

ETHICS AND THE CPS CLIENT RELATIONSHIP

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State Bar of Texas
26th ANNUAL ROBERT O. DAWSON
JUVENILE LAW INSTITUTE
February 11-13, 2013
San Antonio

CHAPTER 21

Bio:

Felipe Calzada received his under-graduate degree in Political Science from The University of Texas at Brownsville and his law degree from Texas Wesleyan University School of Law in Fort Worth, Texas. He has practiced law since 1999. His offices are located in Fort Worth and Weatherford, Texas. He practices primarily Juvenile and Adult Criminal Defense and Child Protective Services (CPS) / Texas Department of Family and Protective Services cases.

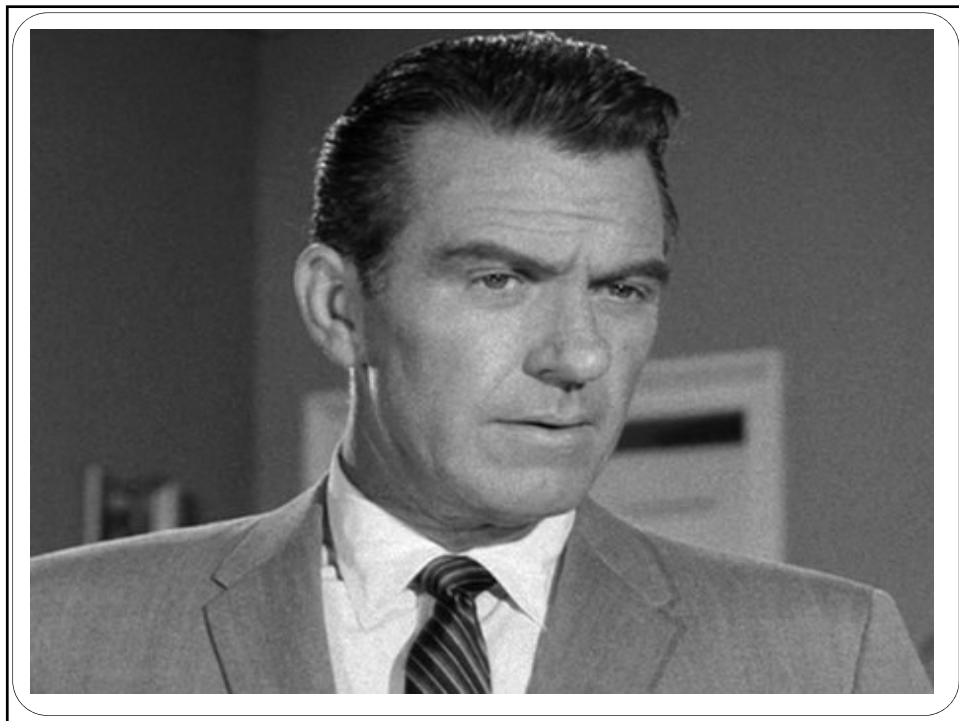
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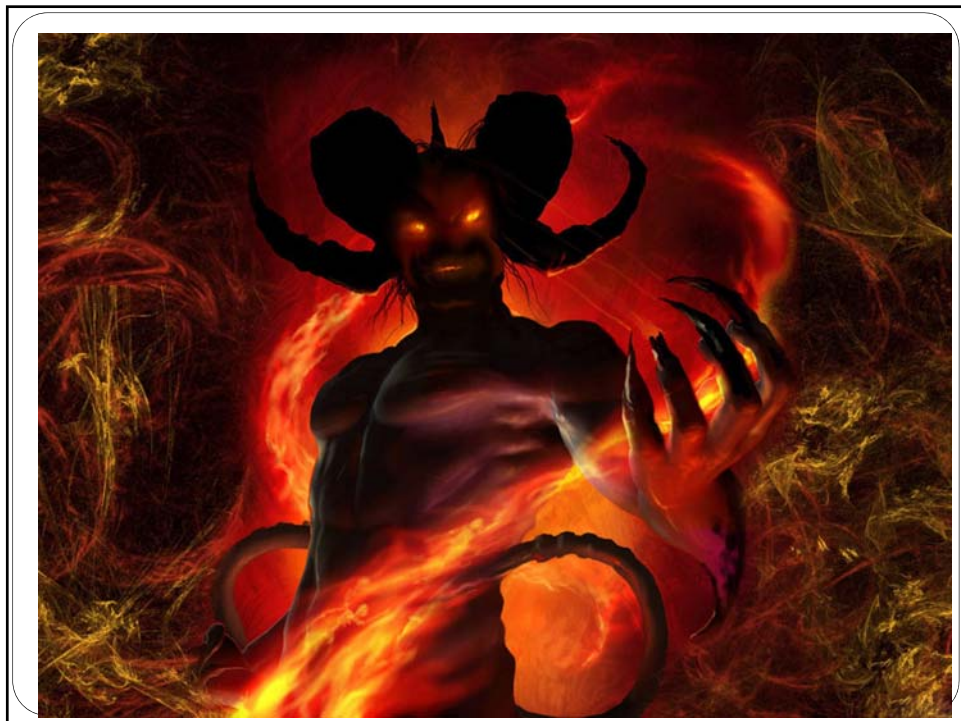
ETHICS AND THE CPS CLIENT RELATIONSHIP

