need. You will need to talk with your caseworker and your lawyer about which options are available to you, if you are in this situation.

One challenge facing parents in this situation is that there are not enough agencies or services available to serve all of the children and youth who need help. Because of this, it is important that you do everything possible to learn what help is available and how best to advocate for your child. Here are some tips to help you get started:

DOCUMENT EVERYTHING! You should create a timeline of your child's behaviors and needs. Keep track of anything related to your child's needs, including, for example, hospital visits, residential treatment center stays, or police checks on your home.

CREATE A SUPPORT SYSTEM! Family, friends, neighbors, religious community – you need to create a support system for yourself and your family; don't try to go it alone.

ASK QUESTIONS! You will have to work with many systems. Try to figure out everyone's role in serving your child. If it's not clear or you don't understand what is happening, you need to ask questions.

DON'T BE AFRAID TO SAY NO! You know your child best. Don't be afraid to step in if you think the services offered are not right for your child.

YOU ARE PART OF A TEAM! You will be working with different systems and partners. Be respectful, patient, and remember that, in the end, you all share the same goals for your child.

BE PATIENT! Understand that this is a long process and will have many ups and downs. You will need to be patient at many steps along the way.

If you are a parent in this situation, visit www.dshs.state.tx.us/mhsa/mh-child-adolescent-services/ for more information about what services might be available. You can also connect with groups that work on behalf of this population, for example, Disability Rights Texas (https://www.disabilityrightstx.org/), for legal advice and advocacy training, or Texas Parent 2 Parent (http://www.txp2p.org/), for advocacy and support.

L. Parents With a History Of Drug/Alcohol Use

Using drugs or alcohol can affect your ability to parent in lots of ways. This is true even if you don't use every day or you are careful not to use when you are around your children.

Here are just a few examples of the way that you can harm your child if you choose to use drugs or alcohol:

- Exposing an unborn baby to harm by using drugs or alcohol while you're pregnant
- Exposing them to harm through breast milk, second-hand smoke, or drugs/alcohol left lying around the house in reach
- Exposing them to harm by your being in a drug stupor or drunk; dangers from impaired decision-making include children drowning, children being smothered by their sleeping parent, or children who wander away from the home or are left unsupervised
- Spending money on drugs, rather than on food, housing, or other household needs
- Getting arrested or locked up, which can result in large fines and can cause you to lose your job or housing, or to get kicked out of school
- Using your time to find drugs or ways to pay for drugs, rather than spending time with and caring for your children
- Making your home unsafe by hanging out with other drug users and dealers who want to sell you drugs

Your Service Plan needs to address only the problems that you are actually experiencing. You need to be sure that you get the services and treatment programs that YOU need to address the concerns that lead CPS to remove your children in the first place.

"Why am I like this? What's wrong with me? What happened to my life?"

– Parent Collaboration Group Parent Liaisons

WHAT WILL CPS LIKELY ASK ME TO DO IF DRUGS/ALCOHOL ARE PART OF MY CASE? CPS will ask a lot from you if drug/alcohol use are part of the reason why CPS is involved with your family. This is true whether or not you are using now. Examples of what you may need to do to show CPS that drugs/alcohol are not a concern, include:

- Unannounced drug testing
- Talking with your caseworker about why you use drugs/alcohol and how your use affects your parenting; the conversations may be hard, but they will be necessary if you want to get your children home
- A Drug and Alcohol Assessment to make sure that you receive the appropriate treatment for your addiction; the caseworker will expect you to follow the recommendations of that evaluation even if it recommends that you enter an inpatient facility
- Supervised visits with your child so that the caseworker can pay close attention to your behavior when you are around your child and to make sure that you are not under the influence of drugs or alcohol during the visit

CAN MY CHILD STAY WITH ME WHILE I AM IN DRUG/ALCOHOL TREATMENT? Probably not. Whether your child can stay with you during treatment will depend on the program and where you live. A few counties have family drug courts that allow parents and children to live together at a recovery facility. Otherwise, it is unlikely that this will be an option.

Ask your CPS caseworker what is possible and let her know how important it will be for your long-term success to be able to keep your child with you during treatment.

"I did the best with what I knew; the problem was that I didn't know much."

– Parent Collaboration Group Parent Liaisons

14 Moving Forward

The CPS case is over. The court has made a decision. And it is time for you and your family to move forward – that might mean grieving the loss of a child, if you lose your parental rights, or bringing your child back home after a long period of disruption and change. This section offers information and tips on how to help you and your family heal.

My Child Is Not Coming Home, How Do I Move Forward?

Losing any child – no matter how or why – is a terrible loss. Whether you voluntarily agree to give up your parental rights, or you go to court and a judge takes away your parental rights, losing a child can be heartbreaking. Recognize that you are grieving this loss and try to work through your grief in a healthy way. Pushing away sadness is not an answer and can actually make a bad situation even worse.

Right now, you need to be with people you trust and who can support you. You might feel like you have failed as a parent and this can be hard to admit to someone else. But it is important to find ***someone***. If you are religious, you might reach out to your religious leader or community for help. ***You should not be alone at this time.***

Another option, if you can afford it, is to seek counseling. You can ask your lawyer to see if therapy can continue for some period of time after termination. Sometimes CPS will continue to pay for this support, especially if you are planning for a "good bye" visit.

Take time to care for yourself. Understand how your physical health and your mental health are related. Being physically well makes you mentally and emotionally stronger. Exercise, eat right, drink water, hang out with positive people, and avoid harmful relationships.

Take time to care for any other children still living with you. For many parents, even if CPS removes one child from a home (often a baby or younger child) it does not mean that all of the children are gone. It is important for you to get healthy and to continue to work on any problems that caused CPS to get involved with your family in the first place. You don't want to risk CPS coming back into your life with concerns for any other children you have now (or might have in the future)!

Losing parental rights does not always mean the end of any relationship your child. Some children search for their birth families later on and want to re-establish links with their parents. For children who do not get adopted, CPS has a duty to keep searching for a permanent placement even after the court enters a final order. Some parents – even ones who have had their parental rights terminated – may be able to show CPS that they are doing much better. If so, it's possible that CPS will decide that you can safely care for the child at a future date. These are not common endings, but they are possible.

Finally, if your child is not returned to you at the end of the case, you may be able to appeal the jury or court's decision. You need to discuss this with your lawyer right away because appeals have strict rules and time limits. Legally, your lawyer must assist you with an appeal unless the court allows the lawyer to withdraw and substitutes another lawyer to take his or her place.

