



**TEXAS**  
Department of Family  
and Protective Services

# **Court-Related Processes and Legal Appointments**

## **Resource Guide**

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June 2022

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# 1. Court Appointed Attorney ad Litem, Guardian ad Litem, and CASA

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 volunteer advocate. 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\(c\)](#)*

The court may appoint a CASA as a guardian ad litem or a volunteer advocate in other circumstances as well, such as when services are court-ordered.

# 2. 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.
- View a copy of the child's entire case file in a local DFPS 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.

Local practices may be developed to further define the implementation and coordination required by the practices and procedures agreed to in the statewide MOU.

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.

### **3. Memorandum of Understanding (MOU) February 2022**

**Memorandum of Understanding  
Texas Department of Family and Protective Services  
and  
Texas Court Appointed Special Advocates  
As Amended February 2022**

#### **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, hereafter referred to as DFPS.

This agreement establishes consistent policies and procedures that enhance the working relationship between CASA and DFPS. The parties expect that the protocols within this document will be adhered to and enforced by state and local leadership, with review and distribution among local CASA and DFPS programs every other year.

#### **II. Respective Roles – DFPS and CASA**

DFPS 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 is recognized by local courts and can be appointed in a Suit Affecting the Parent Child Relationship (SAPCR) or in a case of a child in the conservatorship of DFPS as the "guardian ad litem" (GAL) or as the volunteer advocate. CASA provides best interest representation according to CASA standards, GAL responsibilities as outlined in the Texas Family Code §107.002, or by court orders of appointment per §107.031.

#### **III. Appointment of a CASA**

CASA may be appointed by a judge at any point in a case at any hearing – ex parte, adversary hearing, status hearing, any permanency hearing before final order, or permanency hearing after final order.

Local CASA programs with appointment occurring at the ex parte hearing may begin Early Engagement advocacy, which provides an immediate focus on gathering information and finding and engaging family members to inform recommendations at the adversary hearing.

Local CASA programs may accept other SAPCR case appointments such as:

- Dual status case – A child is considered to have dual status when involved with both the child welfare and juvenile justice systems, as defined by Texas Family Code § 51.11(a).
- Court ordered services case – In these cases, the court may order services (e.g., drug treatment or parenting classes) for the parent to complete based on the facts of the case.

Collaborative Family Engagement (CFE) is a joint initiative with CASA and DFPS that employs special tools and practices to further efforts of collaboration, family finding, engagement, and connections in support of child and family well-being. CFE is practiced in most but not all CASA programs. A case can be designated a CFE case at ex parte or at any future time in the case by the agreement of both DFPS and CASA.

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.

#### **IV. CASA Responsibilities**

**A. Provide Notification of Appointment:** CASA will provide timely written notification of appointment to caseworkers, attorneys, parents, and all other parties to the case in a manner agreed to locally. CASA will also provide notification of Dual Status and/or Court Ordered Services case appointment.

The CASA notification will identify the CASA staff and the CASA volunteer assigned to the case. Contact information for both will be provided in this notification.

Notice of CFE case designation by CASA and DFPS will be provided to all parties, attorneys, parents and the judge in the written court reports.

**B. Share Court Order that Gives Access to Child Files:** When appointed as the GAL, TFC § 107.002 gives CASA permission to have access to a child's file. When appointed as the volunteer advocate, the judge's court order of appointment provides language giving CASA access to a child's file. CASA will share these appointments with caseworkers in the method agreed upon locally.

**C. Work to Identify Needs, Issues, and Best Interest for the Child:** 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 will talk with and interview/visit the child, each person who has significant knowledge of the child's history and conditions, including parents, relatives and fictive kin (close family friends), foster parents/caregivers, attorney ad litem, and the parties to the suit. CASA may also contact teachers, medical and mental health providers for the child, and other persons to determine the facts and perspectives, the child's needs and wishes, and the child's situation.

In a Dual Status Case, CASA will talk with juvenile caseworkers and review juvenile records as permissible.

**D. Maintain Regular Contact with the Child**

- i. Within a reasonable time after appointment, CASA will meet with the child. CASA standards require CASA to meet in person with the child at least every 30 days with certain exceptions allowed by standards and local program written exceptions policies. CASA standards also require that a majority of the in-person visits occur at the child's placement.
- ii. While CASA and DFPS may visit the child together, it is expected that both will visit the child separately the majority of the time to gain an independent perspective.
- 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 (e.g., Zoom), and/or letters, as applicable for the child's age and interests.

