



# WHAT YOU SHOULD KNOW ABOUT CHILD ABUSE, NEGLECT, AND CPS CASES IN TEXAS

Produced and distributed as a public service by  
the Texas Young Lawyers Association and the State Bar of Texas

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This handbook is designed to help parents and/or guardians understand Child Protective Services in Texas, what constitutes abuse and neglect, and the court processes and timelines that occur in a CPS case. This handbook is intended to provide general guidance only. It is not a substitute for the advice of a lawyer. Individuals facing CPS cases are strongly advised to consult a lawyer. The laws discussed in this guide may be subject to change.

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## WHAT IS CPS?

Child Protective Services (CPS) is a part of the Texas Department of Family and Protective Services (DFPS), a state agency set up by law to make sure children are safe and to help families create a safe environment for their children. When investigating a report of abuse or neglect, CPS seeks active involvement from the children's parents and other family members to help solve issues that lead to abuse or neglect. The objective of CPS is to reunify parents and children whenever possible, but if reunification is not possible, CPS will seek to terminate the parent-child relationship to develop permanency for the child in a safe and secure home. When investigating abuse or neglect, CPS will do one of the following:

1. **Prevent further harm to the child and keep the child with his or her family when possible.** If this objective cannot be attained, CPS will consider removal of the child from the family and placement of the child with substitute families or caretakers.
2. **Place the child in substitute care while helping to resolve family dysfunction so that the child can be returned to the family.** If this objective cannot be attained, CPS will recommend termination of the parent-child relationship and permanent placement of the child with another family or caretaker.
3. **Recommend termination of the parent-child relationship or other legal remedies that would authorize the child to be placed with another family or caretaker permanently.**

Not all children involved in CPS investigations are removed from their homes. In some circumstances CPS may determine that the immediate threat of harm has been removed, and the family will be asked to use services or attend various programs to ensure that the threat that started the investigation of the family has been addressed.

However, if CPS determines that abuse or neglect has occurred to the child, the child may be removed from the home. If this occurs, there will be a series of events and court proceedings that occur as outlined and explained later in this handbook.

If CPS does initiate a case or an investigation, it is important to remember that any facts learned that substantiate a concern of abuse or neglect will likely be turned over to law enforcement and could result in criminal charges against a parent or guardian. It is imperative that a person faced with a CPS case consult an attorney as soon as possible, so that the attorney can help the client navigate the investigation while also addressing the potential for criminal charges.

## WHAT IS ABUSE OR NEGLECT?

When CPS investigates an abuse or neglect allegation it is important to know exactly how abuse and neglect are defined in the Texas Family Code (“TFC”).

**Abuse** – “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 inconsistent 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 a 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;
  - (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.; Section 261.001(1);
  - (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(a)(5), (6), (7), or (8), Penal Code, or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or
  - (M) forcing or coercing a child to enter into a marriage.

***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 the child 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 understand 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 Subsection (1)(E), (F), (G), (H), or (K) (listed above) 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; or
- (D) a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

## WHO WILL BE INVOLVED IN A CPS CASE?

When you are involved in a CPS case, it is also important to understand the parties who will be involved in the case and their roles if a lawsuit is filed.

***Attorney for CPS*** – CPS may be represented by a regional attorney employed by CPS or the prosecuting attorney (district or county attorney) for the particular jurisdiction. This attorney will represent CPS in court. The attorney for CPS has the burden to prove why the child should be in CPS custody or removed from the family.

***Attorney Ad Litem (AAL)*** – Any child involved in a CPS case will have an attorney appointed by the court to represent their interests. This attorney is called an attorney ad litem. 'Attorney ad litem' means an attorney who provides legal services to a person, including a child, and who owes to the person the duties of undivided loyalty, confidentiality, and competent representation. See *TFC Section 107.001(2)*. The attorney ad litem will meet with the child, the child's family members or others who are involved with the child such as teachers, doctors, or counselor. The attorney ad litem will act as an advocate for the child in court and will serve as an aide to help the court determine what orders are in the best interest of the child. In some cases, the attorney ad litem may also serve as a guardian ad litem (GAL) for the child. The guardian ad litem serves the same purpose as the attorney ad litem and will also act as an advocate for the child in court.



