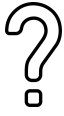




WHAT DO I NEED TO KNOW WHEN WORKING WITH DFPS?

Information for Mental Health Professionals



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.



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

In a CPI investigation, the CPI caseworker will do the following:

- Interview all children in the home where abuse and neglect is alleged. The interviews must be recorded (audio or video) and may happen at different times and locations including at a hospital, daycare, home, school, or DFPS office.
- Explain DFPS’s role and legal responsibilities to the parent and child.
- Discuss the abuse or neglect allegations with the parent or legal guardian to talk about safety concerns and the risk of abuse or neglect.
- If safety concerns are identified, allow the parent to create a plan that would keep the child and parent in the home, if possible.
- Talk to anyone with information about the situation, including anyone who can verify explanations of how the child victim was abused or neglected.
- Ask for medical or mental health records on the parent, child, or anyone who may have abused or neglected the child.
- Run criminal background checks on anyone who may have abused or neglected the child, as well as others in the home.



Will CPI petition the court, to remove a child from their parents?

As outlined in the Texas Family Code ([262](#)), CPI must make all reasonable efforts, consistent with child safety, to prevent a removal. This requirement is still necessary in cases in which a parent or legal guardian seeks to relinquish custody of their child or refuses to accept parental responsibility of their child.

CPI must work with the parent to provide a safe environment for the child and try to avoid taking custody of a child. CPI must file a court order to remove a child from their parent’s custody and any legal filings must show the department’s efforts to prevent removal. These efforts must be made and conducted during the investigation. Once CPI has made these efforts and if they are not successful, CPI may then petition the court for legal removal of a child.

These efforts may include:

- CPI explaining the concerns and safety measures that are needed and creating a safety plan with the parent.
- Referring the child and family to services in their community or to CPS’s Family-Based Safety Services program for ongoing services.
- Asking a perpetrator of abuse or neglect to leave the home for a short time while the investigation is being conducted.
- Offering and convening a Family Team Meeting so the parent, the parents’ support system, and others may work together to come up with a plan to keep the child or children safe.

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:

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

If CPI determines the child is not safe, the family will be referred to providers in the community.

What is a Safety Plan?

A safety plan is a voluntary agreement between CPI and the parent. A safety plan can be created at any time during a case when a danger is identified. The plan is developed together with the parent to keep the child safe. The safety plan requires the parent and child to be supervised by a relative, fictive kin, or other individuals of the parent's choosing.

Why can't the department take immediate custody of a child when the parent has informed the facility, they will not be picking up their child upon discharge?

DFPS is still obligated to complete a full investigation which includes confirming the parent or legal guardian's decision to not pick up the child from the facility. DFPS is also obligated to pursue all reasonable efforts to avoid a removal as outlined in the Texas Family Code (262).

A parent will not pick up their child once they completed treatment and have been discharged from a hospital or mental health facility. Will CPI take custody of the child?

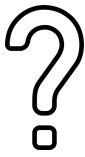
CPI must conduct an abuse and neglect investigation and would not immediately take custody of a child. CPI would follow their standard investigation process and make reasonable efforts to prevent removal. Once CPI has conducted their investigation and if any reasonable efforts are not successful, CPI may then petition the court for legal custody of a child.

The parent would be legally and financially responsible for the child, until the court, or a judge, has granted legal custody of the child to DFPS.

What is Joint Managing Conservatorship?

Joint managing conservatorship (JMC) is a legal status, approved by a court, where a parent or legal guardian and DFPS share parenting rights and duties of the child. Sometimes, DFPS may petition the court for joint managing conservatorship status with a parent or legal guardian solely to obtain mental health services for the child when all other efforts for treatment have been exhausted.

Can a parent Refuse to Accept Parental Responsibility of their child?



A parent or legal guardian may decide to refuse to accept parental responsibility but that does not mean that DFPS will take immediate custody of the child.