**E. Transportation of Children, when CASA Program Policies Allow:** If a local CASA program's policies allow CASA to transport children, the CASA staff or volunteer will notify the caseworker and secure written permission if CASA plans to transport the child on a one-time basis or throughout the duration of the appointment.

**F. Local CASA – Provide Courtesy Assistance and Support Assistance for CASA Volunteers:** Given the vast geographical area of the state, local CASA programs will, as resources, CASA standards and local program policies permit, assist each other in fulfilling certain responsibilities of a case. A local CASA program will notify the DFPS caseworker in a timely manner when courtesy assistance is requested, when the courtesy assistance is provided and when the courtesy assistance concludes. Courtesy assistance will be provided by a CASA staff or certain volunteer (as described below).

Some local CASA programs employ support volunteers within their own program to assist the appointed CASA volunteers in very specific and identified areas where the support volunteer may come into contact with a child. All support volunteers will complete a Child Abuse and Neglect Registry Check (ABC), FBI Fingerprint-Based Criminal check and sign a confidentiality statement. Support volunteers will be required to complete a minimum of three hours of training appropriate to the support role that includes a definition of the role, job description and both allowed and un-allowed activities within this role. This training also includes the impact of trauma and how it can be exhibited in a child's behavior.

**G. Provide Best Interest Advocacy:**

In representing a child's best interest, CASA will:

- i. Obtain first-hand a clear understanding of the needs and the situation of the child by conducting an ongoing review of all relevant documents and records, including medical, mental health and school records and talking with, as available and permissible, the child, the child's parents, relatives, kin and fictive kin, social service providers, caseworkers, foster parents and other relevant persons.
- ii. Seek to understand and consider the child's wishes.
- iii. Participate in any meetings as outlined in **[Section V. DFPS Responsibilities, D. Notifications, Invitations, and Collaboration]** that may fall under the description of "permanency planning" or "child planning" meetings as defined in DFPS policy.

- Assist DFPS in the engagement of family members and children in family meetings including identifying interested persons to attend meetings, and inviting them, as approved by DFPS. In areas in which CASA and DFPS are working together in a designated CFE case, CASA may assist and support other family meetings on the case.
- iv. Provide input for service plans, monitor for the child's safety, provide input in support of the best placement determinations and transition planning when placements change, and advocate against unnecessary relocations of the child to multiple temporary placements.
  - v. Appear at all hearings to advocate and provide testimony for the child's best interest and make recommendations concerning permanency that encourage the permanent placement of children with their families, relatives, fictive kin, or through timely placement with adoptive families. At hearings, also report on the progress of the Child and Family Service Plan(s).
  - vi. Provide written court reports for all statutorily mandated hearings.
  - 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. Additionally, CASA can discuss with a youth age 16 and older their desire to become their own medical consentor as outlined in CPS Handbook Policy [11140 Medical Consent by Minor Youth](#).
  - viii. May request a Psychotropic Medication Utilization Review (PMUR) through STAR Health. See [Medical Services Resource Guide](#).
  - ix. Review the educational needs and issues of the child and serve as a surrogate parent if appointed by the school district or the court.
  - x. Support normalcy activities, connections, and the child's expressed wishes in these areas.
  - xi. For a child at least 15 ½ years of age, ascertain whether the child has received the following documents, and if not, provide assistance to the child to obtain them: certified copy of birth certificate, original Social Security card or replacement card, driver's license or personal identification certificate.
  - xii. For a child at least 16 years of age, ensure the child has received the following documents: certified copy of birth certificate, original Social Security card or replacement card, driver's license or personal identification certificate. If the child has not received one of these documents, or has lost a document, coordinate with the child, caseworker, and caregiver to replace or obtain the missing document(s).
  - xiii. For a child at least 17 years of age, ensure the child has received information related to continuing their SSI benefits per [CPS Handbook Policy 1574](#), if applicable.
  - xiv. Participate in mediation regarding access to, conservatorship of, or any other issue regarding the child.
  - xv. Provide input for the (HSEGH) Health, Social, Educational, and Genetic History report, profile in Texas Adoption Resource Exchange (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 DFPS and may 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 DFPS and the court.

