

Timeline Regarding the Removal of a Child by CPS

If the Department of Family and Protective Services (“DFPS” or sometimes referred to as “CPS”) takes possession of a child in the State of Texas without the agreement of a parent or guardian, the following deadlines apply, calculated from the date the child is removed from the home:

Day 1: Removal of Child/Emergency Hearing

CPS may conduct an emergency removal of a child if a CPS worker finds:

- there is a present danger of serious harm to the child in the home;
- the caregiver’s protective capacities are insufficient to keep the child safe from the harm; and/or
- there are no reasonable efforts that CPS can make to prevent removal of the child that would be consistent with the safety of the child.

If a child is removed by CPS without a hearing, an emergency hearing must be held by a court on the “first working day” after removal, but no more than three days after removal (*Texas Family Code (“TFC”) §262.106*). At this hearing, the court will determine if the factors listed above exist. If the above-findings are made, the child will remain in the possession of CPS until further order of the court.

Day 14 (after removal): Adversary Hearing

At this hearing the court will enter temporary orders regarding the child or return the child to the parent, guardian or relative if the court finds it is safe to do so and is in the child’s best interest. If the child is not returned, the court will name CPS as the temporary managing conservator of the child and the temporary orders will set forth guidelines regarding the rights of the parties, visitation, child support, and services to perform (i.e. counseling, substance abuse evaluations, random drug tests, anger management, and parenting classes).

Day 60 (after removal): Status Hearing

Within 60 days after temporary managing conservatorship is awarded at the 14 day Adversary Hearing, the court will review the child’s status and the permanency plan (*TFC § 263.201*).

Day 180 (after removal): Initial Permanency Hearing

At this hearing the court will perform the following tasks:

- Review or locate any services efforts for the parties and the child (*TFC §263.301(c); 263.306(2)*).
- Review CPS’s efforts in attempting to locate all necessary persons; requesting service of citation; and obtaining assistance from a parent in attempting to locate an absent parent, alleged father, or relative of the child.
- Return the child to the parents if it is safe to do so and is in the child’s best interest.
- Place the child with a non-parent having standing under Chapter 102 of the TFC if it is safe to do so and is in the child’s best interest.
- Evaluate CPS efforts to identify relatives with whom placement could be safely made.
- Evaluate the parties’ compliance with temporary orders and the services plan.
- Determine whether the current placement is appropriate for meeting the child’s needs, including with respect to a child who has been placed outside of the state, whether that placement continues to be in the best interest of the child or if any other

plans or services are needed to meet the child’s special needs or circumstances.

- Determine plans, services, and further temporary orders necessary to ensure final orders are rendered prior to the dismissal deadline.

Day 270 (after removal): Permanency Hearing

At this hearing the court will perform the same duties and tasks as it did at the 180 day Initial Permanency Hearing. Every 120 days after the 180 day Initial Permanency Hearing, the court will conduct additional permanency hearings and will continue to perform the duties and tasks at each hearing. The court may shorten, but may not extend, the 120 day deadline for subsequent permanency hearings (*TFC §263.305*).

Day 360 (after removal): Trial/Dismissal of Suit/Extension of Case

At this stage, the court must enter a final order, dismiss the case, or extend the deadline for the finalization of the case by 180 days if the court finds extraordinary circumstances. “Final order” is an order that does one of the following:

- Returns the child to a parent;
- Grants managing conservatorship to a relative or other person;
- Appoints CPS as the permanent managing conservator; or
- Terminates the parent-child relationship.

At this hearing, the court may also extend the time to enter a final order by an additional 180 days from the original deadline (*TFC §263.401(b)*).

Day 540: Dismiss/Return to Monitor/Trial

The case must be dismissed on the next Monday following 18 months from the date the temporary managing conservatorship was granted to CPS unless either:

- A final order has been entered (*TFC §263.401(d)*); or
- The child has been placed with a parent or relative for up to 180 days of monitoring (*TFC §263.403*).

Day 720: Dismiss/Trial

The case must be dismissed or the court must enter a final order regarding the conservatorship of the child by this date.

