



# **TEXAS**

## **Department of Family and Protective Services**

### **Youth Who Are Pregnant or Parenting in DFPS Conservatorship**

#### **Resource Guide**

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When working with a youth in DFPS conservatorship who is pregnant or parenting, caseworkers should refer to the CPS Handbook section [6440](#) When a Youth in Substitute Care is Pregnant or Parenting, [11740](#) Pregnancy, and [6300 Services to Families](#) subsection When a Mother in an Open CVS Case is Pregnant ~~and Abortion~~. These sections provide caseworkers guidance on how to work with this special population. Additionally, caseworkers should be prepared to discuss and plan for:

- Safety of the expecting youth parent and the youth's child at monthly visits, with caregivers, with providers and stakeholders, caring adults, and extended family.
- Extent of the involvement of the other parent (mother or father) of the child.
- Placement and parenting expectations for the birth of the child.
- Support during labor and delivery.
- Teen parenting education classes.
- Risks associated with postpartum depression. For more information see:
  - [Postpartum Depression Facts](#)
  - [Postpartum Depression: What You Should Know](#)

*Note: throughout this resource guide "youth parent" may refer to either a mother or father in DFPS conservatorship.*

## Youth in DFPS Conservatorship Who Are Pregnant or Parenting

### When a Mother in an Open CVS Case is Pregnant

When the primary caseworker learns that a mother in an open DFPS conservatorship (CVS) case is pregnant, the caseworker must:

- Immediately notify the supervisor.
- Staff with the supervisor at least once a month to determine:
  - Whether any safety concerns exist.
  - What steps need to be taken when the caseworker learns that the mother is in the hospital or delivered the baby.

Starting two months before the expected birth date, the primary caseworker, supervisor, and PD must staff with an Investigations program director, or their designee, every month until the baby is born to determine if there are active danger indicators.

## **Birth of the Baby**

Immediately following the birth of the youth's child, the caseworker should:

- Notify the supervisor.
- Conduct a face-to-face visit with the youth parents and the child to assess safety and well-being within 3 days of the birth of the baby.
- Discuss safety and well-being with the hospital and obtain discharge planning information.
  - Follow-up as needed to obtain and arrange necessary services and support.
  - Contact STAR Health for additional guidance as needed.

## **Service Planning**

### **When DFPS does not have conservatorship of the youth's child**

When the youth parent has custody of the child, caseworkers should make every effort to visit with the youth parents and child together during monthly visits to ensure the child's needs are being met. The caseworker should also discuss the baby's needs with the youth parent's placement, including any strengths and concerns noted or observed by the placement.

The youth parent should be involved in case planning for the youth's child. Plans for transitioning to a successful adulthood and permanency planning should take into consideration goals and childcare needs for the youth's child. Additionally, efforts should be made to invite and include both the child's parents and extended family, as appropriate, in-service planning and meetings.

Unless the child has been removed from the youth parent's custody, there is not a separate Child's Plan of Service (CPOS) for the youth's child. All relevant service planning occurs in the youth parent's CPOS. See [6442](#) When a Youth in Substitute Care Is Parenting - **When DFPS Does Not Have Conservatorship of the Youth's Child** subsection.

### **When DFPS has conservatorship of the youth's child**

When the youth parent does not have custody of the child, the child may or may not be in the same placement as the youth parent. The caseworker must follow the policies related to children in conservatorship. See [6442](#) When a Youth in Substitute Care Is Parenting - **When DFPS Has Conservatorship of the Youth's Child** subsection.

### **Youth parent and child are placed together**

When the child and youth parent are placed together, the caseworker must conduct monthly visits with the child and the caregiver (placement) as well as the youth parent and caregiver.

Additionally, the caseworker should meet with the youth parent and the child together to evaluate and discuss parenting and progress with service plans.

The child and youth parent will have separate cases and therefore each will have an individual Child's Plan of Service (CPOS) in their respective case in IMPACT. However, service planning needs will overlap.

### **Youth parent and child are placed separately**

Separate monthly face-to-face visits will occur when the child and youth parent are placed separately and have different caregivers, following all policies in [6400 Services to Children in Substitute Care](#) Subsection 6411 Conducting the Monthly Visit. Visitation between the child and both youth parents will occur as directed by DFPS and the courts. Visitation should be as frequent as possible to promote the bond between father, mother, and child, and to increase the likelihood of positive outcomes.

The child and youth parent (or both youth parents, if they are both in conservatorship) will have separate cases and therefore each will have an individual CPOS in their respective case in IMPACT. However, service planning needs will overlap.

## **Referrals for Services Required by Policy**

DFPS must ensure a youth in conservatorship who is pregnant, or parenting is referred to a community service that ensures the youth parent receives developmentally appropriate information per Texas Family Code [§264.130](#).

DFPS must also make sure a youth is referred to STAR Health program for pregnancy, such as the STAR Health Start Smart for Your Baby program, if the youth is eligible for STAR Health Medicaid. STAR Health can be contacted at 1-866-912-6283 for enrollment with service coordination.

See [6440](#) When a Youth in Substitute Care is Pregnant or Parenting.

## **Referrals to HHS Family Support Services (FSS) Program**

[HHS - Family Support Services \(FSS\) Programs](#) currently offers services to all youth who are pregnant or parenting in conservatorship. For parenting youth in conservatorship, including fathers, or youth who are pregnant, the caseworker or another individual involved in the case may refer a youth to [HHS FSS Program- Healthy Outcomes through Prevention and Early Support \(HOPES\)](#) or Fatherhood — EFFECT

to meet the Texas Family Code requirement that the minor parents receive information and support regarding providing a safe environment for their child. Most youth in DFPS conservatorship who are pregnant, or parenting are eligible for this no-cost, voluntary service.