- xvi. Verify that a Child's Plan of Service and Education Portfolio have been created and maintained for the child, and that CASA has reviewed the Family Plan of Service that has been created for the family.

#### **H. Protect Confidentiality:**

- i. **Background Checks:** 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 and have received training regarding confidentiality based on CASA standards and relevant law and policies.
- ii. **Sharing Confidential Information:**
  - a. 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 CASA Standards, the Texas Family Code and other applicable law.
  - b. Decisions to share confidential information about a family or child must be made on a case-by-case basis, sharing only the minimum information necessary and only to individuals who need to know the information to support the child's safety, care, well-being, and best-interest.
  - c. CASA staff and volunteers may not share files and records with individuals or entities not a party to the DFPS case. If an outside entity requests records or files about a child or family in order to provide services, direct the request to the DFPS caseworker.
  - d. Once a case is closed or CASA is dismissed, CASA will assume full responsibility for ensuring all DFPS paper or electronic records in their possession are either destroyed or kept in safe, secure storage for seven years, or longer as determined by the local program board-approved policies.
- iii. **Sharing information – finding and engaging connections for a child's well-being and permanency:**
  - a. For purposes of Collaborative Family Engagement (CFE) or general family finding and engagement with people who are or who can be connections for a child, information may be shared with caregivers, potential caregivers, or other identified individuals that would reasonably be needed to locate, engage, or involve that individual. The following may be shared for these purposes: child's name (first, last initial) and age (year, not DOB), possible relationship, that the child is in DFPS conservatorship, parents' names (first, last initial) and ages, general location, and the child's needs (general needs, safety, and well-being).
  - b. Within family meetings, CASA and DFPS may verbally share additional information, as needed, to ensure that the individual can make informed decisions about the child and their potential involvement with the child.

iv. **What may never be shared:**

- a. The person who reported the alleged abuse or neglect.
- b. Records regarding a child or parent's substance use disorder or alcohol treatment.

**I. Manage Case Connection Participation, Confidentiality, and Removal from Case Connection:**

- i. 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*.
- ii. 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*.
- 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. If the volunteer or staff has been removed from a case or terminated from the CASA program, the CASA Designated Identity Access Management (IAM) Portal Representative must terminate the volunteer or staff's Case Connection account via the IAM Administrative process within two days. This action will automatically terminate all case assignments for the volunteer.
- v. 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.

**J. Notify of CASA Dismissal, or Staff or Volunteer Change of Assignment:**

- i. When a CASA Program has been removed by the Court from an open DFPS case, the CASA Program must notify DFPS by email or other written method within two business days of removal unless DFPS was present at the hearing where the CASA removal occurred.
- ii. When there has been a change of assignment of a CASA staff or volunteer in an open and ongoing case, the CASA Program will notify the caseworker by email or other written method within five days.

**K. Provide 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 DFPS, and will take such remedial measures as determined necessary by DFPS or as may be required by Texas Business and Commerce Code, Chapter 521.

## V. DFPS Responsibilities

- A. Provide Access to the Child's Records and Information:** DFPS will make available to CASA, in a manner agreed to locally, the child's records and other records as permissible by law, court order, or parental permission. Appendix A provides a listing of child and case records and the different methods of information storage and access. CASA has been provided access to electronic records in IMPACT through Case Connection. Records not in IMPACT or available in Case Connection reside with DFPS. Methods of access to child's records not in Case Connections are addressed in Appendix A. In early case and ex parte assignment, DFPS will provide access to the Child Caregiver Resource form, placement information, parent contact information and any additional information regarding relative or fictive kin support.
- B. Support 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. DFPS will be supportive of parental release of records requests at the onset of a case for CASA.
- C. Provide Support and Access to Child:** DFPS caseworkers will provide information to CASA including all contact information, location and address, in a timely manner following CASA's appointment to the case and ongoing throughout the case in support of CASA's access to the child. Caseworkers will support 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, Invitations, and Collaboration**

### Notifications

DFPS will:

- i. 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.
- ii. When CASA is assigned, DFPS will notify CASA of significant events per TAC Rule Title 40 Part 19 Chapter 700 Rule 1355 and CPS Policy Handbook section [6151](#). This includes notifications that occur in initial stages of the case prior to the adversary hearing.
- iii. Notify CASA of meetings to develop or update the Child's Plan of Service and provide a copy of the plan and any changes to the plan in accordance with [Policy 6241.3 Participating in Development of the Child's Plan of Service](#).
- iv. Notify CASA of planned mediations.
- v. Notify CASA of significant events as outlined in **Appendix B**.
- vi. Notify CASA of the plan to change a child's placement as soon as possible, but no later than five business days. This will enable CASA to aid with the child's transition and ensure, for example, the child's belongings and personal documents move with the child.
- vii. Notify CASA as soon as possible but no more than three business days after a placement change occurs.
- viii. Notify CASA of change in caseworker prior to the change, if possible, but no later than five business days following the change.

