

The Father's Toolkit

A Guide To Navigating Child Protective Services

PARTNERS

Texas Department of Family and Protective Services

New Day Services

American Humane Association



Father's Toolkit

The Father's Toolkit is a guide for fathers with a Child Protective Services (CPS) case.

This toolkit explains what is happening and what you need to do. It explains how CPS works. It also has advice from fathers who have already been through this experience. Please use this toolkit and get ready to work long and hard to do all the things you need to do for your child. Remember, your child is worth it!

1

What Other Dads Say!

- Focus on your children.
- Be willing to learn to be a better father.
- The more you learn the easier it will get. So get all the information you can and learn all you can.
- Talk with your lawyer, caseworker, and other players in your case.
 Email is a good way.
- You don't have to be happy. But be respectful.
- Find community programs and be willing to use them.
- Control yourself and your stress. You can't control other people or the situation. But you can control how you react.

What is Child Protective Services (CPS)?

The first job of CPS is to protect children from abuse and neglect. One way CPS does that is by investigating reports of abuse and neglect. CPS provides other services too.

- CPS provides services to make children safe at home. This is called Family-Based Safety Services (FBSS).
- CPS places children in foster care.
- CPS helps teenagers in foster care adjust to becoming adults.
- CPS finds loving adults to adopt children.

CPS helps parents solve their problems and learn safe ways to discipline and care for their children. CPS services may include counseling, day care, homemaker services, mental health checks, and parent classes.

CPS will work with you to make a family service plan. This plan helps you know what you need to do to improve the chances of getting your child placed with you. Any parent can ask for a meeting to look for ways to solve



safety concerns so a child can stay at home. This is called a Family Team Meeting. If the child must be removed from the home, any parent can ask for a meeting to make a service plan. This is called a Family Group Conference. Involving relatives in making decisions about children is called Family Group Decision Making. Ask your caseworker about it. Or you can read more online at http://www.dfps.state.tx.us/Child_Protection/About_Child_Protective_Services/fgdm.asp

Keeping Your Children at Home

CPS may also offer services to help prevent a child from being removed from home. These are called Family-Based Safety Services. For more information on what to expect if your family is receiving these services, ask your caseworker for a brochure called Supporting Your Family through Family Based Safety Service. This brochure is also available on line at: http://www.dfps.state.tx.us/Child Protection/About Child Protective Services/fbss.asp.

When your Child is in Foster Care

If your child was removed from home, CPS will work to return your child to

your family. Your child could go back to the home he or she came from. Or your child might go to live with another parent who lives in a different home. Other family members and close family friends might also be willing to raise the child if the parents cannot. So they are brought into service planning, too. If a child cannot live with parents, relatives, or family friends, then the child could be adopted by someone else.



For more information, ask your caseworker for the handbook called **While Your Child is in Our Care: a Handbook for Parents.** It is available on line at: http://www.dfps.state.tx.us/ Child_Protection/About_Child_Protective_Services/while_your_child.asp.

People You Need to Know

The caseworker is who you usually talk to when your family is involved with CPS. The caseworker's job is to make sure your child is safe. The caseworker also tries to help you work on your problems so that your child can stay with you, safely return home, or be placed with you if the child was removed from someone else's care. The caseworker needs to be able to answer questions like the ones below.

- Is your child safe?
- Is there anything about the home or anyone in the home that makes abuse or neglect more likely?
- What services or help would help the family and children?
- Can we work out a short-term plan to keep the child safe at home and can we make the plan work?

The CPS supervisor is the caseworkers' boss. He or she helps your caseworker make safety decisions, find services and other things your family needs, and decide what to say in court. You should call the supervisor if you can't reach your caseworker.

Case aides watch over visits between children and their family. They make sure children are safe and help parents learn new skills. They tell parents and



caseworkers what is going well and what needs to improve. They may also drive children to and from the visits.

The judge oversees legal proceedings in a CPS case. The judge makes the final decisions on where a child will live, service plans, visitation rights, whether to reunite a family, and/or whether to permanently terminate a parent's rights.

