

SECTION 12 RESOURCES 2

A LOOK INSIDE CPS..... 2

 Initial Report Through Investigation 3

 Services for Children and Families..... 5

 Foster and Adoptive Home Development..... 6

 Preparation for Adult Living..... 7

 Adoption 7

CHILD WELFARE CONTACTS..... 8

COMMON CHILD PROTECTIVE SERVICES ACRONYMS..... 23

GLOSSARY OF TERMS FOR CHILD WELFARE ATTORNEYS..... 26



SECTION 12 RESOURCES

A LOOK INSIDE CPS

A basic understanding of CPS operations will facilitate an attorney's effective representation of the agency. CPS is a division of the Texas Department of Family & Protective Services (DFPS).¹ Regional Directors manage DFPS operations in each of the eleven regions across Texas and report to the Assistant Commissioner of CPS. Program Administrators with expertise in individual programs report to each Regional Director.

While the most visible aspect of CPS operations may be the caseworker who arrives at a home to investigate a child abuse allegation or appears in court to testify, many more employees work “behind the scenes” to :

- Help families address issues like substance abuse, domestic violence and neglect that jeopardize child safety;
- Provide forums for family group decision making as a collaborative solution to child welfare issues;
- Evaluate individual children’s needs and locate appropriate services and resources;
- Assess and train potential foster and adoptive caretakers;
- Prepare foster youth for the transition to adulthood;
- Serve as resources for CPS staff on education, health, substance abuse, developmental disabilities and disproportionality issues; and
- Support foster and adoptive families with services and resources.

The employees who carry out these and many other job functions confront vastly different circumstances from Laredo to Wichita Falls, Tyler to El Paso. Child Protective Services is a business that commands attention 24 hours a day, 7 days a week and requires workers to make difficult decisions, juggle priorities and use resources creatively to best meet the needs of children and families. The demands of the job require intrepid, caring and committed employees who are not fazed by hurricanes, communicable diseases, new technology or the controversy these cases often ignite.

Agency rules are published in the Texas Administrative Code,² and policy is published in the CPS program handbook available online.³ New CPS policy is released in memoranda commonly known as PSA’s, which stands for Protective Services Actions.

¹ Other divisions include Adult Protective Services (APS), Child Care Licensing (CCL), and Purchased Client Services/Prevention and Early Intervention (PCS/PEI).

² Title 40, Social Services and Assistance, Part 19, Department of Family & Protective Services, available online at: [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac)

³ CPS Handbook is available on line at: <http://www.dfps.state.tx.us/handbooks/default.jsp>

Initial Report Through Investigation

All CPS cases begin with a call to law enforcement, a local CPS office or to the Statewide Intake (SWI) office, where all reports are forwarded. The SWI office functions 24 hours a day, every day of the year and assigns a priority to all incoming cases before referring the case to local staff for investigation. Cases are assigned a priority based on:

Priority 1 – these cases “concern children who appear to face immediate risk of abuse or neglect that could result in death or serious harm.”⁴ Investigation of Priority 1 cases must begin within 24 hours unless the circumstances indicate death or substantial bodily harm is imminent without intervention, in which case an immediate response is required.⁵

Priority 2 – All other reports of abuse or neglect are Priority 2, for which an investigation must be initiated or the report forwarded to special screening staff within 72 hours.

A report may be closed without being assigned for an investigation. This can occur if there is no reasonable likelihood that a child will be abused or neglected in the future, the allegations are too vague or general to make any determination of abuse or neglect, there is insufficient information to locate the child or family after a search, the report has been referred to Adult Protective Services or Child Care Licensing, or the report does not involve activity within the responsibility of CPS and will be handled by another agency or program or law enforcement.⁶

CPS is only authorized to investigate allegations that meet the statutory definitions of abuse and neglect.⁷ If a report does not allege abuse or neglect by a person responsible for the child’s care, custody or welfare, law enforcement is responsible for the investigation.⁸ A caretaker’s refusal to consent to administration of psychotropic medication or psychological or psychiatric treatment for a child is not neglect unless the refusal presents a substantial risk of death, disfigurement or bodily injury to the child or has resulted in an observable and material impairment to the growth, development or functioning of the child.⁹

The nature of an investigation depends on the type of report made. An anonymous report requires a *preliminary investigation* to determine whether corroborating evidence exists,

⁴ 40 TAC §700.505(a)(1).

⁵ 40 TAC §700.505(b).

⁶ CPS HB 2145.

⁷ TEX. FAM. CODE §§261.001(1); 261.001(4); truants, runaways, children in need of supervision, reasonable physical discipline, latch-key children, and harmful or violent children are all examples of circumstances which, unless accompanied by additional information, are not considered abuse or neglect. 40 TAC §700.503.

⁸ TEX. FAM. CODE §261.301(a),(c).

⁹ TEX. FAM. CODE §261.111.

before further investigation is warranted.¹⁰ This may include a home visit and interviews with the child, parents or other persons, but unless there is corroborating evidence, CPS is not authorized to conduct a *thorough investigation*.

At a minimum a *thorough investigation* requires interviews and examination of the alleged victim child and at least one of the parents and the alleged perpetrator (with law enforcement authorization if the alleged perpetrator is in custody).¹¹ A case that begins as a *thorough investigation* may subsequently become an *abbreviated investigation* if the investigating caseworker determines that the child is safe, abuse or neglect did not occur, there is no uncontrolled risk and there is sufficient information to refer the family to any needed services.¹²

Significant legal mandates that apply during the investigative phase include:

- CPS must notify law enforcement of any report of suspected abuse or neglect or child death, which may result in a joint investigation with law enforcement. This is normally done by the intake staff during the intake stage;¹³
- CPS must tape (audio or video) any interview of a child;¹⁴
- CPS must comply with the 4th Amendment before entering a family home or transporting, interviewing or examining a child incident to an investigation;¹⁵
- CPS must attempt to notify the parent or other person with custody of a child prior to transporting a child for purposes of an interview;¹⁶
- CPS must make a reasonable effort to notify the child's parent or guardian within 24 hours of any interview or examination of a child incident to an investigation and inform the parent of the nature of the allegations and the fact that the interview or examination took place.¹⁷

At the conclusion of an investigation, CPS must assess whether there is a preponderance of the evidence as to each allegation of abuse or neglect. Each allegation must be given a disposition, which can be:

- Reason-to-believe (RTB);
- Ruled-out;
- Unable to complete;
- Unable-to-determine (UTD);

¹⁰ TEX. FAM. CODE §261.304.