**Invitations and Collaboration**

DFPS will:

- i. Invite CASA to participate in Permanency Planning Meetings in accordance with [Policy 6250 Permanency Planning Meetings](#) and meetings held to develop or review the Child's Plan of Service in accordance with [Policy 6241.3 Participating in Development of the Child's Plan of Service](#). CASA may assist in the engagement of family members and children in Family Meetings and Family Group Decision Making Meetings, including inviting interested parties to meetings outlined below, and as approved by DFPS. Invitations shall be made as soon as possible after the meeting is scheduled. These meetings include, but are not limited to:
  - a. Family Group Decision Making meetings (e.g. Family Group Conferences and Circles of Support)
  - b. CFE Family Meetings
  - c. Permanency conferences
  - d. Any meetings to develop or review the Child's Plan of Service
  - e. Mediation or other types of dispute resolution, including settlement conferences as outlined in CPS Policy Handbook section [5570](#)
  - f. Adoption presentation (see [Policy 6939](#))
- ii. Collaborate and consult with CASA in making placement decisions per Texas Family Code 264.107. In non-emergency placement changes, DFPS will provide opportunity for CASA to give input about child's history, education, connections, normalcy and other expressed wishes of the child to assist in securing the most appropriate placement.
- iii. Collaborate and consult with CASA on transition planning for a placement change in a non-emergency situation.
- iv. In a situation requiring an emergency placement, contact CASA as soon as possible but no later than three business days to allow CASA to offer collaborative assistance in support of the child (i.e., medications, belongings, educational records) and the child's successful move to the new placement.

DFPS may:

- v. Invite CASA to participate in other meetings not listed above, on a case-by-case basis or as determined by local agreement. CASA can provide insight and information continuity in these situations, as well as assist where needed to engage the child and family. Invitations should be made as soon as possible after the meeting is scheduled. These meetings include, but are not limited to:
  - a. Transfer staffings, where the case is transferred from one caseworker to another (especially when the case is transferred from one stage of service to the next)
  - b. Initial coordination meetings/removal staffings
  - c. Adoption selection meetings/selection staffings
  - d. Meetings to plan parent or sibling visitation

## VI. General Provisions Applicable to All Parties – DFPS and CASA

All parties acknowledge that collaboration throughout the life of a case helps to ensure the child's continued safety, well-being, and opportunities for permanency. All parties acknowledge that information sharing benefits children and helps to prevent disagreements that may impede the progress in meeting the needs, assuring the well-being and safety of the child. Collaboration and information sharing provide the greatest opportunity to secure the best and most timely outcomes for children.

### DFPS and CASA 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:

- i. Investigative information, including current reason for involvement and DFPS history but excluding reporter information unless redacting the reporter information causes significant delay in sharing of the case record.
- ii. Child Caregiver Resource Form
- iii. Parent contact information
- iv. Early and ongoing family search and engagement efforts that include identification of relatives, fictive kin and other natural supports
- v. Information gathered from CFE tools about important connections and supports
- vi. Information gathered at family meetings
- vii. Placement information and change of placement information including transition plans for placement change
- viii. Education records and information about the child
- ix. Medical and mental health needs and assessments including the Child and Adolescent Needs and Strengths (CANS) assessment
- x. Plans of Service for Child and Family including Family Strengths and Needs Assessment (FSNA)
- xi. Visitation Plans and information for sibling visits and parental visits
- xii. Normalcy activities and plans
- xiii. Preparation for adoption plans and activities
- xiv. Potential permanent placement home studies

#### B. Communicate with Necessary Parties

- i. **DFPS and CASA Appointed at Ex Parte:** Will communicate with one another after CASA appointment and at least one time prior to adversary hearing.
- ii. **Caseworker and CASA:** Will communicate with one another after CASA's appointment and ongoing, with monthly contact at a minimum.
- iii. **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.
- iv. **Court:** Inform the court promptly of important developments in the case through appropriate means as determined by court rules and statute.
- v. **Other Parties:** Interface with the mental health, medical, legal, educational and other community systems to advocate for the child's best interest. DFPS 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.