Your lawyer represents your legal interests in court. Your lawyer will:

- Explain your legal rights and responsibilities and tell the court what you want or need.
- Advocate for you in front of CPS and the court;
- Explain any court orders. This includes what is expected from you, what you agreed to do, timelines, what services you and your child will receive and what other people have to do (other parent, caseworker, etc.)

A guardian ad litem (GAL) is appointed by the judge. This person's job is to represent the child's best interest in court. In some cases, the child will be assigned a court-appointed special advocate (CASA). This advocate is a specially trained volunteer. The CASA's job is to make sure the needs and best interests of children are considered during the court process.

Talking to the Key Players in Your Child's Case

How you talk to the caseworker, the judge, the CASA worker, and others may affect the outcome of your case. You may seem aggressive or even dangerous if you get too angry or let your emotions get out of control.

"Focus on your kids." - Carlos, father of a child who was in foster care

- Be at all the meetings. Ask your caseworker if you can call on the phone if you cannot be there in person.
- Always show you care about your children and want to be part of their lives.
- Email your caseworker, supervisor, your lawyer, and CASA worker to tecap your conversations with key players. If you don't have an email account, most libraries have free internet access where you can make one.

- Do not be afraid to ask for help from your caseworker. They often know of resources to help you with your case. Asking for help will show that you are open to learning new things.
- Give your caseworker at least two ways to contact you so you can be reached within a reasonable time.
- Try to dress appropriately. Let the Caseworker know if you do not have presentable clothing. They may know where you can get help.
- Try to see everyone's point of view. CPS wants a "win-win" situation for children and families.
- Show in small and big ways that you are committed to your child.
 Make every effort to talk with, see, and learn about your children.
 Remember to let your Caseworker know about the things that you have done or learned.
- Tell your case worker about any child support you must pay.
- Make a folder for all your notes and records and bring it to your meetings and court hearings.
- Whenever you meet with anyone about your case, take notes with the date, time, and location.
- Make sure you ask about the needs of your children.
- Show that you have your children's best interests at heart. Talk about what you believe your children need and how you can help provide for those needs. Let everyone know that you believe children need their dads. Let everyone know that you are offering important and unique love and guidance because you are the dad.
- Walk the talk". Always do what you say you are going to do. Do it for yourself and your child.

Legal Questions and Issues



What is an "alleged father"?

Under Texas law, an "alleged father" is a man who claims to be the genetic father of a child. This could also be a man that someone else claims is or might be the father - but whose paternity has not been verified.

Paternity means it is legally recognized that a man is the biological parent of a particular child or children. Paternity can be shown by a written statement (Acknowledgement of Paternity), signed by a man and a birth mother, naming him

as the genetic father of a particular child or children. This statement must be filed with the Bureau of Vital Statistics. Paternity can also be proven by genetic testing.

The term "alleged father" does not include:

- A "presumed father" (see below)
- A man whose parental rights have been terminated or declared non-existent
- A sperm donor.

A man cannot enforce his rights to visit or have custody of a child until he establishes paternity. That is why it is so important



to establish that you are the father of a child as soon as possible after yo<mark>ur</mark> child is born.

Please visit the Office of the Attorney General Website for more information, at: www.oag.state.tx.us/AG_Publications/txts/paternity.shtml

What is a "Presumed Father"?

The three most common ways a man becomes a "presumed father" under Texas law are:

- He is married to the mother when a child is born. This also applies
 if the man was married to the mother (or they attempted to marry)
 AND the child was born before the 301st day after the marriage or
 attempted marriage ends.
- He marries the mother after the child is born, says that he is the biological father AND files an Acknowledgement of Paternity (AOP) with the Bureau of Vital Statistics OR agrees to be named as the child's father on the birth certificate OR promises in writing to pay child support for the child.
- He lives with the child continuously for the first two years of the child's life AND tells people that he is the father of the child.

If a man is a "presumed father", only a court can find that someone else is the father and that can only be done in limited situations.

To establish paternity, contact the Bureau of Vital Statistics or the Child Support Division of the Office of The Attorney General of Texas. These offices will tell you how to submit a written acknowledgment of paternity or how to request a DNA test. These offices can also tell you about fees for DNA testing, how to get a court to review the results of a DNA test, and how to file a lawsuit to establish paternity in court.