¹¹ 40 TAC §700.507(b)(3)(B).

¹² CPS Handbook 2224.2.

¹³ TEX. FAM. CODE §§261.105(b); 261.301(f); 40 TAC §700.506 (law enforcement must be notified within 24 hours of a Priority I report, a report of sexual abuse or a report alleging abuse or neglect in a public or private school, or within 3 days for all other reports).

¹⁴ TEX. FAM. CODE §261.302(e).

¹⁵ See Practice Guide SECTION 1, BEFORE FILING SUIT, The 4th Amendment & CPS Practice.

¹⁶ TEX. FAM. CODE §261.302(b-1).

¹⁷ TEX. FAM. CODE §261.311 (no notice required if it is likely to endanger the safety of the child, the reporter or any person who participates in the investigation; notice may be delayed at the request of law enforcement to avoid interference with an ongoing criminal investigation).

- Administrative closure.¹⁸

Unless an exception applies, notice of the outcome of an abbreviated or thorough investigation must be given within 15 days after the investigation is closed to:

- Each alleged victim who was interviewed;
- Each parent of each victim;
- Each alleged perpetrator;
- Any legal guardian; and
- The reporter.¹⁹

In addition, an alleged perpetrator of allegations that are ruled out is entitled to notice of the right to request removal of role information within the same 15 day time frame. On request, CPS must remove all information about the alleged perpetrator's role from CPS records.²⁰

A person found to be the perpetrator of an allegation deemed reason to believe may challenge that finding by requesting an Administrative Review of Investigation Findings (ARIF) within 45 days of receiving notice of the outcome of the investigation. The ARIF is a review by an administrative level CPS employee who was not involved in and did not directly supervise the investigation.²¹ At the conclusion of an ARIF, the original findings may be upheld, altered or reversed. If the original finding is upheld, the requestor has a right to appeal to the Office of Consumer Affairs (OCA – formerly known as the Ombudsman), unless a court has issued an order consistent with the findings in question.²²

Services for Children and Families

If an investigation reveals that a family needs CPS services, the next step depends on the degree of intervention needed. At every juncture, CPS' goal is to use the least intrusive means of child protection possible, consistent with child safety. The degree of legal involvement required depends on the extent of parental cooperation, the nature of the abuse and neglect and the individual circumstances in each case. In every case, if a removal becomes necessary, CPS must show that reasonable efforts consistent with child health and safety were made to prevent or eliminate the need for removal.²³

¹⁸ 40 TAC §700.511(a).

¹⁹ 40 TAC §700.513(a),(d).

²⁰ TEX. FAM. CODE §261.315; 40 TAC §700.513(g).

²¹ TEX. FAM. CODE §261.309; 40 TAC §700.516.

²² 40 TAC §702.841; Office for Consumer Affairs, Texas Dept. of Family and Protective Services, Mail Code Y-946, P.O. Box 149030, Austin, Texas 78714-9030; Hotline - 800-720-7777.

²³ TEX. FAM. CODE §262.01(b); See Practice Guide, SECTION 1, BEFORE FILING SUIT, Alternatives to Removal.

Family-based safety services (“FBSS”) are in-home services designed for families of children not in agency conservatorship.²⁴ Family reunification services aid families of a child in agency conservatorship in transitioning safely back into the home.²⁵

Family Group Decision Making (“FGDM”) is a philosophy of non-adversarial decision making that originated in New Zealand. Now embraced by child welfare agencies throughout the U.S., FGDM represents an important shift in child welfare practice. Although every service is not available on a statewide basis, CPS routinely invites extended family, friends of the family, youth and other significant persons to join in making decisions about safety, permanency and well-being. The FGDM model is incorporated into various stages of service, including:

- Family Team Meetings, usually held before a child is removed;
- Family Group Conferences, held after a child is removed;
- Circles of Support, for youth needing transition plans in preparation for leaving foster care;
- Transition Plan Meetings, usually held after a youth reaches age 16; and
- Permanency Conferences, held to review the permanency plan of a child in CPS conservatorship.

If CPS obtains conservatorship of a child, the focus of the agency’s efforts expands to include finding an appropriate placement for a child, meeting the needs of a child in foster care, supporting the family in making the changes necessary to create a safe home, and keeping the court apprised of the status of the child, the family, and the agency’s plans for permanency.

Foster and Adoptive Home Development

The search for qualified, committed foster and adoptive parents to meet the needs of a diverse pool of children in DFPS care is an ongoing challenge. Caretakers are needed for sibling sets, children with special needs and children with an array of challenges. The job of screening, assessing and training potential foster and adoptive parents, matching children with caretakers and training and supporting these families is a crucial part of the effort to provide children with permanent homes. DFPS maintains an active internet site which allows prospective foster and adoptive parents to see the children needing placements.²⁶ The agency also partners with community and faith organizations in this effort and is constantly seeking innovative solutions to help expand the pool of waiting families for children.²⁷

²⁴ 40 TAC §700.702.

²⁵ 40 TAC §700.703.

²⁶ Texas Adoption Resource Exchange (“TARE”),
http://www.dfps.state.tx.us/Adoption_and_Foster_Care/Child_Search/default.asp.

²⁷ For example, the Adoption Coalition of Texas <http://www.adoptioncoalitiontx.org>

The assessment process for prospective foster and adoptive homes includes criminal and child abuse and neglect history checks, a home study and a training curriculum designed to prepare prospective caretakers for the challenges of caring for children with a wide range of needs.

Preparation for Adult Living

The Preparation for Adult Living (PAL) program is designed to meet the needs of youth age 16 and above currently or previously in substitute care who must make the transition to adulthood, whether the child will be living independently or in some type of supportive environment.²⁸ Services may include an assessment of needs, independent living skills training, case planning, a transitional living allowance, stipends and support services.²⁹

Adoption

If termination of a child's parental rights is anticipated or once it occurs, adoption services are available to locate an appropriate adoptive home that can meet a child's needs, to effectuate the adoptive placement and to provide support services and adoption assistance to eligible adoptive families.³⁰ Post adoption services also include referrals to parent groups, therapy, respite care, residential placement services and crisis intervention.