- C. Find and Engage Family and Fictive Kin:** It is of critical importance for children in care to have supportive relationships and connections. CASA and DFPS working together in Collaborative Family Engagement (CFE) cases will lead efforts to search, identify, and engage family, fictive kin and natural supports in both TMC and PMC cases. CASA cases not designated as CFE will have access to CFE tools to assist collaborative efforts with DFPS to identify family, fictive kin, and significant others for children and their families. All parties will value the importance to children of connections and relationships and support planning, activities and strategies to build supportive networks of appropriate adults to benefit child well-being and permanency.

All parties will work together to identify and/or engage family members and fictive kin for a child, sharing results and information from their family finding and engagement efforts.

- D. Encourage Self-Advocacy and Participation of Children and Youth:** Encourage children and youth to advocate for their rights as well as ensure that the system respects and enforces their rights. 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 DFPS/HHSC licensing standards and the residential contract provisions.

[https://www.dfps.state.tx.us/Child\\_Protection/Foster\\_Care/Childrens\\_Rights.asp](https://www.dfps.state.tx.us/Child_Protection/Foster_Care/Childrens_Rights.asp)

CASA and DFPS will collaborate to empower youth and elevate the youth voice. CASA and DFPS will encourage child and youth participation in normalcy activities in placements, education, and recreational settings. For older youth, CASA and DFPS will encourage self-advocacy related to transitioning to a successful adulthood, higher education, vocational training, and employment. Encourage and support youth attendance and participation in family meetings or planning meetings, as well as asking them who else they would like to be invited to their meetings.

Prior to each hearing, if a child is not placed with a relative or fictive kin, each child in the conservatorship of DFPS shall be asked in a developmentally appropriate manner to identify any adult who could be a relative or designated caregiver for the child. Pursuant to Texas Family Code, this question should be posed by the guardian ad litem, attorney ad litem or amicus attorney, the parent or other person with legal custody, and DFPS.

Provide options to the child or youth for meaningful participation in court through attendance in person, by teleconference, Zoom, other electronic means for participation, and local court practices that best support the child or youth’s desire. Encourage youth to communicate their needs, desires, and wishes with the court. Support, as children and youth wish, the opportunity to provide their own reports for hearings.

- E. Submit Court Reports:** Provide written court reports for statutorily mandated hearings.
- i. **Collaborate, Discuss, and Share** prior to submitting a court report. Hearings are usually scheduled in advance and will allow time for discussion of information considered important. A practice of communicating and sharing information that

supports and provides the basis for recommendations related to placement, visitation, maintaining connections, normalcy, permanency, concurrent plans, and provision of services will benefit all parties. It can be expected that different recommendations will be made. However, the collaboration, discussion and sharing of information prior to the submission of court reports is important and should promote better solutions and outcomes for children and families.

- ii. **Distribute Copies** of court reports prior to hearings as outlined in [Policy 5241.4 Communicating With the Child's Attorney Ad Litem and Guardian Ad Litem](#). DFPS shall follow policy and Texas Family Code requirements in providing written court reports to CASA ten calendar days prior to a court hearing. CASA shall provide copies of its written court reports to caseworkers in a similarly timely manner. At a minimum, CASA should provide written court reports no less than five calendar days prior to the hearing.
- iii. Local jurisdictions will agree upon the method by which these court reports will be shared.

**F. Cross-Train:** Work together on a statewide and local level to develop opportunities to share training information or participate together in training. Training for new staff and new volunteers in both organizations is a critical time to share information about roles and responsibilities. Ongoing training that can be shared, facilitated, or trained together includes topics such as trauma, family finding and engagement, and dual status youth. Cross-training will strengthen service and advocacy to children and families.

**G. Address Disproportionality:** Work together to create collaborative efforts to address the issue of quality service for all children and families with the goal of positively impacting the mental health and well-being of all children in foster care and their families. Explore joint training opportunities to examine issues of generational trauma, racism, disproportionality, implicit bias, cultural competency and the disparate outcomes in child welfare and other systems.