My Child Is Coming Home! What Should I Do Now?

Your child may have been living away from you for over a year – that is a long time! It may be strange to have your child back in your home – your child has grown up a lot and may have different interests or habits. Your child might go to a different school, like different food, have new friends, or go to bed at a different time than he did before. Your child has already gone through so much, it is important to make the transition back home as easy as possible.

PREPARE EARLY! Your child has probably lived away from you for several months or maybe even a year. Taking care of your child on your own may be a challenge and is something you must plan for. Ask your lawyer to help you figure out a good plan to follow as your child returns home. If you have appropriate friends and family, be sure they are there to act as a safety net. If you have never parented your child while clean and sober, you must think about that now. Be sure you're ready to cope with being a parent on a 24/7 basis without any type of alcohol, drugs, or other legal or illegal medications that might cloud your judgment about your child's care and safety.

Consider also whether your child will have to change schools when he comes home. If so, find out what you need to do to enroll your child in school. Think about how your child will get to school and get home after school. Maybe your child needs a new daycare. You need to figure out services and schooling NOW, before your child comes home.

PLAN FOR NEW SCHEDULES OR HABITS. Your child probably has grown up a lot in the time he has been away from you, and his daily habits may have changed quite a lot, too, from when last he lived with you. Here are some things you might want to ask about:

- ***Schedule.*** Your child might have had time set aside every night to work on homework. He might get up at a set time every morning to eat breakfast and get ready for school. If your child is doing well, you will want to help him keep these routines going.

- ***Food.*** Ask about what he has been eating. Maybe he can show you something he learned to cook or you can find some recipes to make together.

- ***Chores.*** Think about how he can help you with household chores once he returns home. Does he like to do laundry? Wash dishes? Take out the trash? It is good for you and your child to work together on these things.

- ***Activities.*** If you child is involved in new activities, for example sports or music, learn what is needed to keep him involved. It's good for kids to stay active and interested in things outside of the home.

COLLECT YOUR CHILD'S UPDATED MEDICAL INFORMATION. Ask about health insurance and find out if and when it will expire. Get the names and contact information of any doctors your child has been seeing. Ask about any medicines your child may be taking and make sure you know the dosage instructions. Find out if your child has doctor's appointment coming up – put them on the calendar now.

MONITORED RETURN. When your child comes home, the court will likely keep CPS involved and continue to hold review hearings for a while to monitor the situation. This is sometimes called a "Monitored Return." The Monitored Return can last up to six months and during that six months, you may go to court one time or several times so the court can decide the right time to dismiss your case. The Monitored Return period is a very critical time because if your child is re-removed from your care during the Monitored Return period, there can be serious consequences. Depending on why your child is removed again, you may not have time to address CPS's concerns the way you did before your child came home. The law requires that the court finalize the case within six months of the date your child is re-removed from your care. There will be little to no time to complete drug rehab or go through parenting classes or therapy. A good transition plan is critical to your child being able to stay with you without the possibility of CPS re-removing him or her from your care.

What Can I Do to Keep CPS Out Of My Life?

Too often, the same families become involved with CPS more than once. Hopefully, you and your child will never be involved with CPS again. To avoid CPS coming back into your life, it is important to understand why they got involved with you the first time. Why did CPS think you were an unsafe parent? You need to make sure these issues do not come up again.

Here are some common risk factors – do any of them apply to you?

- Your child has special needs such as medical or behavioral issues
- You have mental health issues
- You have trouble finding and keeping a job
- You have trouble finding and keeping housing
- You have been arrested more than once
- You do not have family or friends who can help you
- You have been a victim of domestic violence
- You have abused drugs or alcohol
- You have trouble keeping your house clean and safe
- You have trouble making sure your child is clean, well-fed, dressed appropriately, and gets to school on time
- You have trouble controlling your anger
- You don't know very much about community resources like food banks, shelters, and public transportation

Be honest with yourself about where you have struggled in the past. No parent is perfect and sometimes things will go wrong. ***But the most important thing is that you are able and willing to keep your child safe.***

For example, if you have suffered with drug addiction in the past, it is possible that you could relapse. Know your triggers and avoid them. Keep going to AA or NA and have a sponsor. Have a plan for what to do if you need to check into rehab. Talk to friends and family about who will take care of your child if needed. Make sure they know your child's schedule and can take care of any medical needs if you are not available. Sign a medical consent form or give someone else power of attorney, just in case.

If you have lived with domestic violence in the past, have the same conversation – who will take care of your children if you need to remove them from the house to keep them safe? If you have a protective order, know when it will expire. Have a safety plan in place in case your abuser comes back into your life. Make sure you have a place to go and some things packed, just in case.

Nobody wants to have CPS in their lives, but if children are at risk of harm from abuse or neglect, CPS has no choice but to step in. As the parent, it is YOUR responsibility to take whatever steps are needed to keep your children safe!

"My scars became my child's wounds."

– Parent Collaboration Group Parent Liaisons

15 Managing Your Case: Resources & Case Planning

By now you know that a CPS case can be very complicated. There is so much going on, so many people you have to talk to, and so many important dates to remember. ***There is no way to remember everything unless you write it down!***

This section includes resources to help you manage your case and the many responsibilities that come with working with CPS and all of the people involved with your family right now. Keeping track of appointments, visits with your children, and class attendance can help you show the court and CPS how hard you are working to protect your children!

The following resources can help you keep it all straight.

CONTACT LOG. Record the name, email, phone number, address, and job title of everyone involved in your case.

IMPORTANT EVENT CHECKLIST. Record the date of every court hearing and CPS meeting and check it off after it's over; this will help you remember where you are in the case after months of hearings and other court proceedings.

PHONE LOGS. Every time you call your caseworker or someone else related to your case – even if you leave a message or if someone calls you about your case, write down the date, the person's phone number, the name of the person calling, and what you talked about. If you tried calling but the person wasn't there, write down what you said in the voice mail message.

VISITATION CHECKLIST AND LOG. Use a checklist to help you get ready EACH time you have a visit with your child. Also, fill in a line of the log EVERY time you visit with your child. Write down the date, the time, what you did during the visit, and anything else that seems important. For example, if you were late to the visit, write down why you were late; if the visit was cut short, write down what happened; if your child seemed upset, write down what seemed to be the problem and what you did to try and help.

