

SCHOOL DISTRICT FOSTER CARE
LIAISON 201:

**UNDERSTANDING CHILD
PROTECTIVE SERVICES (CPS)
& COURT**



Presenters



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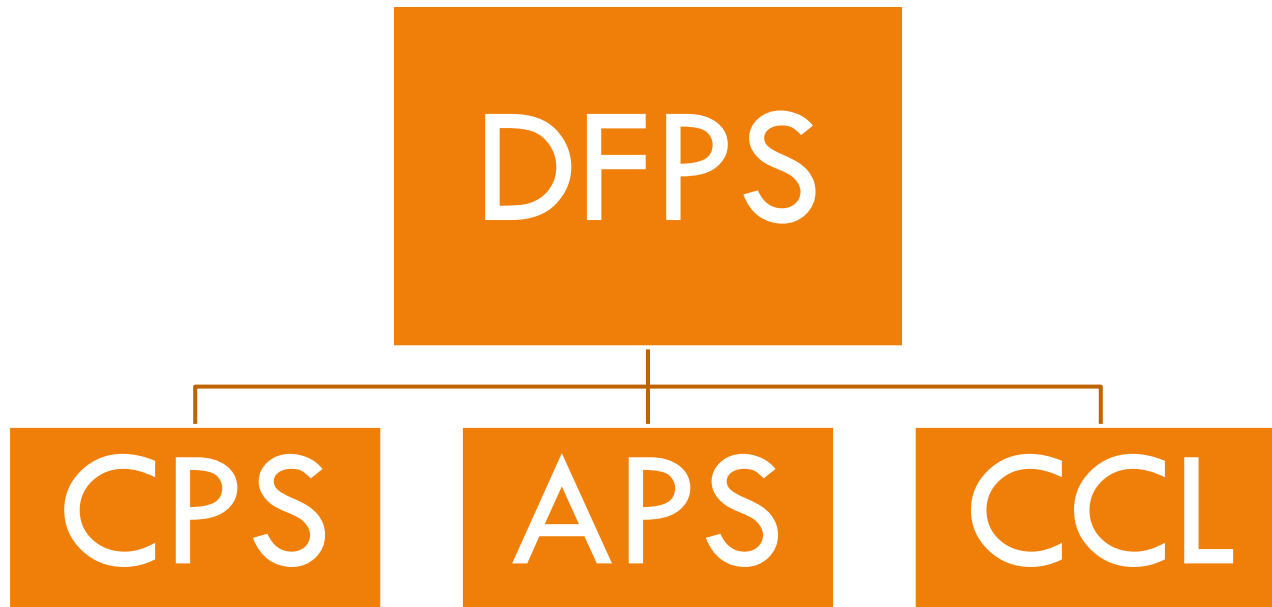
Workshop Goals

- CPS 101 and Court Overview
 - What is DFPS? CPS?
 - How many children are we talking about?
 - What are the stages of CPS service?
 - Reporting and what is child abuse and neglect?
 - Who you might encounter in CPS case?
 - What is Foster Care?
 - How is the court involved?
- Overall – how do education and CPS intersect?
- Next Steps
- Resources – Where to go for more information.

DFPS Mission

- *The mission of The Texas Department of Family and Protective Services is to protect children, the elderly, and people with disabilities from abuse, neglect, and exploitation by involving clients, families, and communities.*
- *The vision of Child Protective Services is. . .*
Children First, Protected and Connected