You can reach the Bureau of Vital Statistics at 1-888-963-7111. You can reach the Office of the Attorney General at 1-800-252-8011 or www.oag.state.tx.us

Paternity testing by the Office of the Attorney General is free in some situations.

Working with Your Lawyer

You can hire an lawyer to advise you and represent you before CPS and the court. Or you can speak directly with CPS employees and represent yourself in court. CPS employees and the court will always work to make sure your thoughts, concerns, and questions are heard and addressed.

You may ask the court to appoint an lawyer to represent you if you cannot afford one. The court will decide if you are eligible for a court-appointed lawyer based on your finances.



You may also ask the court for an interpreter if you are unable to speak or understand English or you are hearing or speech impaired. It is up to you to tell the court you need an interpreter. Otherwise, everyone will think you understand all court proceedings, questions, and instructions.

When you speak with your lawyer or come to court to speak on your own behalf, clearly explain what you want to happen in the case. Don't assume that your lawyer or the court knows what you are thinking. You have to talk to them about it. You may want to write down your thoughts,

questions, or concerns to help you be sure to speak about them with your caseworker, your lawyer or with the court.

If you have an lawyer, here are some basic rules to follow:

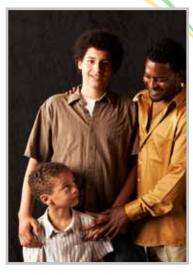
- Always be honest with your lawyer. What you tell your lawyer is confidential as long as it is not about a crime, endanger or threaten a person's health, safety, or welfare, or involve lying to the court (perjury).
- Be ready to help your lawyer with your case. Give him or her copies
 of important notes and documents. Respond to phone calls quickly
 and politely. Tell your lawyer about your thoughts, questions, or
 concerns.

- Do not talk with or write to CPS, the court, or anyone else involved in the case without speaking with your lawyer first. Generally, your lawyer is responsible for doing that for you and quickly giving you the answers. Your lawyer will let you know if you can make any contacts.
- If your lawyer is not answering your questions or concerns, make an appointment at your lawyer's office. Politely ask about specific issues and provide him or her with a chance to respond.
- Remember that your lawyer may have other clients and cases. Be patient, respectful, and helpful. The more helpful you are, the more likely your lawyer is to talk with you when you call or come by their office.

Be Ready for Court

"Just remember to communicate with your lawyer, caseworker and others." -T'Shaun, father of 4 children who were in foster care

- Know the reason for any hearing or proceeding before stepping into court. If you have an lawyer, he or she should help you with this. If you do not have an lawyer, you may ask the court to explain of any court proceedings or orders. Always remember to ask your lawyer or the court to explain if you do not fully understand what is going on.
- Either attend all hearings and court proceedings or have an lawyer attend for you. Otherwise, the court may think you don't care for your children.
 - If an emergency arises and you cannot attend a court proceeding, vou must immediately contact your lawyer (if you have one), the CPS caseworker, and the court. This will ensure that the Judge knows about the situation and can adjust the proceeding.



 Arrive early to court. Being early shows the court that you respect both its time and your children's needs. Also, being early gives ample time for your lawyer and the caseworker to speak with you and discuss any last minute details.

- Clearly tell your lawyer what you want to happen during any court proceedings or hearings so that he or she can discuss your desires in court and with the caseworker.
- Make sure to bring all any papers or information your lawyer or the caseworker asks you to give the court.
- Dress as well and as cleanly as you can.
- Make sure you know when the next court date and time is. Write it down!
- If you don't read well and don't have an lawyer, bring someone you trust to the hearing to read to you.



- There are rules about who you can talk with, write letters to, or communicate with when you are involved in court proceedings. If you have an lawyer, speak with him or her before starting any communications with CPS, the court, or other people in your case. If you do not have an lawyer, you can always ask your CPS caseworker, your child's appointed lawyer, and the CASA volunteer (see "Key Players") for answers to any questions or concerns. You never want to try to contact a judge outside of your scheduled court proceeding.
- When in court, speak clearly and directly to the judge only when he or she speaks to you. Remember to address the judge as "Your Honor."
- Answer a judge or an lawyer politely and respectfully.
- Be sure to ask questions if you do not understand what everyone is saying. Unless you speak up, the court will always assume that you understand what is going on or what is being asked of you.
- If you ask friends or family to attend court with you, make sure that they also follow these tips. Talk with your lawyer or a CPS Caseworker about who you should invite.
- Introduce yourself to others in court or ask your lawyer or CPS caseworker to introduce you. You need to know all the "players" in your case.
- Do not speak when someone else is speaking. Do not raise your voice, yell or swear. If you are frustrated, you can say so, just be respectful about it.
- Your children may be in court at the same time you are. Keep that in mind and set a positive example. Do not ask them to take sides when in court.