CREATE ADDITIONAL LOGS. If necessary, and use them to record anything else that you think the judge or CPS might find important. For example, if you are paying child support, keep track of those payments. If you are searching for a job, keep track of where you are looking and if you have a job interview. And if you are attending AA, NA, or another support group, write down the date every time you go. If you can get someone to sign the log to prove that you attended the meeting, that's even better.

CREATE A TO DO LIST. This list can be based on your service plan, but can also include other things you need to do. For example, apply for help with housing, buy a new coat for your child, or call your friend about getting a ride to court next week. This is a good way to keep track of all the things that might be forgotten if they're not written down in one place.

MY SUPPORT SYSTEM. Identify the people in your life who can help support you. Write the contact information on your contact log. This could include friends, family members, counselors, teachers, sponsors, caseworkers, religious leaders, or employers. This will help you know who to reach out to in times of need.

A FEW LAST TIPS

Take this Guide with you to every meeting and every court date so that you can write down what happens.

Get a folder or staple a large envelope to the back of this Guide. You can use the folder to hold important letters, business cards, completion certificates (for classes and other services), and other notes.

As your caseworker for maps to the courthouse, the CPS office where you will go to meet with your caseworker or visit with your child, and any other place you need to go (for example, doctor's offices or drug testing locations). Keep these maps with this Guide so you have them when you need them most.

If you take the bus, you can ask your caseworker for help figuring out which bus route to take to court, CPS, or other places where you need to go for services or to visit with your child. Write the bus numbers down and keep them with this Guide and the rest of your case information.

Anytime you can't remember something or there is a disagreement about what you need to do (or have done), pull out this Guide and the logs and show it to the person you are talking to!

AND ALWAYS REMEMBER...

READ THIS GUIDE!

STAY ORGANIZED AND INVOLVED!

ADVOCATE FOR YOURSELF AND YOUR CHILD!

contacts

People Involved In My Case

My Caseworker
NOTES EMAIL ADDRESS PHONE

My Child's Lawyer
NOTES EMAIL ADDRESS PHONE

My Therapist
NOTES EMAIL ADDRESS PHONE

My Caseworker's Supervisor
NOTES EMAIL ADDRESS PHONE

My Child's CASA
NOTES EMAIL ADDRESS PHONE

My Parent Coach
NOTES EMAIL ADDRESS PHONE

My Lawyer
NOTES EMAIL ADDRESS PHONE

Other Parent's Lawyer
NOTES EMAIL ADDRESS PHONE

My Child's Therapist
NOTES EMAIL ADDRESS PHONE

contacts

Other Important Contacts

Name of Judge and Courthouse Information

NOTES EMAIL ADDRESS PHONE

Other

NOTES EMAIL ADDRESS PHONE

Other

NOTES EMAIL ADDRESS PHONE

My Child's Foster Parent

NOTES EMAIL ADDRESS PHONE

Other

NOTES EMAIL ADDRESS PHONE

Other

NOTES EMAIL ADDRESS PHONE

Other Caregiver

NOTES EMAIL ADDRESS PHONE

Other

NOTES EMAIL ADDRESS PHONE

Other

MEETINGS AND IMPORTANT EVENTS IN MY CASE

CPS OFFICE ADDRESS	COURT / HEARING ADDRESS	VISITATION ADDRESS

MEETING TYPE	DATE	TIME	NOTES
FAMILY GROUP CONF			
PERMANENCY PLANNING			
ADVERSARY HEARING			
STATUS HEARING			
1ST PERMANENCY HEARING			
2ND PERMANENCY HEARING			
MEDIATION			
TRIAL ON THE MERITS			
OTHER			

JANUARY 2015

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MEETINGS AND IMPORTANT EVENTS IN MY CASE

CPS OFFICE ADDRESS	COURT / HEARING ADDRESS	VISITATION ADDRESS

MEETING TYPE	DATE	TIME	NOTES
FAMILY GROUP CONF			
PERMANENCY PLANNING			
ADVERSARY HEARING			
STATUS HEARING			
1ST PERMANENCY HEARING			
2ND PERMANENCY HEARING			
MEDIATION			
TRIAL ON THE MERITS			
OTHER			

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Contacts with My Caseworker

DATE: _____ **TYPE** *(phone or in person)*: _____

We talked about: _____

_____

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_____

DATE: _____ **TYPE** *(phone or in person)*: _____

We talked about: _____

_____

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DATE: _____ **TYPE** *(phone or in person)*: _____

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Contacts with Others

DATE: _____ **TYPE** *(phone or in person)*: _____

We talked about: _____

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We talked about: _____

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VISITATION CHECKLIST AND LOG

CHECKLIST	SUPERVISED Y/N, BY WHOM	DATE	HOW LONG	ACTIVITIES YOU DID WITH YOUR CHILD
- CALL CASEWORKER TO CONFIRM VISIT 24 HOURS IN ADVANCE				
- MAKE SURE YOU HAVE TRANSPORTATION				
- BRING HEALTHY SNACKS				
- PREPARE ACTIVITIES AND GAMES				
- ARRIVE ON TIME				
- DRESS APPROPRIATELY				
- INQUIRE ABOUT HOW YOUR CHILD IS DOING IN HER FOSTER HOME, SCHOOL, OTHER				
- USE APPROPRIATE DISCIPLINE - NO PHYSICAL PUNISHMENT				
- GIVE EACH CHILD INDIVIDUAL ATTENTION				
- STAY POSITIVE THROUGHOUT THE VISIT				
- CELEBRATE SPECIAL OCCASIONS				

CPS OFFICE ADDRESS	VISITATION ADDRESS, IF DIFFERENT FROM CPS OFFICE

SERVICE PLAN ELEMENT	**DATE/TIME**	**LOCATION** *(if applicable)*	**MET WITH/ CONTACTED**	**NOTES** *(what was discussed)*	**FOLLOW-UP REQUIRED?**
Parenting Class or Coaching					
Drug/Alcohol Treatment					
Family Violence Education					
Individual Therapy					
In-Home Therapy or Services					

My Support System

Appendix A: Commonly Used Terms

ABUSE – Inflicting or causing physical injury, harm, or imminent danger to the physical health or welfare of a child other than by accidental means, including excessive corporal punishment. Physical injury includes, but is not limited to, bruising, bleeding, burns, fractures or substantial malnutrition.

ADJUDICATION – A finding by the judge that one or more of the allegations of abuse or neglect alleged in the state's Suit Affecting the Parent-Child Relationship are true.

ADOPTION – A legal process where a court grants exclusive, legal parental rights to an adult person other than the child's birth parent.

