



## If CPS Knocks

# YOU HAVE RIGHTS

## Before CPS Knocks

- CPS may receive a report of abuse/neglect about you and your children.
- **Per Texas HB 730, CPS may have already spoken to your children at school, to their teachers, doctors, family, or neighbors.**
- Any prior criminal history or history with CPS can be used against you.
- CPS primary mission is to prevent further harm to children. This may involve out-of-home placement of your children.
- CPS must make “reasonable efforts” **to keep your children with you.**
- CPS cases are civil cases. You may be investigated by law enforcement as well.
- CPS knows that you have rights. **Per Texas law, CPS must inform you of your rights.**
- CPS holds power in child abuse/neglect cases. **You hold power, too! You have rights!**

## If CPS Knocks - You Have Rights

- Per Texas HB 730, CPS is required to provide you with your rights and allegations against you upon your first meeting with them.
- You have the right to say **NO** if CPS requests entry to your home.
- You have the right to say **NO** to CPS requests to interview your children in your home.
- CPS must provide you with a copy of the Guide to CPI Investigations.
- **Grab your phone.** You have the right to **record all conversations.**
- Per Texas HB 730, You have a **right to a lawyer** present during all interactions with CPS.
- You have a right to have your support system present during interviews with CPS.
- You have a right to **not** sign any document provided to you by CPS. Per Texas HB 730, You have the right **not** to allow CPS to search your home.
- Per Texas HB 730, You have the right to **not** share personal information about you or your family.
- You have the right to **say NO** to services, programs, and supports that will not help you.
- You have the right to consult with a lawyer before agreeing to any proposed voluntary safety plan.

## After CPS Knocks

- **You should seek a lawyer immediately.** You should look for someone with experience in child protection cases and family law. Some legal resources are included in this document.
- **Ask questions.**
- **Ask CPS to come back later** if it's a bad time.
- **You must be direct and clear in stating your right not to comply with CPS without a lawyer. Example, "Per Texas law, I have the right not to speak with you without a lawyer."**

## Grounding Techniques

This experience can be triggering and require grounding techniques such as

- Recognize your emotions.
- Accept the emotion.
- Practice self-compassion.
- Understand your triggers.
- Develop healthy coping strategies.

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# Important Things to Know

- Refusing to speak to CPS or allowing them into your home will **NOT STOP** the investigation
- **You may still face challenges** asserting your rights.
- **CPS may take your refusal to speak with them as being “uncooperative” or “hiding something”. Remember, you have the right to speak to a lawyer before answering questions.**
- Per Texas HB 730, if you choose to speak with CPS, **anything you say or do can be used against you in court later.** Ask lots of questions: Why? What? How? Explain please?
- The average length of an investigation is 45 days, but this can vary depending on the situation.
- **Document and record everything.**
- Read the CPS Policy Handbook online ([www.https://www.dfps.texas.gov/handbooks/](https://www.dfps.texas.gov/handbooks/)) and The Texas Family Code Chapter 261.
- You have a right to slow down or stop the interview.
- Per Texas HB 730, CPS does **not** have the right to search and remove anything from your home without permission or a signed warrant (you are protected under the Fourth Amendment of the U.S. Constitution).
- What happens in your case may depend on where you live, the judges, lawyers, and caseworkers involved.
- You have the right to review documents in your case (there may be a charge at your own expense for this). The person who made the report is kept confidential by law.
- Your lawyer is responsible for defending you. Empower your lawyer to empower you.

## Legal Resources

- The TLSC Family Helpline provides callers with reliable legal information about CPS cases: **(844) 888-6565**
- **[Texas Rio Grande Legal Aid Family Defense Project](#)**
- The Children’s Commission Parent Resource Guide can help you understand the Legal Process of a CPS case  
<https://www.texaschildrenscommission.gov/media/2zrd0zxl/parent-resource-guide-2020-online.pdf>

## Glossary

**Allegation:** The information contained in the report claiming harm to your child(ren).

**CPI (Child Protective Investigations):** This is the investigation arm of DFPS.

**CPS (Child Protective Services):** This is the arm of DFPS responsible for providing ongoing services to children and families.

**Department of Family and Protective Services (DFPS):** Agency charged with investigating cases of abuse/neglect concerning children, adults, and licensed facilities

**House Bill (HB):** Texas legislative bill originating in the House chamber of the legislature.

**Intake:** The initial report of harm called into the child abuse/neglect hotline.

**Investigation:** Child Protective Investigations (CPI) examines reports of child abuse or neglect to determine if any child in the family has been abused or neglected.

**Allegation:** The information contained in the report claiming harm to your child(ren).

**Reasonable Efforts:** DFPS caseworkers must make reasonable efforts to prevent or eliminate the need to remove the child from the home, consistent with the circumstances of the case, including offering a Family Team Meeting

**Safety plan:** A safety plan is a voluntary agreement between you and CPI about how to keep your child safe.

**\*The term CPS is being used in this document as it is the most commonly used term in communities across the nation. While CPS is used here, The Department of Family and Protective Services has two divisions CPI and CPS. Please refer to the glossary for further explanation.**

TRAVIS COUNTY MODEL COURT



FOR CHILDREN AND FAMILIES



Note: The content of this document was adapted from parent rights documents from **PATH** in collaboration with **Mining for Gold** and **JMAC for Families**.