



**TEXAS**

**Department of Family  
and Protective Services**

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*Child Protective Services*

**Court Related Issues  
Resource Guide**

TABLE OF CONTENTS

COURT APPOINTED ATTORNEY AD LITEM AND GUARDIAN AD LITEM .....1  
STATEWIDE MEMORANDUM OF UNDERSTANDING AND LOCAL AGREEMENTS .....2  
MEMORANDUM OF UNDERSTANDING AUGUST 2017 .....3  
MAKING A DILIGENT SEARCH FOR A MISSING PARENT.....15  
    *Information to Ask the Custodial Parent to Provide*.....15  
        Identifying Information ..... 15  
        Events and Personal History ..... 15  
        Other Children ..... 15  
        Other Family Members ..... 15  
    *Requesting a FINDRS Search* .....15  
    *Requesting a Search through the OAG Parent Locator Service* .....16  
    *Additional Search Resources* .....16  
    *Requesting a Paternity Registry Search* .....16  
THE INDIAN CHILD WELFARE ACT (ICWA) .....18  
    *Decision Regarding Native American Status* .....18  
SOCIAL STUDIES.....19

## **Resource Guides**

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides **does not substitute for policy**. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

***Per [4222.2 Re-Allowing Placement](#):***

If the caseworker learns of a detailed justification for changing the status of and considering placements in a foster family that is on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.



## COURT APPOINTED ATTORNEY AD LITEM AND GUARDIAN AD LITEM

See [5240](#) Working With the Child's Attorney Ad Litem, Guardian Ad Litem, and CASA and its subitems.

When DFPS files a suit with the court to obtain custody of a child or to terminate parental rights, the court must appoint an attorney ad litem (AAL) and a guardian ad litem (GAL) to represent the interests of the child.

In many jurisdictions, the court appoints a court appointed special advocate (CASA) to be the guardian ad litem while in other jurisdictions the CASA is only appointed as a CASA. When the CASA is appointed as the guardian ad litem, all laws and policies described in this item apply to the CASA acting as a guardian ad litem.

If the CASA is not appointed as the guardian ad litem, generally the court will appoint the attorney ad litem to serve as the child's guardian ad litem. This is referred to as a dual appointment or dual role. If the court does not appoint a separate individual to be the guardian ad litem, the attorney ad litem is expected to perform the dual function.

*Texas Family Code [§§107.011](#), [107.012](#), and [107.0125](#)*

In a case of extended jurisdiction (that is, when a court's jurisdiction continues beyond the youth's 18th birthday), the court may continue the appointment of the guardian ad litem, attorney ad litem, or CASA.

*Texas Family Code [§263.605](#)*

If an attorney ad litem who is also appointed as the guardian ad litem feels that he or she cannot adequately represent both perspectives in a case, the attorney ad litem may ask the court to appoint a different individual as the guardian ad litem.

*Texas Family Code [§107.0125\(c\)](#)*

**STATEWIDE MEMORANDUM OF UNDERSTANDING AND LOCAL AGREEMENTS**

See [5242.22](#) Statewide Memorandum of Understanding and Local Agreements.

The Memorandum of Understanding (MOU) establishes how DFPS and the CASA representatives communicate and share information and records. Generally, a CASA is notified about any hearing or meeting regarding the child and the family's case in the same manner as the attorney ad litem and a guardian ad litem. See [5241](#) Court Appoints Attorney Ad Litem and Guardian Ad Litem.

The MOU also allows the CASA to:

- receive a copy of the family service plan;
- receive copies of any other case records that DFPS has filed with the court; and
- view a copy of the child's entire case file in a local CPS office.

The records do not need to be redacted. The caseworker does not provide information that is not covered by the MOU, unless the information is explicitly included in the court's order or the parent gives consent. The caseworker consults with the attorney representing DFPS if the scope of the court's order is unclear.

Regional DFPS offices that have a CASA program can supplement the MOU with an addendum that outlines individualized agreements on how to work together, such as agreements on conducting joint training or setting up specific methods of communicating with each other.

The caseworker asks to see a copy of the local MOU to comply with the expectations for notifying and making information available to the CASA.