ALLEGATIONS – Sometimes called charges, allegations are statements made by DFPS about the abuse or neglect that DFPS believes happened or did not happen to a child.

APPEAL – A request to a Court of Appeals or to the Supreme Court to review and change the decision of a lower court.

ASSISTANT DISTRICT ATTORNEY (ADA) – An attorney who is employed by an elected state District Attorney who provides legal representation to the state in its prosecution of civil child abuse and neglect cases.

ATTORNEY AD LITEM (AAL) – An attorney appointed by the court to represent the legal rights and interests of a child in conservatorship of the state.

ATTORNEY/ATTORNEY AT LAW – Also called a lawyer, this person is licensed by the State Bar of Texas provide legal representation to persons, including parents, involved in CPS cases.

CAREGIVER – A person, parent, guardian, custodian, institution, or agency that is responsible for a child's care and welfare.

CASA (COURT APPOINTED SPECIAL ADVOCATE) – A person who appears at court hearing as a volunteer and who advocates for what he or she thinks is in the best interest of your child, as opposed to an attorney ad litem who advocates for your child's legal interests.

CASE MANAGER – In Texas, they are usually called a caseworker or a social worker who works for CPS.

CASE PLAN/FAMILY SERVICES PLAN – Sometimes called Family Service Plan. A written plan developed by the parent/caregiver and the caseworker that states what services will be provided by DFPS and others, and what is expected of the parent/caregiver, DFPS, and others.

CASEWORKER – An employee of CPS, which is part of the Department of Family and Protective Services. The caseworker makes sure your child is safe, develops case plans/family service plans, and provides services to your child, family and other caregivers.

CHILD ABUSE – Any non-accidental physical injury to the child.

CONCURRENT PLANNING – Each child in care has a permanency plan – a Plan A. The concurrent planning process requires CPS to develop a Plan B, which is the concurrent plan, and it is worked at the same time as the primary plan.

CONSERVATORSHIP (CVS) – The term Texas uses to describe your child's and your case status while your child is in foster care. You will have a CVS worker who will develop your case plan, monitor your child's placement, and testify at various hearings.

COUNTY ATTORNEY – Typically the county attorney represents the state in misdemeanor criminal cases and can also represent the Texas Department of Family and Protective Services or Child Protective Services (DFPS or CPS). Not all counties have a county attorney and a district attorney and instead have only one person who performs both functions of the county and district attorney.

COURT APPOINTED SPECIAL ADVOCATE (CASA) – a specially trained, non-lawyer volunteer appointed by the Court to represent the best interest the child and to report directly to the court.

COURT ORDER – Legal document that embodies what happens at each hearing, including findings of the judge regarding certain parties and activities. The order will tell parties what to do and what not to do, and everyone must follow the court's order or the judge can find you in contempt of the court order.

COURT ORDERED SERVICES (COS) – Instead of removing a child, CPS can ask that you be ordered to participate in services. If services are ordered and you don't do them, CPS may ask that your child be removed, leading to Temporary Managing Conservatorship (TMC).

CPS HISTORY – Your family's past involvement with CPS. This include: investigations regarding you, your child/children and other parent(s) of your children. It includes your CPS history as an adult and a child.

CUSTODY – The term that describes which adult or who has the authority to decide where a child will live.

DENIAL OF CRITICAL CARE – When a child is denied adequate food, shelter, clothing or other care necessary to the child's health and welfare.

DISPOSITION – What the judge decides should happen in a case, including where a child should live, the visiting plan, what is expected of the caregiver in order for the child to be reunited with his or her family if the child is in foster care, and other matters.

EXTENSION – Legally, child abuse and neglect cases must end within 12 months, but the court can order a six month extension of the case if extraordinary circumstances exist.

DISTRICT ATTORNEY – Typically, the district attorney represents the state in felony cases and can also represent the Texas Department of Family and Protective Services or Child Protective Services (DFPS or CPS). Not all counties have a county attorney and a district attorney and instead have only one person who performs both functions of the county and district attorney.

FAMILY SERVICE PLAN – The document that spells out all the services CPS will provide the family to help reunify the child. It may also spell out services needed for the child to be adopted by a relative or a non-relative. It will also include the time frame within which CPS must provide the services. It must be developed with the parent, signed by the parent, and approved by the judge.

FINAL ORDER – The court must issue a Final Order in each case within 12 to 18 months from the date a child is removed from his/her home and placed in foster care. The Final Order usually determines the status of parents' rights, conservatorship of the child, and the rights, duties, and responsibilities of any parent whose rights are not terminated.

FINDINGS – Findings are determinations that the court makes about certain activities in the case based on the evidence presented by the parties.

FOSTER CARE – System that provides substitute homes for children when children cannot be placed with relatives.

GUARDIAN – Person appointed by the court who has the legal right to make important decisions in a child's life including consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment, adoption, and to make other decisions involving protection, education, and care and control of the child.

GUARDIAN AD LITEM (GAL) – The Guardian ad Litem can be a CASA volunteer or a lawyer or another person appointed by court. If the GAL is a lawyer, the person is likely serving two roles – that of the lawyer and that of the GAL. This is allowed by Texas law.

HEARING – Formal court proceeding where witnesses are sworn and testimony is taken to help the court determine facts of the case, monitor the activities of the case, and help parties finalize the case plan.

HOME STUDY – A report about the home in which a child is placed or is going to be placed. It also involves all people living in the home. This can take weeks or months to complete, and must usually be completed before a child can be placed in the home.

INDIAN CHILD WELFARE ACT (ICWA) – A law that was established to protect the legal rights of children with American Indian or Native American heritage. It provides children and families with Native American heritage additional protections and rights in child welfare cases.

JUDGE – A person who presides over a case and makes final decisions about the rights of parties, where children will live, and duties that CPS or other parents have regarding the children involved in a case.

LACK OF SUPERVISION – Failing to supervise the child to the extent that there is a danger of the child suffering significant harm, injury, or death.

MEDIATION – A meeting that is court ordered where all the parties (CPS, parents, and attorney for child) come together and try to reach an agreement about what should happen with the child and family instead of going to trial.

MODIFICATION – A hearing to decide if the court should change a court order for a good reason.

MULTI-DISCIPLINARY TEAM (MDT) – Persons appointed by the judge who are required to meet and address the family history and issues. The team makes recommendations to the judge about the child's best interests and the services the family should receive.