With time, an attorney representing the agency will become familiar with the many discrete functions CPS performs beyond the core functions outlined here. When questions arise about policy and procedure, the best recourse is to consult the CPS Handbook, and confer with colleagues who represent the agency or the Office of General Counsel.

and One Church, One Child, a special adoption recruitment program that works primarily with minority churches to find adoptive parents for children. One Church, One Child currently operates in Fort Worth, Houston and Beaumont.

²⁸ 40 TAC §700.1602.

²⁹ 40 TAC §§700.1603, 700.1611.

³⁰ 40 TAC §700.801-881.

CHILD WELFARE CONTACTS

AD LITEM ATTORNEYS:

Court Appointed Family Attorneys (CAFA) Section of Austin Bar Association
www.austinbar.org/sections/cafa

Children's Rights Clinic
University of Texas School of Law
www.utexas.edu/law/academics/clinics/childrens
Telephone: (512) 232-1290

Juvenile Dependency Clinic
University of Houston Law Center
www.law.uh.edu/clinic
Telephone: (713) 743-2094

National Association of Child Advocates
<http://www.childadvocacy.org>
Telephone: (866) 435-2970

National Association of Counsel for Children
www.naccchildlaw.org
Telephone: (303) 864-5359

Texas Lawyers for Children
www.texaslawyersforchildren.org
Telephone: (800) 993-5852

The Council of Parent Attorneys and Advocates
www.copaa.com
Telephone: (410) 372-0208

W.W. Caruth, Jr. Child Advocacy Clinic
Southern Methodist University Dedman School of Law
<http://www2.law.smu.edu/ChildAd/>
Telephone: (214) 768-2562

ADOPTION:

Adopt US Kids

www.adoptuskids.org

Telephone: (888) 200-4005

Annie E. Casey Foundation

www.aecf.org

Telephone: (410) 547-6600

CASEY Family Programs

www.casey.org

Telephone: HQ (206-282-7300) Austin Field Office (800) 498-1345

Child Welfare Information Gateway

www.childwelfare.gov/

Telephone: (800) 394-3366

Council of Adoptable Children of Texas, Inc.

www.texas-coac.org

Dave Thomas Foundation for Adoption

<http://www.davethomasfoundation.org/>

Telephone: (800) 275-3832

National Adoption Center

www.adopt.org

Telephone: (800) 862-3678

North American Council on Adoptable Children

www.nacac.org

Telephone: (651) 644-3036

Texas Adoption Resource Exchange (TARE)

[www.dfps.state.tx.us/Adoption and Foster Care/](http://www.dfps.state.tx.us/Adoption_and_Foster_Care/)

Telephone: (800) 233-3405

APPEALS:

Texas Department of Family & Protective Services

Appellate Unit

2401 Ridgepoint Dr. Bldg H-2

Mail Code Y956

Austin, TX 78754

Telephone: (512) 929-6819

Texas Courts of Appeal

<http://www.courts.state.tx.us/courts/coa.asp>

Telephone: (512) 463-1625

The Supreme Court of Texas

www.supreme.courts.state.tx.us/

Telephone: (512) 463-1312

CHILD ABUSE PREVENTION & ADVOCACY:

American Bar Association Center on Children and the Law

<http://www.abanet.org/child/>

Telephone: (202) 662-1000

American Bar Association Child Law Practice

<http://www.abanet.org/child/clp/>

Telephone: (202) 662-1724

American Humane Society

<http://www.americanhumane.org/protecting-children/>

Telephone: (800) 227-4645

American Professional Society on the Abuse of Children

<http://www.apsac.org/>

Telephone: (877) 402-7722

American Prosecutors Research Institute (APRI)

[www.ndaa.org\](http://www.ndaa.org/)

Telephone: (703) 549-9222

Children's Defense Fund

<http://www.childrensdefense.org>

Telephone: (800) 233-1200

Crimes Against Children Research Center

<http://www.unh.edu/ccrc/>

Telephone: (603) 862-1888

Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect

<http://www.kempe.org>

Telephone: (303) 864-5300

National Association of Counsel for Children

www.naccchildlaw.org

Telephone (303) 864-5389

National Center for Missing and Exploited Children

<http://www.missingkids.com/>

National Clearinghouse on Child Abuse and Neglect Information

<http://ndacan.cornell.edu>

Telephone: (607) 255-7799

Prevent Child Abuse Texas

www.preventchildabusetexas.org

Telephone: (512) 250-8438

State Bar of Texas

Committee on Child Abuse and Neglect

www.texasbar.com

Telephone: (800) 204-2222

Texas Council of Child Welfare Boards

www.tccwb.org

Telephone: (512) 484-8598

Texas District and County Attorneys Association

www.tdcaa.com

Telephone: (512) 474-2436

Texas Lawyers for Children

<http://www.texaslawyersforchildren.org/>

Telephone: (800) 993-5852

CHILD SUPPORT:

Office of Attorney General

www.oag.state.tx.us

Telephone: (800) 252-8014

COUNTY AND DISTRICT ATTORNEYS:

Texas District and County Attorney's Association

<http://www.tdcaa.com/>

Telephone: (512) 474-2436

COURT APPOINTED SPECIAL ADVOCATES:

National CASA

www.nationalcasa.org

Telephone: (800) 628-3233

Texas CASA

<http://www.texascasa.org/>

Telephone: (877) 894-2272

CRIME VICTIMS' COMPENSATION:

Office of Attorney General

http://www.oag.state.tx.us/victims/about_comp.shtml

Telephone: (800) 983-9933

DISABILITY - ADVOCATES & INFORMATION:

Advocacy Inc.

www.advocacyinc.org

Telephone: (800) 252-9108

Family & Advocates Partnership for Education

www.fape.org

Telephone: (952) 838-9000

National Dissemination Center for Children With Disabilities

www.nichcy.org

Telephone: (800) 695-0285

DOMESTIC VIOLENCE:

National Center for Children Exposed to Violence

<http://www.nceev.org/>

Telephone: (203) 785-7047

(877) 496-2239

Texas Council on Family Violence

www.tcfv.org

Telephone: (512) 794-1133

EDUCATION:

Advocacy Inc

www.advocacyinc.org

Telephone: (512) 454-4816

Early Childhood Intervention

<http://www.dars.state.tx.us/ecis/>

Telephone: (800) 628-5115

Texas Education Agency

Special Education Division

www.tea.state.tx.us/special.ed

Telephone: (512) 463-9414

Texas Homeless Education Office
<http://www.utdanacenter.org/theo/>

FORENSIC EXPERTS:

American Board of Forensic Odontology (ABFO)
(*forensic dentistry*)

www.abfo.org

Telephone: (719) 636-1100

Child Advocacy Centers of Texas, Inc.