If a CASA is appointed to a case for which there are no records yet available, the caseworker may provide the CASA with information verbally until records are available.

**MEMORANDUM OF UNDERSTANDING AUGUST 2017**

**Memorandum of Understanding**  
**Texas Department of Family and Protective Services, Child Protective Services Division**  
**and**  
**Texas Court Appointed Special Advocates**  
**November 2013**  
**As Amended August 2017**

**I. Overview**

The purpose of this Memorandum of Understanding (MOU) is to define and foster a collaborative working relationship between Court Appointed Special Advocate programs throughout the state, hereafter referred to as CASA, and the Texas Department of Family and Protective Services, Child Protective Services Division, hereafter referred to as CPS. This agreement establishes consistent policies and procedures that enhance the working relationship between CASA and CPS programs. The parties expect that the protocols within this document will be adhered to and enforced by state and local leadership.

**II. Respective Roles - CPS and CASA**

CPS is statutorily required to investigate allegations of abuse and neglect of children in Texas, and, when appointed as the managing conservator for a child being brought into the state's care on a temporary or permanent basis due to abuse or neglect, to act in the child's best interest regarding decisions of placement, education and medical care, services for the family, permanency planning, and others.

CASA volunteers are appointed to provide advocacy and best interest representation for children in the care of CPS whose families are involved in a CPS case. CASA programs adhere to standards promulgated by National CASA and Texas CASA. The minimum expectations of service for CASA volunteers are outlined in this agreement under CASA responsibilities.

**III. Appointment of a CASA**

Judges can appoint CASA at any point in the case: the ex parte hearing, adversary hearing, status hearing, initial permanency hearing before final order, subsequent permanency hearing before final order, or permanency hearing after final order. Typically, most CASA appointments are made at the ex-parte or 14-day adversary hearing. CASA's appointment to the case continues until the case is closed by the court or CASA is removed from the case by a court order. If a youth who has turned 18 is in extended jurisdiction or trial independence, the CASA appointment may continue if the young adult consents and the court continues the appointment.

If the local program accepts these appointments, CASA may also be appointed by a judge to a juvenile or cross-over case or a court-ordered services case. CASA's appointment in these types of cases also continues until the case is closed or CASA is dismissed by court order.

**IV. Local CASA- Program Courtesy Assistance**

Given the vast geographical area of the state, local CASA programs will, as resources and local program policies permit, provide assistance to each other in fulfilling their responsibilities on a case. The local CASA program will notify in a timely manner the CPS caseworker when courtesy assistance is requested and provided and will notify the CPS caseworker when the courtesy assistance concludes. Courtesy assistance can only be provided by a CASA staff, courtesy CASA, or volunteer in good standing.

**V. CASA Responsibilities**

- A. Notification of Appointment:** CASA will provide timely written notification of appointment to CPS, the attorneys, parents, and all other parties to the case in a manner agreed to locally. This notification will identify the CASA staff and CASA volunteer advocate assigned to the case and will provide contact information for both.
- B. Obtaining Court Order to Access Child Files:** In cases where the CASA is not appointed Guardian Ad Litem (GAL) by the court, the CASA program shall seek a court order to gain access to the child's records. A sample Order of Appointment Is attached.
- C. Assist in Identifying the Child's Best Interest:** In a timely manner after appointment, and throughout the case, CASA shall review all records and documents permissible by law, rule, court order, or this MOU. CASA shall interview the child, each person who has significant knowledge of the child's history and condition, including any foster parent, and the parties to the lawsuit. Examples may include parents, social workers, teachers, child's medical and mental health providers, and other persons to determine the facts and perspectives of the child and the child's situation.
- D. Maintain Regular Contact with the Child**
- i. CASA volunteers will meet in person with the child as required by CASA standards.
  - ii. While CASA and CPS may visit together, it is expected that both will visit the child separately the majority of the time to gain an independent perspective. CASA will continue to visit the child according to CASA standards until CASA is dismissed from the case.
  - iii. The CASA program will assure only qualified trained volunteers and staff will have contact with the child assigned to the CASA program.
  - iv. CASA will have other types of age appropriate contact with the child, including telephone calls, emails, video-conferencing, and/or letters, as applicable for the child's age and interests.
- E. Transportation of Children:** If a local CASA program's policies allow CASA to transport children, the CASA staff or volunteer will notify the CPS caseworker and secure written permission if CASA plans to routinely or on a one time basis transport the child throughout the duration of the appointment.
- F. Volunteers Assisting Advocates:** All volunteers assisting CASA advocates that will or could have direct contact with a child in the custody of DFPS will complete a Child Abuse and Neglect Registry Check (ABC), FBI Fingerprint-Based Criminal Check and sign a confidentiality statement. In addition, CASA programs will provide a minimum of three hours of training appropriate to that volunteer role that includes a definition of the role, job description and both allowed and un-allowed activities of that volunteer role, including the impact of trauma and how it can be exhibited in a child's behavior.
- G. Represent the Child's Best Interest**
- i. Verify that a Case Plan, Education Portfolio and Health Passport have been created and maintained for the child.
  - ii. Participate in any and all meetings that fall under the description of "Permanency Planning" Meetings and/or Child Service Plan Meetings as defined in CPS policy and included In Attachment A. CASA may assist CPS in the engagement of family members and children in Family Group Decision-Making Meetings, including identifying interested persons to attend meetings, as approved by CPS.

