

Understanding Your Rights as a Parent

What parents in **Texas** need to know **after a child's removal**:

You have the **right** to:

- **Visitation with your child**

These rights may be limited. Please read more in this document and talk to your lawyer about how to exercise these rights.

You should be **informed** about:

- **Your child's placement**
- **Your child's health**
- **Progress in school**
- **Medical care**

Informed means that you, as the parent, do not have to be involved in the decision-making process, but once a decision is made you will be notified of that decision.

The child welfare agency must help return your child to you. The court will want to know what the agency is doing to help you. Remember, your lawyer works for you. Ask your lawyer for help with any of these issues.

State law and Child Protective Services (CPS) policy give you rights and responsibilities as a parent after your child is removed and placed in someone else's care. Unless restricted by a judge, this includes the right to visit your child and to be informed about your child's: placement, health, development, behavior, and progress in school.

Right to Legal Counsel

According to state statute, you have the right to be represented by a lawyer at all hearings. You can hire an attorney, but if you cannot afford one, a judge will appoint a lawyer to represent you in court. You must be informed of this right by the court.¹

Education and School Rights

You should be able to attend school meetings, ask questions of teachers and your child's caseworker to get answers to help make decisions about your child's education. Your caseworker should keep you informed about your child's progress in school or day care. There may be a decision made about whether it is in your child's best interest to stay in his or her current school. You should be involved in that school placement decision.

Medical Rights

Ask to be kept informed about medical decisions and to attend medical appointments for your child. In some instances, your child can choose not to share medical information with you. You should know as soon as possible about surgery or serious medical care or treatment that your child either needs or has received. Your caseworker should keep you informed of your child's health, development, and behavior.

Placement Decisions

You are required to provide the names of relatives or other placements options such as another adult who knows your child and would be supportive of you and your family.

Immigration

If you are not a U.S. citizen, including if you are undocumented, you must be given the opportunity to work toward having your child returned home. As part of working to having your child returned, you can:

- Talk to your lawyer about your immigration status because your lawyer may not share that information if you do not want him or her to tell anyone else.
- Talk to your lawyer and your case worker about how to stay connected to your child and your case even if you are detained or deported by immigration authorities.
- Connect with your country's consulate, which must be contacted when an immigrant child is placed in foster care. (You do not need to contact the consulate if you have claimed asylum or otherwise are in fear of your country's government.)

Your Additional Rights

While your child is in foster care you have the right to participate in court hearings, receive court reports that contain information about your child's wellbeing, progress in school, and other special needs. You also have the right to an interpreter and Indian Child Welfare Act protections. You have the right to:

- Have input into your Family Service Plan and to have your lawyer present when this plan is negotiated. You have a right to a signed copy so you have in writing what CPS expects and what you agree to do get your child back. If the court gives CPS permanent custody, there is no longer a Family Service Plan.
- Talk with your caseworker about your child's Service Plan and its review and to ask for a copy.
- Get the information you need to make informed decisions about your child.
- Visit with your child if appropriate. You and your caseworker together will decide how often, when, and where you should get together, unless a court order makes those decisions.
- Bring gifts, send mail, and make telephone calls to your child, as described in the Family Service Plan, unless doing so is not in your child's best interest.
- Receive information about trips your child may take.
- Make a complaint about services or treatment by notifying your caseworker's supervisor.
- Be notified of and attend any court action that affects your child unless the court acts in an emergency.
- Talk to an attorney at any time and to have an attorney represent you in court actions affecting your child or your parental rights, except when the court acts in an emergency.
- Be informed of the CPS discipline policy concerning children.
- Be informed of written reports you can expect to receive from CPS.
- Request an appeal after a final order is issued.

Your Responsibilities

- Be honest with information.
- Follow through with services, appointments, visitation, meetings, and court appearances.
- Tell your caseworker about difficulties you may have with things like transportation, money, food or other necessities so your caseworker can refer you to community resources or other available assistance.
- Tell your caseworker if you or your children are of American Indian or Alaskan Native descent because special laws may apply to your case.
- Share with your caseworker any medical, physical, or psychological information about your child. This includes but is not limited to medications, the child's pediatrician and/or specialist, eating habits, allergic reactions to food, medicine, or any other information CPS asks of you.
- Tell your caseworker of special religious requests or observances for your child.
- Cooperate with CPS by giving the names, addresses, and phone numbers of interested family members or significant people in your child's life who may be interested in taking your child into their home or helping your child in another way.
- Work with your caseworker to develop and review your Family Service Plan.
- Visit with your child as expected and arranged by your caseworker (within any court-ordered limits), and notify your caseworker as soon as possible if you have to miss a visitation.
- Discuss your progress or difficulties with your caseworker.
- Inform your caseworker about major changes in your life or the lives of other members of your family such as changes in your address, telephone number, job, income, marriage, or other living arrangements.
- Keep appointments with your caseworker and let your caseworker know as soon as possible if you cannot do so.
- Answer all letters and requests from CPS. It is important that you provide any information your caseworker asks of you.
- Contribute to the cost of your child's care and tell your caseworker if your income changes.
- Fulfill all court-ordered requirements and agreements you make with CPS.
- Help your child feel better about being in CPS care and encourage your child to follow the rules of the foster home or other placement.
- Talk about your child's care and progress with your caseworker.

This information and more can be found:

Texas Department of Family and Protective Services: A Parent's Guide to Foster Care

https://www.dfps.state.tx.us/Child_Protection/State_Care/parents_guide_to_foster_care.asp

Texas CPS Family Helpline for Strong Families and Safe Children <https://texaslawhelp.org/directory/legal-resource/cps-family-helpline-strong-families-and-safe-children>

Texas Child's Commission Parent Resource Guide <http://texaschildrenscommission.gov/media/1155/final-online-pdf.pdf> (English)

<http://texaschildrenscommission.gov/media/1926/childrens-commission-parent-guide-spanish.pdf> (Spanish)

American Bar Association Center on Children and the Law Parent Representation

http://www.americanbar.org/groups/child_law/what_we_do/projects/parentrepresentation.html

Rise Magazine for Parents <http://www.risemagazine.org/>

Birth Parent National Network <http://bpnn.ctfalliance.org/>

¹ Tex. Fam. Code Ann. § 107.013(a)