



UNDERSTANDING THE ROLES OF THE PROFESSIONALS INVOLVED IN A CPS CASE



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Texas CASA partnered with the Supreme Court of Texas Children's Commission to develop five handouts and accompanying videos, which help explain the role of each of the professionals in a Child Protective Services (CPS) case to individuals, such as parents, children and youth and kinship caregivers who are involved with the Department of Family and Protective Services in some way.

The handouts are available for download and printing, and the videos are publicly available on YouTube. The handouts and videos can be used as a set or individually to help explain the role of child welfare professionals working with a child or family. The handouts and videos are all available in English and Spanish and explain the role of the following professionals associated with a Child Protective Services case:

- The Judge
- The Guardian ad Litem or CASA Volunteer
- The Attorney ad Litem
- The Parent's Attorney
- The Caseworker and Department of Family and Protective Services Attorney

Printable versions of the handouts and links to the videos can be found here: <https://texascasa.org/understanding-the-roles-in-a-cps-case/>



UNDERSTANDING THE ROLES OF THE PEOPLE INVOLVED IN A CPS CASE

JUDGE

WHO IS THE JUDGE?

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Judge _____

WHAT IS A JUDGE?

.....

A judge makes decisions about child welfare cases. The judge usually sits at the front of the courtroom and sometimes wears a black robe.

WHAT DOES THE JUDGE DO?

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The judge asks questions in court hearings and listens to everyone involved in the case to get more information about what's happening with the parents and children. At the end of a hearing, the judge will make decisions, called orders, based on what they heard in court. For example, a judge might order a scheduled visit between the parents and children or order parenting classes.

The judge also decides if a child will be safe at home with their parents or if they must stay somewhere else. If a judge decides that a child is not safe at home, the judge will make orders about what needs to happen for the child to go back home. The judge will ask if the child's needs are being met, including education, medical care, and other needs, to decide if more orders should be made.

Judges can only talk about a case when everyone involved is together, which is normally only when everyone is in court. A judge cannot accept an email or letter written to them about a case. This rule keeps things fair for everyone involved in the case.

These are some reasons why it is important that everyone involved in the case attends each court hearing and speaks up about what they need and what they want to happen.

THE JUDGE SHOULD:

- Make sure that most parents and all kids in the case get a lawyer as soon as possible.
- Make sure all the attorneys and caseworkers are doing their job.
- Make sure everyone in court is treated with respect.

THE JUDGE CANNOT:

- Treat people differently because of what they look like, or other reasons that are unfair.

WHAT IF I WANT TO COMPLAIN ABOUT THE JUDGE?

If you have concerns about the judge serving on your case, you can tell your lawyer or the judge. If that does not help, you can file a complaint with the State Commission on Judicial Conduct. If you have questions, you can call them at 1-877-228-5750. You can also write a letter and mail it to the State Commission on Judicial Conduct at PO Box 12265, Austin, TX 78711.



UNDERSTANDING THE ROLES OF THE PEOPLE
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GUARDIAN AD LITEM

WHO IS THE CASA/GAL AND THEIR SUPERVISOR?

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CASA/GAL Name: _____

Phone: _____

Email: _____

CASA/GAL Supervisor Name: _____

Phone: _____

Email: _____

WHAT IS A GUARDIAN AD LITEM (GAL)?

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A guardian ad litem (GAL) can be a volunteer or an attorney. The role of the Court Appointed Special Advocate (CASA) volunteer or GAL is to get to know the child and their family so that they can tell the judge what they think is best for the child in the case. The CASA/GAL is independent from the lawyers and caseworkers who are involved in the case.

WHAT DOES THE CASA/GAL DO?

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The CASA/GAL talks to the child, their parents, other family members, and anyone else that knows the child, like their teacher, coach, neighbor, or family friend, to learn about the family and the case. Before each hearing, the CASA/GAL files a written report with the court to tell the judge and everyone in the case how the child is doing, what they have learned, and what they think is best for the child.

If the GAL is a CASA volunteer, they have special training to make recommendations to a judge about what they think is in the best interest of each child.

THE CASA/GAL MUST:

- See and talk to the child regularly.
- Meet with the child's parents regularly, when possible.
- Tell the judge how the child is doing and what they need.
- Meet with the adults the child lives with and talk with them about how the child is doing.
- Talk with teachers and therapists to make sure the child is getting the support they need.
- Talk with the caseworker and the lawyers in the case regularly.

THE CASA/GAL CANNOT:

- Give legal advice (that's the lawyer's job).
- Provide counseling (that's the therapist's job).
- Do things that are unsafe for the child or that make them feel uncomfortable.
- Keep any secrets from the judge.
- Treat people differently because of what they look like, or other reasons that are unfair.