For information about the powers and duties of an AAL for a child, see *TFC Section 107.003* and *Section 107.004*.

***Court Appointed Special Advocate (CASA)*** – CASA is a group of trained volunteers to assist abused or neglected children going through the court system. The court may appoint a Court Appointed Special Advocate in a CPS case. A CASA representative will report to the court on how the child is doing and what they feel is in the child’s best interest. In some cases, the CASA representative may also serve as a guardian ad litem (GAL) as outlined above.

***CPS Caseworker*** – If a child is removed from the home, the parent or guardian will be given a notice of removal and the name and phone number of the CPS investigative caseworker. After approximately two to three weeks, the investigative worker will transfer the case to another caseworker. The CPS caseworker will be the person at CPS who keeps in contact with the parent(s) or guardian(s). The caseworker will ask questions of each person in the household and will be the one to provide most information about the CPS case. The caseworker usually will visit the child regularly and inform the family about the problems that brought about the CPS case. The caseworker also will deliver a service plan to the family and list the items that the family must complete to have the child returned to the home or to close out the CPS case.

***Department*** – means the Department of Family and Protective Services. *TFC Section 261.001(2)*.

***Designated Agency*** – means the agency designated by the court to be responsible for the protection of children. *TFC Section 261.001(3)*.

***Guardian Ad Litem (GAL)*** – ‘Guardian ad litem’ means a person appointed to represent the best interest of a child. The term includes:

- (A) A volunteer advocate from a charitable organization described by Subchapter C;
- (B) A professional, other than an attorney, who holds a relevant professional license and whose training relates to the determination of a child’s best interests;

(C) An adult having the competence, training, and expertise determined by the court to be sufficient to represent the best interests of the child; or

(D) An attorney ad litem appointed to service in the dual role.  
*TFC Section 107.001(5)*

For information about the powers and duties of a GAL for a child, see *TFC Section 107.002*.

***Mediation and Family Group Conference*** – At some point during a case involving CPS, the court may order that the parties attend a mediation or a family group conference. Mediation is a meeting attended by the mediator, the parents or guardian of the child, their attorneys, the CPS representatives involved in the case, and the CPS attorney. In this meeting, the mediator will facilitate an agreement between the parties regarding a resolution of the CPS case. If the parties reach an agreement, they will not have to attend a final trial and the case will be resolved with a final order reflecting the agreements reached. If an agreement is not reached, the parties typically will have to attend a final trial. The mediator is an independent and neutral party who is trained to help parties resolve their cases out of court.

***Your Attorney*** – At the initial court proceedings, the court will ask the parent or guardian of the child if they have an attorney. The parent or guardian has a right to have an attorney to represent them in the court proceeding. If the suit involves a request by CPS to terminate the parental rights of a parent, and that parent cannot afford an attorney, the parent may ask the court to appoint them an attorney. If the suit does not involve a termination of parental rights, the parent must obtain an attorney at their own expense. An attorney is an advocate for their client and helps the client understand the legal consequences of certain actions and agreements. The attorney will speak for their client in court, help their client understand their rights, and object to the requests by CPS and DFPS if their requests and/or evidence does not meet certain legal standards.

***Safety Plan*** – A safety plan is an agreement between the parents and the department to do certain things such as: taking random drug tests, maintaining a clean home, or relocating children with a family member until certain things are accomplished. The details of a safety plan depend on the facts of the individual case.

## WHAT DO THE TERMS USED BY CPS MEAN?

If an individual finds themselves reading a packet of CPS records or conversing with a CPS worker, they can become overwhelmed by the use of acronyms within the system. Below is a list of acronyms used by CPS and what they stand for.