NEGLECT – When a caregiver has failed or refused to provide adequate care, maintenance, supervision, education, medical care, or any other care necessary to a child, which places the child at risk.

OSAR (OUTREACH SCREENING ASSESSMENT AND REFERRAL) – A drug and alcohol assessment that involves a person self-reporting their own drug and alcohol use. This program helps determine whether or not the State will fund drug or alcohol treatment.

PC (PERMANENCY CONFERENCE) – Held by CPS to review the service plan and goals for the family.

PMC (PERMANENT MANAGING CONSERVATORSHIP) – Permanent custody given to the state or another adult. PMC to the state continues until the child exits the foster care system. PMC can be awarded to the state regardless of whether parental rights are terminated.

PERMANENCY – Permanency is the permanent living arrangement for a child as decided by a judge. (Examples of permanency include when a child is returned home, adopted, or placed with a relative or other person. A child who is in the PMC of the state is not considered to have permanency or a permanent living situation.

PERMANENCY REVIEW HEARING – A court hearing held to review how the family is doing with its service plan and in making the changes needed to have the children returned home or to fulfill the alternative or concurrent plan.

PETITION – A formal legal document stating the allegations of abuse and/or neglect and requesting that the court take action or grant a party's request such as allowing the state to have conservatorship of a child.

PROTECTIVE PARENTING – A type of parenting training or class that educates parents on how to be protective so that abuse or neglect of their children does not occur in the future.

PSYCHIATRIC EVALUATION – Service that may be court ordered or included on the family plan developed by CPS. Evaluates mental health of parent or child; the psychiatrist who does the evaluation can prescribe medicine, if necessary.

PSYCHOLOGICAL EVALUATION – Service that may be court ordered or included on the family plan developed by CPS. Evaluates a person's level of functioning, intellectual abilities, and whether parent has a mental illness. The psychologist who does this evaluation cannot prescribe medicine, but can make recommendations on needed services.

REASONABLE EFFORTS -The efforts and services that CPS must provide to parents in order to prevent or eliminate the need to remove a child from the home, to reunify the child with the parent or family, and if that cannot be accomplished, the efforts and services made to finalize the child's permanency plan, whatever it is (such as adoption).

RELATIONSHIP/RELATIVE PLACEMENT – The placement of a child in the home of a relative or family friend instead of with foster parents.

RELINQUISHMENT – A legal action where the parent voluntarily gives up their parental rights to the child.

REMOVAL – When the court determines a child is at risk of harm if left in the home and orders that the child be placed in another home or institution.

RETURN AND MONITOR – Order that allows CPS to keep temporary custody of the child, but the child returns to the parents and is intensively monitored by CPS. Can last up to 6 months.

REVIEW HEARINGS – The court must review the cases of all children in foster care after six months and at least every 12 months after that.

REVIEW HEARINGS – The court must review all cases for children in foster care four to six times before the court issues a Final Order required by the Texas Family Code. Once a court issues a Final Order, the court must conduct a review hearing every four to six months until the child exits the foster care system.

SERVICE PLAN – CPS plan of what the services CPS will offer the parent and that the parent needs to accomplish in order for the child to be returned home to the parent.

SERVICE PROVIDER – Agencies, individuals and organizations who contract with CPS to provide treatment or supervision services for families.

SUIT AFFECTING THE PARENT CHILD RELATIONSHIP (SAPCR) – Type of law suit filed by CPS that affects the parent-child relationship.

TERMINATION OF PARENTAL RIGHTS – This means that a parent no longer has any legal rights to the child. A parent may still have a duty to support the child until the child is adopted. The child may also inherit from the parent.

TMC (TEMPORARY MANAGING CONSERVATORSHIP) – Legal order that gives temporary custody to CPS.

UA (URINALYSIS) – Term frequently used to mean a drug test. Providing a UA may be a task ordered or included on the family plan of services. This isn't the only form of drug test CPS may ask for.

Appendix B: Common Abbreviations and Acronyms

Acronym	Description
AAL	Attorney Ad Litem
ACTS	Worker – Aftercare Transitioning Services (through Lifeworks)
ACYF	Administration of Children, Youth and Families – Division of US Health and Human Services
ADA	Assistant District Attorney
ADHD	Attention Deficit/Hyperactivity Disorder
ADO	Adoption Worker
AG	Attorney General
AHT	Abusive Head Trauma, including Shaken Baby Syndrome
AOP	Acknowledgment of Paternity
APS	Adult Protection Services
ARD	Admission Review and Dismissal
BIA	Bureau of Indian Affairs
BVS/VSU	Bureau of Vital Statistics (Vital Statistics Unit)
CAC	Child Advocacy Center
CAPTA	Child Abuse Prevention and Treatment Act
CAS	Child Advocacy Specialist
CASA	Court Appointed Special Advocate
CCEJ	Court of Continuing and Exclusive Jurisdiction
CDIB	Certificate of Degree of Indian Blood
CFRC	Child Fatality Review Committee
COS	"Circle of Support" Meeting or "Court Ordered Services"
CPA	Child Placing Agency
CPC	Child Protection Court

CPS	Child Protective Services
CPSHB	Child Protective Services Handbook
CPU	Child Placement Unit
CRCG	Community Resource Coordination Group
CRP	Community Reintegration Project
CVS	Conservatorship Worker/Unit
CWB	Child Welfare Board
DADS	Texas Department of Aging and Disability Services
DEIC	Designated Emergency Infant Care (Baby Moses Locations)
DFPS	Department of Family and Protective Services
DIF	Desarollo Integral de Ia Familia
DNR	Do not resuscitate order
DSHS	Texas Department of State Health Services
DSM-V	Diagnostic and Statistical Manual of Mental Disorders
ED	Emotional Disturbance
FA	Father
FAS/FASD	Fetal Alcohol Syndrome or Fetal Alcohol Stress Disorder
FBSS	Family Based Safety Services
FGC/ FGDM	Family Group Conference or Family Group Decision Making
FP	Foster Parents
FTM	Family Team Meeting
FTT	Failure to Thrive
GAL	Guardian ad Litem
HHS	Health and Human Services