Flowchart of DFPS



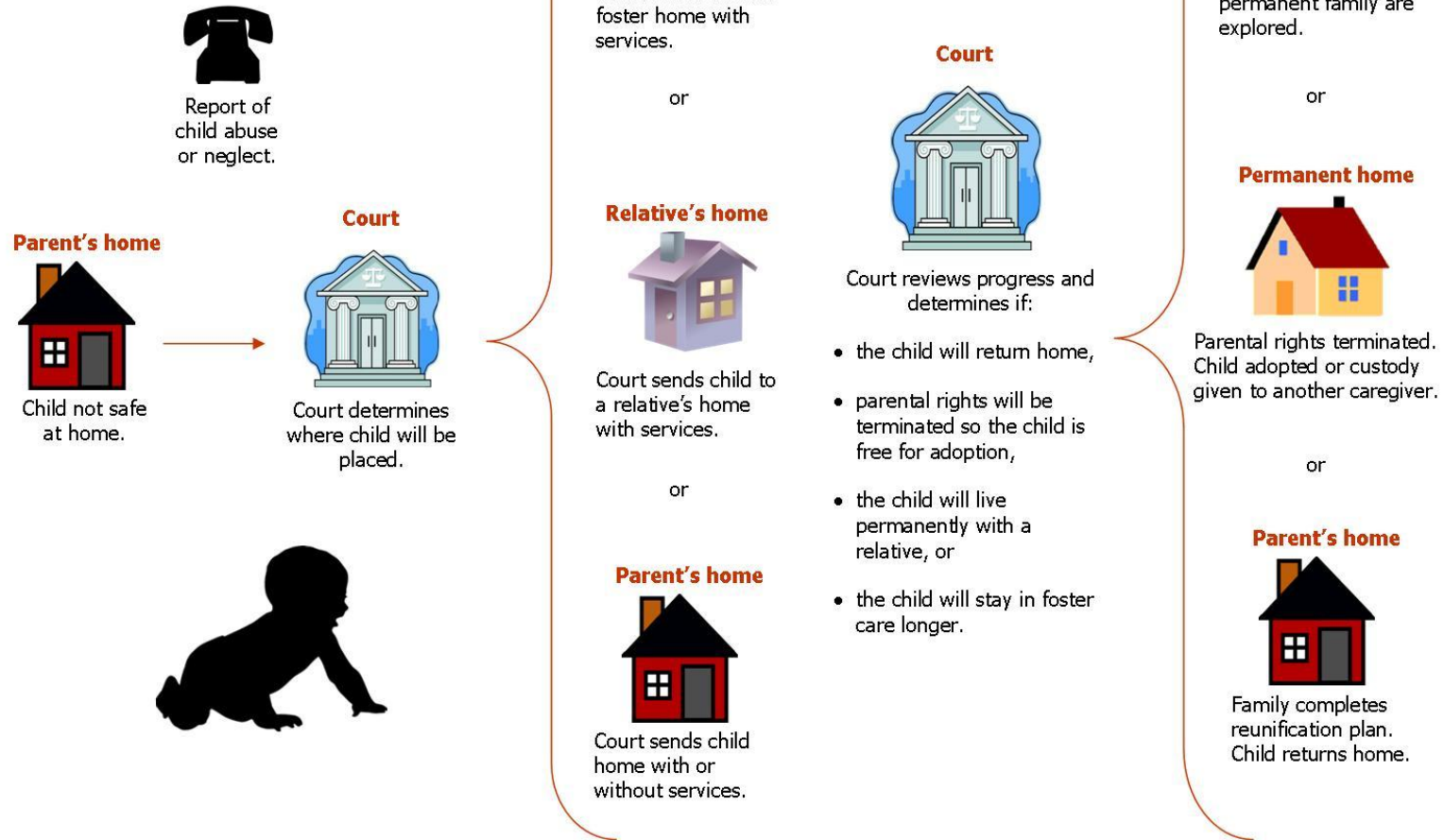
Texas Foster Youth – FY2012

- 206,158 calls to the CPS child abuse and neglect hotline
- 166,231 completed CPS investigations
- 140,789 closed CPS investigations
- 25,442 opened for services
 - 17,742 opened for Family-based Safety Services
 - 7,700 opened for Substitute Care
- (78,360) children in cases opened for services

Texas Foster Youth – FY2012

- (68,326) confirmed child victims
- (12,107) children removed from parents
- 29,831 in DFPS legal custody at end of FY2012
- 17,558 children in Temporary Managing Conservatorship (TMC)
- 12,273 children in Permanent Managing Conservatorship (PMC)
- Roughly 60% of these children are age 6-17

Child's Journey Through Foster Care



CPS Stages of services

- ☐ *Intake*
- ☐ *Investigation*
- ☐ *Family Based Safety Services*
- ☐ *Substitute Care*
 - ☐ *Family Reunification*
 - ☐ *PAL (Preparation for Adult Living)*
- ☐ *Adoption/Post Adoption*

The law on reporting abuse/neglect

- State law requires any person who suspects abuse/neglect of a child to report to the abuse/neglect hotline **1-800-252-5400**. Failure to report suspected child abuse is a **Class B** misdemeanor punishable by a fine or up to 180 days or both fine and imprisonment.