- iii. Provide input for the Health Social Educational and Genetic History report (HSEGH), profile in TARE, Life Book, targeted recruitment and preparation for adoption. The CASA volunteer and CASA Supervisor will review home studies of prospective adoptive families that are determined eligible by CPS and will be invited to participate in the selection staffing for the child or children. CASA will offer an opinion as to appropriateness of a potential family to CPS and the court.
- iv. Appear at all hearings to advocate for the child's best interest and permanency. Provide testimony when making recommendations for permanency and specific services for the child and the child's family. Provide written court reports for all statutorily mandated hearings.
- v. Participate in mediation regarding access to, conservatorship of, or any other issue regarding the child.
- vi. Report on the progress of the Child and Family Service Plan(s).
- vii. Review the medical care provided for a child, discuss the medical care with the medical consentor and seek to elicit, in a developmentally appropriate manner, the child's opinion on the medical care provided.
- viii. Review the educational needs and issues of the child and serve as a surrogate parent if appointed by the school district or the court.

**H. Confidentiality:** CASA will ensure that all volunteers or staff who will have access to confidential information about children and families have undergone background checks pursuant to CASA standards.

- i. All information and records regarding a child's case will be kept confidential. Local CASA programs will have board-approved written policies and procedures in place to assure confidentiality of case information and records in accordance with Texas Family Code, Section 261.201 and other applicable law.
- ii. If sharing confidential information with outside parties such as foster parents and placements, schools and health care providers is necessary for the care and protection of the child, the information shared should always be the minimum necessary for the care and protection of the child and follow CPS and/or CASA policies.
- iii. Confidential information accessed electronically through the DFPS Case Connection maintains its confidential nature; electronic transmission does not operate as a waiver of confidentiality or change the confidential nature of the information in any way.
- iv. Once a case is closed and/or CASA is dismissed, CASA will assume full responsibility for ensuring all CPS paper or electronic records in their possession are either destroyed or kept in safe, secure storage for a time determined in writing in the local program board-approved policies.

**I. Participation in DFPS Case Connection:** CASA will ensure that all CASA volunteers or staff registering for access to the DFPS *Case Connection* External Access to IMPACT portal have read and understood the DFPS Security Requirements (addendum to this MOU), have a signed *User Security Agreement Form* which will be maintained in the CASA staff or volunteer file, and are otherwise authorized to access the electronic system before accessing the *Case Connection*.

**J. Courtesy assistance** will not be available through Case Connection. CASA will not attempt to assign cases to courtesy workers across units when using Case Connection.