<http://www.cactx.org/>

Telephone: (512) 258-9920

Forensic Assessment Center Network (FACN)

<https://facn.uth.tmc.edu/FACN/>

Telephone: (888) 894-3226

International Association of Forensic Nurses

www.forensicnurse.org

Telephone: (410) 626-7805

Sexual Assault Nurse Examiners

Office of Attorney General

<http://www.oag.state.tx.us/victims/sapcs.shtml>

Telephone: (800) 983-9933

University of Texas Health Science Center of San Antonio

Center for Education and Research in Forensics

www.utforensic.org

Telephone:

HOTLINES:

National Domestic Violence Hotline

www.ndvh.org

Telephone: (800) 799-7233

Texas Dept. of Family & Protective Services
Abuse & Neglect

www.txabusehotline.org

Telephone: (800) 252-5400

Texas Runaway Hotline

Telephone: (888) 580-HELP

(888) 580-4357

IMMIGRATION & CITIZENSHIP:

American Gateways

formerly Political Asylum Project of Austin

www.main.org/papa/

Telephone: (512) 478-0546

Catholic Charities

5415 Maple Avenue

Dallas, TX 75235

Telephone: (214) 634-7182

Department of Homeland Security

All immigration and border related issues formerly the responsibility of the INS are now under the authority of the Department of Homeland Security (DHS). The following divisions now handle:

U.S. Citizenship & Immigration Services (CIS) - *immigrant services and benefits*

<http://www.uscis.gov/portal/site/uscis>

U.S. Immigration and Custom Enforcement (ICE) - *domestic investigative and enforcement*

<http://www.ice.gov/>

U.S. Customs and Border Protection (CBP)- *border enforcement*

<http://www.cbp.gov/>

Human Rights Initiative
<http://www.hrionline.org/>
Telephone: (214) 855-0520

Immigration Legal Resource Center
(Special Immigrant Juvenile Status and general immigration resources)
www.ilrc.org
Telephone: (415) 255-9499

INDIAN CHILD WELFARE ACT:

Bureau of Indian Affairs
<http://www.doi.gov/bia/>
Telephone: (202) 208-3710

National Congress of American Indians
www.ncai.org/
Telephone: (202) 466-7767

National Indian Child Welfare Association (NICWA)
www.nicwa.org
Telephone: (503) 222-4044

INTERNATIONAL:

Hague Convention on Civil Aspects of International Child Abduction
http://travel.state.gov/family/abduction/abduction_580.html
Telephone:

Hague Conference on Private International Law
www.hcch.net
Telephone:

Hague Adoption Convention
<http://adoption.state.gov/>
Telephone: (888) 407-4747

Desarrollo Integral de la Familia (“DIF”)
Social services counterpart to DFPS in Mexico
<http://www.dif.sip.gob.mx/>

Telephone: (55) 30032200

International Social Service
Resource for international home studies

www.iss-usa.org/

Telephone: (443) 451-1200

U.S. Department of State

International Judicial Assistance (country specific information regarding service of process and related issues)

www.travel.state.gov/ (Select Law & Policy, then Information for Americans Abroad, then Judicial Assistance, then choose Country Specific information)

Telephone:

U.S. Department of State

Consular Notification and Access-guidance and contact information for foreign consuls

<http://travel.state.gov/law> (See International Travel; *select* A-Z Index, *select* Consular Notification & Access).

Telephone:

INTERSTATE COMPACT ON PLACEMENT OF CHILDREN (ICPC):

Association of Administrators of the ICPC

<http://icpc.aphsa.org>

Telephone: (202) 682-0100

Texas Dept. of Family & Protective Services

Texas Interstate Compact Office

Attn: Deputy Compact Administrator

P.O. Box 149030 MC W-223*

Austin, TX 78714-9030

Telephone: (512) 438-5141

*Express mail:

Texas Interstate Compact Office

Attn: Deputy Compact Administrator

701 W. 51st St. MC W-223

Austin, TX 78751

JUDICIAL:

National Association of Drug Court Professionals

<http://www.ndci.org/ndci-home/>

Telephone: (703) 575-9400

National CASA Judge's Page

www.nationalcasa.org/judgespage/index.htm

Telephone: (800) 628-3233

National Center for State Courts

www.ncsconline.org

Telephone: (800) 616-6164

National Council of Juvenile & Family Court Judges

www.ncjfcj.org

Telephone: (775) 784-6012

Texas Center for the Judiciary

<http://www.yourhonor.com/>

Telephone: (800) 252-9232

LEGAL RESEARCH:

Library of Congress

<http://www.thomas.gov/>

Telephone: (202) 707-5079

National Conference of State Legislatures' Child Welfare Research

www.ncsl.org/programs/cyf/cw.htm

Telephone: (202) 624-5400

Texas Legislature Online

<http://www.legis.state.tx.us/>

Telephone: (512) 463-1252

MEDICAL RESEARCH:

American Academy of Pediatrics

<http://www.aap.org/>

Telephone: (847) 434-4000

PubMed Central

A free digital archive provided by the U.S. National Institute of Health.

www.pubmedcentral.nih.gov/

Telephone:

MENTAL HEALTH:

Nation Alliance on Mental Illness (NAMI)

<http://www.nami.org>

Telephone: (800) 950-6264

PATERNITY:

Texas Dept. of State Health Services

Vital Statistics Unit

Frequently asked questions about paternity and parentage:

<http://www.dshs.state.tx.us/VS/>

Telephone: (888) 963-7111

Office of Attorney General of Texas

FAQ's on establishing paternity

www.oag.state.tx.us/AG_Publications/txts/paternity.shtml.

