

**How are cases reported to CPS?** Everyone has a legal duty to report suspected child abuse or neglect. Child Protective Services (CPS) is a part of a state agency, the Texas Department of Family and Protective Services. The sole purpose of CPS is to investigate reports of child abuse or neglect. By law, the person who makes the report must remain anonymous. Doctors, lawyers, therapists, and clergy are legally required to make a report if they suspect child abuse or neglect.

**Can CPS take my child?** Yes. If CPS investigates a report and believes the child to be in danger, it can remove the child from the unsafe environment. An unsafe environment may involve physical violence to the child or another household member or sexual contact with a child. It can also involve neglect, as in the failure to provide sufficient food or medical care for the child or leaving the child without appropriate supervision. The environment is also considered unsafe for the child if members of the child's household are using illegal drugs or if firearms in the household are not locked up and away from the child.

**What happens after removal?** CPS will notify the child's parents in writing and provide any papers filed with the court. The papers will include a written statement by the investigator stating the reasons for removal. A court hearing will be held within 14 days. At that time, the judge will decide if the child should be returned to the home, should stay with a friend or family member, or remain in CPS custody (foster care). If the judge decides not to return the child, CPS will develop a Service Plan with your input, which lists the steps you must take to address CPS's safety concerns about the child. The Plan can also require you to attend parenting or anger management classes, complete a drug or alcohol rehabilitation program, submit to random drug testing, and other requirements. Because the court requires you to comply with the Plan, failure to do so will delay or prevent the return of your child.

**CPS hasn't taken custody of my child. Do I have to follow their recommendations?** A CPS investigation might identify concerns about the care of your children or your home environment, but allow you to keep the child at home or with a relative while you work to make recommended changes. A written agreement called a Safety Plan lists what actions are recommended and may include a referral to Family Based Safety Services to help you. No court case is filed and you can't be forced to agree to the Safety Plan. But if you won't agree, or the Plan isn't followed, CPS can file a court case and ask the court to order that you comply and/or take the child into custody and file a court case.

### What are my rights?

- You have the right to talk to your CPS caseworker. Communications with the caseworker are not confidential and anything you say can be used in court.
- If CPS has filed a lawsuit against you to take your children, you have the right to a court appointed attorney if you cannot afford an attorney. At the first CPS hearing, ask the court to appoint an attorney to represent you.
- You have the right to deny the allegations made by CPS.
- You have the right to be notified of and attend all court hearings.
- You have the right to an interpreter if you do not understand English or are hearing impaired.

**How long will the case stay open?** If CPS files a court case, you have only 12 months to show the court that your children can be safely returned to you. Safety Plans and Family Based Safety Services can be from 60 – 90 days or longer, depending on what is needed. If you have a Safety Plan and your child is placed with someone else, the placement should last no more than 90 days, although you can reach an agreement with CPS that it continue for 6 months or longer. If your child is with you and you are receiving Family Based Safety Services, the case may stay open for 6-9 months or more if services are still needed to make sure you have a safe home for your child. If CPS is just investigating, the investigation must be completed within 30 days, although the deadline can be extended.

**More information about CPS cases:** [www.dfps.state.tx.us/child-protection](http://www.dfps.state.tx.us/child-protection)