

# A Guide to a Child Protective Investigation

---



## **TEXAS**

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

---

### *Child Protective Services*

---



# A Guide to a Child Protective Investigation

---

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

Clear and honest communication is very important. Please ask your caseworker if you have questions about what's said or what you're asked to do. If you still don't understand, you may speak with your caseworker's supervisor.

## **What is Child Protective Investigations?**

The Child Protective Investigations (CPI) program investigates reports of child abuse and neglect by parents or other members of the family or household. CPI also provides services to children and families in their own homes and sometimes places children in foster care, which is overseen by Child Protective Services (CPS). CPI used to be a part of CPS. The two programs work together closely and are both programs of the Texas Department of Family and Protective Services (DFPS).

A CPI caseworker must show you an identification badge. Make sure you see a DFPS badge before the investigation proceeds.

## **Why is CPI visiting my family?**

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

## **What rights do I have as an alleged perpetrator, a parent, a legal guardian, or a person who is the subject of the investigation?**

If you are an alleged perpetrator, a parent, a legal guardian, or another person who is the subject of the investigation and you are being interviewed in a child abuse or neglect investigation, 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.

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.

## **What does CPI do in a child abuse or neglect investigation?**

Your caseworker will:

- Talk to your child. This interview must be recorded (audio or video) and may happen at any reasonable time and place, including at school.
- Attempt to contact you within 24 hours of interviewing your child.
- Explain DFPS's role and legal responsibilities.
- Discuss the report with you to talk about safety concerns and the risk of abuse or neglect to your child, or to find out if you can explain injuries.
- Ask you to respond to the allegations and talk about your child's situation.

- Run criminal background checks on anyone who may have abused or neglected your child, as well as others in the home.

The caseworker may also:

- Visit your child's home.
- Talk to other children in the home.
- Check your child for visual signs of physical abuse or neglect.
- Talk to anyone who may have abused or neglected your child.
- Talk to anyone with information about the situation, including anyone who can verify explanations of how your child was hurt.
- Ask for medical or mental health records on you, your child, or anyone who may have abused or neglected your child.
- Take your child to interviews or examinations. CPI will notify you if this happens.

State law allows all these steps, so your cooperation is important. If you do not cooperate, CPI may request a court order to allow the investigation to move forward. CPI may also refer you to services. These services should be used to help address any safety issues or concerns found during the investigation. Services may include counseling, day care, evaluation, treatment, and parenting training. It is important to stay in contact with your caseworker. Please tell your caseworker about any changes to your home address or contact information. If your caseworker can't find you, CPI will take steps to find you and could ask law enforcement agencies to help locate you.

### **What is an alleged perpetrator?**

In a CPI investigation, a person who is suspected or accused of abusing or neglecting a child is called an alleged perpetrator.

### **What rights do I have if I am a Native American?**

The Indian Child Welfare Act (ICWA) is a federal law that applies when DFPS is involved with Native American children. Congress passed this law in 1978 to give special protections in child welfare cases to Native American children, parents, and tribes.

If you or anyone else in the family has any Native Alaskan or Native American heritage or ancestors, please tell your caseworker immediately. This may affect the legal requirements that apply in your case.

### **Will CPI talk to law enforcement about my family?**

State law requires CPI to tell law enforcement agencies about all reports of alleged abuse or neglect. Your local law enforcement agency decides if a criminal investigation is needed. You can contact your local law enforcement agency to ask about a criminal investigation.

## **How long does it take CPI to complete an investigation?**

The average length of an investigation is 45 days, but this can vary depending on the situation. During the investigation, CPI must determine if:

- Your child is safe.
- Your child was abused or neglected.
- Your child is at risk of future abuse or neglect.

If CPI determines your child is not safe, your family may need services. Your caseworker does not make major decisions alone and will review your case with a supervisor and then talk with you about the case.

## **What does the risk of child abuse or neglect mean?**

Children are considered at risk of abuse or neglect when it is reasonable to believe they will be abused or neglected in the near future.

## **What is a Family Team Meeting?**

CPI knows that all families have strengths, know their children best, and want them to be safe. That is why CPI may ask your family to help if CPI thinks 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 investigation 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 work together to make a plan to keep your child or children safe, which may include developing a safety plan.

## **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 will 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.

## **Will CPI take my child away?**

CPI works with you to provide a safe environment for your child and tries to avoid taking your child away.

CPI will explain the concerns and the safety measures that are needed, which could include a safety plan. CPI may also refer you and your family to community services or to CPS's Family-Based Safety Services program for ongoing services or joint managing conservatorship. Joint managing conservatorship is a legal option, approved by a court, where you and DFPS share parenting rights and duties for your child. Sometimes, DFPS may make a joint managing conservatorship agreement with you solely to get mental health services for your child. However, CPI may have to remove your child from your home if there is a danger to your child and no other options are immediately available to ensure your child's safety. CPI may get a court order before or after removing your child, depending on the situation.

## **What happens if CPI takes my child away?**

If CPI removes your child from your care without a court order, a judge will review the case the next business day and set a hearing within two weeks. CPI's goal is to return your child to your home if the child can be safe there and the court agrees.

When CPI removes your child, the caseworker will ask you to complete a Child Caregiver Resource Form. This form gives CPI the names of at least four people who might support or take care of your child while you receive services. These caregivers could be your child's grandparents or other relatives. CPI will conduct a careful search for any absent parents, relatives, or family friends who may be able to care for your child.