Telephone: (800) 252-8014

PERMANENCY & PLACEMENTS:

National Council of Juvenile and Family Court Judges (NCJFCJ)

Permanency Planning for Children Department

www.ncjfcj.org/ (See Child Abuse and Neglect- Permanency Planning)

Telephone: (775) 784-6012

National Resource Center for Family-Centered Practice and Permanency Planning

<http://www.hunter.cuny.edu/socwork/nrcfcpp/>

Telephone: (212) 452-7053

Texas Alliance of Child and Family Services

<http://www.tacfs.org/>

Telephone: (512) 892-2683

Texas Foster Family Association

<http://www.tffa.org/home.asp>

Telephone: (512) 947-3367

SEXUAL ASSAULT:

Sexual Assault Prevention and Crisis Services

Texas Office of Attorney General

www.oag.state.tx.us/victims/sapcs.shtml

Telephone: (800) 983-9933

SHAKEN BABY SYNDROME:

National Institute of Neurological Disorders & Strokes

<http://www.ninds.nih.gov/>

Telephone: (800) 352-9424

The Shaken Baby Alliance

www.shakenbaby.org

Telephone:

SOCIAL WORKERS:

National Association of Social Workers (NASW)

www.socialworkers.org

Telephone: (202) 408-8600

Texas Chapter of NASW

<http://www.naswtx.org/>

Telephone: (512) 474-1454

National Resource Center for Child Protective Services

www.nrc cps.org

Telephone: (503) 345-2444

Protective Services Training Institute of Texas

www.utexas.edu/research/cswr/psti

Telephone: (512) 471-5274

STATE AND FEDERAL CHILD WELFARE POLICY

Administration for Children and Families

<http://www.acf.hhs.gov/programs/cb/>

Telephone: (800) 422-4453

Texas Department of Family & Protective Services

www.DFPS.state.tx.us

CPS policy, rules, resources and updates about new initiatives.

Telephone: (512) 438-4800

SUBSTANCE ABUSE

National Alliance for Drug Endangered Children

www.nationaldec.org

Telephone: (303) 413-3066

National Center for Substance Abuse and Child Welfare

<http://www.ncsacw.samhsa.gov/>

Telephone: (866) 493-2758

National Clearinghouse for Alcohol and Drug Information (NCADI)

<http://www.health.org>

Telephone: (800) 729-6686

Substance Abuse and Mental Health Services Administration (SAMHSA)

<http://www.samhsa.gov/>

Telephone: (877) 726-4727

COMMON CHILD PROTECTIVE SERVICES ACRONYMS

* indicates further information in Glossary

AAL	Attorney ad litem	
ACYF	Administration of Children, Youth and Families- Division of US Health and Human Services	
AOP	Acknowledgement of Paternity	
BIA	Bureau of Indian Affairs	
BVS/VSU	Bureau of Vital Statistics (Vital Statistics Unit)	
CAC	Child Advocacy Center	*
CASA	Court Appointed Special Advocate	*
CCEJ	Court of Continuing and Exclusive Jurisdiction	*
CFRC	Child Fatality Review Committee	*
CPS	Child Protective Services	
CPS HB	Child Protective Services Handbook	
CWB	Child Welfare Board	*
DADS	Texas Department of Aging and Disability Services (formerly Texas Department of Human Services and the mental retardation part of MHMR)	
DEIC	Designated Emergency Infant Care (Baby Moses Locations)	
DFPS	Department of Family and Protective Services	
DNR	Do not resuscitate order	
DSHS	Texas Department of State Health Services (formerly Texas Department of Health and the mental health part of MHMR)	

DIF	Desarollo Integral de la Familia	*
DSM-IV	Diagnostic and Statistical Manual of Mental Disorders	*
FBSS	Family Based Safety Services	*
FAS	Fetal Alcohol Syndrome	*
GAL	Guardian ad Litem	
HSEGH	Health, Social, Educational and Genetic History	*
HHS	Health and Human Services	
HHSC	Texas Health and Human Services Commission (umbrella agency over DFPS)	
ICAMA	Interstate Compact on Adoption & Medical Assistance	*
ICARA	International Child Abduction Remedies Act	*
ICWA	Indian Child Welfare Act	*
ICPC	Interstate Compact for Placement of Children	*
IV-B IV-E	Titles IV B and E of the Social Security Act	* see SSA
MEPA-IEP	Multi-ethnic Placement Act, as amended by the Interethnic Adoption Act	*
MHMR	Former Texas Department of Mental Health and Mental Retardation (see DADS and DSHS)	
NCIC	National Crime Identification Center (source of criminal background checks)	
OAG	Office of Attorney General	
PAL	Preparation for Adult Living	
PKPA	Parental Kidnapping Prevention Act	*
PMC	Permanent Managing Conservatorship	

RSDI	Retirement, Survivor and Disability Insurance (Social Security benefit)	
SCRA	Servicemember's Civil Relief Act	*
SANE	Sexual Assault Nurse Examiner	*
SAPCR	Suit Affecting the Parent-Child Relationship	
SSI	Supplemental Security Income (Social Security benefit for a disabled person)	
SIJS	Special Immigrant Juvenile Status	*
SWI	Statewide Intake	*
TAC	Texas Administrative Code	
Title IV-E	Title IV-E of the Social Security Act	* see SSA
UCCJEA	Uniform Child Custody Jurisdiction Enforcement Act	*
YFT	Youth For Tomorrow	*

GLOSSARY OF TERMS FOR CHILD WELFARE ATTORNEYS

Adoption assistance agreement A written agreement between DFPS and adoptive parents that provides for payment, services or assistance to adoptive parents for eligible adopted children with special needs. TEX. FAM. CODE §162.301 (1); 40 TAC §801 et seq.

Americans with Disabilities Act ("ADA") A federal law which gives persons with disabilities civil rights protection against discrimination. For the CPS population, the law is most commonly used as a tool to advocate for children with special education needs. For more information, see Advocacy Inc., www.advocacyinc.org or www.ada.gov.