**K. Notification of CASA Dismissal, or Staff or Volunteer Change of Assignment:**

**Removal from Case Connection:**

- i. When a CASA Program has been removed by the Court from an open CPS case, the CASA Program must notify CPS by email or other written method within two business days of removal unless CPS was present at the hearing where the CASA removal occurred. CPS will terminate all CASA assignments to the case.
- ii. When a CASA Volunteer or staff have been removed from an open CPS case, the CASA Program must take one of the following actions:
  - a. If the volunteer or staff has been terminated from the CASA program, the CASA Designated Identify Access Management (IAM) Portal Representative must terminate the volunteer or staff's Case Connection account via the IAM Administrative process within two business days. This action will automatically terminate all case assignments for the volunteer.
  - b. If the volunteer or staff is removed from an open CPS case but is not terminated from the CASA program, CASA must notify CPS by email or other written method within two business days. CPS will manually terminate the volunteer or staff's case assignments.
- iii. Failure to promptly terminate a dismissed advocate's access to the Case Connection may result in the local CASA organization losing access to the Connection on a temporary or permanent basis.

**L. Notice and Remedy for Security Breach: In the event of a security breach whereby confidential information regarding a child, children or family is accidentally or intentionally disclosed to a party who is not authorized to have access to the information, the CASA organization must immediately notify CPS, and will take such remedial measures as determined necessary by CPS or as may be required by Texas Business and Commerce Code, Chapter 521.**

**VI. CPS Responsibilities**

This section applies to CPS or contracted entities providing case management services to children and families on behalf of CPS.

**A. Access to the Child's Records and Information**

CPS will make available to CASA, in a manner agreed to locally, other records as permissible by law and/or court orders. See Attachment B for listing of documents available either through Case Connection or through the case file. CPS will facilitate access to the child's records from the contracted service providers per contract requirements.

**B. Access to Parent Records:** CASA will be granted access to parent records when a court order specifies that such a release of records is permissible, or upon a signed parental release.

**C. Access to Child:** Whether through the DFPS Case Connection or by other means, CPS will provide information to CASA about the child's placement, including all contact information, location and address, in a timely manner following CASA's appointment to the case. CPS will ensure access to the child to facilitate the in-person visits or other types of appropriate communication between the CASA and the child, and will ensure contracted residential providers are aware of these requirements.

**D. Notifications and Invitations:****Notifications:**

- i. CPS will provide notice as required by statute or rule to the CASA program of all hearings and in a timely manner of the intent to non-suit. CPS will provide CASA with a copy of the

Parent-Child Visitation plan when the plan is developed, as well as any changes or updates to the plan.

- ii. CPS will notify CASA of planned mediations. CPS will notify CASA of significant events as outlined in Attachment C.
- iii. CASA will provide in writing information about the child's needs to be attached to the Common Application and provided to the Child Placement Unit to assist in finding the most appropriate placement for the child.

**Invitations and Collaboration:**

- i. CPS will invite CASA to participate in Permanency Planning Meetings and Child Service Plan Meetings. CASA may assist CPS in the engagement of family members and children in Family Group Decision-Making Meetings, including inviting interested parties to meetings outlined in Attachment A, and as approved by CPS. Invitations shall occur as soon as possible after the meeting is scheduled.
- ii. The CASA volunteer and the CASA Supervisor shall be invited by CPS to participate in the mediation process when CPS is the party responsible for issuing invitations.
- iii. CPS will consult with a child's CASA volunteer in making placement decisions, except when making an emergency placement that does not allow time for consultation.

**VII. General Provisions Applicable to Both Parties**

CASA and CPS acknowledge that collaboration throughout the life of a case helps to ensure the child's continued safety, well-being, and opportunities for permanency. CASA and CPS acknowledge that information sharing benefits children. Information sharing and communication helps to prevent disagreements that may impede the progress in meeting the needs, assuring the well-being and safety of the child. It also helps to secure the best and most timely permanency outcome for the case.

**CASA and CPS will:**

**A. Share Information:** Share records and information in accordance with law and court orders. Unless limited by court order, areas of information-sharing may include:

- Permanency Goal/Plan
- Family Finding efforts that include identification of relatives, fictive kin and other natural supports
- Placement
- Education
- Medical/Mental Health Needs and Assessments including CANS
- Plans of Service for Child and Family
- Visitation Plan
- Home Studies
- Adoption Preparation
- Older Youth Transition/Independent living

**B. Communicate with Necessary Parties**

- i. **CPS Caseworker and CASA:** Will communicate with one another after initial appointment and at least one time per month for the duration of the case.
- ii. **Current Primary Caregiver:** Meet in person with the child's current primary caregiver in a timely manner after placement occurs, and communicate with the caregiver at least once a month.