**VII. Resolution of Conflicts:** CASA and DFPS will work together to address conflicts and seek resolutions.

If disagreements and/or grievances occur on a case or casework, the issues should be brought to the attention of the caseworker's supervisor and the CASA volunteer's supervisor. With the supervisors' assistance, the caseworker and the CASA volunteer should attempt to resolve these concerns. If no resolution can be reached, the supervisors will take steps to resolve the concerns. If no resolution is reached, DFPS 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) to resolve the issue. Local CASA programs may request assistance from Texas CASA at this time.

DFPS and CASA organizational leadership at the regional and state level can be engaged, if resolution cannot be established at a local level.

**VIII. 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 DFPS; or
  - ii. Terminated by either party. Either party may terminate this agreement without cause by giving the other party written notice of termination.
- B. Local Acknowledgement and Implementation of Statewide MOU:** Local CASA programs and DFPS will share the Statewide MOU with staff in support of ongoing understanding and commitment to the collaborative efforts and working relationships outlined.
- C. Local practices may be developed to further define the implementation and coordination required by the practices and procedures agreed to in this statewide MOU.** Local practices that promote collaboration in addition to what is outlined in this MOU do not require approval from DFPS State Office or Texas CASA. Any collaborative efforts that conflict with provisions or policies outlined in this MOU are not allowed. Recommendations for future revisions to this MOU may be brought to the attention of DFPS State Office and Texas CASA for consideration in a future review of the Statewide MOU.
- D. Judiciary:** The parties agree that both local CASA programs and local DFPS offices will make available current signed agreements (this MOU and local acknowledgements) 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 children and their families.

# Appendix A

## Access to Child’s Records and Information

**Definitions**

- **Information Management Protecting Adults and Children in Texas (IMPACT)**
  - Official electronic database for all case record information. In Community-Based Care Stage II, the Single Source Continuum Contractor (SSCC) will upload information into IMPACT.
- **Case Connection**
  - CASA’s access to some records in IMPACT. Case Connection is a separate application.
- **Case File**
  - Other information about a child and their case; these are physical records not in IMPACT in the caseworker’s office.
  - In Community-Based Care Stage II, case files are kept in the SSCC’s office.
- **Education Portfolio**
  - Educational records in a hard copy binder maintained by either the caseworker or caregiver.
- **Health Passport**
  - Web-based electronic system for storing and retrieving a child's health information. The Health Passport is not a full medical record.
  - It contains at least: The child’s name, birth date, address of record, and Medicaid ID number; The name and address for each of the child’s physicians and health care providers; A record of each visit to a physician or other healthcare provider, including routine checkups; A record of immunizations; Identification of the child’s known health problems; and, Information on all prescriptions, including psychotropic medications.

**Case Information Accessed Electronically**

Information Located in Case Connection and Health Passport	
Legal Log	Medical/Developmental History
Education Log	CPS Child’s Plan of Service
Placement History Log	Family Plan of Service
External Documentation Log	Permanency Planning Notes
Placement Information	Common Application
Assessment Tools/Records	

**Timeliness of Information in Case Connection:** As information is added and updated in IMPACT, it becomes available in Case Connection. There are some records however, that require an approval by the caseworker’s supervisor prior to being viewed in Case Connection; this applies to the Child’s Plan of Service and Family Plan of Service.

### Case File Information

Note: Some items may appear in Case Connection and/or the Case File.

Case File	How to Access/Review Information
Investigation Information (current reason for involvement and CPS history but excluding information identifying reporter)	Access in DFPS (or SSCC) office
Legal Information/Court Documents (court reports, affidavit, petition, court orders and other court filing information)	Hard copy provided by DFPS or through local court <i>eFile</i> system.
Monthly Caseworker Narrative, Including Contacts and Evaluations (note: these should be in the file by the 10 <sup>th</sup> of each month)	Access in DFPS office (via the child's record) or by other locally agreed upon method
Family Finding and Engagement Information, including Genogram/Family Tree/Diligent Search Activities and Results	Access in DFPS office or by other agreed upon method
Family Group Decision Making (FGDM) Notes (Family Group Conference, permanency conference, Circle of Support, Family Team Meeting, Single Case Plan meeting)	Hard copy provided by DFPS
Home Assessments	Access in DFPS office (via the child's case file), at adoption selection staffings, or by other agreed upon method
Family Plan of Service/Family Strengths and Needs Assessment (see CPS Handbook <a href="#">6330 The Family Strengths and Needs Assessment (FSNA)</a> ; the FSNA is an assessment tool that assesses a family's functioning by identifying family strengths and needs)	Hard copy provided by DFPS
Child's Plan of Service	Hard copy provided by DFPS (this is the signed version of the plan that can be found in Case Connection)
Visitation Plan and Schedule	Hard copy provided by DFPS