ATTORNEY AD LITEM

- “ATTORNEY AD LITEM” means an attorney who provides legal services to a person, including a child, and who owes to the person the duties of undivided loyalty, confidentiality, and competent representation.









COMMUNICATION

- EXPLAIN REASON FOR REMOVAL
- ACCUSATIONS
- EXPLAIN THE PROCESS

WHO'S RESPONSIBLE TO GET KID BACK


- Attorney's Job Is Not To Get Kids Back
- It's Parent's Job To Get Kids Back
- Your Job Is To Guide Them To Get Their Kids Back
- Or Termination Hearing

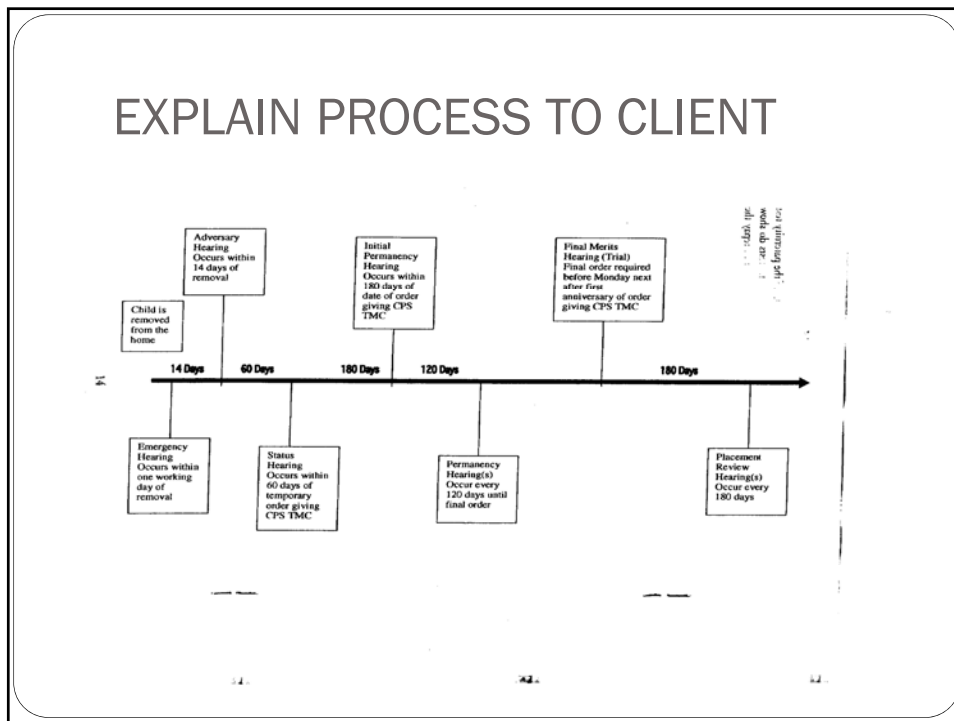
A Handbook for Parents and Guardians in Child Protection Cases

**A Resource for Parents and Guardians:
What you need to know about the court process.**

Being involved in a child abuse and neglect case can be very confusing and stressful for a family. Not knowing what to expect can make it even harder. This handbook will help you understand what will happen. Keep this handbook with you so you can write the names of the people involved in your case, and the dates of meetings and court hearings.

Please note that this handbook is not intended to give legal advice or to function as a substitute for an attorney. You are encouraged to seek the advice of your own attorney to answer any legal questions you may have.





Possible Placement/FGC

- Get listing of family members/kinship for possible placement
- Placement outside of country
- Contact consulate

Child Placement Resources Form

Form 2625
October 2005

You are being asked to fill out this form to let us know what relatives or close family friends (caregivers) you think may be able to take care of your children until they are returned to you. Child Protective Services (CPS) will get in touch with the people you list and talk with them to see if they would be willing to take care of your children. We will also be asking questions to try to make sure that your child will be safe while in his/her care. CPS will have to share information with them regarding your case. If they are interested in and appear able to provide a safe place for your child, a background and criminal history check will be started within 2 business days of receiving the information on this form. If choice is acceptable, a home assessment will be conducted. Generally, children are not placed in a relative or caregiver's home until the outcome of the home assessment is known, although the final decision rests with the judge for the child(ren)'s case.