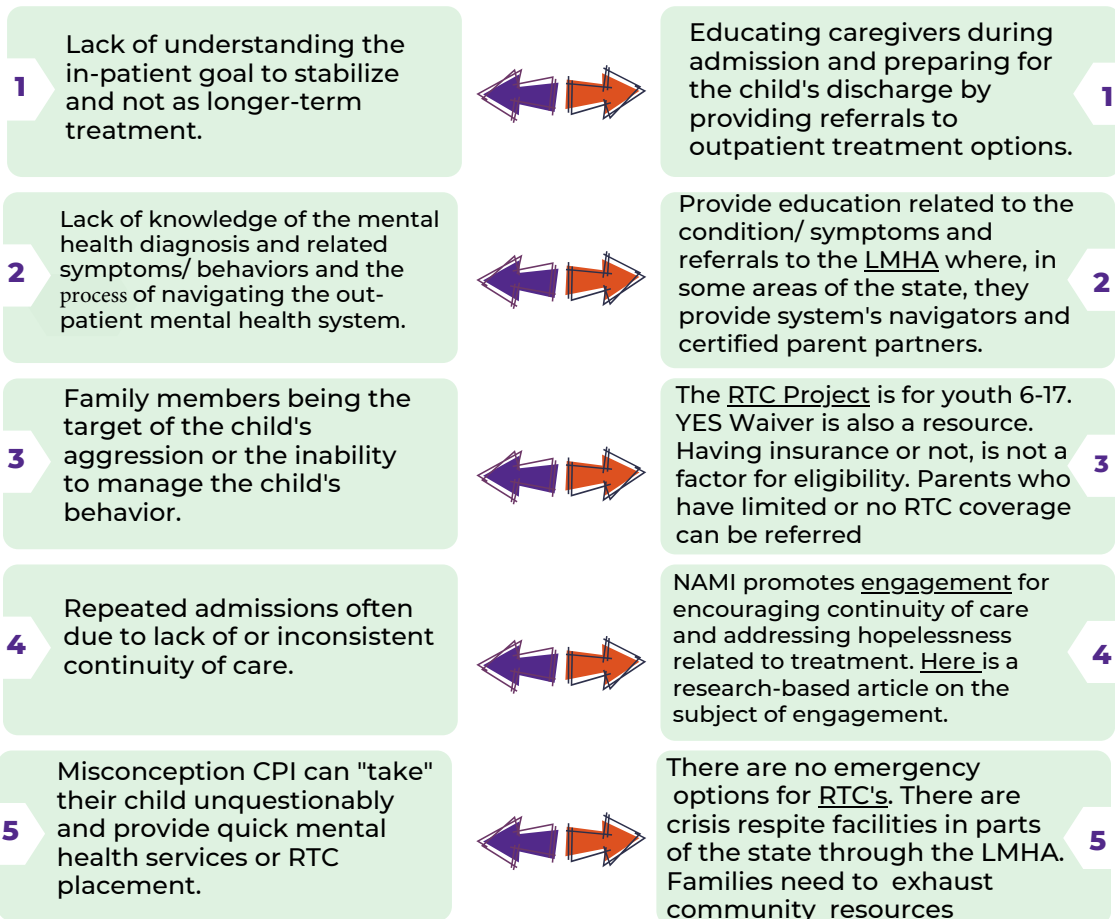
DFPS does not accept voluntary placements of children, even when the child has a severe emotional disturbance and the parents want DFPS to take conservatorship of the child.

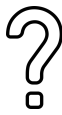
Rather, DFPS accepts the following reports as intake:

- a parent wants DFPS to take conservatorship of a child or youth to obtain mental health services for the child, and there are allegations of abuse or neglect and risk of further abuse or neglect of the child.
- a parent fails to permit a child to return to or remain at the child's home due to the child's severe emotional disturbance without arranging for the necessary care for the child, abuse or neglect is alleged, and the child is at risk of further abuse or neglect.
- a child is to be discharged from a mental health facility, and no caregiver is willing to accept the child upon discharge.

When Families Do Not Pick Up their Child from a Hospital or Facility

When families resist in picking up their child from a hospital, or facility, there are re-occurring reasons given by caregivers. Here are the most common and how they might be addressed:





How Can CPI Assist with Mental Health Services?

CPI investigators rely on, and collaborate with, mental health providers to help provide the information needed to identify and connect families to the right services within their community.

Let's look at some myths and facts related to the role of CPI investigations:



MYTH
CPI can provide mental health services

FACT
CPI does not have any mental health programs or clinicians that provide services



MYTH
CPI can place a child in an RTC quicker than the RTC Project or the parents insurance.

FACT
CPI refers families to the RTC Project for RTC placement and there is no quicker way into an RTC through CPI.



MYTH
CPI will automatically take custody if a child is left at a facility.

FACT
CPI is mandated by law to make reasonable efforts to prevent a child from entering foster care. This is not automatic. CPI must explore family or alternative placement options.



MYTH
CPI has sole authority to take custody of a child.

FACT
CPI does not have the sole authority to remove a child from their parents. Only a judge can make that decision. CPI simply files an affidavit with the court however the court can, and often does, deny the request.