Reporting Continued...

- Professionals are required to report abuse/neglect within 48 hours of learning of the abuse. There is now a secure website for professionals to report via the Internet. The site is www.txabusehotline.org
- A professional **may not** delegate to or rely on another person to make the report.

Professionals include people who are either licensed by the state or work in a facility licensed by the state OR who have direct contact with children in the course of their job.

These may include:

1. **Teachers and school personnel**
2. **Physicians**
3. **Nurses**
4. **Attorneys**
5. **Clergy**
6. **Therapist and mental health professionals**
7. **Social workers**
8. **Law enforcement**
9. **Child care providers (day care, babysitters)**
10. **Foster Parents**

Types of Child Abuse/Neglect Investigated by CPS

Neglect

Physical Abuse

Sexual Abuse

Emotional Abuse

Abandonment

RAPR- Refusal to Assume Parental Responsibility

How are abuse reports categorized

✓ **Priority 1-** Contact made within 24 hours

These cases concern children who appear to face an immediate risk of abuse or neglect that could result in death or serious harm.

✓ **Priority 2-** Contact made within 72 hours

These are reports of abuse or neglect that don't appear to involve immediate threat of serious harm or death.

Reports not assigned for investigation are:

- PN (No Priority) reports- Does not meet criteria for abuse/neglect or no locating information on family is known

Who investigates child abuse?

□ Setting

- Abuse occurs in home or by family member
- Occurs in day care or residential treatment facility
- Abuse occurs at school
- Abuse by stranger

□ Investigating Agency

- CPS and Law Enforcement
- Child Care Licensing and Law Enforcement
- CPS and Law Enforcement
- Law Enforcement

During the Investigation

- Who is contacted?
- What are the timeframes for completing an investigation?
- What are the outcomes?
 - ▣ Dispositions/allegation findings
 - Reason to believe
 - Unable to determine
 - Ruled out
 - Administratively closed
- Who receives services after an investigation?

Types of services provided to families in all case stages include:

- ❑ Parenting Education
- ❑ Substance Abuse Assessment and Treatment
- ❑ Crisis intervention
- ❑ Individual/ Group/Family Therapy
- ❑ Child care
- ❑ Psychological Evaluations
- ❑ Referrals to other types of treatment services

Protection Without Removal

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- Must use **reasonable efforts** to avoid removal*
- Child removal alternatives:
 - ▣ Safety plans
 - ▣ Family Team Meetings
 - ▣ Parental child safety placement
 - ▣ Perpetrator kicked out
 - ▣ Protective parent moves to another location
 - ▣ Protective Order
 - ▣ Court-ordered services

*Assumes not an emergency situation

Substitute/Foster Care

- ❑ When it is not safe for children to live with their parents, CPS petitions the court to remove the children from their home.
- ❑ If child placed out of the home, DFPS becomes the legal parent or takes “custody” or “conservatorship” of the child.
- ❑ Children may be placed with relatives, a foster family, an emergency shelter or a facility, depending on the needs of the child.
- ❑ Parents have up to 1 year to remedy the issues that caused the abuse/neglect of their child.

The Whirlwind of Out-of-Home Care

- Removed from home/parents/siblings
 - May not have had chance to say goodbye
 - Uncertain about where parents/siblings are or if they are even ok
- Living with strangers
 - In strange house/room/bed
 - Different customs/routine
 - Other children in home
- Few or none of your possessions
 - “trash bag” of belongings
- Uncertainty about future
 - Where will I live?
 - Will I return home?
 - Where will I go to school?

