

CPS Timeline*

If the Texas Department of Family and Protective Services (“DFPS” or sometimes referred to as “CPS”) takes your child without your agreement, your CPS case will go by the following deadlines, starting with the date the child was removed:

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 cannot keep the child safe from harm, and/or
- There is no alternative to removal by CPS that would keep the child safe.

If a child is removed by CPS without a hearing, an emergency court hearing must be held no more than 3 days after removal. At the emergency hearing the court will decide whether the above factors exist. If so, the child will remain in the possession of CPS until further order of the court.

Day 14: Adversary Hearing - The court will either enter temporary orders regarding the child or return the child to the parent, guardian or relative. If the child is not returned, CPS will be named as the temporary managing conservator and the court 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: Status Hearing – Court reviews child’s status and the permanency plan.

Day 180: Initial Permanency Hearing – The Court will:

- Return the child to the parents/guardians, or
- Place the child with a non-parent or relative;
- Evaluate the parties’ compliance with temporary orders and the services plan.
- Determine whether the current placement is appropriate or needs to be changed.

Day 270: Permanency Hearing – Same review as the 180 day initial permanency hearing (above). Every 120 days after the 180 day Initial Permanency Hearing, the court will conduct additional permanency hearings to evaluate the parties’ compliance with the services plan. The court may shorten but not extend the 120 day deadline for subsequent permanency hearings.

Day 360: Trial/Dismissal of Suit/Extension of Case – The court must enter a final order or dismiss the case. “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, if the court finds extraordinary circumstances, it may also extend the time to enter a final order or a dismissal by an additional 180 days from the original deadline.

Day 540: Dismiss/Return to Monitor/Trial – Case must be dismissed on the next Monday following 18 months from the date CPS was granted temporary managing conservatorship unless a final order has been entered OR the child has been placed with a parent or relative for up to 180 days of monitoring.

Day 720: Dismiss/Trial – Case must be dismissed or the court must enter a final order regarding the conservatorship of the child by this date.

* adapted from Texas Young Lawyer’s Ass’n. “Timeline Regarding the Removal of a Child by CPS”. For more information, visit www.tyla.org