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's Medical/Dental/Mental Health and Child and Adolescent Needs and Strengths (CANS) Assessment Information	Access in DFPS office (via the child's case file), Health Passport, the caregiver, or by other agreed upon method
Education Information/Portfolio	Access in DFPS office (via the child's case file) and through Education Portfolio with child's caregiver
Drug/Alcohol Provider Treatment Records of Child (excluding drug test results)	Records only provided if child consents
Information on psychotropic medications	Health Passport, Child's Plan of Service, or Reports to the Court
Child's Placement Information (Child Placing Agency (CPA) or residential facility (i.e. RTC) documents, placement forms, Youth For Tomorrow (YFT) information and other placement information not in IMPACT)	Access in DFPS office (via the child's case file), the caregiver, or by other agreed upon method
Adoption Information (Health, Social, Educational, and Genetic History (HSEGH) Report, Adoption Service Plan, Adoption Readiness study and other Adoption related information not in IMPACT)	Access in DFPS office (via the child's case file) or by other agreed upon method

## Appendix B

### Required Notifications

Notifications should be provided as soon as possible and no later than the required deadline. Even when a deadline is several days away, timely notification will allow CASA to assist the caseworker, child, and/or family in planning and coordination when needed.

Placement Event	Not Later Than
Caseworker receives discharge notice from contracted or kinship placement	2 business days
DFPS decision to move a child from one contracted placement to another (contracted or kin)	5 business days
Non-emergency change in the residential child-care facility for a child in care	48 hours prior to change
Emergency removal from a contracted or kinship placement	3 business days
Child is placed in a new placement	3 business days
Child is missing or runs away from care	8 hours following event
Child returns after being missing or having run away from care	24 hours following event

Medical/Mental Health Event	Not Later Than
Significant change in medical condition including mental or behavioral health conditions, enrollment/participation in a drug research program, or initial prescription of a psychotropic medication	10 days
Any change in dosage of a psychotropic medication including adjusting the amount or discontinuation of the medication	10 days

A medical consenter declines consent for a medically necessary course of treatment for a physical, behavioral, or dental condition as well as any prescribed medication	10 days
The use of emergency behavior intervention, if DFPS receives notice about such use from the individual or entity who used the intervention, including personal restraints, emergency medication, seclusion, mechanical restraints, or chemical restraints.	10 days

<b>Educational Event</b>	<b>Not Later Than</b>
Major achievement or change in school performance, including – failing grade in a reporting period that jeopardizes the student’s advance to the next grade level	10 days
Serious disciplinary event at school; and any event for which the school district is required by The Texas Education code 25.007 to provide notice to DFPS	10 days

<b>Juvenile Justice Event</b>	<b>Not Later Than</b>
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	10 days

<b>Legal, Caseworker or Other Significant Event</b>	<b>Not Later Than</b>
Change in caseworker	5 business days
Motion to dismiss case	As soon as possible after knowledge of the motion being filed
Mediation	As soon as possible after the mediation has been scheduled
Settlement Conference	As soon as possible after the settlement conference has been scheduled

Child reports being a victim of a crime, including while being missing or having run away from care	24 hours following event
Child dies in substitute care	24 hours following event

<b>Abuse or Neglect Investigation</b>	<b>Not Later Than</b>
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.	10 days

## 4. 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.
- 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.
- 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.
- Phone numbers.

The caseworker:

- Interviews children to find out what they know about the absent parent.
- 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.
- 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.
- Sends the search results to the caseworker (and other DFPS staff listed on the request form).

## **Requesting a Search Through the Office of the Attorney General (OAG) Parent Locator Service**

To request a parent locator search, the caseworker completes:

- DFPS Form 2277 Request for Diligent Search.
- 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.
- 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.
- 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.](#)