DFPS Form 2085

Texas Dept of Family
and Protective Services

PLACEMENT AUTHORIZATION FOSTER CARE/RESIDENTIAL CARE

Form 2085FC
July 18, 2012

The Texas Department of Family and Protective Services (DFPS), managing conservator of

Child's Name [REDACTED]		Person ID. [REDACTED]	Medicaid No. [REDACTED]
Date of Birth [REDACTED]	County [REDACTED]	Court No. [REDACTED]	Cause No. [REDACTED]

hereby authorizes [REDACTED] to serve as this child's caregiver under the following terms and conditions:

1. **Daily Care.** The caregiver must provide the child's daily care, protection, control and reasonable discipline. Physical discipline, including spanking may not be used on a child that is in the conservatorship of DFPS. Reasonable discipline should be related to the child's specific misbehavior, age, developmental level, previous experiences, reactions to previous discipline, and any other relevant factors. The caregiver must comply with any applicable court orders and must provide care for the child which conforms to all applicable DFPS rules and standards and any specific instructions from DFPS. The child's placement with the caregiver is based on the caregiver's compliance with the requirements set forth in the contract with DFPS. DFPS, at its sole discretion, may transfer the child to another placement at any time.
2. **Education.** The caregiver must enroll the child in public school and / or other educational program(s) as directed by the child's caseworker or the caseworker's supervisor. The caregiver may sign any documents needed to enroll the child in a school or other educational program to implement DFPS's decisions about the child's education. The caregiver may also receive and review all the child's educational records. The caregiver may not consent to corporal discipline.
3. **School Programs and Extracurricular Activities.** The caregiver may authorize the child to participate in routine school programs and extracurricular activities that do not involve an unusual risk of injury to the child. The caregiver must inform the child's caseworker of all such activities.
4. **Foster children who are the legal responsibility of the State or formally placed with a caregiver by the court**

Family Reunification



The goal of CPS is to ensure that children live in stable, nurturing, safe environments and do not remain in foster care.

Sometimes children can be successfully reunited with their parents, other times they are placed permanently with relatives or family friends.

Timeline...

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At time of removal...

- ❑ Child removed from parent and placed somewhere else
- ❑ Likely that child will be outside school of origin zone of attendance
- ❑ CPS and local education agencies should work together to see if remaining in school of origin in child's best interest
- ❑ Children may stay in school of origin pursuant to McKinney-Vento if placed in emergency shelter

Types of Placements

- ❑ Relative or kinship
- ❑ Foster family home
- ❑ Foster group home
- ❑ Residential treatment center
- ❑ Emergency Shelter
- ❑ If child changes placement, likely to change schools
- ❑ Placements may change at any point during the time the child is in DFPS custody

Within 2 Weeks of Taking Custody

- ❑ Adversary Hearing
- ❑ Hearing attended by DFPS, its attorney, child's attorney/guardian ad litem, parent, and possibly parent's attorney
- ❑ Additional attendees may include: family or fictive kin, community support, school staff, therapists, counselors, etc.
- ❑ Court decides whether child goes home
- ❑ CASA may be appointed

Who Might be in Contact with School?

- DFPS Caseworker – may visit child at school and/or request school records or information to aid in decision about school/foster placement
- Designated caregiver – may seek to enroll child in new school or contact former school about withdrawal
- Child's Attorney and Guardian ad litem -- may visit child at school and/or request school records or information to aid in decision about school/foster placement
- DFPS attorney – may subpoena or request testimony of school staff if reporter of abuse/neglect
- DFPS Education Specialist – troubleshoot if enrollment, credit or records transfer, or other challenges; likely to attend ARDs

Education Portfolio

- What is it?
 - ▣ Green binder
 - ▣ Follows students in care from home to home
 - ▣ One place for all school records
- What might DFPS want from schools to put in it?
 - ▣ Transcripts
 - ▣ Report cards
 - ▣ Test scores
 - ▣ IEPs

Caseworker Responsibilities about Education

- ❑ Child's Plan
- ❑ Placement decisions, including school placement
- ❑ Permanency planning, taking into consideration education issues
- ❑ Reporting to court about education status

Caregiver Responsibilities about Education

- ❑ Enrollment
- ❑ Class placement
- ❑ Extracurricular activities
- ❑ Monitoring academic progress