## **Making a Referral for Youth Who Are Pregnant or Parenting in Conservatorship**

To make a referral, the caseworker or another individual involved in the youth parent's case should complete Form 3105 [Service Referral for Youth Parents and Pregnant Youth in DFPS Conservatorship](#) and email the form to [HJP@dfps.texas.gov](mailto:HJP@dfps.texas.gov) with *CPS Referral for Pregnant and Parenting Youth* in the subject line of the email.

## **Voluntary Services**

PEI and community services are voluntary programs, and youth cannot be forced to participate in them. If a youth declines to participate in a service that would provide the youth with information and support regarding providing a safe environment for their child, the caseworker should discuss the reasons and importance of the program and seek a way to provide the information and support through other methods.

# **Youth Fathers**

## **When a Youth in DFPS Conservatorship May be a Father**

If a youth in DFPS conservatorship thinks he is the father of a child, the caseworker should:

- Advise the youth he may have rights as the father but must pursue those rights.
- Discuss paternity and paternity testing with the youth. Provide information about the [Attorney General of Texas](#) website. Refer the youth to the Attorney General's office as appropriate.
- Inform him he may have the right to be involved in his child's life.
- Interview the youth to assess his understanding of his role as a father. The caseworker should use open-ended questions and provide support to the youth to help him understand the value of being a father in the life of his child. Examples of open-ended questions to ask are:
  - "What do you want for your child?"
  - "What type of father do you want to be?"
  - "What does being a father mean to you?"

## Attorney General's Office

The [Attorney General of Texas](#) website provides a wealth of information, which includes these topics and more:

- Child Support
  - Paying child support
  - Receiving child support
  - Modifying child support
- Paternity
  - Establishing paternity
  - Adding the father to the baby's birth certificate
- Co-Parenting
- Access and Visitation
- Resources to help with family violence
  - For additional information and best practices related to family violence, see the [Domestic Violence Resource Guide](#)

The Attorney General's Office maintains a [Frequently Asked Questions](#) page. This is a vital resource to help a youth father understand paternity, being a legal parent, custodianship, support, and how being a minor affects child support and other issues. The caseworker should reference this document with the youth parent when discussing any questions or topics.

## Paternity

This section covers some of the critical information about paternity from the FAQ<sup>1</sup>.

### How is paternity established?

Paternity may be voluntarily established by agreement of both the mother and the father of the baby. The parents can sign an Acknowledgement of Paternity (AOP), which becomes a legal finding of paternity when it is filed with the Texas Vital Statistics Unit. If the mother or alleged father is not sure about the paternity of the baby, neither should sign an AOP. Paternity should be established through the courts.

### Completing an Acknowledgement of Paternity (AOP)

Texas law states that a biological father will become the legal father if both he and the mother sign an AOP. This makes him legally responsible for paying child support if he lives apart from the baby and enables the court to grant him visitation or custody. In order to obtain child

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<sup>1</sup> "Frequently Asked Questions." *Office of the Attorney General*, Attorney General of Texas, [www2.texasattorneygeneral.gov/faq/cs-parents-frequently-asked-questions](http://www2.texasattorneygeneral.gov/faq/cs-parents-frequently-asked-questions).



support and visitation rights that are enforceable, a parent must go to either a child support office or a private attorney.

An AOP form can be completed by a certified entity, such as a local birth registrar or child support office. Parents completing an AOP form through a child support office are not required to open a child support case. Information on local certified entities and information about establishing paternity is available toll-free at (866) 255-2006. Additional information is available on the internet on the Attorney General's [Acknowledgement of Paternity](#) page and at the [Texas Department of State Health Services \(DSHS\)](#).

## **Rescinding an Acknowledgement of Paternity (AOP)**

Anyone who signs the AOP may file a Rescission of the Acknowledgement of Paternity form (VS-158) to rescind the AOP. The form must be filed before the first 60 days after the AOP has been filed with the Vital Statistics Unit (VSU) or before a legal proceeding related to the baby is initiated, whichever comes first. After that, a person may challenge the AOP in court under certain situations. Parents must read the AOP carefully before signing it. The AOP is a legal document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information on the AOP.

## **DNA Testing**

If a parent opens a child support case with the Office of the Attorney General (OAG) and the OAG determines that a DNA test is necessary, generally one will be provided at no cost.

## **Legal Guardian / Adult Representation in Civil Matters**

Under Texas law, minors are not seen as adults in civil legal matters and must have an adult representative during legal matters, including child support suits. The adult representative is responsible for protecting the legal rights of the minor.

# **HHSC Benefits**

## **TANF**

For a parent to receive Temporary Assistance for Needy Families (TANF) benefits through the Texas Health and Human Services Commission (HHSC), recipients must cooperate with the Office of the Attorney General's efforts to identify the baby's noncustodial parent and collect child support. TANF recipients must assign to the State their right to child support collections. Payments collected in the case while the family receives TANF benefits are applied toward reimbursing the state and federal governments for TANF benefits received by the family. When the family no longer receives TANF, all current support payments are sent to the custodial parent.

It is recommended that a father pay his child support through the designated system because only a court can modify the child support order. It cannot be done by agreement of the parties. Grounds for a modification include a material and substantial change in the circumstances of a child or a person affected by the order, or the passage of three years since the last child support order and a difference in monthly payment by either 20 percent or \$100 from the child support guidelines. A parent subject to a child support order may request a review of the ordered child support amounts every three years by contacting the Office of the Attorney General.