WHAT DO I DO IF I HAVE CONCERNS ABOUT THE CASA/GAL?

If you are concerned that the CASA volunteer is not doing a good job on your case, you can try to talk to the volunteer about your problem. If that does not work, you can talk to their supervisor. If you don't know who to call, you can find contact information for your local CASA program at <https://texascasa.org/who-we-are/local-casa/>.

If the guardian ad litem is an attorney and not a CASA volunteer, you can make a complaint to the State Bar of Texas. The State Bar of Texas is in charge of making sure lawyers help their clients. If you want to complain about something your attorney guardian ad litem is doing or not doing, you can contact the State Bar at 1-800-932-1900.



**UNDERSTANDING THE ROLES OF THE PEOPLE
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ATTORNEY AD LITEM

WHO IS THE ATTORNEY AD LITEM?

Attorney Ad Litem Name: _____

Phone: _____

Email: _____

WHAT IS AN ATTORNEY AD LITEM?

The judge will appoint a lawyer to represent the child during the case. This person is called an attorney ad litem. A child means anyone who is under the age of 18.

WHAT DOES THE ATTORNEY AD LITEM DO?

Since the child is the client, this means that the attorney ad litem works for them! The attorney ad litem works directly for the child, not the foster parent or family member taking care of the child. The attorney ad litem's job is to talk with the child about what the child wants to happen in the case, like where the child wants to live. The attorney ad litem works to get what the child wants, and advocates to the judge for what the child wants to happen in the case.

The attorney ad litem also serves as the child's legal advisor. They help the child understand what is happening in the case and how the court system works. The attorney ad litem also makes sure the child can be in court as often as they want to so the child can talk with the judge. In court, they might call witnesses, ask questions, and make requests to the judge.

If there is more than one child involved in a case (like when there are siblings), there may be more than one attorney ad litem appointed by the judge to represent each of the children because each child might want something different to happen in the case.

THE ATTORNEY AD LITEM MUST:

- Meet with the child before each court hearing.
- Ask what the child wants to have happen in their case and tell the judge.
- Answer the child's questions and ask about their concerns.
- Respond to the child's calls, texts, and/or emails.
- Attend all hearings, trials, and meetings related to the case.
- Explain other options to the child that the child might not know about.
- Keep everything the child tells them private unless the child gives them permission to share it. The only thing that an attorney ad litem must share with other people is information that could stop someone from being hurt or committing a crime.
- Review all the facts and records of the case, and meet with other people who are part of the case, like the parents, foster parents, caseworker, and CASA/GAL.
- Tell the judge what the child wants to happen in the case, even if they do not agree with that goal.

THE ATTORNEY AD LITEM CANNOT:

- Stop representing the child they have been appointed to, unless a judge says it is okay.
- Tell a lie or allow someone to tell a lie in court.
- Treat people differently because of what they look like, or other reasons that are unfair.

WHAT DO I DO IF I HAVE A PROBLEM WITH THE ATTORNEY AD LITEM?

If you are a child or youth and you haven't met your attorney ad litem, or you do not believe that your attorney ad litem is helping you, you should talk with your attorney ad litem first, and then tell the judge in your case.

You can also make a complaint to the State Bar of Texas. The State Bar of Texas is in charge of making sure lawyers help their clients. If you want to complain about something your lawyer is doing or not doing, you can contact the State Bar at 1-800-932-1900.

OTHER HELP:

If you need an attorney ad litem, or if your attorney ad litem is not helping you, you can also call the Texas Foster Youth Justice Project at 1-877-313-3688 for help. You can email them at info@texasfosteryouth.org and check out their information at texasfosteryouth.org.



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PARENT'S ATTORNEY

WHO IS THE PARENT'S ATTORNEY?

Parent's Attorney Name: _____

Phone: _____

Email: _____

WHAT IS A PARENT'S ATTORNEY?

A parent's attorney is a lawyer who represents parents and helps them understand their rights and options in their case.

A parent has the right to have an attorney help them. A parent may choose to hire their own attorney at any time during their case if they can pay for one. If a parent cannot pay for a lawyer, they can ask the judge to appoint one that will help for free. Sometimes parents may have the same lawyer, but they are allowed to have different ones.

WHAT DOES A PARENT'S ATTORNEY DO?

A parent's attorney helps parents talk to the judge and other people working on the case. This attorney helps parents try to get their children returned home and helps them keep their parental rights to their child. In court, they might call witnesses, ask questions, and make requests to the judge.