HHSC	Texas Health and Human Services Commission(umbrella agency over DFPS)
HSEGH	Health, Social, Educational and Genetic History
ICAMA	interstate Compact on Adoption & Medical Assistance
ICARA	International Child Abduction Remedies Act
ICPC	Interstate Compact for the Placement of Children
ICWA	Indian Child Welfare Act
IDEA	Individuals with Disabilities Education Act
IEP	Individualized Education Plan
ISP	Individualized Service Plan (treatment meeting)
IV-B IV-E	Titles IV B and E of the Social Security Act
JMC	Joint Managing Conservatorship
JPO	Juvenile Probation Officer
LD	Learning Disabled
LOC	Level of Care
IOP	Intensive Outpatient
MEPA	Multi-Ethnic Placement Act
MEPA-IEP	Multi-ethnic Placement Act, as amended by the Interethnic Adoption Act
MGF	Maternal Grandfather
MGM	Maternal Grandmother
MHMR	Former Texas Department of Mental Health and Mental Retardation
MO	Mother
MSA	Mediated Settlement Agreement
MSP	Munchausen Syndrome by Proxy
NCIC	National Crime Identification Center (source of criminal background checks)
NOS	Not Otherwise Specified

NSUP	Neglectful Supervision
OAG	Office of Attorney General
PAL	Preparation For Adult Living
PC	Permanency Conference
PGF	Paternal Grandfather
PGM	Paternal Grandmother
PHAB	Physical Abuse
PKPA	Parental Kidnapping Prevention Act
PMC	Permanent Managing Conservatorship
PO	Parole Officer
R/0	Ruled Out
RAD	Reactive Attachment Disorder
RAPR	Refusal to Accept Parental Responsibility
RSDI	Retirement, Survivor and Disability Insurance (Social Security benefit)
RTB	Reason To Believe
RTC	Residential Treatment Center
SANE	Sexual Assault Nurse Examiner
SAPCR	Suit Affecting the Parent/Child Relationship (a.k.a Original Petition)
SBS	Shaken Baby Syndrome aka Abusive Head Trauma
SIDS	Sudden Infant Death Syndrome
SIJS	Special Immigrant Juvenile Status
SSI	Supplemental Security Income (Social Security benefit for a disabled person)
SWI	Statewide Intake
SXAB	Sexual Abuse
TAC	Texas Administrative Code

TANF	Temporary Aid for Needy Families
Title IV-E	Title IV-E of the Social Security Act
TMC	Temporary Managing Conservatorship
TPR	Treatment Plan Review
TPR	Termination of Parental Rights
UCCJEA	Uniform Child Custody Jurisdiction Enforcement Act
UTD	Unable To Determine
YFT	Youth For Tomorrow

"I justified it by saying "I'm just doing what was done to me."

– Parent Collaboration Group Parent Liaisons

Appendix C

Texas Child Welfare Statutes

Texas Family Code Section 261.001. DEFINITIONS.

(1) "Abuse" includes the following acts or omissions by a person:

(A) mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(B) causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;

(C) physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

(D) failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(E) sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(F) failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(G) compelling or encouraging the child to engage in sexual conduct as defined by Section 43.01, Penal Code, including conduct that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(a)(2), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

(H) causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Section 43.21, Penal Code, or pornographic;

(I) the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(J) causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(K) causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code; or

(L) knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Section 20A.02

(4) "Neglect" includes:

(A) the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

(B) the following acts or omissions by a person:

(i) placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child;

(ii) failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

(iii) the failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

(iv) placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child; or

(v) placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse under Subdivision (1)(E), (F), (G), (H), or (K) committed against another child; or

(C) the failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

Texas Family Code Section 263.307. FACTORS IN DETERMINING BEST INTEREST OF CHILD.

(a) In considering the factors established by this section, the prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest.

(b) The following factors should be considered by the court, the department, and other authorized agencies in determining whether the child's parents are willing and able to provide the child with a safe environment:

(1) the child's age and physical and mental vulnerabilities;

(2) the frequency and nature of out-of-home placements;

(3) the magnitude, frequency, and circumstances of the harm to the child;

(4) whether the child has been the victim of repeated harm after the initial report and intervention by the department or other agency;

(5) whether the child is fearful of living in or returning to the child's home;

(6) the results of psychiatric, psychological, or developmental evaluations of the child, the child's parents, other family members, or others who have access to the child's home;

(7) whether there is a history of abusive or assaultive conduct by the child's family or others who have access to the child's home;

(8) whether there is a history of substance abuse by the child's family or others who have access to the child's home;

(9) whether the perpetrator of the harm to the child is identified;

(10) the willingness and ability of the child's family to seek out, accept, and complete counseling services and to cooperate with and facilitate an appropriate agency's close supervision;

(11) the willingness and ability of the child's family to effect positive environmental and personal changes within a reasonable period of time;

(12) whether the child's family demonstrates adequate parenting skills, including providing the child and other children under the family's care with:

(A) minimally adequate health and nutritional care;

(B) care, nurturance, and appropriate discipline consistent with the child's physical and psychological development;

(C) guidance and supervision consistent with the child's safety;

(D) a safe physical home environment;

(E) protection from repeated exposure to violence even though the violence may not be directed at the child; and

(F) an understanding of the child's needs and capabilities; and

(13) whether an adequate social support system consisting of an extended family and friends is available to the child.

(c) In the case of a child 16 years of age or older, the following guidelines should be considered by the court in determining whether to adopt the permanency plan submitted by the department:

(1) whether the permanency plan submitted to the court includes the services planned for the child to make the transition from foster care to independent living; and

(2) whether this transition is in the best interest of the child.

Texas Family Code Section 263.008. FOSTER CHILDREN'S BILL OF RIGHTS.

(a) In this section:

(1) "Agency foster group home," "agency foster home," "facility," "foster group home," and "foster home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) "Foster care" means the placement of a child who is in the conservatorship of the department or an authorized agency and in care outside the child's home in an agency foster group home, agency foster home, foster group home, foster home, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

(3) "Foster children's bill of rights" means the rights described by Subsection (b).

(b) It is the policy of this state that each child in foster care be informed of the child's rights provided by state or federal law or policy that relate to:

(1) abuse, neglect, exploitation, discrimination, and harassment;

(2) food, clothing, shelter, and education;

(3) medical, dental, vision, and mental health services, including the right of the child to consent to treatment;

(4) emergency behavioral intervention, including what methods are permitted, the conditions under which it may be used, and the precautions that must be taken when administering it;

(5) placement with the child's siblings and contact with members of the child's family;

(6) privacy and searches, including the use of storage space, mail, and the telephone;

(7) participation in school-related extracurricular or community activities;

(8) interaction with persons outside the foster care system, including teachers, church members, mentors, and friends;

(9) contact and communication with caseworkers, attorneys ad litem, guardians ad litem, and court-appointed special advocates;

(10) religious services and activities;

(11) confidentiality of the child's records;

(12) job skills, personal finances, and preparation for adulthood;

(13) participation in a court hearing that involves the child;

(14) participation in the development of service and treatment plans;

(15) if the child has a disability, the advocacy and protection of the rights of a person with that disability; and

(16) any other matter affecting the child's ability to receive care and treatment in the least restrictive environment that is most like a family setting, consistent with the best interests and needs of the child.