- iii. **Court:** Inform the court promptly of important developments in the case through appropriate means as determined by court rules and statute.
  - iv. **Other Parties:** Interface with the mental health, medical, legal, educational and other community systems to advocate for the child's best interest. CPS and CASA will work collaboratively to ensure that foster parents, kinship providers, schools, child placing agencies and others providing services have the records needed to appropriately provide services and assistance. Confidential information should be shared to the minimum extent necessary to care for the child.
  - v. **Search for Family/Fictive Kin:** CASA and CPS acknowledge the critical importance of supportive relationships and connections for children in care. CASA and CPS staff working together in Collaborative Family Engagement (CFE) will lead efforts to search, identify, and engage family, fictive kin and natural supports in both TMC and PMC identified cases. CASA programs outside of CFE will have access to CFE supports including but not limited to Seneca Searches, GenoPro and Ancestry.com to assist collaborative efforts with CPS to identify family, fictive kin and significant others for children. CASA and CPS will value the importance to children of connections and relationships and support planning, activities and strategies to build supportive networks of appropriate adult to benefit child well-being and permanency.
- C. Work together to identify as many family members and fictive kin as possible for a child. CASA and CPS will share results of diligent search activities, case mining and family-finding and engagement efforts.
- D. Encourage Self-Advocacy for Children and Youth:** Encourage children and youth to advocate for their rights as well as ensure that the system respects and enforces their rights. CASA and CPS shall ensure children have been provided information about their rights as outlined in the Rights of Children and Youth in Foster Care "Bill of Rights" as required by CPS licensing standards and the residential contract provisions.
- <https://www.dfps.state.tx.us/Adoption and Foster Care/About Foster Care/rights.asp>
- E. Encourage Youth Participation:** Encourage youth participation in court through attendance in person, and, if in person attendance is not possible, by teleconference. CASA and CPS shall also encourage youth to communicate their needs, desires and wishes with the court. CASA and CPS will collaborate and work together to empower youth and elevate the youth voice. CASA and CPS will encourage child and youth participation in normalcy activities in placements, education, and recreational settings. For older youth, CASA and CPS will encourage self-advocacy related to transitioning to a successful adult, higher education, vocational training, and employment.
- F. Submit Court Reports:** Provide written court reports for statutorily mandated hearings. These hearings are usually scheduled in advance and will allow time for CASA and CPS to discuss critical information each considers important to include in a court report. Prior to court hearings and preparation of written court reports, the CPS caseworker and the CASA volunteer should communicate and share information that supports and provides the basis for recommendations related to placement, visitation, permanency and concurrent plans, and provision of services.
- i. It is expected that CASA and CPS may have different recommendations in written court reports. Collaboration, discussion and sharing of information prior to the submission of reports to the court are important and should promote better outcomes for children.
  - ii. CPS shall provide to CASA copies of its written court reports ten calendar days prior to a court hearing as required by the Texas Family Code. CASA shall provide copies of its

written court reports to CPS as soon as possible, but not later than five calendar days prior to a court hearing.

iii. Local jurisdictions will agree upon the method by which these court reports will be shared.

**G. Cross-Train:** Work together on a statewide and local level to develop opportunities to share training information or participate together in training. CPS will request local CASA participate in new caseworker training. CASA will request local CPS participate in new volunteer training.

**H. Address Disproportionality:** Will create collaborative efforts to address the issue of quality service for all children with the goal of positively impacting the mental health and well-being of children in foster care. Joint training opportunities to examine the issues of racial identity and disproportionality will be explored.

### VIII. Resolution of Conflicts

CASA and CPS will work together to address conflicts and seek resolutions. If disagreements and/or grievances occur between on a case, the issues should be brought to the attention of the CPS Supervisor and the CASA Supervisor by the CPS case worker and the CASA volunteer. With the CPS and CASA Supervisors' assistance, the CPS Caseworker and the CASA volunteer should attempt to resolve these concerns. If resolution cannot be reached, the CPS Supervisor and the CASA Supervisor will take steps to resolve the concerns. If no resolution is reached, CPS will enlist the assistance of individuals according to the appropriate chain of command (i.e., Program Director, Program Administrator, Regional and/or State-level Directors) and the CASA Supervisor will enlist the assistance of individuals according to the appropriate chain of command (i.e., local CASA Program Director, Executive Director and/or Texas CASA) to resolve the issue.