THE PARENT'S ATTORNEY **MUST**:

- Meet with the parent before each hearing unless it is not possible.
- Ask what the parent wants in the case since the parent is their client.
- Review all of the records in the case and talk to anyone involved.
- Explain to the parent what is happening in the case and discuss their options.
- Keep everything the parent tells them private unless the parent gives them permission to share it. However, the lawyer must share information that could stop someone from being hurt or committing a crime.

THE PARENT'S ATTORNEY CANNOT:

- Stop representing the parent they have been appointed to, unless a judge says it is okay.
- Tell a lie or allow someone to tell a lie in court.
- Treat people differently because of what they look like, or other reasons that are unfair.

WHAT DO I DO IF I HAVE PROBLEMS WITH MY ATTORNEY?

If you are a parent and have concerns about your attorney, first try to meet with your attorney to make things better. If you are unable to improve the situation, you can ask the judge for another attorney. Then, if you want to complain about something an attorney is doing or not doing, you can contact the State Bar of Texas at 1-800- 932-1900.

Note: Filing this complaint will not necessarily get you a new attorney for your case. You may have to continue working with the same attorney.

OTHER HELP:

If you have additional questions about what to do if the Department of Family and Protective Services removes your child from your home, you can call the Family Helpline for Strong Families and Safe Children at 1-844-888-6565. They have lawyers available to answer your calls from Monday through Friday, from 9 a.m. to 6 p.m. These lawyers do not take the place of your attorney, but they can give you helpful information.



UNDERSTANDING THE ROLES OF THE PEOPLE INVOLVED IN A CPS CASE **THE CASEWORKER & DFPS ATTORNEY**

WHO IS THE CASEWORKER FOR THIS CASE?

Caseworker Name: _____

Phone: _____

Email: _____

WHO IS THE DFPS ATTORNEY FOR THIS CASE?

DFPS Attorney Name: _____

Phone: _____

Email: _____

WHAT IS A CASEWORKER?

If a child has been hurt or is in danger, then a caseworker is assigned to help keep the child safe at home or find another place for the child to live (like with a relative or foster family). The child will have a caseworker the entire time they are in foster care. The caseworker might change at different times during the case, but the child will always have one.

THE CASEWORKER MUST:

- Help the child and the parents get what they need during the case.
- Find a safe place for the child to live while the parents are getting support.
- Talk to the child, parents, other family members, teachers, and other people who are a part of the child's life to find out what the child and the parents need.
- Connect the child and the parents to services and supports that will help the family so that the child can go home if the home is safe.
- Make sure that the child and the parents have time to visit with each other.
- If there are siblings, make sure that all of them can visit with each other.

THE CASEWORKER CANNOT:

- Do things that are unsafe for the child or that make them feel uncomfortable.
- Keep any secrets from the judge.
- Treat people differently because of what they look like, or other reasons that are unfair.

WHAT IF I HAVE A PROBLEM WITH THE CASEWORKER?

If the caseworker is not helping the child or family get what they need, there are steps you can take. You can try to talk to the caseworker about your problem. If that does not work, you can talk to their supervisor. You can also ask your attorney for help.

If you are concerned the caseworker is not doing their job, you can contact DFPS Internal Affairs at 1-800-720-7777 or internalaffairs@dfps.texas.gov.

If you are a child in foster care and have a problem with your caseworker, you can contact the Foster Care Ombudsman's Office at 1-844-286-0769 or www.hhs.texas.gov/foster-care-help. They are open Monday through Friday, 8 a.m. to 5 p.m.

WHAT IS A DFPS ATTORNEY?

Just like a child or a parent has their own attorney in court, DFPS also has an attorney. A caseworker and the DFPS attorney work together and represent the state.

WHAT DOES THE DFPS ATTORNEY DO?

This attorney tells the judge what DFPS is asking the court to order and why. In court, they might call witnesses and ask questions, and make requests to the judge. The DFPS attorney usually sits or stands next to the caseworker in court. Sometimes, the DFPS attorney attends special meetings such as the family team meeting, family group conference, or permanency planning meeting. The DFPS attorney will attend mediation, if there is one.

The DFPS attorney is sometimes called different names, like District Attorney, County Attorney, Regional Attorney or Prosecutor, but all represent DFPS.

WHAT IF I HAVE A PROBLEM WITH THE DFPS ATTORNEY?

If you think the attorney representing DFPS does not understand your case, you can tell your caseworker or their supervisor. You can also ask your own attorney for help.

The State Bar of Texas is in charge of making sure attorney help their clients. If you want to make a formal complaint against the DFPS attorney, you can contact the State Bar at 1-800-932-1900.