(c) The department shall provide a written copy of the foster children's bill of rights to each child placed in foster care in the child's primary language, if possible, and shall inform the child of the rights described by the foster children's bill of rights:

(1) orally in the child's primary language, if possible, and in simple, nontechnical terms; or

(2) for a child who has a disability, including an impairment of vision or hearing, through any means that can reasonably be expected to result in successful communication with the child.

(d) A child placed in foster care may, at the child's option, sign a document acknowledging the child's understanding of the foster children's bill of rights after the department provides a written copy of the foster children's bill of rights to the child and informs the child of the rights described by the foster children's bill of rights in accordance with Subsection (c). If a child signs a document acknowledging the child's understanding of the foster children's bill of rights, the document must be placed in the child's case file.

(e) An agency foster group home, agency foster home, foster group home, foster home, or other facility in which a child is placed in foster care shall provide a copy of the foster children's bill of rights to a child on the child's request. The foster children's bill of rights must be printed in English and in a second language.

(f) The department shall promote the participation of foster children and former foster children in educating other foster children about the foster children's bill of rights.

(g) The department shall develop and implement a policy for receiving and handling reports that the rights of a child in foster care are not being observed. The department shall inform a child in foster care and, if appropriate, the child's parent, managing conservator, or guardian of the method for filing a report with the department under this subsection.

(h) This section does not create a cause of action.

Appendix D

State Resources

- National Parent Hotline: 1-855-4A PARENT or 1-855-427-2736, Food/Clothing/Housing/Health Care, SNAP Food Benefits
- Texas Workforce Commission: 1-800-822-7526
- Goodwill Industries
- The Partnership for a Drug-Free Texas
- Texas Substance Abuse Hotline: 1-877-9-NO-DRUG (1-877-966-3784)
- Texas Runaway Hotline: 1-888-580-HELP (1-888-580-4357)
- Texas Youth (and Parents) Hotline: 1-800-210-2278
- National Domestic Violence Hotline: 1-800-799-SAFE (1-800-799-7233)
- State Bar of Texas Lawyer Referral and Information Service (LRIS): 1-800-252-9690, matching service only; does not provide legal advice
- Texas Attorney General Child Support Division
  1-800-252-8014 (Automated case and payment information)
  1-866-255-2006 *(Acknowledgement of paternity questions)*
  1-866-292-4636 (Access and Visitation Hotline) www.txaccess.org

Appendix E

VISITATION PLAN

CHILD PROTECTIVE SERVICES - PERMANENCY AND CONSERVATORSHIP

Purpose: This form documents the visitation schedule that the caseworker has developed with the parents.

Instructions: This form may only be completed by Conservatorship (CVS) staff.

Directions: Conservatorship (CVS) staff document the responses to each question below and provide the parent with the Visitation Expectations Document. Once completed, the worker obtains signatures, makes copies, gives the parents a copy and files the original in the case record. For additional information on constructing a visitation plan, see the Child and Family Visitation Best Practice Guide.

Note to parents:
While your children are in DFPS custody, you can have contact with them according to the plan outlined below, unless a court has ordered otherwise.

Your caseworker is required to develop the visitation plan in collaboration with you. Please make your desires for visitation and scheduling restrictions known to your caseworker during the development of this plan.

The visitation plan will be reviewed upon request by the parent or DFPS but no later than the next family service plan review.

Participants included in the visit (including siblings)	
Cause No:	
Case Name:	
Visitation Schedule	
STAGE OF SUPERVISION	☐ **Unsupervised** ☐**Low** ☐**Medium** ☐**High**
Are there any limitations on visits?	
Length of Visit	
Visitation Frequency	
Day and Time of Visit	
Visit Location (Options may include the home of the parents, relatives, or foster	

parent; CPS office; or other agreed upon location.)	
Visit Supervision (List all persons approved to supervise visits and their contact information.)	
Additional Supportive Adults (List any adults that the parent would like CPS to consider to supervise visits and aid in transportation.)	
If visits are supervised, address what needs to occur for visits to have less/no supervision	
List other approved forms of contact (Examples include email, social media, texting, or phone calls.)	
Rules and expectations for visits (including any rules regarding who may come to the visit)	
Services provided to support visitation (Address services that are being provided to the parent to assist with the visits, such as transportation, snacks, activities, etc.)	

I participated in the development of this visitation plan and a copy of the Visitation Expectations has been provided to me. I understand the plan and the Visitation Expectations as written.

Parent Signature: X	Date Signed:
Parent Signature: X	Date Signed:
Caseworker Signature: X	Date Signed:

STAGES OF SUPERVISION

	Unsupervised	Low	Medium	High
Stage of Supervision	Parent(s) can be alone with child. No monitor is present during the visit.	Visitation where the monitor may be present for a portion of the visit. Parent(s) would have some time alone with their child.	Visitation where the monitor is close enough to observe the visit but is not required to hear everything that is said in the visit between the parent(s) and child. Parent(s) may have some time alone with their child if the monitor ensures certain conditions are satisfied.	Child may not be removed from the presence of the monitor. Parent(s) cannot be alone with their child.
	Example: Day and Overnight visits; visits at the kinship placement.	*Example: Visits at the park or the parents' home where the caseworker or monitor may supervise the visit for 15 minutes then leave the child with the parent(s) for 30 minutes and then return to observe the last 15 minutes.*	*Example: Parent(s) can take the child to the bathroom alone. Parent(s) can play with the child at the playground while the monitor observes from a distance.*	*Example: Parent(s) must be within hearing distance and intervention distance of the monitor and cannot be alone with the child under any circumstance.*
Safety Assessment	Unsupervised visitation would be used when the caseworker determines no safety concerns exist that prohibit the parent(s) and child from being alone during the visit. This stage may be used while the child is in care and immediately prior to reunification.	Low supervision would primarily be used when the caseworker determines that there is a low level of concern for the child's safety but still a need for parental education, coaching, and skill-building.	Medium supervision would be used when the caseworker determines there is a moderate level of concern for the child's safety and coaching, education, and skill-building are necessary. Visitation assessment determines safety factors that must be addressed in visitation plan.	Highly structured visitation would most likely be used if there is a high level of concern assessed for a child's physical or emotional safety during a visit.
Visitation Location	Parent(s) and Caseworker determine visitation location.	Visitation location is a community based or "home-like" setting and offers parent(s) the opportunity to develop parenting skills or improve parent-child interactions. Visits may occur in more than one place, including appointments with therapists or other professionals, and continue at the parents' home, relative's home, or other community setting.	Visitation location is a home-like setting to offer parent(s) the opportunity to develop parenting skills and improve parent-child interactions, as well as manage safety concerns. Locations may include parents' home, relative's home, professional's office, park or other community setting.	Visitation location would ensure a highly structured visit. Locations may include the CPS visiting room, professional's office or other secure location.