Baby Moses law The popular name given to a law that permits leaving an infant in a statutorily designated location without being investigated for child abuse. The purpose is to encourage safe delivery of an infant that might otherwise be abandoned in a dumpster or other dangerous circumstance. Special procedures regarding confidentiality, notice and termination of parental rights apply in these cases. See Practice Guide, SECTION 9, SPECIAL ISSUES, Baby Moses.

Background checks CPS checks both the criminal and child abuse and neglect history of parents, caretakers and other persons residing with a child. The type of check performed and the impact of any findings varies depending on the type of proposed placement. See Practice Guide, SECTION 9, SPECIAL ISSUES, Laws Concerning Placements.

Battered-child syndrome A term coined in 1962 by Dr. Henry Kempe, a pioneer in the field of child welfare advocacy to describe medical findings indicative of child abuse. "The battered-child syndrome, a clinical condition in young children who have received serious physical abuse, is a frequent cause of permanent injury or death. The syndrome should be considered in any child exhibiting evidence of fracture of any bone, subdural hematoma, failure to thrive, soft tissue swellings or skin bruising, in any child who dies suddenly, or where the degree and type of injury is at variance with the history given regarding the occurrence of the trauma. Psychiatric factors are probably of prime importance in the pathogenesis of the disorder, but knowledge of these factors is limited. Physicians have a duty and responsibility to the child to require a full evaluation of the problem and to guarantee that no expected repetition of the trauma will be permitted to occur." Kempe, Silverman, Steele, Droegemueller & Silver, The Battered-Child Syndrome, 181 JAMA 17 (July 7, 1962) See *In re J.L.S.*, 793 S.W. 2d 79, 80 (Tex. App.-Corpus Christi, 1990, no pet.); *U.S. v. Bowers*, 660 F. 2d 527, (5th Cir. 1981).

Child Abuse Registry A confidential repository of child abuse and neglect findings maintained by DFPS which can be searched by authorized persons to determine what, if any, child abuse and neglect history an individual has. TEX. FAM. CODE §261.002.

Child Advocacy Center ("CAC") A multi-disciplinary center covering a specific geographic area (county or counties) designed to improve the quality of child abuse or neglect investigations in a child sensitive environment. A CAC uses trained forensic

interviewers to minimize the trauma to a child while meeting the needs of CPS, law enforcement and prosecutors and works to promote collaboration between medical, law enforcement, social work, legal and other child welfare professionals. TEX. FAM. CODE §264.401

Child Fatality Review Committee (CFRC) A statewide multidisciplinary committee designed to review child deaths to identify procedures to avoid preventable deaths and to promote awareness of these issues. Mandatory board members include individuals from the Department of State Health Services, law enforcement, DFPS, medical examiners and other health professionals. The CFRC is not limited to child deaths attributed to abuse or neglect, but includes accidents, illnesses and deaths of unknown causes. TEX. FAM. CODE §§ 264.501-264.514.

Child Welfare Board (CWB) A board that may be appointed by a commissioner's court to augment services for abused or neglected children in a county. TEX. FAM. CODE § 264.005.

Citizenship & Immigration Status

(Note: Although no longer favored in common usage, "alien" is the term used in federal law to denote a person who is not a U.S. citizen.)

U. S. citizen: A person who is either born in the U.S. (or in some cases born abroad to a U.S. citizen parent) or who becomes a citizen through the naturalization process.

Permanent resident: (A.K.A. "lawful permanent resident") A person who has received an Alien Registration Receipt Card (commonly known as a "green card") which entitles the person to live and work in the U.S. permanently (barring certain criminal or other misconduct). After being a permanent resident for five years (or three in some instances), at age 18 a permanent resident who is otherwise eligible can apply to become a naturalized U. S. citizen.

Qualified alien This is a federal law term for persons who are eligible for certain public benefits. All permanent residents are qualified aliens, as are certain other categories of immigrants, including refugees, persons granted asylum, and a long list of others. See 8 U.S.C. §1641(b). Some persons, such as tourists, persons admitted on student or temporary work visas, are lawfully present in the U.S., but are not "qualified aliens."

Special Immigrant Juvenile Status (SIJS) This federal law allows an eligible undocumented foster child who is unable to reunify with one or both parents to obtain Permanent Resident status by applying for SIJS. See Practice Guide, SECTION 9 SPECIAL ISSUES, Citizenship & Immigration Status.

Undocumented person: A person who is not a U.S. citizen and is in the U.S. without authorization of U.S. Citizenship & Immigration Services. This term is commonly used to refer to a person who entered the U.S. illegally or who entered legally on a time limited visa which expired.

Court Appointed Special Advocate (“CASA”) CASA is a non-profit organization which screens and trains volunteers willing to be appointed to serve as advocates for CPS children. Courts frequently appoint CASA volunteers as guardian ad litem for children in CPS conservatorship. TEX. FAM. CODE §§264.601-264.613.

Court of Continuing and Exclusive Jurisdiction (“CCEJ”) A Texas court that renders a final order in a Suit Affecting the Parent Child Relationship acquires continuing, exclusive jurisdiction. TEX. FAM. CODE 155.001. Immediately after the adversary hearing in a CPS case, the caseworker must file a request with the Department of State Health Services to determine whether there is a CCEJ. See Practice Guide, SECTION 3, LITIGATION ESSENTIALS.

De-Identification The process of editing or redacting confidential or privileged CPS records before release. See TEX. FAM. CODE § 261.201; 40 TAC §700.204.

Desarollo Integral de la Familia (DIF) The national social services agency in Mexico which performs functions parallel to those of DFPS. DFPS staff work closely with counterparts within DIF to locate family members, obtain home evaluations and similar tasks. CPS has designated bilingual border liaisons that routinely work with DIF counterparts on child protective services issues.

Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) The manual published by the American Psychiatric Association (APA) that categorizes all mental health disorders for children and adults. The DSM assesses five dimensions of mental health, including:

Axis I: Clinical Syndromes, essentially the diagnosis;

Axis II: Developmental Disorders and Personality Disorders;

Axis III: Physical Conditions;

Axis IV: Severity of Psychosocial Stressors; and

Axis V: Highest Level of Functioning (rated both at present and the highest level in the past year).

