

A Guide to Alternative Response



TEXAS

Department of Family and Protective Services

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We know it's hard and confusing when an Alternative Response caseworker from Child Protective Investigations (CPI) contacts you about your family. This guide will help you understand how we will work with you and your family.

Who is Child Protective Investigations (CPI)?

Child Protective Investigations is a program of the Texas Department of Family and Protective Services (DFPS). It used to be a part of Child Protective Services (CPS) and still works closely with CPS.

State law requires CPI to investigate reports of child abuse or neglect to protect children. State law also requires everyone who has a reason to believe a child was abused or neglected by someone responsible for the child's care to report their concerns to DFPS.

What happens when CPI receives a report on my family?

Child Protective Investigations includes two programs for investigating reports of abuse or neglect of children: Alternative Response and Investigations. Both traditional investigations and Alternative Response investigate reports of child abuse and neglect by parents or other members of the family or household. A traditional investigation determines if someone abused or neglected a child, and the findings are recorded in a central registry. Those confirmed as perpetrators of abuse or neglect in traditional investigations can contest the findings.

What is Alternative Response?

Alternative Response is different from a traditional investigation. It's a partnership between you and your caseworker to address the issues that got CPI involved with your family. Alternative Response:

- Doesn't place blame on families.
- Recognizes your family's strengths and abilities.
- Keeps children safe.
- Provides services and resources to help meet your family's needs.
- Helps connect your family to your community.

Alternative Response is based on the belief that parents love their children and want them to be safe, and that families can stay together if they get the help they need. The Alternative Response program can provide that help.

What rights do I have as a parent or a legal guardian in the home where abuse or neglect is alleged?

If you are a parent or a legal guardian in the home where abuse or neglect is alleged and you are being interviewed in an Alternative Response case, you have the right to:

- Not speak with any agent of DFPS without legal counsel present.
- Know the complaints or allegations in the report.
- Obtain and receive assistance from an attorney at your own expense.
- Have a court-appointed attorney if you are an indigent parent and DFPS files a suit to remove your child or a suit for required participation in services.
- Have legal counsel present before allowing the investigator to enter the home or interview the child.
- Refuse to allow the investigator to enter the home or interview the child without a court order.
- Audio or video record the interview for your own record. Any audio or video recording you make may be subject to disclosure to DFPS, law enforcement, or another party through a subpoena under a court order. By law, audio or video recordings of the interview must not be posted to any website in a manner that could identify someone involved in the interview.
- Receive a copy of DFPS's recording policy ([CPS Handbook, 2248.3 Recording Interviews of an Adult](#)).
- Withhold consent to the release of any medical or mental health records.
- Withhold consent to any medical or psychological examination of the child.
- Refuse to submit to a drug test.
- Consult with legal counsel before agreeing to any proposed voluntary safety plan.
- Request a secondary medical opinion at your own expense.

At the conclusion of the investigation, if DFPS makes a finding that you have abused or neglected a child, you can request an administrative review of investigative findings under Texas Family Code §261.309.

Any statement or admission made by you to anyone may be used against you:

- In a criminal case.

- As a basis to remove the child who is the subject of the investigation or any other child from your care, custody, and control either temporarily or permanently.
- As a basis to terminate your relationship with the child who is the subject of the investigation or any other child in your care, custody, and control.

How does Alternative Response work?

We usually start by listening to you, talking about your family's situation, and trying to find solutions that will help you keep your child safe.

Your caseworker's job is to learn the answers to two basic questions:

- What caused the current issues?
- How can we work together to address and resolve these concerns?

During the Alternative Response case, your caseworker will:

- Contact you, by phone or in person, within 24 hours of receiving your case to schedule a time to meet with your family. If your case is assigned outside normal business hours or on holidays, the caseworker will contact you by the end of the next business day.
- Within five days of receiving your case, the caseworker will meet with you and your family, and anyone else you want to attend, to talk about the concerns that were reported.
- Talk to your children individually and record their interviews.
- Speak to professionals and others who are involved with or supporting your family to gather additional information about the situation.

Your caseworker may:

- Take pictures of your children if they have injuries.
- Work with you to develop a plan that will help keep your children safe.
- Ask you to participate in services that benefit your family.

Your caseworker will help your family find solutions and will not blame or label you for what happened. Your caseworker will be there to support your family as you make progress. We hope the services and information we provide will help you solve problems and find new ways to care for your children that do not harm them or put them at risk of abuse or neglect.