## **Will I be able to visit my child?**

Your caseworker will make sure you can visit your child within five days of asking the court to give CPI temporary custody of your child, unless a judge orders otherwise. In most cases, CPI will work with you to develop a schedule for visiting your child.

Other decisions about when and how you can see or talk with your child may be decided at court hearings or in talks with your caseworker. Talk to your caseworker and supervisor if you disagree with your visitation plan. If you still are not satisfied, let the judge know at the next court hearing.

### **Do I need a lawyer? How do I get one?**

You have the right to consult with a lawyer at any point in the investigation at your own expense. If CPI files a lawsuit involving your child or children, you may ask the court for a lawyer to represent you. The court may or may not provide you with a lawyer, depending on the court's rules and your financial situation. Legal aid may be available in some communities. You can also contact the local bar association or call the [Lawyer Referral & Information Service \(LRIS\) at the State Bar of Texas](#) at (800) 252-9690. You can read more about the LRIS on the website of the State Bar of Texas, [www.texasbar.com](http://www.texasbar.com). By law, CPI caseworkers cannot give you legal advice.

### **Can I record my interview with the caseworker?**

Yes. You can audio or video record your interview with your caseworker for your own records. Any audio or video recording you make may be subject to subpoena under a court order. State law does not allow you to post any audio or video recordings of these interviews on the internet in a way that could identify anyone involved in the interview. You can request a copy of DFPS's policy on recording. If you decide to record the interview, the caseworker will also record the interview.

### **Who will know what is in DFPS records about me?**

State law requires DFPS to keep the report and investigation confidential from the public. However, DFPS must provide information to people who were investigated, the victim's parents, law enforcement and court officials, and county or district attorneys' offices. CPI may use the information for its own purposes, including a future investigation. 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 providing care for your child any information necessary to ensure that they are ready 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 are 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](http://www.dfps.texas.gov)). DFPS uses preset rates to determine the cost of a copy of your records and 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 Investigation process, you may also contact the [DFPS Office of Consumer Affairs](#).

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

### **What can I do if I disagree with being found responsible (Reason to Believe finding) for abuse or neglect of a child?**

You can also request an administrative review of the investigation if CPI found that you were responsible for child abuse or neglect and you disagree. The letter that CPI sends you at the end of the investigation will explain how to request an administrative review.

Requests for administrative reviews should go to Office of Appeals at [dfpsofficeofappeals@dfps.texas.gov](mailto:dfpsofficeofappeals@dfps.texas.gov).

### **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. If you have any disability-related needs that require reasonable accommodations, you may request them 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 discriminated against you based on your disability, please contact the Texas Health and Human Services Commission (HHSC) Civil Rights Office to file a complaint using 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](mailto:HHSCivilRightsOffice@hhsc.state.tx.us)

If you are deaf, have a loss of hearing, 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?

Caseworker Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Office Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

## 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/](http://www.dfps.texas.gov/handbooks/CPS/))
- Texas Department of Family and Protective Services website ([www.dfps.texas.gov](http://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 has come to your home to ask you questions, to talk to your children, or to talk to someone else about your children’s safety. 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:

- » <http://texaschildrenscommission.gov/media/85129/parent-resourceguide-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 which local resources might be helpful. Helpline attorneys will actively listen to your issues and acknowledge your fears and concerns. They will be responsive and patient and will provide legal information. They will not give legal advice or represent you. All calls are anonymous.

- » Call (844) 888-6565.
- » Operating Hours: Monday thru Friday, 9 a.m. – 6 p.m.

## **The National Domestic Violence Hotline:** [www.TheHotline.org](http://www.TheHotline.org)

No one deserves to be abused. Please call or text the National Domestic Violence Hotline if something about your spouse or partner’s words or behaviors frightens you or if you, or someone you know, has been harmed or threatened. 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 gain power and control over the other. Domestic violence can include physical, sexual, emotional, economic, or psychological actions or threats. Domestic violence can be used by anyone of any race, age, sexual orientation, religion, gender,

socioeconomic background, or education level to control their partner. It can be used by adults and minors who are harming their partner in a dating or committed relationship, whether they are dating, married, separated, divorced, or living together.

Many acts of domestic violence are against the 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 men who use domestic violence are much more likely to sexually abuse their children or stepchildren. Parenting is hard. It is even harder when you are being hurt by someone you know and love. Getting support for you and your children can help you reach a healthier future and keep your children safe.

It's hard to accept that you are being battered 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 you, as well as the person using violence. 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 people with hearing impairments
- » [www.TheHotline.org](http://www.TheHotline.org) (live chat available)

## **CHIP, CHIP Perinatal, and 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](http://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](http://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 whether or not there is any 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 1-800-252-5400 or online at [www.txabusehotline.org](http://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, visit [www.HumanTraffickingHotline.org](http://www.HumanTraffickingHotline.org).
- » To get help, report suspected trafficking, find services, or learn about your options, call the Hotline at 1-888-373-7888.

## **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 experienced sexual exploitation. The center can share information on how to remove online images, videos, and comments related to child sexual 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](http://www.MissingKids.org)
- » For assistance, call 1-877-446-2632, ext. 6117 or email [familysupport@ncmec.org](mailto:familysupport@ncmec.org)

Find more resources at [TexasEndHumanTrafficking.org](http://TexasEndHumanTrafficking.org).



