

**CPS...**  
**INVESTIGATION ESSENTIALS**  
**FOR TEXAS FAMILIES**





---

If the situation warrants it they can even get custody of a child if it is determined that a family is unable to effectively provide care.

---

## CPS:

Protecting the health and well being of children in Texas is the mission of Child Protective Services (CPS). As a branch of the Texas Department of Family and Protective Services (TDFPS), CPS investigates reports of child abuse and neglect.

If the situation warrants it they can even get custody of a child if it is determined that a family is unable to effectively provide care.

The investigations that CPS undertakes can vary in length, but if you are being investigated the situation will most likely seem like it is taking a lifetime.

These are serious matters and knowledge of the procedures and timelines that CPS utilizes can be critical to maintaining your family and your sanity. The CPS defense attorneys with the Law Office of Bryan Fagan would like to provide an introduction to the subject in this blog post.

Turn the page to learn how CPS works...

## CPS Investigations: HOW THEY FUNCTION

CPS relies on reports from everyday citizens like you and me. Certain people- attorneys, doctors and teachers- have a legal duty to report any suspicion of child abuse or neglect to CPS.

The reason being is that these folks are in positions where they can readily come into knowledge of children who are a particular risk of being abused or neglected in their day to day lives.

Phone calls are filtered through their Statewide Intake System in Austin and the reports are sent to case workers across the State depending on the location of the child. Cases are divided up as follows:

1. Priority One cases are ones that require investigation within 24 hours due to an immediate risk of serious death or harm to the child
2. Priority Two cases should be investigated within 72 hours. These cases include ones that are recommended for investigation
3. The third category is "No Priority" cases that are deemed not to have merit unless additional reports are made on the same subject.



CPS investigates cases to determine if abuse or neglect has been experienced by a child. The next step is for a CPS case worker to determine if the child's home provides a significant threat of future harm and if the child's parents are able to subdue any threats to the child's safety.

If the child is determined to be at a substantial future risk of harm, the child can be removed by CPS and placed into foster care. CPS must proceed through the Courts in order to maintain temporary custody of the child pending further investigation.

## Examples of why a child might be removed from a parent's care:

CPS may, based on its own discretion, remove a child from their home if any of the following are present:

1. LACK OF PROPERTY/FOOD/WATER FOR THE CHILD

2. LACK OF MEDICAL ATTENTION

3. PHYSICAL VIOLENCE AGAINST THE CHILD

4. SEXUAL ABUSE AGAINST THE CHILD

5. DRUGS OR ALCOHOL IN THE HOME

6. FIREARMS THAT ARE NOT PROPERLY CARED FOR



This is not an exhaustive list, but should provide you with an idea of the sort of circumstances that CPS can use to justify the removal of your children from the home.

## Court Dates in CPS Cases



If your child has been removed from your home by CPS a hearing will be set in Court within 14 days of the removal. The purpose of the initial hearing is to determine whether or not the child will remain in foster care or will return to your custody.

Judges will often put conditions on the return of the child to your home. Completing anger management, sobriety or parenting courses are examples of conditions that you as a parent may have to meet in order to regain custody of your children.

CPS can also provide you with a service plan which provides you with a template on how to regain custody of your children. Removing dangerous persons or items from your home are often outlined for parents in this step.

## Controversy and Topical Information on CPS Investigations

As with most governmental entities, there are some well publicized shortcomings that have come to light surrounding CPS and the investigations it oversees. It is said that CPS is often over-aggressive in removing children from homes when the situation does not necessarily rise to the level where that sort of action is warranted.

In Harris County, Family Court judge John Schmude in the 247th District Court sanctioned CPS and fined the agency \$27,500 in attorney's fees for filing a baseless (in the opinion of Judge Schmude) removal of a child from their parent's home.

Essentially, Judge Schmude drew attention to an issue that many people, critics and proponents alike, have discussed about in regard to CPS for many years: how to balance the right to privacy for families in Texas and the rights of children to be protected against harm.

At the risk of turning this blog post into an editorial, I'll simply write that for those that are interested, you can look into this particular situation with a simple Google search.

One thing that I believe everyone can agree on is that the job of CPS is not easy and is often met with criticism from those who believe that the agency does too much in the way of interjecting themselves into Texas families, and those who believe the agency does not do enough in that effort.

No matter your opinion, however, when CPS contacts you about an investigation into your family the same rules and procedures apply.

# The Law Office of Bryan Fagan

## Experienced, Knowledgeable Representation

Navigating the investigation can be the most critical time in the life of a family. What makes it more difficult is that CPS does not provide you with a game plan. Case workers are overworked and underpaid (in the author's opinion) and are much more difficult to get a hold of than most family law attorneys.

Getting an update on your case can be hard enough, not to mention attempting to get advice on handling the situation.

The advice you need in a situation that involves CPS can be found by hiring an experienced and engaged family law attorney. The counselors with the Law Office of Bryan Fagan exemplify the attributes that you want in a CPS advocate: aggressive, knowledgeable, and understanding of the issues facing you and your family. Our attorneys act decisively to shield you and your children as best as possible from CPS and above all want what is best for your children.

If you are interested in learning more about the Law Office of Bryan Fagan, please do not hesitate to contact one of our family law attorneys. We offer FREE consultations 6 days a week! Come with your questions and concerns and we will work to provide answers and the best support!

### LAW OFFICE OF BRYAN FAGAN

3707 Cypress Creek Pkwy

Suite 400

Houston, Texas 77068

281.810.9760 | [Bryanfagan.com](http://Bryanfagan.com) | [consults@bryanfagan.com](mailto:consults@bryanfagan.com)