A/N	Abuse/Neglect
AC	Assistant Commissioner
ACF	Administration for Children and Families
ACR	Administrative Case Review
ADA	Assistant District Attorney
ADO	Adoption
AOC	Aging Out of Care
AP	Alleged Perpetrator
APS	Adult Protective Services
ARD	Admission, Review, Dismissal
ASFA	Adoption and Safe Families Act of 1997
AV	Alleged Victim
CAC	Children Advocacy Center
ARC	Advancing Residential Child Care
BSD	Basic Skills Development
BVS	Bureau of Vital Statistics
CAPTA	Child Abuse Prevention and Treatment Act
CASA	Court Appointed Special Advocate
CCL	Child Care Licensing
CHIP	Children's Health Insurance Program
CIP	Court Improvement Project
CIRT	Critical Incident Resource Team
CIS	Communities in School
CLASS	Child-Care Licensing Automation Support System
CLD	Closed
COAC	Council on Adoptable Children
COS	Circle of Support
CPS	Child Protective Services
CRCG	Community Resource Coordination Group
CREST	Comprehensive Relative Enhancement, Support & Training

CRT	Citizens Review Team
CVS	Conservatorship
CW	Caseworker
CWA	Closed Without Assignment
CWB	Child Welfare Board
CWD	Children with Disabilities
CWLA	Child Welfare League of America
CYD	Community Youth Development
DADS	Department of Aging and Disability Services
DARS	Department of Assistive and Rehabilitative Services
DD	District Director
DSHS	Department of State Health Services
DFPS	Department of Family and Protective Services
DIFF	El Desarrollo Integral de la Familia
DISPRO	Disproportionality
DOB	Date of Birth
DPS	Department of Public Safety
EA	Emergency Assistance
ECI	Texas Interagency Council on Early Childhood Intervention
EMAB	Emotional Abuse
ES	Educational Specialist
FAD	Foster and Adopt
FBSS	Family-Based Safety Service
FF	Foster Father
FGDM	Family Group Decision Making
FH	Foster Home
FM	Foster Mother
FTE	Full Time Equivalent
FTM	Family Team Meeting
HHSC	Health and Human Services Commission
HIPPY	Home Instruction Program for Preschool Youngsters
HQ	Headquarters
HS	Home Study
HSEGH	Health, Social, Educational, and Genetic History Report
I&R	Information and Review

ICF-MR	Intermediate Care Facility for Persons with Mental Retardation
ICPC	Interstate Compact on the Placement of Children
ICWA	Indian Child Welfare Act
IFCC	Interagency Foster Care Committee
IL	Independent Living
INS	Immigration and Naturalization Service
INV	Investigation
IT	Information Technology
LAR	Legislative Appropriation Request
LBB	Legislative Budget Board
LOC	Level of Care
MDNG	Medical Neglect
MEPA	Multi Ethnic Placement Act
MHMR	Mental Health and Mental Retardation
NCANDS	National Child Abuse and Neglect Data System
NSUP	Neglectful Supervision
OIG	Office of Inspector General
OCOC	One Church One Child
OV	Oldest Victim
P1	Priority 1
P2	Priority 2
PA	Program Administrator
PC	Permanency Conference
PD	Program Director
PD	Public Defender
PDD	Professional Development Department
PHAB	Physical Abuse
PEP	Parents Empowering Parents
PMC	Permanent Managing Conservatorship
PPT	Permanency Planning Team
PRIDE	Parent Resource for Information Development and Education
PSTI	Protective Services Training Institute
RCCL	Residential Child Care Licensing
RO	Ruled Out
RTB	Reason to Believe

RTC	Residential Treatment Center
SACWIS	Statewide Automated Child Welfare Information System
SAMHSA	Substance Abuse and Mental Health Services Administration
SAVERR	System for Application and Verification of Eligibility Reporting and Review
SI	Special Investigation
SIB	Sibling
SIDS	Sudden Infant Death Syndrome
SO	State Office
SOAH	State Office for Administrative Hearings
SSA	Social Security Administration
SSI	Social Security Income
STAR	Services to at-Risk Youth
SUP	Supervisor
SWI	Statewide Intake
TAC	Texas Administrative Code
TALCS	Texas Association of Leaders in Children and Family Services
TANF	Temporary Aid to Needy Families
TARE	Texas Adoption Resource Exchange
TEA	Texas Education Agency
TFC	Texas Family Code
TIFI	Texas Integrated Funding Initiative
TJPC	Texas Juvenile Probation Commission
TMC	Texas Managing Conservatorship
TNOYS	Texas Network of Youth Services
TPC	Temporary Possessory Conservatorship
TPR	Termination of Parental Rights
TSD	Texas School for the Deaf
TSFPI	Texas State Foster Parents Incorporated
TWC	Texas Workforce Commission
TYC	Texas Youth Commission
URM	Unaccompanied Refugee Minor
UTD	Unable to Determine
YES	Youth Emancipating from the System
YFT	Youth for Tomorrow

# WHEN CAN YOUR CHILD BE REMOVED FROM YOUR HOME?

CPS normally concludes a removal is necessary when:

- there is a present danger of serious harm to children in the home;
- the caregiver's protective capacities are insufficient to keep all of the children safe from harm; and
- there are no reasonable efforts that CPS can make to prevent removal that would be consistent with the safety of the children.

