

**TEXAS**  
**LEGAL**  
**SERVICES**  
**CENTER**

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**A Bird's Eye View of the Child  
Welfare System: What We've  
Learned at the Family Helpline**

13th Annual Hill Country Ad Litem Seminar

February 24, 2023



## **About TLSC**

Founded in 1977, Texas Legal Services Center is a statewide nonprofit organization that provides legal advice, advocacy, representation, and education to underserved people across the state. With more than a dozen practice areas, our work touches almost every aspect of civil law that impacts low-income Texans.

## **WE HELP WITH**

### **Discrimination and Social Justice**

Challenging inequities faced by people with disabilities, people of color, immigrants, women, and the LBGTQ+ community.

### **Accessing Government Benefits**

Helping you get the SNAP, Medicare, SSI, TANF, and other public benefits you need.

### **Employment and Work-Related Concerns**

Expunging criminal records, helping acquire occupational driver's licenses, and removing other legal barriers that hold you back from landing a job.

### **Property and Financial Trouble**

Ensuring your home is a safe place to live, and helping you navigate bankruptcy, debt collection, and other financial troubles.

### **Senior Care, Retirement, and Estate Planning**

Offering support, education, and guidance for legal matters that affect us later in life.

### **Family, Parenting, and Child Welfare**

Supporting families and individuals through domestic legal matters, such as custody, visitation rights, child support, child safety, and name changes.

### **Accessing Military Benefits and Other Veterans' Issues**

Helping veterans and their families in most civil legal matters, including military discharge upgrades and accessing VA benefits.

### **Overcoming Violence, Abuse, Stalking**

Helping individuals who've experienced domestic violence, sexual abuse, and other violent crimes stay safe, receive financial compensation, and work through numerous legal considerations.



## **The Family Helpline**

Monday - Friday | 9:00 AM - 6:00 PM

844-888-6565

[tlsc.org/family](https://tlsc.org/family)

*Free legal information regarding CPS  
and child safety.*

# **SARAH BRYANT**

*The Family Helpline – Managing Attorney*

she / her / hers

[sbryant@tlsc.org](mailto:sbryant@tlsc.org)

512-477-6000 x 209

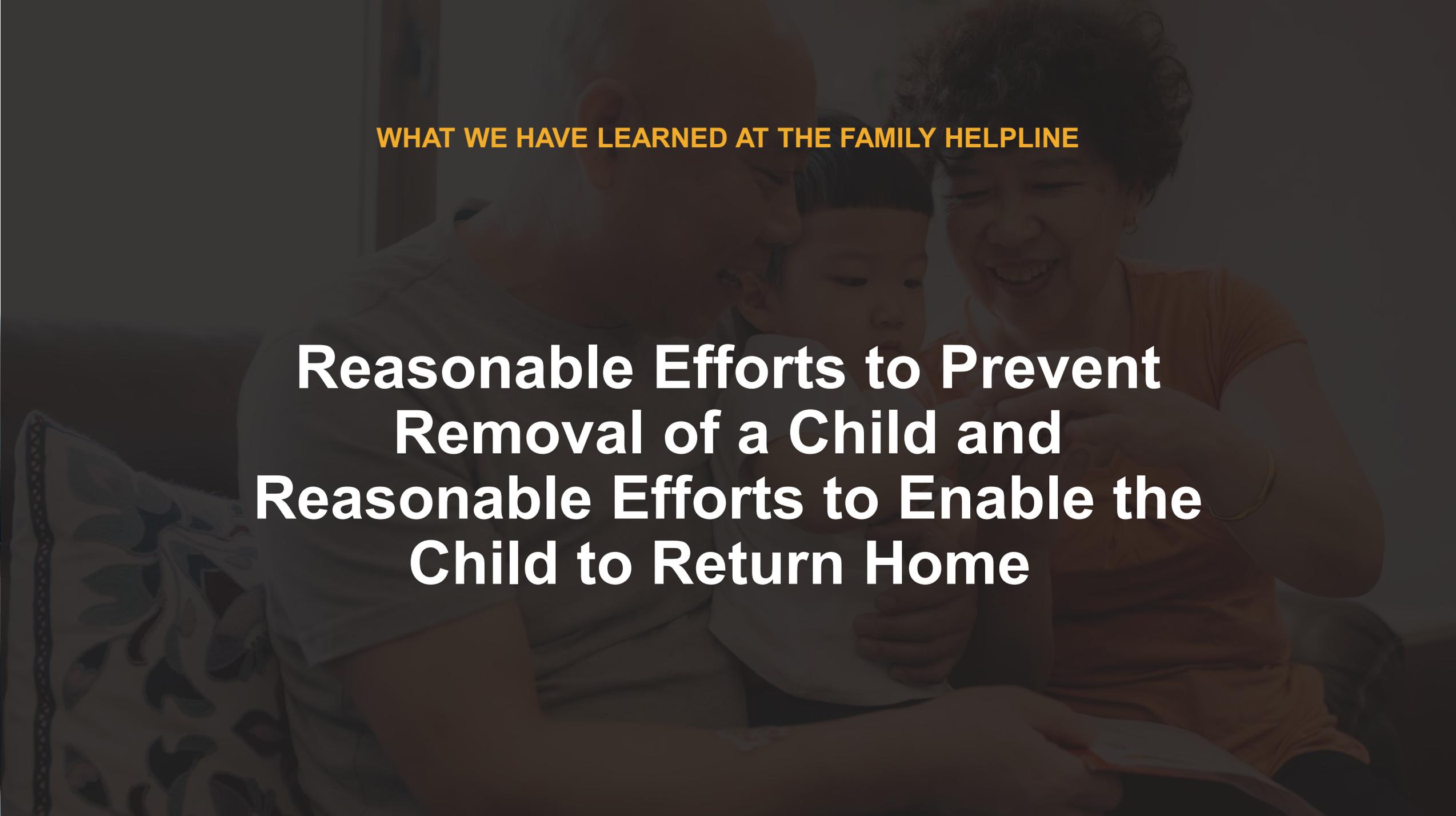
**PANELISTS:** *Kim Isham*  
*Nicole Love*  
*Cecilia Hellrung*

