



## TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER  
Anne Heiligenstein

To: Residential Contractors

From: Audrey Deckinga  
Assistant Commissioner, Child Protective Services

Subject: CPS Policy Related to Firearms used for Hunting

Date: September 1, 2011

The purpose of this memo is to advise you of the requirements, considerations, and approval process for youth in the conservatorship of DFPS using firearms for hunting.

Child Protective Services (CPS) is committed to ensuring children and youth in the conservatorship of DFPS have normal youth experiences as long as the safety and well being of children and youth can be met. Hunting and other outdoor experiences can be healthy activities for certain young people.

The decision to allow the youth to engage in hunting must be considered carefully. The child's individual needs and current behavior must be the focal point of the decision making process.

Prior to engaging in hunting activities, youth in the conservatorship of CPS must complete the Texas Parks and Wildlife Department Hunter Education Course. Hunter Education Courses are offered year round in every county. Texas Parks and Wildlife Department may be contacted at 1-800-792-1112 or at <http://www.tpwd.state.tx.us/> for course schedules. A link to the Texas Parks and Wildlife Department Texas Hunter Education Course is [http://www.tpwd.state.tx.us/learning/hunter\\_education/homestudy.phtml](http://www.tpwd.state.tx.us/learning/hunter_education/homestudy.phtml) .

Youth must have the Hunter Education Certification and a valid hunting license prior to taking part in hunting activities. Youth are never allowed to hunt alone and must be accompanied by an adult that is in compliance with the Texas Parks and Wildlife regulations.

If you have any questions regarding these requirements, please contact your youth's case worker or the caseworker's chain of command.

Enc: CPS Hunting Policy - CPS Handbook 6574

## 6574 Hunting

CPS March 2009

The decision to allow a youth in the conservatorship of DFPS to use firearms for hunting is based on the youth's needs.

### Requirements for Participation in Hunting

Before DFPS approves the use of firearms for hunting, the youth must:

- complete the [Texas Hunter Education course](#) facilitated by the Texas Parks and Wildlife Department; and
- purchase a hunting license.

### Youth Prohibited From Firearm Use

Youth in a residential treatment center or youth receiving emergency care services or treatment services in a general residential operation are not permitted to use weapons, firearms, explosive materials, projectiles, or toys that explode or shoot.

*DFPS Rules, 40 TAC [§748.3931\(2\)](#) and [§748.61](#)*

### Considerations for Approval

When a CPS worker receives a request to hunt from a youth in DFPS conservatorship, or from a facility worker or caretaker on behalf of the youth, the worker considers the youth's:

- placement (see prohibitions above);
- age (at least 12 years old);
- individual needs;
- situation;
- family history;
- impulse control;
- emotional maturity;
- background; and
- wishes.

The worker considers the recommendations of:

- the caretaker or facility worker; and
- the parents, if:
  - DFPS conservatorship is temporary;
  - parental rights have not been terminated; and
  - the parents can be located with reasonable efforts.

The worker also consults with:

- the youth's attorney ad litem; and
- any other appropriate person involved with the youth, such as the youth's therapist, CASA worker, and so on.

The caseworker may not deny approval for a youth to participate in hunting activities without the approval of the supervisor and Program Director.

### **Approval Process**

The worker sends the supervisor and program director a memorandum that includes:

- the recommendations of the youth's worker, attorney ad litem, therapist (if there is one), and parents (if DFPS conservatorship is temporary); and
- signature lines for the supervisor and program director.

If all parties agree that the youth should be granted the use of firearms for hunting, then the facility, caretaker, and youth are notified of the approval.

The worker:

- files the memorandum in the youth's case record; and
- sends a copy to the youth's attorney ad litem.

If the youth lives in a residential facility that requires its own permission form, the regional attorney reviews the form before the worker signs it.

If the parties disagree, the worker does not approve the request, unless the court directs otherwise.

### **Requirements While Using Firearms**

While using firearms, the youth must be accompanied and supervised at all times by a responsible adult who:

- holds a hunting license;
- has gun safety knowledge;
- has experience handling guns; and
- complies with the Texas Parks and Wildlife regulations.

Before the hunting event, the adult accompanying the youth must sign Form 1704 Acknowledgement of Hunting Supervision Responsibility for Youth in DFPS Conservatorship, which is a statement acknowledging his or her responsibility in supervising the youth. The signed Form 1704 Acknowledgement of Hunting Supervision Responsibility for Youth in DFPS Conservatorship must be filed in the child's record.