When there has been a report of abuse or neglect, the CPS worker must conduct an investigation to determine the answers to the following questions:

## 1. Is the child safe?

Workers must, first and foremost, ensure that children are protected from abuse and neglect, free from immediate threats of serious harm, and safely maintained in their homes. If a child appears to face an immediate threat of serious harm at any time, the worker, in concert with a supervisor, must take appropriate actions to protect the child.

## 2. Did abuse or neglect occur?

The worker must seek to determine whether there is a **preponderance of evidence** that a child was abused or neglected. If a preponderance of evidence does not indicate that abuse or neglect occurred, the worker must seek to determine whether the allegations should be “ruled out” or found “unable to determine.” If the worker determines that there is a preponderance of evidence that abuse or neglect occurred, the worker must further seek to determine:

- the nature, extent, and cause of the abuse or neglect; and
- the identity of the person responsible for the abuse or neglect. The worker may determine that a perpetrator cannot be named even though a preponderance of evidence indicates that a child was abused or neglected.

### **3. Is the child at risk of future abuse or neglect?**

The worker must determine whether there is a reasonable likelihood that children in the family or household will be abused or neglected in the foreseeable future after the investigation.

### **4. Does the child and family need services?**

The worker must determine whether the child and family members need to be offered CPS services or referrals to community agencies during or after the investigation to meet safety goals and to support the goals of permanency and well-being for the child.

*Note:* If the investigation worker determines that CPS lacks jurisdiction of the case, the worker must recommend closure of the investigation without determining whether abuse or neglect occurred, the child is at risk of future abuse or neglect, or the family needs services. If the worker is concerned about the child's safety, he or she must immediately notify the entity responsible for the investigation.

## **Assessing Safety**

Throughout an investigation, the caseworker constantly assesses a child's situation to determine whether the child is safe from harm.

In the context of safety assessment, *safe* is defined as:

- the absence of threats to a child's safety in the home; or
- the control of threats by the caregiver's ability and willingness to adequately manage foreseeable threats of harm to the child in the home.

If there is no danger of serious harm to a child within the family, the worker must be alert to the development of threats to a child's safety in the home. If the child is not safe from a danger of serious harm at any time, the caseworker must take immediate protective action.



## WHAT HAPPENS AFTER YOUR CHILD IS REMOVED FROM HOME?

If your child is removed from your home, you will be notified in writing and you will receive a copy of the paperwork that has been filed with the court. One of the forms you will receive is called a petition. The petition is a court pleading that is created after a report is received and investigated by CPS.

The petition will name the parent or guardian of a child as a respondent. This is the term used by the Child Protection Court for the parent or guardian in a child abuse and neglect case.

The petition will list one or more allegations (allegations are located in the affidavit attached to the petition) — statements of what happened and reasons why your child needs to be in the custody of CPS.

### **Things to keep in mind:**

- You have the right to an attorney. If you cannot afford to pay for an attorney, **and** CPS is seeking to terminate your parental rights, you may ask the judge to appoint an attorney for you.
- You have the right to admit or deny the allegations made about you and your family.
- You have the right to be notified of all court hearings.
- You have the right to attend all court hearings and meetings.
- You have the right to an interpreter in court if you do not understand English or are hearing impaired.
- You have the right to talk to your CPS caseworker and your attorney. Remember they may be busy with someone else when you call. Be sure to leave a message with a phone number where you can be reached or try to call them again. Keep track of the best times to call them.

REMEMBER: Things move very quickly in child abuse and neglect cases. Be sure that you know what you are supposed to do and when, and do it. It could make the difference in whether your child is returned to you or not.