[www.tlsc.org](http://www.tlsc.org)

A dark, semi-transparent background image showing a man in a hat and a young girl in a floral dress embracing. The man is on the right, wearing a dark hat and a light-colored shirt. The girl is on the left, wearing a white dress with a red floral pattern. They are both smiling and looking towards each other.

**WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE**

# **Investigations and Family Based Safety Services (FBSS)**



**WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE**

**Reasonable Efforts to Prevent  
Removal of a Child and  
Reasonable Efforts to Enable the  
Child to Return Home**



In a suit filed under Section 262.101 or 262.105, **at the conclusion of the full adversary hearing, the court shall order the return of the child to the parent**, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession from whom the child is removed **unless the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that:**

- (1) there was a danger to the physical health or safety of the child, including a danger that the child would be a victim of trafficking under Section 20A.02 or 20A.03, Penal Code, which was caused by an act or failure to act of the person entitled to possession and for the child to remain in the home is contrary to the welfare of the child;
- (2) the urgent need for protection required the immediate removal of the child and **reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to eliminate or prevent the child's removal;** and
- (3) **reasonable efforts have been made to enable the child to return home, but there is a substantial risk of a continuing danger if the child is returned home.**



## The FGDM Philosophy - Family Group Decision Making:

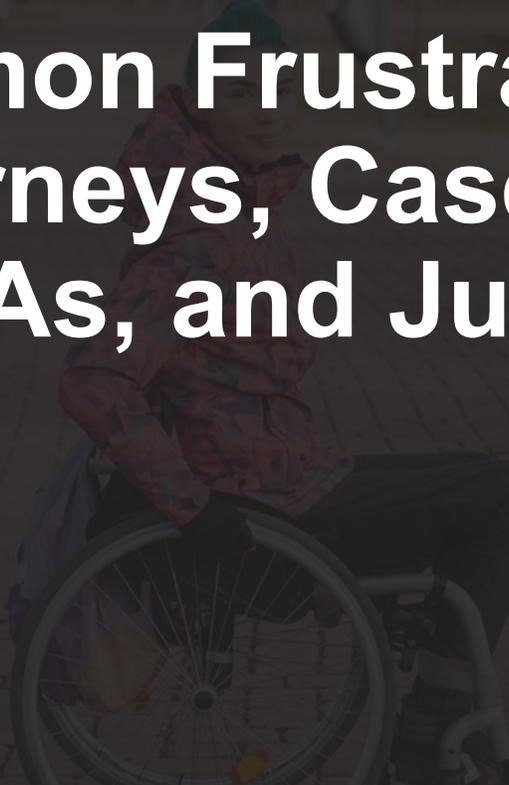
- **recognizes that families possess the information needed to make well-informed decisions** and are responsible for their children's security and sense of belonging;
- emphasizes developing a partnership between families, DFPS, and other departments and agencies that serve them, so that service planning and decision-making become a collaborative process;
- **respects families, children, and youth and helps them decide what services they need, based on their strengths and resources**, to meet the needs of the children or youth and ensure their safety;
- emphasizes the family's responsibility to care for and to provide a sense of identity for their children;
- encourages families to connect with the resources available in their communities and provides a means for communities to support families;
- encourages families to participate voluntarily in meetings that are family-centered, culturally relevant, community-based, and oriented to the families' protective capacities; and
- **provides a supportive environment in which families can discuss their needs and concerns.**

WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE

# Challenges of Effective Communication

**WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE**

**Common Frustrations  
with Attorneys, Caseworkers,  
CASAs, and Judges**

A person wearing a red jacket and a blue hat is sitting in a wheelchair on a brick-paved path. The person is looking towards the camera. The background shows a brick wall and some trees.



**An attorney ad litem** appointed to represent a child shall (subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct) within a reasonable time after the appointment, interview:

- **the child** in a developmentally appropriate manner, if the child is four years of age or older;
  - **each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and**
  - **the parties to the suit;**
- **investigate the facts of the case** to the extent the attorney considers appropriate.

**A guardian ad litem** appointed for the child shall within a reasonable time after the appointment, interview:

- **the child** in a developmentally appropriate manner, if the child is four years of age or older;
  - **each person who has significant knowledge of the child's history and condition, including educators, child welfare service providers, and any foster parent of the child; and**
  - **the parties to the suit;**
- And may conduct an investigation to the extent the guardian considers necessary to determine the best interests of the child.



**The attorney ad litem** appointed for a child shall:

- **advise the child**;
- **represent the child's expressed objectives** of representation and follow the child's expressed objectives of representation (if attorney-client relationship formed);
- **meet before each court hearing with:**
  - the child, if the child is at least four years of age; or
  - the individual with whom the child ordinarily resides
- **report to the court** whether the attorney ad litem complied with their duty to meet with the child, or request that the court find good cause for noncompliance

**A guardian ad litem** appointed for the child shall:

- seek to **elicit** in a developmentally appropriate manner the **child's expressed objectives**;
- **consider the child's expressed objectives** without being bound by those objectives;
- **evaluate** whether the child welfare services providers are protecting the child's best interests regarding appropriate care, treatment, services, and all other foster children's rights listed in Section 263.008

WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE

# Visitation Between Parents and Children During a TMC Case



The department shall ensure that a parent has an opportunity to visit the child **not later than the fifth day** after the date the department is named TMC of the child unless it is **not in the child's best interest**

**Not later than the 30th day** after the department is named TMC of a child, a visitation plan shall be developed in **collaboration with each parent**. In determining frequency and circumstances of visitation, the department **must** consider:

- (1) the safety and **best interest** of the child;
- (2) the age of the child;
- (3) **the desires of each parent** regarding visitation with the child;
- (4) the location of each parent and the child; and
- (5) the resources available to the department, including the resources to:
  - (A) ensure that visitation is properly supervised by a department employee or an available and willing volunteer the department determines suitable after conducting a background and criminal history check; and
  - (B) provide transportation to and from visits.

*Texas Family Code 262.115(c), 263.107(b) and (c)*



If the court finds that visitation between a child and a parent is **not in the child's best interest**, the court **shall** render an order that:

- (1) states the reasons for finding** that visitation is not in the child's best interest; and
- (2) outlines specific steps the parent must take** to be allowed to have visitation with the child.

