

# 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.*