Clear and honest communication is very important. Please ask your caseworker if you have any questions about what is being said. If it is still unclear, you may ask to talk to your caseworker's supervisor. Please tell your caseworker if you have trouble hearing or understanding English, so that we can provide an

interpreter. Also tell your caseworker if your child is Native American or Native Alaskan. This can affect the legal requirements for your case.

How long do I have to decide if Alternative Response is right for me and my family?

Your participation is voluntary, but you must decide during the first face-to-face contact with your family. CPI will conduct a traditional investigation if we are concerned about your child's safety and you choose not to participate in the Alternative Response program.

How many times will the caseworker visit my home?

You and your caseworker will decide this together. Your caseworker will be in regular contact with you and must see your family in person at least every 30 days from the start of your case. You and your caseworker can talk more about what this means and what works best for both of you.

Please stay in contact with your caseworker and update CPI on any changes in your address or contact information. If CPI loses contact with you while your case is open, the law requires your caseworker to make diligent efforts to locate your family. This can include asking law enforcement agencies to help find you.

How long will my Alternative Response case last?

Usually, 60 days or less. It might take a little longer if you need more time to complete the services that will help you keep your child safe.

What happens if my case is no longer eligible for Alternative Response?

Sometimes, after gathering more information, CPI may decide that your case is no longer eligible for the Alternative Response program. If that happens, CPI will conduct a traditional investigation. Your caseworker will let you know right away and explain why. CPI will determine if your child was abused or neglected. If so, CPI will also determine who is responsible and document the findings.

If CPI determines that you abused or neglected a child, you have the right to appeal by requesting an administrative review. The letter that CPI sends you at the end of the investigation will explain how to request a review.

Will CPI speak with law enforcement?

The law requires CPI to tell law enforcement agencies about allegations of abuse or neglect, even if CPI engages your family in the Alternative Response program. It is up to the law enforcement agency to decide if it will conduct a criminal investigation. You can contact your local law enforcement agency to ask about a

criminal investigation. You can also contact local law enforcement if you think that someone made a false report against you.

What is a family team meeting (FTM)?

CPI knows that all families have strengths, know their children best, and want them to be safe. That is why we may ask other members of your family to help if we think your child is not safe. Your caseworker may ask you to attend a family team meeting. Family team meetings are voluntary. You may request one at any time during the case if you feel it will help find a way to keep your child safe. You choose who will attend this meeting, which may include friends, family members, and any community services you are working with (therapist, etc).

At this meeting:

- Everyone is encouraged to talk openly about child safety issues.
- You, your family, and others make a plan together to keep your child safe.

What is a safety plan?

A safety plan is a voluntary agreement between you and CPI about how to keep your child safe. You have the right to consult with an attorney before agreeing to any proposed voluntary safety plan.

This plan will require you to be supervised when you are with your child or require you and your child to get away from any danger. If CPI determines you need to be supervised when you are with your child, your caseworker will work with you to determine who will do that. You can recommend a family member or friend, but CPI must approve your choice. You must agree that the safety plan does not conflict with any existing court order. If you are affected by a court order, then everyone affected by the court order has to agree to the safety plan on a temporary basis. A safety plan can be created at any time during a case when a danger is identified. If this agreement is broken, CPI will take appropriate action to ensure your child is safe.

What is a family-initiated parental child safety placement (PCSP)?

CPI's primary goal is to keep you and your child together in the same home. However, sometimes it is not possible for an approved family member or friend to live with you to meet the requirements of a safety plan. When this happens, you can request a family-initiated parental child safety placement. A family-initiated parental child safety placement is when you and your family decide it is in your child's best interest to live with a family member or friend without you in the same home. CPI will require you to be supervised by your family member or friend during all visits with your child. You have the right to refuse and

consult with an attorney before agreeing to any proposed family-initiated parental child safety placement.

Who will know what is in DFPS records about me?

State law requires DFPS to keep the report and your case confidential. However, DFPS must provide information to the people who were investigated, the victim's parents, law enforcement and court officials, and county or district attorney's offices. CPI may use your case information for its own purposes, including a future investigation if one is needed. CPI will, with your approval, share information with those providing services to you. For example, a therapist needs to know details of the abuse and neglect to provide counseling. CPI will give relatives or others who are caring for your child any information they will need to meet the child's needs. This may include information about the abuse or neglect the child has experienced. Finally, by state law, CPI must release certain details from investigations of child deaths to the public.

Can I know what is in my CPI record?