If the order regarding visitation between a child and a parent **requires supervised visitation** to protect the health and safety of the child, **the order must outline specific steps the parent must take to have the level of supervision reduced.**

*Texas Family Code 263.109 (b) and (c)*



2015

Texas Department of Family and  
Protective Services

Child and Family Visitation  
Best Practice Guide



**Visitation is essential for a child's well-being.**



**Visitation is fundamental to permanency.**



**Visitation is vital to a child maintaining family relationships and cultural connections.**



2015

Texas Department of Family and  
Protective Services

Child and Family Visitation  
Best Practice Guide



***Visitation and family contact should never be used as a reward or punishment, but should always be considered a right of families and children.***

*Texas Department of Family and Protective Services Child and Family Visitation Best Practice Guide*

[https://www.dfps.texas.gov/Child\\_Protection/State\\_Care/documents/Visitation\\_Best\\_Practice\\_Guide.pdf](https://www.dfps.texas.gov/Child_Protection/State_Care/documents/Visitation_Best_Practice_Guide.pdf)

**WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE**

# Relatives

A photograph of a man and a young girl laughing together. The man is wearing a dark hat and a light-colored shirt, and the girl is wearing a white dress with a red floral pattern. The image is dimmed and serves as a background for the text.



In making a placement decision for a child, the department **shall** give preference to persons in the following order:

- (1) a person related to the child by blood, marriage, or adoption;
- (2) a person with whom the child has a long-standing and significant relationship;
- (3) a foster home; and
- (4) a general residential operation.

*Texas Family Code 262.114(d)*



Before a full adversary hearing under Subchapter C, the Department of Family and Protective Services **must** perform a background and criminal history check of the relatives or other designated individuals identified [...] on the proposed child placement resources form provided including any adult identified by the child.

The department **shall** evaluate each person listed on the form to determine the relative or other designated individual who would be the most appropriate substitute caregiver for the child and **must** complete a home study of the most appropriate substitute caregiver, if any, before the full adversary hearing.

**Until the department identifies a relative or other designated individual qualified to be a substitute caregiver, the department must continue to explore substitute caregiver options...**

*Texas Family Code 262.114(a)*



**WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE**

# **After a TMC Case is Over**

WHAT WE HAVE LEARNED AT THE FAMILY HELPLINE

# Resources for My Clients and Myself

# Texas Legal Services Center Programs

<p><b>LASSA (Legal Aid for Survivors of Sexual Assault)</b></p> <p><i>844-303-7233, Option 1</i></p>	<p><b>Crime Victims Legal Services</b></p> <p><i>844-303-7233, Option 2</i></p>	<p><b>TexasLawHelp.org and TexasLawHelp Live Chat</b></p> <p><i>M-Th, 10 AM – 2 PM</i></p>
<p><b>Rural Family Law Clinics</b></p> <p><u><a href="http://www.tlsc.org/familylawclinics">www.tlsc.org/familylawclinics</a></u></p>	<p><b>Texas Veteran's Legal Assistance Project</b></p> <p><i>800-622-2520, Option 2</i></p>	<p><b>Eviction Helpline (Rural Counties)</b></p> <p><i>855-270-7655,</i> <u><a href="http://www.tlsc.org/evictions">www.tlsc.org/evictions</a></u></p>

# Texas Supreme Court Children's Commission Resources



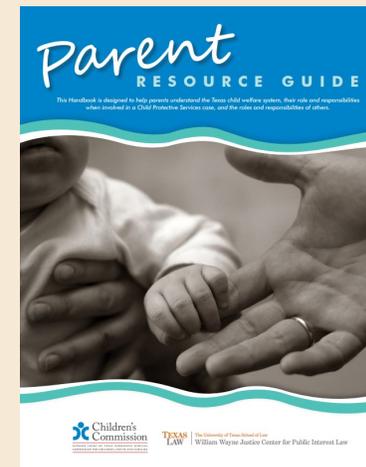
**Tool Kit for Attorneys Representing the Texas Department of Family & Protective Services in Child Welfare Cases**



**Bench Book**  
<http://benchbook.texaschildrenscommission.gov/>



**Tool Kit for Attorneys Representing Parents and Children in Child Welfare Cases**



**Parent Resource Guide**  
<http://www.texaschildrenscommission.gov/media/85129/parent-resource-guide-2020-online.pdf>

# DFPS Policy Handbooks

I am ▾ Child Investigations ▾ Child Services ▾ Adoption & Foster Care ▾ Prevention ▾ Adult Protection ▾ Doing Business ▾ Data & Reports ▾



Texas Department of  
**Family and Protective Services**

[Report Abuse](#)