Please list the person that would be your first choice for taking care of your children, then the second choice, etc. You should try and list the people you know your child feels most comfortable with. This form/information may be returned 24 hours a day to CPS in the following ways:

In person at: _____ By e-mail at: _____ By fax: _____

The selection of a placement (and other legal issues) may be impacted if the Indian Child Welfare Act applies. Please indicate whether you, another parent or any of your child(ren) is of Native American or Alaskan Native descent/heritage. Please indicate whether _____ I have no information that this child(ren) has any Native American or Alaskan Native descent/heritage. _____ I believe this child(ren) may of be Native American or Alaskan Native descent/heritage. The person with tribal affiliation is _____ and the tribe is _____

Your signature below indicates that you were provided the opportunity to list possible caregivers for your child(ren).

SIGNATURE OF PARENT OR GUARDIAN _____ DATE _____

CASEWORKER NAME _____ PHONE NUMBER _____

1. Name of Caregiver (including all names used)		Age/Date of Birth	Ethnicity
Street Address *	City/State	Zip Code	Phone number with Area code
What is this person's relationship to your child?	Have they lived out-of-state during the past 3 years? Where?	Please provide any other information to help us locate this person	
2. Name of Caregiver (including all names used)		Age/Date of Birth	Ethnicity
Street Address	City/State	Zip Code	Phone number with Area code
What is this person's relationship to your child?	Have they lived out-of-state during the past 3 years? Where?	Please provide any other information to help us locate this person	
3. Name of Caregiver (including all names used)		Age/Date of Birth	Ethnicity
Street Address	City/State	Zip Code	Phone number with Area code
What is this person's relationship to your child?	Have they lived out-of-state during the past 3 years? Where?	Please provide any other information to help us locate this person	

Date Information Received by CPS: _____

SHOW CAUSE

- Purpose is to determine whether the child's emergency removal was proper.
- Judge could rule to return child to you, place child with a family member, kinship or remain with CPS.
- This is the parents opportunity to give the court an your version of events and explain to court how you intend to protect your child now and in the future.

STATUS HEARING

- Held within 60 days of when child ordered into the temporary care of CPS.
- Purpose is to discuss the service plan prepared by CPS.
- That you are aware of the SP and its contents and that you understand what is being asked of you to do and to complete the request.
- The judge may also ask about your current compliance with the plan.
- You may be warned that unless you do what the SP requires, your rights as a parent may be restricted or terminated.

PERMANENCY PLANNING TEAM

- PPT
- Service plan is discussed and developed
- SP can change
- Goals for you and child
- Purpose is to talk about why child removed

PERMANENCY HEARINGS

- Initial Permanency Hearing
- Purpose is to evaluate the Permanency Plan for the child to ensure a final order consistent with that permanency plan is rendered before the date for dismissal
- Review the case to make sure the SP is being followed
- Check to see if caseworker and others are doing what has been ordered in the plan
- Service plan may be changed if agreed by all
- Court may decide that child could be returned to parent, family member or remain in current placement
- Court may set dismissal date, set up next PH or termination date

FINAL HEARING(TRIAL)

- A final order will be granted to:
 - Return child to parent
 - A relative or kin
 - Without terminating parent-child relationship, appoint CPS as the managing conservator of child or
 - Terminate and appoint relative, kin or CPS as managing conservator

ESTABLISHING PATERNITY

- Establishing paternity to unmarried parents is important
- When mother and father sign an Acknowledgement of Paternity and the court accepts the documents, the father becomes the “legal” father.
- Father could be made to pay child support
- DNA Testing

SERVICE PLANS AND VISITS

- Don't tell them that if they do service plan they will get their kids back. Especially on Sex Cases or Injury to a Child:
- By doing service plan its not automatic. They have to follow through take what they learn and apply it.
- Visits- Be On Time/Get Bus Pass/Find Ride/Send letters/Gifts

CONTACT WITH CLIENT

- Follow up with office visits or telephone appointments.
- Keep them informed of court dates and what needs to be done on SP

CLIENT ABSENT/INCARCERATED

- Public Data/Jail-Prison/Telephone Directory/Social Media
- Consulate
- Make contact with client in prison
- Send service plan / Services in prison
- Have client keep you up to date with services to report to court

INJURY TO CHILD/SEX CASE

- Advise of Criminal Consequences.
- Not to talk to anyone about case.
- Especially Don't Talk To Caseworker/CASA

Powers and Duties of AAL

- An AAL 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.