For more information, see the APA website at: <http://www.psych.org>.

Disproportionality The overrepresentation of children of a particular race or ethnicity in the child welfare system. The goal of disproportionality projects is to address practice and policies that contribute to this phenomenon and in doing so, undo the impact of racism on child welfare practices. DFPS has several disproportionality projects underway and the Casey Foundation is resource for current information on this issue. See www.casey.org.

Failure to Thrive This is a diagnostic condition resulting from serious nutritional deprivation that causes a child not to grow and develop normally physically or mentally. This condition may be indicative of abuse or neglect. See Practice Guide, SECTION 6, EVIDENCE, Evidentiary Issues "A" to "Z."

Family-Based Safety Services (FBSS) Protective services provided to a family to prevent the need to remove a child from the home. 40 TAC § 700.702.

Family Reunification Services Protective services provided to a family to aid in transitioning a child back into the home after a child has been in substitute care. 40 TAC § 700.703.

Family Group Decision Making This is a family-focused method for addressing child protection issues that originated in New Zealand and is now practiced in many jurisdictions, including Texas. The concept is to bring together as many concerned and interested parties as possible to discuss and problem solve issues that impact child safety. Invitees might include family members, friends, community leaders, religious advisors, counselors, educators and anyone else who might have something to contribute. The process is intended to give the family the primary responsibility for crafting a solution that is best suited for their particular situation.

Fetal Alcohol Syndrome ("FAS") A condition resulting from prenatal exposure to alcohol characterized by abnormal facial features, growth deficiencies, and central nervous system problems. See Center for Disease Control. <http://www.cdc.gov/>

The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption An international treaty designed to protect children and families involved in adoptions between participating countries. See <http://adoption.state.gov/hague/overview.html>.

Hague Convention on Civil Aspects of International Child Abduction An international treaty designed to provide a remedy for persons seeking the return of children abducted to member countries. Congress implemented this treaty by enacting the International Child Abduction Remedies Act (ICARA), codified at 42 U.S.C.A. §11601 et seq.

Health, Social, Educational and Genetic History ("HSEGH") A report of a child's health, social, educational and genetic history (including any history of physical, emotional or sexual abuse) which must be compiled as part of the adoption process. TEX. FAM. CODE §§ 162.005-165.008.

Indian Child Welfare Act ("ICWA") A federal law that imposes special standards and requirements if a child protective services suit involves an "Indian child" (defined as a member of a federally recognized tribe or a child eligible for membership and the biological child of a member). See Practice Guide, SECTION 9, SPECIAL ISSUES, Indian Child Welfare Act.

Interstate Compact on Adoption & Medical Assistance ("ICAMA") An interstate agreement enacted into law by participating states designed to facilitate delivery of

medical services for adopted children whose families either reside outside the state of the child's residence at the time of adoption or who subsequently move out of state. TEX. FAM. CODE § 162.201.

Interstate Compact on the Placement of Children ("ICPC") A national compact enacted by state legislation in each jurisdiction that governs the placement of children across state lines. See Practice Guide, SECTION 9 SPECIAL ISSUES, Laws Concerning Placements.

Kinship Care The term used to refer to relatives or "fictive kin," (friends of the family that function like relatives) who agree to serve as caretakers for children in CPS conservatorship. The law encourages these placements. See TEX. FAM. CODE §264.751-264.759.

Legal Risk Placements The CPS term for a foster care placement made before parental rights are terminated with caretakers who seek to adopt, in order to expedite permanency and minimize disruption for a child. A legal risk placement is only made in specified circumstances where the likelihood of termination of parental rights is considered high.

Level of Care ("LOC") The CPS term used to describe the degree of services needed by a child in foster care. It determines the kind of foster care setting, the level of training required of a caregiver and the amount paid for foster care. The LOC may change during the time a child is in foster care after a periodic assessment. Assessment of each child in CPS care is made by a private contractor called Youth for Tomorrow (YTF-see below.) Children are assessed and placed in one of four levels of care, each characterized by the level of services required:

1. **Basic Services** – usually a family setting in a foster home, designed for a child with ordinary needs.
2. **Moderate Services** – usually a therapeutic or habilitative foster home with a structured, supportive setting, with access to therapeutic intervention or medical supports, designed for a child with frequent behavioral problems that present a moderate risk of harm to self or others.
3. **Specialized Services** – usually a group home or residential treatment center staffed with caregivers with specialized training, designed for children who need 24-hour close monitoring, and regular professional guidance, therapeutic, habilitative and medical intervention.
4. **Intense Services** – usually a residential treatment center or hospital where a child can get structure and limited outside access, designed for a child with behaviors that present an imminent, severe danger to self or others. Staff members are professionally trained, supervision is 24-hour and often 1 to 1 supervision to protect a child.

Multi-ethnic Placement Act, as amended by the Interethnic Adoption Act ("MEPA-IEP") A federal law that restricts the use of race, color or national origin in the foster or adoptive placement process. State laws also impose specific restrictions on the

placement process relating to race and ethnicity. See Practice Guide, SECTION 9, SPECIAL ISSUES, Laws Concerning Placements.

Munchausen Syndrome by Proxy (also known by more recent terminology as “Pediatric Condition Falsification,” or “Factitious Disorder by Proxy”) A form of child abuse that occurs when a parent or caretaker falsifies a child’s medical history, causes injury or illness in a child or falsifies laboratory results in order to get unnecessary and as a result often harmful medical intervention. See Practice Guide, SECTION 6 EVIDENCE, Evidentiary Issues from "A" to "Z."

Order in Aid of Investigation A court order to compel cooperation with specific components of a child abuse and neglect investigation. See Practice Guide, SECTION 1 - BEFORE FILING SUIT, Court Orders To Aid In Investigation.

Order to Participate in Services A court order to compel a parent or caretaker to participate in services designed to avoid the need to remove a child. See Practice Guide, SECTION 1, BEFORE FILING SUIT, Alternatives to Removal.