**If a court orders that a child be removed from their home,**

- the family will work with CPS on a plan to be reunited with the child;
- CPS will work with the family to develop an alternate placement for the child; and/or
- there will be a hearing at which time the court will determine where the child will be placed temporarily while the case is pending.

If the court does not return the child home, the court will place the child with a foster family home, a group home or residential facility, or the home of a relative. The court will review the progress of the child and the family's participation in services every six months and will have a permanency hearing after 12 months. After a year, if the family completes the reunification plan set up by CPS and the court, the child will return home. If the family does not complete the reunification plan, the court will most likely proceed with terminating the parents' rights. The court will then place the child in a permanent home (adoptive, relative, or guardian) or the child will remain in foster care. If the child is put in a permanent home, the case will be closed. If the child is placed in foster care, the child will remain there until age 18 if no permanent home can be found. In this scenario, the case will be closed when the child has reached the age of 18 and has "aged-out" of the system.

## **WHAT HAPPENS WHEN CPS DOES NOT REMOVE A CHILD?**

If CPS determines that the removal of a child is not necessary, the case worker usually will refer the family to services available through CPS or develop a safety plan for the parents, guardians, or family members who will remain in possession of the child. A safety plan is a written agreement that is executed between CPS and the family members with whom the child will live. This agreement contains actions that the family agrees to do to keep the child safe such as:

- the parents seek help from family members, neighbors, or others in the community to protect the children;
- the worker refers the family to community services that help protect the children;
- the worker directly provides the family with services such as in-home visitation and monitoring; and/or
- the worker offers the family the safety services that are purchased through regional contracts.

Examples of services provided to the family include things such as:

- substance-abuse prevention, treatment, and testing;
- sexual-abuse exams;
- evaluation and treatment services;
- emergency homemaker services;
- transportation and utility assistance;
- protective day care;
- moving the protective parent to a safe environment with the children (Example: After obtaining temporary shelter in a family violence center, a parent and the children move into a friend's home);
- parents voluntarily place the children out of the home (Example: The parents place the child with an aunt and uncle); and/or
- the alleged perpetrator leaves the home during the investigation so that the children can remain in the home.

It is important for the family members who are a party to the safety plan to follow the terms of the agreement and participate in the services provided. If the safety plan is not followed, this could be used as a factor for the removal of the child from the family members who are in violation of the agreement.

## WHAT IS THE COURT PROCEDURE INVOLVED IN A CPS CASE?

When a parent does not voluntarily place their child in a safe home or provide the services needed to provide a safe home, DFPS will file a lawsuit to order a removal and/or that certain services be performed during a requisite time frame as set forth below. If CPS takes possession of a child without the agreement of a parent or guardian, the following deadlines apply and are calculated from the date the child is removed from the home:

### **Day 1: Removal of Child/Emergency Hearing**

CPS may conduct an emergency removal of a child if a CPS worker finds:

- there is a present danger of serious harm to the child in the home;
- the caregiver's protective capacities are insufficient to keep the child safe from the harm; and/or
- there are no reasonable efforts that CPS can make to prevent removal of the child that would be consistent with the safety of the child.

If a child is removed by CPS without a hearing, an emergency hearing must be held by a court on the "first working day" after removal, but no more than three days after removal (*TFC Section 262.106*). At this hearing, the court will determine if the factors listed above exist. If the above findings are made, the child will remain in the possession of CPS until further order of the court.

### **Day 14 (after removal): Adversary Hearing**

At this hearing the court will enter temporary orders regarding the child or return the child to the parent, guardian, or relative if the court finds it is safe to do so and is in the child's best interest. If the child is not returned, the court will name CPS as the temporary managing conservator of the child and the temporary orders will set forth guidelines regarding the rights of the parties, visitation, child support, and services to perform (i.e. counseling, substance abuse evaluations, random drug tests, anger management, and parenting classes).

### **Day 60 (after removal): Status Hearing**

Within 60 days after temporary managing conservatorship is awarded at the Adversary Hearing, the court will review the child's status and the permanency plan (*TFC Section 263.201*).