### IX. Terms of Agreement

**A. Effective Date:** This agreement is effective upon signatures of the undersigned parties and will remain in effect until it is:

- i. Modified by agreement between Texas CASA and CPS; or
- ii. Terminated by either party. Either party may terminate this agreement without cause by giving the other party written notice of termination.

**B. Review of Agreement:** Local CASA Executive Director and Local CPS Program leadership will review this agreement every two years and sign and re-commit to the working relationships outlined in this document.

**Local Procedures:** Local CASA and CPS offices may develop procedures consistent with this MOU in order to implement the requirements of the MOU in a way that enhances the parties' collaborative partnership but does not change the substantive provisions of the MOU. Informal local agreements regarding the methods by which the parties will communicate and collaborate that do not decrease collaboration or access outlined in this MOU do not require prior approval from the state CASA or DFPS office. Formal addendums that modify substantive provisions or policies outlined in this state MOU will require review by Texas CASA and approval from DFPS state office.

**C. Judiciary:** The parties agree that both local CASA programs and local CPS offices should provide a copy or current signed agreements to the judiciary responsible for hearing child abuse cases in their region, and, if possible, meet annually with all judges to further communication and collaboration with a goal of improving service and assistance to child victims and their families.

**Attachment A  
Permanency Planning Meetings**

<b>Permanency Planning Meetings and Child Service Plan Meetings as defined In CPS Policy</b>
Adoption Presentations
Permanency Conferences
Transition Plan Meetings
Family Group Conferences
Circles of Support
Adoption Selection Staffings
Any meetings that involve developing the Child Plan of Service

**Attachment B  
Access to the Child's Record's and Information**

<b>Information Located in Case Connection</b>
Legal Log
Medical/Developmental History
Education Log
CPS Child Plan of Service
Placement History Log
Family Plan of Service
External Documentation Log
Permanency Planning (PPM) Notes
Placement Information
Common Application

<b>Information Not In case Connection</b>	<b>Where to Access/Review Information or How information Will Be Provided</b>
Investigation Information (current reason for involvement and CPS history but excluding information identifying reporter)	Access in CPS office
Legal Information/Court Documents (court reports, affidavit, petition, court orders and other court filing information)	Hard copy provided by CPS or through local court <i>eFile</i> system
CPS caseworker Narrative (monthly contact and monthly evaluations)	Access in CPS office (via the child's record) or by other agreed upon method
Genogram/Family Tree/Diligent Search Activities and Results	Access in CPS office or by other agreed upon method
FGDM Notes (FGC, PC, COS and FTM)	Hard copy provided by CPS
Home Assessments	Access in CPS office (via the child's records), at the Selection Staffings, or by other agreed upon method
Family Plan of Service/FSNA	Hard copy provided by CPS
Visitation Plan and Schedule	Hard copy provided by CPS
Parent's Medical/Mental Health Information and Service Provider Notes	Only provide if parent consents or by court order
Drug/Alcohol Records of Parent	Only provided if parent consents or by court order
Child Service Plan	Hard copy provided by CPS
Child's Medical/Dental/Mental Health and CANS Information	Access in CPS office (via the child's record), Health Passport, the caregiver or by other agreed upon method
Education Information/Portfolio	Access in CPS office (via the child's record) and

	through Education Portfolio with child's caregiver
Drug/ Alcohol Records of Child	Only provided if child consents
Child's Placement Information (CPA treatment plans, placement forms, YFT information and other placement information not in IMPACT)	Access in CPS office (via the child's record), the caregiver, or by other agreed upon method
Adoption Information (HSEGH, Adoption Service Plan, Adoption Readiness study and other Adoption related information not in IMPACT)	Access in CPS office (via the child's record) or by other agreed upon method

### Attachment C Required Notifications

<b>At Least 48 Hours Prior To Change</b>
Non-emergency change in the residential child-care facility of a child in care