Yes, you can get a copy of information about your case in most situations. DFPS will determine if you are eligible. If so, there will be a cost, and DFPS may remove some information that you are not entitled to have. For example, state law does not allow DFPS to give you the name of the person who reported the child abuse or neglect.

You will not be able to get a copy of information in your case record if any of the following is true:

- The information came from another source and releasing it is not allowed by state law.
- Releasing the information would jeopardize an ongoing criminal investigation or the safety of any person.
- Court proceedings are pending and the lawyer representing CPI determines that CPI cannot give the information to you.

You can get the form you need to request a copy of your CPI record from your local CPI office or by searching for "my case record" on the DFPS website (www.dfps.texas.gov). DFPS uses preset rates to determine the cost of a copy of your records. We will tell you the cost at the time of your request.

What can I do if I have issues with my caseworker or with my case?

First, speak to the caseworker to see if you can settle the matter. If you cannot resolve your concerns, talk to the caseworker's supervisor. If you feel that CPI did not follow its policies during the Alternative Response process, you may also contact [DFPS Office of Consumer Affairs](#) to discuss your concerns.

- By phone: toll-free (800) 720-7777
- By fax: (512) 339-5892
- By email: OCA@dfps.texas.gov
- Through the Contact Us page of the DFPS website

Who should I tell if I have a disability?

State law requires CPI to consider any disability you have that may affect your ability to actively participate in your case, including how your caseworker communicates and works with you. You can request reasonable accommodations from your caseworker. CPI takes appropriate steps to make sure you understand what is going on in your case and to give you the same chance as any other parent to show you can take care of your child.

If you believe CPI has discriminated against you based on your disability, please contact the Texas Health Human Services Commission Civil Rights Office to file a complaint at the contact information below:

HHSC Civil Rights Office 701

W. 51st St.

Mail Code W206

Austin, Texas 78751(512) 438-4313 or (888) 388-6332

HHSCivilRightsOffice@hhsc.state.tx.us

If you are deaf, have hearing loss, or have a speech impairment, you can call any Texas Health and Human Services office by using the relay service of your choice. You can also use Relay Texas by dialing 7-1-1 or (800) 735-2989.

How can I reach my caseworker?

Your caseworker will provide you with the contact information below.

Caseworker:

Telephone: _____

Supervisor: _____

Telephone: _____

Office Address: _____

E-mail Address: _____

For more information about the Texas Department of Family and Protective Services, visit our website at www.dfps.texas.gov.

State Laws

References to state law in this guide are mostly from the Texas Family Code. (<https://statutes.capitol.texas.gov/>).

Choose Family Code, then the chapter you are looking for, such as:

- [Chapter 261](#), Investigation of Report of Child Abuse or Neglect.
- [Chapter 262](#), Procedures in Suit by Governmental Entity to Protect Health and Safety of Child.
- [Chapter 263](#), Review of Placement of Children Under Care of Department of Family and Protective Services.

More Information

- Texas Administrative Code, Title 40, Part 19, Chapters [700](#) and [707](#) (<https://www.sos.state.tx.us/tac/index.shtml>)
- CPS Handbook (www.dfps.texas.gov/handbooks/CPS/)
- Texas Department of Family and Protective Services website (www.dfps.texas.gov)

Additional Resources

Texas Children's Commission's Parent Resource Guide

Are you angry, sad, embarrassed, or stressed because CPI came to your home? CPI is trying to determine if your child is safe and, if not, to help you find ways to ensure your child is safe in your care. The Parent Resource Guide was developed by the Texas Supreme Court's Children's Commission. It can help you find answers to your questions. Look for it on the Children's Commission's website.

English version:

- <https://texaschildrenscommission.gov/media/2zrd0zxl/parent-resource-guide-2020-online.pdf>

Spanish version:

- <http://texaschildrenscommission.gov/media/1926/childrenscommission-parent-guide-spanish.pdf>

The Family Helpline (Texas Legal Services Center)

You can expect helpline attorneys to answer questions about basic legal information about the CPI process as it relates to your situation. Attorneys will explain the CPI terms parents and caregivers may expect to hear. They will explain the CPI process and point out local resources that may help you. Helpline attorneys will carefully listen to your issues, fears, and concerns. They

will be responsive, patient, and give legal information. They will not give legal advice or represent you. All calls are anonymous.

- Call: (844) 888-6565
- Operating hours: Monday through Friday, 9 a.m. – 6 p.m.