 Before you leave the court, make sure you know what has been decided, what you need to do, and the timeline for doing things.
 See if you can help come up with other ways of meeting the court's goals for your children and respectfully present them to the court for consideration.

Know Your Rights in Court

You have rights as a father in the CPS court process:

- You have the right to an lawyer. This does not mean that you will automatically be provided with a court-appointed lawyer. If you want an lawyer and you can afford to hire one, you are expected to retain one on your own. The court may (but is not required to) provide you with a free or reduced-fee lawyer if you can prove that you cannot afford to hire one on your own.
- You have the right to visit your children unless there are safety concerns or it would be harmful to their health, safety, or well-being.
- You have the right to admit or deny the allegations made about you and your family.
- You have the right to be notified of all court hearings.
- You have the right to attend all court hearings and meetings.
- You have the right to be heard in all court hearings and meetings.
- You have the right to a court room interpreter if you do not understand English or are hearing-impaired



You have the right to "reasonable efforts" by the court and CPS. This means that the court and CPS must try to help your family succeed.

What if I've been left out of the court process?

Be sure to contact CPS by phone and in writing right away. You must notify CPS that you are the child's father and that you want to be represented in court. Sometimes, you can ask for court-appointed lawyer and a delay in court process so that you can meet with your lawyer.

Service Planning

What is a Service Plan?

A service plan is a very important document that gives you a clear understanding of what is expected of you while CPS is involved with your family. A service plan helps you provide your child with a safe home within a reasonable period of time. If you are unwilling or unable to provide your child with a safe home, your parental rights may be restricted or ended and your child may not be returned to you.

If your child is in foster care, there will be a court hearing to discuss the service plan. During the court hearing, a judge will review the service plan and provide input or instructions.

Always make sure that you understand the service plan and what you need to do.

The Reason for the Family Service Plan

- The plan outlines the changes required to make and keep the home
 - safe for your children so that they can be returned home safely. It also outlines the CPS services that will help the you make those changes.
- Parents have a right and a duty to participate in the development of the Family Service Plan. If you wish, you can invite relatives and others in your support network to take part in the planning.



- Your goals matter to CPS. Make sure that you voice your concerns about what you want to see happen in your case. Help your CPS Caseworker understand your situation and your goals.
- CPS can help remove barriers that you may face.
- Be honest about those barriers so that CPS can better help you.

Get your family involved. The more connections - the better!

You need people around that you can count on as you work on your service plan. A CPS case can be stressful. Having friends and family to help and support you is important. You can ask for a Family Group Conference with family members to help them understand the situation and how your service plan deals with your child's safety and well-being and how they can help. Remember that family and/or close friends may be considered to care for your child until you can.

Visitation

If your child is placed in foster care and the plan is to reunite your family, CPS must allow you to visit your child, face-to-face, at least once a month unless it is not in the best interest of the child. Your CPS supervisor or the court must approve if you want to have more than the required monthly visits. Here is some basic information about visitation:

You have the right to visit your children regularly, unless the court
rules that it is not safe or in the child's best interest to do so. Visits
are often every week for one hour and may take place at a local
CPS office.

- Visiting with your child is one of the most important things you can
 do for your child and to make progress on the case.
- Do everything you can to be on time to these visits. If you are running late or cannot get to a visit, let the caseworker know as soon as possible. Remember, your child is waiting to see you.
- Case aides help with transportation for family visits. They also supervise family visits when the caseworker cannot. This means they will observe and document what happens during the visits.
- Visiting with your child under these circumstances can be awkward, depending on their age and the frequency of the visits. Consider bringing age appropriate toys, food, or have activities in mind such as reading together or playing games such as cards or dominoes. Try to make the visits as natural as possible.