Education Decision-Making

- What court order may and should say
- If DFPS has conservatorship, probably has right to make education decisions
- Some decisions delegated to caretaker
- AAL/GAL access to child and education records

Within 2 Months of Taking Custody

- Status Hearing
- Court incorporates parent service plan prepared by DFPS into court order
- Service plan gives parent roadmap to reunify with child
- Parents given warning – if don't comply, face termination of parental rights
- DFPS provides information about child's health to court

Within 6 and 10 Months of Taking Custody

- 1st and 2nd Permanency Review Hearing
- Court looks at status of child and whether parents are engaging in services
- Permanency goal for child established – if not reunification, other options?
- Set for trial, if necessary

What are Permanency Goals?

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- Family Reunification
- Alternative Family
 - ▣ Relative Kinship Adoption
 - ▣ Relative Kinship Conservatorship
 - ▣ Unrelated Adoption
 - ▣ Unrelated Conservatorship
- APPLA
 - ▣ Foster Family DFPS Conservatorship
 - ▣ Other Family DFPS Conservatorship
 - ▣ Independent Living
 - ▣ Community Care

Within 1 Year* of Taking Custody

- Case must come to legal conclusion
- *One six-month extension allowed
- If child doesn't go home with a parent or custody isn't granted to a relative/kinship caregiver, DFPS is named as "Permanent" Managing Conservator (PMC)
- Permanency efforts continue for the child
- If parental rights terminated, child eligible for adoption

Termination of Parental Rights

- ❑ Parent loses all rights and duties
- ❑ Legally frees child for adoption by another person, including relative
- ❑ Have to prove ground + best interest, TFC 161.001 (a) + (b)
- ❑ Sometimes referred to as “capital punishment” of civil cases = higher degree of proof required
- ❑ Type of CPS case most likely to be appealed following judgment

Placement Review after 1 Year

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- Once child enters PMC of DFPS, court continues to review his or her case every 6 months
- Continues until child's permanency goal is achieved or child leaves care at age 18
- Court review may continue to age 22, depending on circumstances

Tips for Working with DFPS

- Let DFPS caseworker know best method and time of communication, i.e. phone calls or email, best time to contact
- Talk to school personnel or gather requested records prior to meeting with DFPS
- DFPS caseworkers do want to know about educational and behavioral challenges a student in care faces, but also want to know the positive things about how the child is doing in school
- Patience is necessary. Unfortunately, DFPS caseworkers have a lot of responsibilities and may not be able to get back to you immediately

Next Steps

- Fill out post-webinar survey
- Notify campus and district leaders and let them know you are your district's liaison, if you have not already.
- Distribute TEA Foster Care Education Listserv <http://miller.tea.state.tx.us/list/> to networks and colleagues.
- TEA to distribute names of School District Foster Care Liaisons – Look for draft to confirm your contact info, before distribution in early December.
- Document processes and practices established – share with TEA ideas, challenges, questions, etc.
- Foster Care & Education Resource Guide – Spring 2013
- For more information:
Kelly Kravitz, TEA Foster Care Education & Policy Coordinator, fostercareliaison@tea.state.tx.us;
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Resources

Department of Family & Protective Services, Child Protective Services

http://www.dfps.state.tx.us/child_protection

Children's Commission

<http://texaschildrenscommission.gov/>

Understanding Child Welfare and the Courts

<http://www.childwelfare.gov/pubs/factsheets/cwandcourts.pdf>

How the Child Welfare System Works

<http://www.childwelfare.gov/pubs/factsheets/cpswork.pdf>

Resources Cont'd:

When Working Together Works: Academic Success for Students in Out-of-Home Care

<http://center.serve.org/nche/downloads/briefs/wwtw.pdf>

Making it Work: Child Welfare and Education Agencies Collaborating to Ensure School Stability for Children in Foster Care

http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/education/making_it_work_final.authcheckdam.pdf

Endless Dreams – Casey Family Programs (Free foster care training curriculum for educators)

<http://www.casey.org/Resources/Initiatives/EndlessDreams/>

Texas Youth Connection:

<http://www.dfps.state.tx.us/txyouth/education/prep.asp>

Thank you!

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