**For more detailed information about about CPS, go to www.tyla.org and download “What You Should Know about Your Child Abuse, Neglect or CPS Case.”*



CPS ACRONYMS

A/N	Abuse/Neglect
AC	Assistant Commissioner
ACF	Administration for Children and Families
ACR	Administrative Case Review
ADA	Assistant District Attorney
ADO	Adoption
AOC	Aging Out of Care
AP	Alleged Perpetrator
APS	Adult Protective Services
ARD	Admission, Review, Dismissal
ASFA	Adoption and Safe Families Act of 1997
AV	Alleged Victim
CAC	Children Advocacy Center
ARC	Advancing Residential Child Care
BSD	Basic Skills Development
BVS	Bureau of Vital Statistics
CAPTA	Child Abuse Prevention and Treatment Act
CASA	Court Appointed Special Advocate
CCL	Child Care Licensing
CHIP	Children's Health Insurance Program
CIP	Court Improvement Project
CIRT	Critical Incident Resource Team
CIS	Communities in School
CLASS	Child-Care Licensing Automation Support System
CLD	Closed
COAC	Council on Adoptable Children
COS	Circle of Support
CPS	Child Protective Services
CRCG	Community Resource Coordination Group
CREST	Comprehensive Relative Enhancement, Support & Training
CRT	Citizens Review Team
CVS	Conservatorship
CW	Caseworker
CWA	Closed Without Assignment
CWB	Child Welfare Board
CWD	Children with Disabilities
CWLA	Child Welfare League of America
CYD	Community Youth Development
DADS	Department of Aging and Disability Services
DARS	Department of Assistive and Rehabilitative Services
DD	District Director
DSHS	Department of State Health Services
DFPS	Department of Family and Protective Services
DIFF	El Desarrollo Integral de la Familia
DISPRO	Disproportionality
DOB	Date of Birth
DPS	Department of Public Safety
EA	Emergency Assistance
ECI	Texas Interagency Council on Early Childhood Intervention
EMAB	Emotional Abuse
ES	Educational Specialist
FAD	Foster and Adopt
FBSS	Family-Based Safety Service
FF	Foster Father
FGDM	Family Group Decision Making
FH	Foster Home
FM	Foster Mother
FTE	Full Time Equivalent
FTM	Family Team Meeting
HHSC	Health and Human Services Commission
HIPPY	Home Instruction Program for Preschool Youngsters
HQ	Headquarters
HS	Home Study
HSEGH	Health, Social, Educational, and Genetic History Report
I&R	Information and Review
ICF-MR	Intermediate Care Facility for Persons with Mental Retardation
ICPC	Interstate Compact on the Placement of Children
ICWA	Indian Child Welfare Act

IFCC	Interagency Foster Care Committee
IL	Independent Living
INS	Immigration and Naturalization Service
INV	Investigation
IT	Information Technology
LAR	Legislative Appropriation Request
LBB	Legislative Budget Board
LOC	Level of Care
MDNG	Medical Neglect
MEPA	Multi Ethnic Placement Act
MHMR	Mental Health and Mental Retardation
NCANDS	National Child Abuse and Neglect Data System
NSUP	Neglectful Supervision
OIG	Office of Inspector General
OCOC	One Church One Child
OV	Oldest Victim
P1	Priority 1
P2	Priority 2
PA	Program Administrator
PC	Permanency Conference
PD	Program Director
PD	Public Defender
PDD	Professional Development Department
PHAB	Physical Abuse
PEP	Parents Empowering Parents
PMC	Permanent Managing Conservatorship
PPT	Permanency Planning Team
PRIDE	Parent Resource for Information Development and Education
PSTI	Protective Services Training Institute
RCCL	Residential Child Care Licensing
RO	Ruled Out
RTB	Reason to Believe
RTC	Residential Treatment Center
SACWIS	Statewide Automated Child Welfare Information System
SAMHSA	Substance Abuse and Mental Health Services Administration
SAVERR	System for Application and Verification of Eligibility Reporting and Review
SI	Special Investigation
SIB	Sibling
SIDS	Sudden Infant Death Syndrome
SO	State Office
SOAH	State Office for Administrative Hearings
SSA	Social Security Administration
SSI	Social Security Income
STAR	Services to at-Risk Youth
SUP	Supervisor
SWI	Statewide Intake
TAC	Texas Administrative Code
TALCS	Texas Association of Leaders in Children and Family Services
TANF	Temporary Aid to Needy Families
TARE	Texas Adoption Resource Exchange
TEA	Texas Education Agency
TFC	Texas Family Code
TIFI	Texas Integrated Funding Initiative
TJPC	Texas Juvenile Probation Commission
TMC	Texas Managing Conservatorship
TNOYS	Texas Network of Youth Services
TPC	Temporary Possessory Conservatorship
TPR	Termination of Parental Rights
TSD	Texas School for the Deaf
TSFPI	Texas State Foster Parents Incorporated
TWC	Texas Workforce Commission
TYC	Texas Youth Commission
URM	Unaccompanied Refugee Minor
UTD	Unable to Determine
YES	Youth Emancipating from the System
YFT	Youth for Tomorrow