<b>Within 24 Hours Following The Event</b>
Child is missing or runs away from care
Child returns after being missing or having run away from care
Child reports that child was the victim of a crime while being missing or having run away from care
Child dies in substitute care

<b>As Soon As Possible But Not Later Than Two Business Days After the Event</b>
Caseworker receives a discharge notice from contracted or kinship placement

<b>As Soon As Possible But Not Later Than Three Business Days After the Event</b>
Child is placed in a new placement
Emergency removal from a contracted or kinship placement

<b>As Soon As Possible But Not Later Than Five Business Days After the Event</b>
The decision to move a child from one contracted placement to another contracted placement or kinship home (DFPS initiated placement change)

<b>As Soon As Possible But Not Later Than Ten Days After the Event</b>
Significant change in medical condition, including mental or behavioral health conditions; enrollment or participation in a drug research program, or initial prescription of a psychotropic medication.
A medical consentor declines consent for a medically necessary course of treatment for a physical, behavioral, or dental condition as well as any prescribed medication.
Any change in dosage of a psychotropic medication which includes titration (adjusting the amount) or discontinuation of the medication.
A major achievement or change in school performance, including: <ul style="list-style-type: none"> <li>• any failing grade in a reporting period that jeopardizes the student's advance to the next grade level;</li> <li>• a serious disciplinary event at school; and</li> <li>• any event for which the school district is required by <a href="#">§25.007</a> Texas Education Code to provide notice to DFPS</li> </ul>
An investigation by Residential Child Care Licensing or Child Protective Services of alleged

abuse or neglect, regardless of whether the subject child is alleged to have been the victim or perpetrator of abuse or neglect
The child's involvement with law enforcement or juvenile justice, regardless of whether the child is involved as a victim or alleged offender; or any other serious legal situation
The use of emergency behavior intervention,* if DFPS receives notice about such use from the individual or entity who used the emergency behavior intervention.
* including personal restraints, emergency medication, seclusion, mechanical restraints, or chemical restraints.

## MAKING A DILIGENT SEARCH FOR A MISSING PARENT

See [5233.3](#) Making a Diligent Search for a Missing Parent and its subitems.

### INFORMATION TO ASK THE CUSTODIAL PARENT TO PROVIDE

#### Identifying Information

The caseworker asks for identifying information, such as the absent parent's:

- name;
- date and place of birth;
- Social Security number; and
- driver license information.

#### Events and Personal History

The caseworker asks the custodial parent the following about the absent parent's personal history. When asking about locations, the caseworker asks about the city, county, and state:

- What is the absent parent's hometown?
- Where did the parents meet?
- Who is or was the absent parent's employer?
- What schools did the absent parent attend?
- When and where did the parents marry?
- When and where did the parents separate or divorce?
- Is or was the absent parent in the military? If so, what branch, rank, and so on?

#### Other Children

The caseworker asks if the absent parent has other children. If so, the caseworker requests:

- names;
- ages;
- addresses;
- dates and types of the last contacts with the absent parent; and
- other parents (names, addresses, and phone numbers).

#### Other Family Members

The caseworker asks about any relatives (such as parents, siblings, aunts, and uncles) or unrelated individuals who may be able to provide information about the absent parent.

If the custodial parent provides other contacts, the caseworker asks for the contacts':

- names;
- addresses; and
- phone numbers.

The caseworker:

- interviews children to find out what they know about the absent parent; and
- interviews the custodial parent's relatives to find out what they know about the absent parent.

### REQUESTING A FINDRS SEARCH

If the absent parent cannot be found, the caseworker refers the case to the DFPS Family Inquiry Network/Database Research System (FINDRS). To request a diligent search, the caseworker:

- completes Form 2277 Request for Diligent Search; and

- sends it to FINDRS staff by email at: FINDRS mailbox. In the subject line of the email, the caseworker includes the name of the oldest child and the cause number for the case (as issued by the court). Either the caseworker or other DFPS staff designated to perform this task sends Form 2277 to the FINDRS staff.

After receiving the form, the FINDRS staff:

- conducts a search using various search engines that are available to FINDRS staff; and
- sends the search results to the caseworker (and other DFPS staff listed on the request form).