## DFPS Policy Handbooks

DFPS Home > Handbooks > This Page

### DFPS Policy Handbooks

**HANDBOOK SEARCH**

*This box searches the DFPS policy handbooks. For more options see [advanced search](#) and [search tips](#).*

**REVISION MEMOS**

- ▶ Most Recent Revisions

**HANDBOOKS**

- ▶ Child Protective Services
- ▶ CPS Community-Based Care
- ▶ Adult Protective Services
- ▶ Child Care Investigations

Handbook	Most
<a href="#">Child Protective Services</a>	Febru
<a href="#">Adult Protective Services</a>	Decen
<a href="#">Child Care Investigations</a>	Septem
<a href="#">Statewide Intake</a>	Febru
<a href="#">Background Checks</a>	Decen
<a href="#">Faith-Based and Community Engagement</a>	Augus
<a href="#">Office of Internal Affairs</a>	Novem
<a href="#">Records Management Group</a>	June 1
<a href="#">Memorandum of Understanding (part of the <a href="#">Contract Handbook</a>)</a>	Septem
<a href="#">Subpoena Policy</a>	March
<a href="#">Travel Policy</a>	July 1,
<a href="#">Asset Management</a>	Decen

is.gov/default.asp

# Reinstatement Project Austin Community Law Center

Need to hire an attorney?  
[Schedule an appointment now.](#)

[Our Work](#) [Get Involved](#) [Our Team](#) [Sponsors](#)