Here are some ideas for things you can do with your children during visits:

Visit Activities by Age:

Babies (0-2 years old)

 Feed, change diapers, cuddle, play peek-a-boo, name objects around the room, when walking help your baby stand or walk around the room holding his hands, play together with colorful, noisy, moving items.

Toddlers (2-4 years old)

 Read simple stories or look at books together, play "let's pretend" games - making dinner or cleaning the house, draw pictures, children love doing the same thing over and over at this age.

School age (5-7 years old)

 Encourage choices, play games, bring family pictures, read a book together.

Older school age (8-12)

 Ask your child about their homework and offer to help. Play games, talk about your child's interests, share a meal.

Teenagers

 Talk about areas of interest, ask their opinions, let them be the expert on some topics, bring food to share, ask about homework, play games. At the end of the visit, children may get upset that they cannot go home with you. They may feel that they have done something wrong. It is important to reassure them that you will see them again soon and this is not their fault.

What can I do if I disagree with CPS?

Feel free to talk to your caseworker if you disagree with CPS. If that does not settle the matter, you should ask to speak with his or her supervisor.

You have the right to ask for an administrative review if CPS finds that you abused or neglected a child. Your caseworker or the supervisor can provide the form you will need. However, CPS does not have to grant a review if a court has already upheld the finding(s) against you. If court proceedings are pending, your request for an administrative review will be delayed until the court finishes with your case.

If you are accused, but not found, to have committed abuse or neglect, you have the right to ask that information on your alleged role be removed from the case record. Again, your caseworker or the CPS supervisor can provide you the right form.

The DFPS Office of Consumer Affairs handles case-specific complaints about CPS employees and investigations. You may contact the Office of Consumer Affairs toll free at 1-800-720-7777, by fax (512) 339-5892, or by e-mail at oca@dfps.state.tx.us.

Child Welfare Terms

- A Dictionary for Dads

Allegation: A claim of child abuse or neglect.

Appeals Process: A process for parents to ask CPS or the court to reconsider decisions relating to the care, custody, or control of their children.

"Appeals process" can also mean a court challenge to a CPS finding of abuse or neglect.

Talk with a CPS caseworker or an lawyer about how to appeal if you are unhappy with a decision on the care, custody, or control of your child or if you disagree with a CPS finding of abuse or neglect against you.

Child Abuse and Neglect: The Texas Family Code defines child abuse and neglect in Chapter 261.001.http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.261.htm#261.001

CPS defines three kinds of abuse:

- Emotional abuse
- Physical abuse
- Sexual abuse.



CPS defines five kinds of neglect:

- Abandonment
- Neglectful supervision
- Medical neglect
- Physical neglect
- Refusal to accept parental responsibility

Child Abuse/Neglect Report: A telephone call or internet report received by the Texas Abuse/Neglect Hotline claiming abuse or neglect of a child.

Concurrent Planning: This means making two plans of action for one child - "Plan A" and "Plan B". The goal of "Plan A" is usually for CPS to work to reunite the family after a child has been removed. "Plan B" is used when the "Plan A" fails and the child cannot be safely returned to the parent(s). "Plan B" usually calls for placing the child in a different permanent home. Dual planning helps CPS shorten the time it takes for children to find permanent homes.

Conservatorship: This is a legal term that describes who the court names as a guardian or custodian of a child when the child's biological parent(s) cannot provide for his or her health, safety, or well-being. This guardian is responsible for meeting the child's physical, mental, and emotional needs.

Court Order: A document signed by a judge that explains the court's instructions, findings, or decisions. Everyone involved in the court case, including you and CPS, must follow the court order.

Disposition: A term that describes the results or findings of a CPS abuse or neglect investigation. At the end of an investigation, CPS determines whether there is enough evidence to show that a child suffered abuse or neglect.

There are three primary types of dispositions. They are: Reason to Believe; Ruled Out; and Unable to Determine. CPS may also issue a disposition of Unable to Complete if it cannot open or finish an investigation.

Emergency Removal: CPS removes a child from his/her parents' custody and temporarily places him/her with a relative, in foster care, or in an emergency shelter.