The National Domestic Violence Hotline

No one deserves to be abused. Please call the National Domestic Violence Hotline if something about your relationship frightens you or if you, or someone you know, is suffering abuse in a relationship. The hotline can help you plan for safety and learn about resources and options.

Domestic violence is a pattern of behavior that one partner uses to intimidate or control the other. Domestic violence can include physical, sexual, emotional, economic, or psychological actions or threats. Domestic violence can happen to anyone of any race, age, religion, gender, socioeconomic background, or education level. It can happen to people who are both adults and minors. It can happen in couples who are dating, married, separated, divorced, or living together.

Many acts of domestic violence are against state law in Texas. This can lead to criminal charges and may qualify victims for legal protections such as a protective order.

Studies show that many people who physically abuse their partners also physically abuse their children. Studies show that male batterers are many times more likely than other males to sexually abuse their children or stepchildren.

Parenting is hard. It is even harder when you have been hurt by someone you know and love. Getting support for you and your children can help you move toward a healthier future and help you keep your children safe.

It's hard to accept that you are being abused by someone you love. The first step in stopping domestic violence is to recognize it, know it is not your fault, and reach out for support. You can ask your CPI caseworker for information on local resources in your community that can help. These services are free and confidential.

Advocates are available 24/7, 365 days a year, in over 170 languages. All calls are confidential and anonymous.

- Call (800) 799-SAFE (7233).
- Call (800) 787-3224 – TTY for persons with hearing impairments.
- www.TheHotline.org (live chat available).

CHIP, CHIP Perinatal, Children's Medicaid

Texas families with uninsured children may be able to get health insurance through Children's Medicaid or the Children's Health Insurance Program (CHIP). Both programs offer health care benefits, including regular medical and dental checkups. Pregnant women who are ineligible for Medicaid may be eligible for health services for their unborn children under CHIP's Perinatal program. Medicaid Buy-In for Children can help pay medical bills for children with disabilities. This program helps families who need health insurance but make too much money to get traditional Medicaid. Families "buy in" to Medicaid by making a monthly payment (premium).

- For more information, call 2-1-1 or visit www.211texas.org.
- Learn more at <https://www.hhs.texas.gov/services/health/medicaid-chip>.

The Medicaid Health Insurance Premium Payment (HIPP) program helps families pay for health insurance, if someone in the family qualifies for Medicaid and someone else in the family can get health insurance through his or her employer.

- Call the toll-free HIPP Helpline at (800) 440-0493.
- www.GetHippTexas.com.

Human Trafficking

Human trafficking is a serious violation of human rights and a crime. Its victims are controlled and exploited for profit. It affects individuals, families, and communities across generations. There are two types of human trafficking:

- Labor Trafficking — Victims are compelled to work or provide services through force, fraud, or coercion.
- Sex Trafficking — Victims are compelled into commercial sex by force, fraud, or coercion. When a person under 18 years old is induced to perform a sex act for money or anything of value, it is a crime, even if there is no force, fraud, or coercion.

Most trafficking victims are not held captive. Rather they are controlled by traffickers through psychological and physical abuse and threats. Traffickers can be any gender or age. Some are strangers, while others are peers, friends, romantic partners, or even family members.

Many victims of human trafficking are minors. If you suspect a minor is a victim of human trafficking in Texas, report it to the Texas Abuse Hotline at (800) 252-5400 or online at www.txabusehotline.org.

National Human Trafficking Hotline

The National Human Trafficking Hotline is another resource. It's a 24/7, confidential and multilingual hotline for victims, survivors, and witnesses of human trafficking. Hotline staff are trained to listen to survivors, provide immediate safety planning for people in crisis, field tips of suspected trafficking, and help survivors understand their options for support without judgement.

- To learn more, you can visit <https://humantraffickinghotline.org>.
- To get help, report suspected trafficking, find services, or learn about your options, call the hotline at (888) 373-7888.

National Center for Missing and Exploited Children

The National Center for Missing and Exploited Children helps and supports survivors of child sexual exploitation and their families. It offers crisis intervention to families as well as local referrals to professionals for long-term support. The center has a network of parent volunteers who are trained to guide and support families of children who have been sexually exploited. Volunteers share information on how to remove online images, videos, and comments related to sexual child exploitation. The center can also help you locate an attorney who can explain your legal rights and how to seek restitution if your child is sexually exploited.

- To learn more, visit, www.MissingKids.org.
- For assistance, call (877) 446-2632, ext. 6117, or email familysupport@ncmec.org

Find more resources at www.TexasEndHumanTrafficking.org.

Notes


