

Legal Responsibility for Child Protective Services

Statutory References

Social Security Act
 Texas Family Code
 Human Resources Code
 Child Abuse Prevention and Treatment Act
 Indian Child Welfare Act

Major Provisions

- Definitions of abuse and neglect of children;
- Mandatory reporting of suspected abuse or neglect of children;
- Prepare and disseminate statistics by county relating to CPS in an annual report made available to the legislature and general public;
- Responsibility for receiving reports of suspected abuse or neglect of children;
- Responsibility for thorough investigation of a report of child abuse or neglect allegedly committed by a person responsible for a child's care, custody or welfare;
- Responsibility to assign priorities and prescribe investigative procedures for investigations based on the severity and immediacy of the alleged harm to the child;
- Take action to protect abused and neglected children from further harm;
- Establish review teams to evaluate department casework and decision-making related to investigations of child abuse or neglect;
- Employ Child Safety Specialists to conduct staff reviews and evaluations of cases determined to involve high risk, monitor cases with multiple referrals, and approve decisions and assessments related to investigations that involve a high risk to the health or safety of a child;
- Work with children and their families, providing services to prevent further abuse, help alleviate the effects of the abuse suffered, prevent removal of the child from the home, and provide reunification services when appropriate for the return of the child to the home;
- When necessary, secure appropriate court orders and take possession of a child if there is an immediate danger to the physical health or safety of the child or the child has been a victim of neglect or sexual abuse and that continuation in the home would be contrary to the child's welfare;
- Make reasonable efforts to secure the return of the child;
- Develop a service plan in conference with the child's parents to determine return of the child to the child's parents, termination of parental rights and placement of the child for adoption, or because of the child's special needs or exceptional circumstances continue the child's care out of the child's home;
- Provide substitute care for children until the problems have been sufficiently resolved;
- Provide permanent placement for children who cannot safely return to their home;
- Establish a database of all verified foster homes willing to accept foster care placement of a child in care;
- Recruit potential adoptive parents for children whose parents have had their parental rights terminated.

Other Programmatic Information

Concepts Guiding Risk Determination

| Child Vulnerability | Home Environment | Caregiver Capability | Quality of Care |
|---------------------|--------------------|----------------------|-----------------------|
| Child Fragility | Stressors | Knowledge | Quality of connection |
| Child Behavior | Dangerous Exposure | Skills | Emotional care |
| | | Capacity | Physical care |

| Social Environment | Response to CPS | Maltreatment Pattern |
|--------------------|-----------------|----------------------|
| Social climate | Attitude | Chronicity |
| Social violence | Deception | Current severity |
| | | Trends |

Federal Outcomes Used to Assess Child Welfare Services

Safety Outcomes

- Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.
- Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.

Permanency Outcomes

- Permanency Outcome 1: Children have permanency and stability in their living situations.
- Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.

Well-Being Outcomes

- Well-Being Outcome 1: Families have enhanced capacity to provide for their children’s needs.
- Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.
- Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.