### **Day 180 (after removal): Initial Permanency Hearing**

At this hearing the court will perform the following tasks:

- Review or locate any service efforts for the parties and the child (*TFC Section 263.301(c); 263.306(2)*).
- Review CPS's efforts in attempting to locate all necessary persons; requesting service of citation; and obtaining assistance from a parent in attempting to locate an absent parent, alleged father, or relative of the child.
- Return the child to the parents if it is safe to do so and is in the child's best interest.
- Place the child with a non-parent having standing under Chapter 102 of the TFC if it is safe to do so and is in the child's best interest.
- Evaluate CPS efforts to identify relatives with whom placement could be safely made.
- Evaluate the parties' compliance with temporary orders and the services plan.
- Determine whether the current placement is appropriate for meeting the child's needs, including with respect to a child who has been placed outside of the state, whether that placement continues to be in the best interest of the child or if any other plans or services are needed to meet the child's special needs or circumstances.
- Determine plans, services, and further temporary orders necessary to ensure final orders are rendered prior to the dismissal deadline.

### **Day 300 (after removal): Permanency Hearing**

At this hearing the court will perform the same duties and tasks as it did at the 180-day Initial Permanency Hearing. Every 120 days after the 180-day Initial

Permanency Hearing, the court will conduct additional permanency hearings and will continue to perform the duties and tasks at each hearing. The court may shorten, but may not extend, the 120-day deadline for subsequent permanency hearings (*TFC Section 263.305*).

**Day 365 (after removal): Trial/Dismissal of Suit/Extension of Case**

At this stage, the court must enter a final order, dismiss the case, or extend the deadline for the finalization of the case by 180 days if the court finds extraordinary circumstances. “Final order” is an order that does one of the following:

- Returns the child to a parent;
- Grants managing conservatorship to a relative or other person;
- Appoints CPS as the permanent managing conservator; or
- Terminates the parent-child relationship;

At this hearing, the court may also extend the time to enter a final order by an additional 180 days from the original deadline (*TFC Section 263.401(b)*).

**Day 540: Dismiss/Return to Monitor/Trial**

The case must be dismissed on the next Monday following 18 months from the date the temporary managing conservatorship was granted to CPS unless either:

- A final order has been entered (*TFC Section 263.401(d)*); or
- The child has been placed with a parent or relative for up to 180 days of monitoring (*TFC Section 263.403*).

**Day 720: Dismiss/Trial**

The case must be dismissed, or the court must enter a final order regarding the conservatorship of the child by this date.

## IF I AM A FATHER LIVING APART FROM MY CHILD, WHAT DO I NEED TO KNOW?

If a father has established his parental rights to a child in a suit to adjudicate parentage or under some other law, the father will be entitled to notice of a proceeding filed by the CPS regarding a child. However, if a father's parental rights have not been adjudicated, the father may not receive any notice of such an action. Therefore, acknowledging paternity for a child born to unmarried parents is very important.

Under Texas law, a father may establish his paternity of a child born to unmarried parents by:

1. Signing an Acknowledgement of Paternity that is filed with the State Bureau of Vital Statistics;
2. Registering with the Bureau of Vital Statistics registry of paternity BEFORE the birth of the child, but not later than the 31st day after the date of the birth of the child; or
3. Filing suit with the Attorney General's office or with a private attorney to establish paternity.

If a father has established paternity by one of the foregoing methods, notice of a proceeding to adopt or to terminate the rights regarding a child must be given to the father before a final order can be entered.

Acknowledgement of Paternity forms can be found at the hospital, the local registrar, the child support office, or the State Bureau of Vital Statistics at [dshs.texas.gov/VS](https://dshs.texas.gov/VS) or 888-963-7111.

## CONCLUSION

CPS investigations are very serious, fast paced, and involve many procedural and legal hurdles. If you, or a family member are confronted with a CPS investigation, please consult an attorney in your area who has experience dealing with CPS.

If you need assistance locating an attorney, call the State Bar of Texas Lawyer Referral and Information Service toll-free at 800-252-9690. Through the Lawyer Referral Information Service, a person may have a 30-minute consultation with an attorney for \$20. At the end of the consultation, the attorney and individual may discuss possible representation and price structure. Please understand that the Lawyer Referral Information Service is not a pro bono or reduced-fee program. Hours of operation: Monday through Friday 8:30 a.m. to 4:30 p.m. The call-in service is closed on legal holidays. Learn more at [texasbar.com/LRIS](http://texasbar.com/LRIS).



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