CPS will conduct an emergency removal only when there are valid concerns about the immediate safety of a child. CPS must justify the removal to a court and obtain an Emergency Removal Order either just before or right 2after the child is removed from his/her home.

Family Based Safety Services (FBSS): These are services provided to families which their children are still in the home. FBSS focuses on a family's strengths and gives them the tools and resources needed to protect the health, safety, and well-being of their children. These services may include parenting classes, counseling, and help for parents with drug and/or alcohol addictions. The services are time-limited, tailored to a particular family's needs, and culturally sensitive.

Family Group Decision Making (FGDM): FGDM is a team-work approach to planning services and making decisions. CPS invites the child and their family to take part in making a safety plan or service plan. That's because children and families do better when they are involved in these decisions. The main issues are child safety, well-being, and a permanent home for the child.

The two most common types of Family Group Decision Making are:

- Family Team Meetings a quick response to child safety concern.
- Family Group Conference making the family service plan and where the child will live.

You can ask for a Family Group Decision Making meeting at any time.

Family Service Plan: A family service plan is developed with a parent or parents. The goals are to:

- Set up an orderly process and schedule for services.
- Help the family better protect its children.
- Make the home safe as quickly as possible.
- Make it so the family no longer needs CPS' help.

Family Reunification: Returning the child to the parent he/she was removed from. It can also mean giving the child to a parent who did not have custody of the child before the removal.

Family Reunification Services: CPS provides these services to families during the critical time when a child is living in foster care and also when a child is on the way back into his or her parent's home.

Foster Home: This is the home of a trained foster parent where children go to live after they are removed from their parents. Foster parents may or may not be relatives of the children. Foster parents work closely with CPS, families, and others to keep children safe and meet their needs until they go home to a parent or find another home.

Kinship Home Assessment: The process CPS uses to check out and get relatives or close family friends ready to care for a child. The home check includes background checks, a look at the safety of the home, and strengths and needs of the potential caregivers.

Kinship Care (or Relative Placement): Kinship care is when a child who is removed from their parents goes to live with relatives, godparents, step-parents, or other adults like family friends, neighbors, or a member of a child's tribe.

Substitute Care (or Foster Care): A place where a child lives when CPS has "conservatorship" or legal custody after a child has been removed from his/her family's home. This includes foster care, kinship care, a treatment center, or even a parent of the child for a time after the child is returned home.

Permanency Plan: A plan mandated by federal law for children who are in substitute care. When a child has been removed from his custodial parent(s)

and is living outside of his family's home, CPS must find and arrange for a permanent home for that child. A permanent home is a place where the child will have safe and nurturing family relationships that are expected to last a lifetime

Petition: A formal written request to a court asking for a court order. A petition is the first legal document filed in a CPS case. It typically sets forth any findings of abuse or neglect issued by DFPS/CPS and asks the court to designate CPS as a child's "conservator."

Reasonable Efforts: The steps CPS must take in order to prevent children from being removed from their homes or to help children who have been removed from their parents to return home. CPS must also make reasonable efforts to help children find another permanent home if they cannot return to their own families.

Temporary Managing Conservatorship (TMC): A legal order that gives a person or entity the right to take custody and control of a child. It also gives the duty to care for and protect the child and to provide for the child's physical and emotional needs.

Termination of Parental Rights (TPR): A legally binding court decision that ends a birth mother and a birth father's parental rights. A child is free for adoption after parental rights are ended.

IMPORTANT CONTACT INFORMATION

MY CASEWORKER

MY LAWYER
Name:
Volunteer Supervisor:
Phone:
Email:
Things I want to discuss or ask about:
CHILD'S LAWYER
Name:
Volunteer Supervisor:
Phone:
Email:
Things I want to discuss or ask about:
GUARDIAN AD LITEM (GAL)/COURT-APPOINTED SPECIAL ADVOCATE (CASA) VOLUNTEER
Name:
Address:
Phone:
Best time to call:
Email:
Supervisor:
Things I want to discuss or ask about:



Inside:

What Other Dads Say!
What is Child Protective Services (CPS)?
People You Need to Know
Working with Your Lawyer
Service Planning
Visitation
Terms – A Dictionary for Dads

The Department of Family and Protective Services



Important Contact Information