Parental Child Safety Placement Formerly known as a voluntary placement, this a placement for a child selected by a parent when child safety issues are identified in the course of a CPS investigation, which placement may continue in a FBSS case. This type of placement serves the important function of enabling CPS to potentially avoid a removal, while maintaining the safety of the child and minimizing the disruption for the child and family

Paternity Registry A registry maintained by the vital statistics unit of the bureau of vital statistics (“BVS”) that permits a man to register as a potential father of a child he may have fathered. Registering does not establish paternity but entitles the registrant to notice of any action to terminate parental rights or adoption involving the child. TEX. FAM. CODE §160.402.

Permanency Care Assistance Program. A new potential source of financial support for relatives or adults with a longstanding and significant relationship with a foster child (added by H.B. 1151 and SB 2080 , 81st Reg. Sess.). The benefits available under this program, which begins September 1, 2010, are similar to adoption assistance benefits and include monthly cash assistance and eligibility for Medicaid. However, only caretakers with whom the child resides *for at least six consecutive months after the person becomes licensed or verified to provide foster care* are eligible. In addition, these eligibility criteria must be satisfied *before the relative/fictive kin is named managing conservator*. In the context of the one year or even the maximum 18 month period before a case must be dismissed or a final order rendered, six consecutive month’s residence, which must accrue after the caretaker becomes licensed or verified and *before the relative/fictive kin is named managing conservator*, makes it essential that CPS, the court, and the attorneys all plan accordingly. Failure to do so may result in the caretaker being ineligible for benefits and, if financial support is necessary, could eliminate an otherwise appropriate and stable placement for a child. See TEX. FAM. CODE CH. 264, SUBCHAPTER K.

Permanent Judicial Commission for Children, Youth and Families An umbrella organization created by the Texas Supreme Court to promote court improvements to benefit the child welfare system.

Release hearing An administrative proceeding that allows a designated perpetrator or designated victim perpetrator an opportunity to appeal a decision by DFPS to release information about the person to individuals who have control over the person's access to children. DFPS is represented in these hearings by attorneys in the Licensing Division. 40 TAC § 700.601(2).

Servicemembers Civil Relief Act (SCRA) A federal law (formerly the Soldiers' and Sailors' Relief Act) that protects the legal rights of men and women on active duty with the military. If a parent in a CPS suit is missing, CPS must always check the military database to determine if the SCRA may apply and submit proof to the court. The SCRA may require a temporary stay of litigation involving a servicemember. 50 U.S.C. App. §501 et seq. See Practice Guide, SECTION 3 LITIGATION ESSENTIALS, Service of Process; Default Judgments

Sexual Assault Nurse Examiner (SANE) A registered nurse specially trained in procedures for forensic sexual assault examinations, including evidence collection and courtroom testimony. For more information, contact the Sexual Assault Prevention and Crisis Services (SAPCS), a program of the Crime Victim Services Division of the Office of the Attorney General which offers training, resources and information, at www.oag.state.tx.us/victims/sapcs.shtml

Shaken Baby Syndrome “This term describes a constellation of findings, which may include retinal hemorrhages; subdural or subarachnoid hemorrhages, or both; edema, cerebral contusion, and infarction; rib fractures; and multiple traction changes from violent shaking in the long bones and limbs. These injuries may exist with little or no external signs of trauma.” Kessler & Hyden, *Physical, Sexual and Emotional Abuse of Children*, 43 Clinical Symposia 1, 13 (1991); See Practice Guide, SECTION 6 Evidentiary Issues "A" to "Z," or www.shakenbaby.org.

Social Security Act This federal law is a primary source of federal funding for child protective services. The titles most relevant to CPS are:

Title IV-B This is the source of federal funding for Child Welfare Services (Part 1), and Promoting Safe and Stable Families (Part 2). See 42 U.S.C. §

Title IV-D This title creates the state's child support enforcement program. The Child Support Division of the Office of Attorney General (also known as the IV-D state agency) is responsible for the establishment and enforcement of child support. See 42 U.S.C. § 651 et seq.

Title IV-E This is the source of federal foster care and adoption assistance funding and the accompanying restrictions and requirements. See 42 U.S.C. § 670 et seq.

Statewide Intake (SWI) This is the DFPS division designated to receive all reports or intakes of child abuse or neglect by toll free telephone, fax or internet 24 hours day, 7 days a week, 365 days a year. Specially trained staff receive, prioritize and send reports of abuse and neglect to the appropriate regional office for investigation.

Texas Adoption Resource Exchange (TARE) An intranet site maintained by DFPS for registration of children available for foster and adoptive placement and prospective foster and adoptive parents seeking children.

Transitional Living Services These are CPS programs that provide services and support for young people 14 to 21 years of age who are currently or formerly in foster care, or transitioning out of care, including Preparation for Adult Living (PAL), Education and Training Vouchers (ETV), and others. See TEX. FAM. CODE §§264.121; 263.502; 40 TAC §700.1601-1604.

Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) A uniform act enacted by most states (including Texas) that delineates which state has original jurisdiction of a child custody suit, and when a court can exercise continuing jurisdiction or modify a child custody order. See TEX. FAM. CODE CH. 152,

Vienna Convention on Consular Affairs An international treaty adopted by the U. S. which requires all states to give notice to the foreign consul when a foreign citizen child is taken into custody. CPS policy requires that the caseworker give notice to the appropriate foreign consul in this circumstance and provides a form letter for this purpose. See Practice Guide, SECTION 9, SPECIAL ISSUES, Citizenship & Immigration Issues.

Voluntary Adoption Registry This is a registry maintained by the Bureau of Vital Statistics, a division of the Department of State Health Services which allows adoptees at age 18, birth parents and adult biological siblings to register a desire to locate each other. If a match is made, the BVS notifies the parties. This is available to all birth parents, biological siblings and adoptees, regardless of whether CPS was involved in the case. See TEX. FAM. CODE §§ 162.401 -162.422.

Youth For Tomorrow (“YFT”) A non-profit entity responsible for determining the appropriate level of care of a child in CPS care based on review of the documents. A caseworker can assign a child a basic level of care initially but if the child requires a higher level of services, the caseworker must submit a “common application,” with a detailed history of the child’s placements, medical and mental health history and current status to Youth for Tomorrow.

www.yft.org.