Monitor's Role	No monitor. Parent(s) provides feedback about the visit.	Monitor's role is primarily to aid the parent(s) in problem solving if issues arise. The monitor may also offer the parent(s) education, coaching, skills building and support to achieve permanency goals. Monitor may drop in the visit to ensure that the visit is going well and that the parent(s) or child does not have any concerns.	Monitor's role is to observe interactions between the parent(s) and child; ensure that the child is safe; and offer the parent(s) education, coaching, and skill-building. Monitor and parent(s) would know the conditions required to maintain safe visits and under what conditions the monitor may intervene.	Monitor's role is to listen to and closely observe all interactions between the parent(s) and child and intervene if needed. Parental coaching could be offered, but the primary concern would be child's safety. Monitor and parent(s) would know the conditions required to maintain safe visits.

NO CONTACT VISITATION PLAN
CHILD PROTECTIVE SERVICES - PERMANENCY AND CONSERVATORSHIP

THIS PLAN IS TO BE USED WHEN CONTACT OR VISITATION IS NOT APPROVED BETWEEN THE CHILD AND PARENT

Purpose: This form documents the visitation schedule that the caseworker has developed with the parents.

Instructions: This form may only be completed by Conservatorship (CVS) staff.

Directions: Conservatorship (CVS) staff document the responses to each question below and provide the parent with the Visitation Expectations Document. Once completed, the worker obtains signatures, makes copies, gives the parents a copy and files the original in the case record. For additional information on constructing a visitation plan, see the Child and Family Visitation Best Practice Guide.

Cause No:	
Case Name:	
Children	
Indicate whether the court or DFPS restricted the visitation or contact	☐ Court ordered ☐ DFPS recommended
Indicate why it is not in the child's best interest for contact or visitation to occur.	
Specify what needs to occur in order for contact or visitation to begin.	
What supportive adults can the child have contact with or visit with?	
Planning for future: Additional Supportive Adults. (List any adults that the parent would like CPS to consider to supervise visitation and aid in transportation once visits are allowed.)	

I participated in the development of this plan and understand the plan as written. This plan will be reviewed on _____or no later than 30 days from the date of signing. At any time, the parent can request a review of this plan.

Parent Signature: _____ **Date:** _____
Parent Signature: _____ **Date:** _____
Caseworker Signature: _____ **Date:**_____
Program Director Signature: _____ **Date:** _____
(The Program Director's signature is only required if restriction is at the recommendation of DFPS)

Parent/Supportive Adult Visitation Record and Observation Form
CPS

Purpose: Use this form to document supervised visits.

Instructions: To complete this form, indicate the case specific information and respond to the questions provided. When indicating whether a behavior occurred during a visit, the observer must describe behavior observed.

Directions: After completing this form, ask the parent(s) or adult(s) to respond to the questions on the last page and sign the form. (If parents are visiting together and prefer to answer the questions at the end of the form separately, provide them a copy of page 3, and attach to the form.) Once the parent has signed the form, provide a copy of the form to the parent and file the form in the case file. Questions about the form can be directed to supervisor of the case.

Case Name:
Date of Visit:
Visit Location and Setting (i.e. park, CPS office, CPS visitation room, McDonalds):
DFPS Caseworker:
DFPS Supervisor:
DFPS Observer/Job Title:
Scheduled Appointment Time:
Actual Start Time:
End Time:

If the parent(s)/adult(s), child or the observer were late, did not show up for the visit, the visit was cancelled, or the visit ended early please explain why:

_____

_____

List Children and Adults Participating in the Visit

Children's Names	Children's Ages	Adult's Names	Relationship to Child (parent, grandparent, fictive kin, other)

Visitation/Observation Details

(Please check yes or no, and provide a few brief words explaining your choice)

Behavior	DETAILS
Did the parent/adult present any negative behaviors at the beginning of the visit? (Examples include: Parent/Adult was intoxicated, shouting, screaming, or overly hostile with staff.)	
Did the parent/adult and child respond to each other in an encouraging way at the beginning of the visit? (Examples include: Parent/Adult and child appeared interested and pleased to see each other; or the parent/adult and child engaged in appropriate physical contact, such as hugs or kisses, unless specifically ordered not to by the court or caseworker.)	
Was the parent/adult able to manage and redirect the child's behavior? (Examples include: Parent/Adult did not use physical discipline, set consequences for inappropriate behaviors, or attempted to calm the child when he/she became upset.)	
Did the parent/adult address the child's physical needs? (Examples include: Parent/Adult brought food to visit, if meal time; brought age appropriate items such as clothes or toys; or changed diapers/responded to requests for going to the bathroom.)	
Did the parent/adult address the child's emotional needs? (Examples include: Parent/Adult praised or comforted the child, or appeared to listen when child was talking to him/her.)	
Did the visit end in an encouraging way? (Examples include: Parent/Adult showed positive emotion toward visiting the child, expressed optimism and excitement about	

the next visit, or focused on child's needs/emotions.)	
Prior to the visit, did the caseworker communicate his/her expectations to the visitation observer?	☐ Yes Describe: _____ ☐ No _____
Were *Visitation Expectations* followed?	☐ Yes Describe: _____ ☐ No _____

Notes from the Parent(s)

Did your caseworker share the visitation expectations with you during the development of the visitation plan or prior to visiting?

Please describe how the visit went:

Do you have any questions or concerns about the recorded information? If so, please list below:

Do you have anything else you would like to add about the visit?

_____

Observer's Signature

_____

Parent/Adult Signature

_____

Parent/ Adult Signature

Your signature does not indicate that you agree with the observer's assessment, only that you have had an opportunity to review & ask questions about this form.