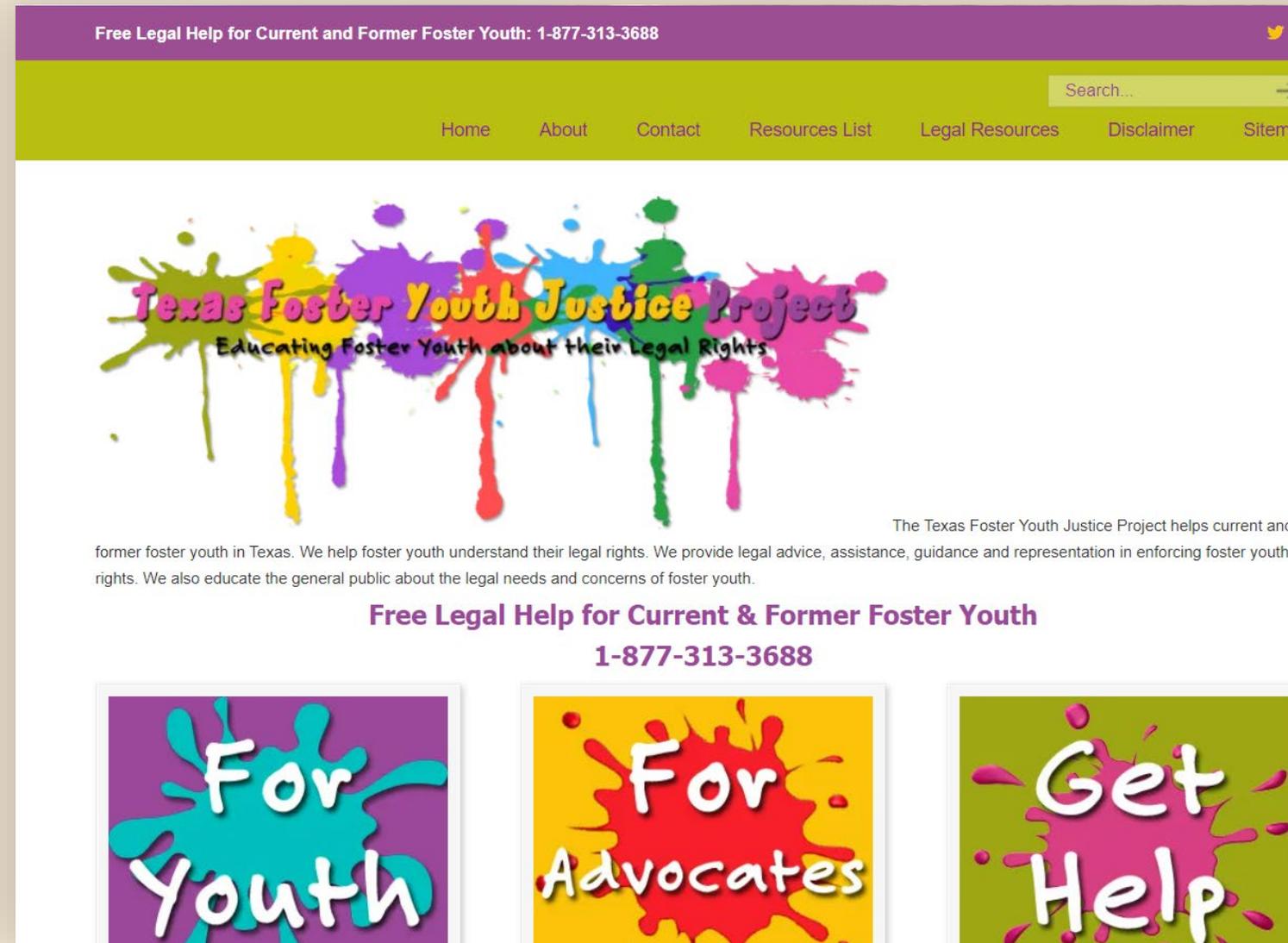
## Reinstatement of Parental Rights

A recent change in state law allows some parents to get their children back after the Texas Department of Family and Protective Services (DFPS) / Child Protective Services (CPS) has terminated their rights. Termination must have taken place at least two years ago and the child(ren) cannot have been adopted.

If you believe this new law applies to your case, please fill out the following form. For these cases, we provide free legal assistance to qualifying individuals.

[Schedule an appointment now](#)

# Texas Foster Youth Justice Project



Free Legal Help for Current and Former Foster Youth: 1-877-313-3688

Search...

Home About Contact Resources List Legal Resources Disclaimer Sitemap

## Texas Foster Youth Justice Project

Educating Foster Youth about their Legal Rights

The Texas Foster Youth Justice Project helps current and former foster youth in Texas. We help foster youth understand their legal rights. We provide legal advice, assistance, guidance and representation in enforcing foster youth rights. We also educate the general public about the legal needs and concerns of foster youth.

**Free Legal Help for Current & Former Foster Youth**  
**1-877-313-3688**

**For Youth**

**For Advocates**

**Get Help**

# State Bar of Texas Legal Referral Directory

## 2023–2024 REFERRAL DIRECTORY

*Legal Services and Other Resources  
for Low-Income Texans*



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P.O. Box 12487 • Austin, Texas 78711-2487  
512-427-1855 or 800-204-2222, Ext. 1855 • Fax: 512-427-4160  
probono@texasbar.com • www.texasbar.com/referraldirectory

[https://www.texasbar.com/Content/NavigationMenu/LawyersGivingBack/LegalAccessDivision/Referral\\_Directory.htm](https://www.texasbar.com/Content/NavigationMenu/LawyersGivingBack/LegalAccessDivision/Referral_Directory.htm)

# Pre-Petition Representation Programs

**Texas RioGrande  
Legal Aid's Family  
Defense Project**

**68 COUNTIES – EL PASO TO  
RIOGRANDE VALLEY, AUSTIN,  
SAN ANTONIO**

[www.trla.org/fdp](http://www.trla.org/fdp)  
(833) 329-TRLA(8752)

**McLennan County  
Parent Advocacy  
Program**

**MCLENNAN COUNTY**

[www.parentadvocacyprogram.com](http://www.parentadvocacyprogram.com)  
(254) 307-1591

**Foster Care  
Advocacy  
Center**

**GREATER HOUSTON AREA**

[www.fcactexas.org](http://www.fcactexas.org)  
(713) 814-3930

# Prevention and Early Intervention

[www.GetParentingTips.com](http://www.GetParentingTips.com)

**Texas Parent Helpline**

Call or Text 833-680-0611



**Thank you for the work you do!**

Please feel free to reach out to us with any questions:

Sarah Bryant: [sbryant@tlsc.org](mailto:sbryant@tlsc.org)

Cecilia Hellrung: [chellrung@tlsc.org](mailto:chellrung@tlsc.org)

Kim Isham: [kisham@tlsc.org](mailto:kisham@tlsc.org)

Nicole Love: [nlove@tlsc.org](mailto:nlove@tlsc.org)

Family Helpline: 844-888-6565

**[www.tlsc.org](http://www.tlsc.org)**