### **REQUESTING A SEARCH THROUGH THE OAG PARENT LOCATOR SERVICE**

To request a parent locator search, the caseworker completes:

- DFPS Form 2277 Request for Diligent Search; and
- the OAG's Request for State Parent Locator Service (available just under Form 2277).

The caseworker attaches both forms to an email and sends them to the FINDRS mailbox.

Results from the Parent Locator Service may take up to 180 days.

### **ADDITIONAL SEARCH RESOURCES**

The caseworker uses the information obtained from the custodial parent, the FINDRS Search and/or the Parent Locator Search to make inquires through other resources that may help locate the absent parent. These include, but are not limited to:

- Texas Health and Human Services Commission (Inquire about locating information for missing parents who may be eligible for services, such as Medicaid and food stamps.);
- US Postal Service (Request forwarding addresses.);
- Texas Department of Criminal Justice and Texas Board of Pardons and Parole (Request locating information for parents who are the subjects of searches and the names of the probation or parole officers assigned to supervise the parents.);
- local jails (Request release information.);
- local law enforcement (Even if there is no criminal involvement, law enforcement may know the individual.);
- Military Locator Service (Request discharge information or current duty assignment.);
- public utilities, including water, gas, electric, and phone services;
- county tax assessor;
- county records on marriages or divorces;
- hospitals;
- shelters;
- telephone white pages and Internet phonebook searches;
- local chapters of community or religious organizations with which the absent parent is affiliated;
- present and previous employers;
- licensing entities, if the parent holds a professional license.

### **REQUESTING A PATERNITY REGISTRY SEARCH**

To request a paternity registry search, the caseworker either:

- completes Form VS-134 Paternity Registry Inquiry Request and submits it to the Paternity Registry at the DSHS Bureau of Vital Statistics; or

- completes Form 2277 Request for Diligent Search to request a Paternity Registry check and submits it through the Family Inquiry Network/Database Research System (FINDRS) using the FINDRS mailbox.

## THE INDIAN CHILD WELFARE ACT (ICWA)

See [5740](#) The Indian Child Welfare Act (ICWA) and its subitems.

The Indian Child Welfare Act (ICWA) is a federal law that applies to any DFPS case involving an “Indian child,” as the term is defined by ICWA. See [25 U.S.C. §1903](#).

The purpose of the ICWA is to preserve Native American tribal cultures (including Native Alaska tribal cultures), by giving legal rights to the children, parents, and tribes protected by this law. If a child is subject to ICWA, a non-Native American parent has the same rights as a Native American parent.

## DECISION REGARDING NATIVE AMERICAN STATUS

See [5742](#) Decision Regarding Native American Status.

There are more than 500 federally recognized Native American tribes in the U.S., and children from any one of these tribes may be living in Texas. Three federally recognized tribes have reservations in Texas:

- the Kickapoo, near Eagle Pass,
- the Alabama-Coushatta Tribe, near Livingston, and
- the Ysleta del Sur, also known as Tigua, near El Paso.

Each tribe has its own membership requirements and only the tribe can decide whether a child is a Native American child, as defined by the Indian Child Welfare Act (ICWA).

A child may be subject to ICWA , even if:

- the child’s Native American relative is a distant one;
- the child’s parent or grandparent was never enrolled as a tribal member;
- one or both parents are opposed to the tribe being involved;
- the child and family do not observe tribal traditions and practices; or
- the child is not enrolled in the tribe.

## SOCIAL STUDIES

See [5760](#) Social Studies.

Social studies are conducted pursuant to [Chapter 107](#) of the Texas Family Code. A *social study* is an evaluation conducted to obtain information about the adoption of a child, the conservatorship of a child, or the possession of or access to a child. The evaluator uses the results of the evaluation to make recommendations to a court, the parties in the case, and their attorneys.

*Texas Family Code* [§107.101](#)

While a local court or a DFPS region may have additional requirements for filing or reporting in anticipation of an adoption, for the purposes of a DFPS lawsuit, social studies are governed by Minimum Standards for Child-Placing Agencies and Subchapter E of Chapter 107 of the Texas Family Code.

*Texas Family Code, Chapter 107, Subchapter E*  
40 Texas Administrative Code, Chapter 749, [Subchapter S.](#)