



T E X A S
H O M E S C H O O L
C O A L I T I O N A S S O C I A T I O N

The THSC's comments and recommendations on the Sunset Review of DFPS

The Texas Home School Coalition Association is a statewide advocacy organization with more than 60,000 families on our mailing list. THSC has serving home educators and protected parental rights in Texas for more than 25 years. The fight to defend parents and their rights under the law has frequently taken THSC through the courtroom and provided ample occasion for THSC to become familiar with CPS and it's functionalities from a working perspective.

As alluded to under issue II of the DFPS staff report, CPS exists in an environment where policies and best practices are not communicated clearly and effectively to staff at different levels of authority. This creates situations where staffers frequently fail to respond in ways that represent the best interests of the child, sometimes even to the child's clear detriment. THSC's experience with CPS has brought on numerous examples where caseworkers have failed to address reports of abuse or neglect in a timely fashion, sometimes allowing them to languish for multiple weeks. Particularly in cases of legitimate physical abuse, such lengthy time delays could prove deleterious to the child's well being. CPS caseworkers in these examples seemed to place little significance on the gravity of their actions and the potential impact made to the child.

Additionally, many CPS caseworkers have demonstrated consistently that they lack a true understanding of the severity of a separation between a child and it's parents. On numerous occasions caseworkers have defaulted to the removal of the child as a go-to temporary solution in situations where the best course of action is unclear. Caseworkers who make such recommendations hastily fail to grasp the extremely strenuous effects that a separation has upon the child, particularly a young child. Merely the act of forcibly removing a child from it's home, even if only for a short period of time, can have devastating emotional and psychological effects upon the child. It should therefore always be used by any official only as an absolute last resort taken to protect the child against impending harm.

Chapter 262 of the Texas Family code outlines the circumstances under which CPS may request possession of a child without prior notice and hearing. Among these are the requirements that, "there is an immediate danger to the physical health or safety of the child...", and that "there is no time, consistent with the physical health or safety of the child, for a full adversary hearing under

Subchapter C; and

(3) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child.”

CPS appears to have no clear policies outlining for, or communicating to, its employees the practical application of these requirements. On numerous occasions caseworkers have used the ambiguity of this statute, intended to be able to apply to a broad number of scenarios, to justify a removal based upon their own personal differences with a fit parents style of parenting, rather than out of an effort to protect the child from impending harm as the statute requires. The lack of consistent policies has led to the creation of an environment where a caseworkers political, social, philosophical and religious beliefs can be used as the sole determining factors in that caseworkers recommendation for a removal.

The byproduct of this reality is a growing sector of the populace who now fear CPS as a lingering threat to their family, rather than a protection over it. This has demonstrated itself multiples times in regards to the foster care system, where otherwise willing and fit families refrain from opening their homes to foster children because of their fear of affiliation with CPS.

The compilation of these issues provides for significant concern as the well being of the children and the families is continually compromised in these situations. Additionally, CPS management has frequently shown themselves unwilling to reprimand or hold accountable those staffers whose abuses of the law result in the unnecessary disruption and destruction of a child's life and relationship with his family.

As a result of the severe and recurring nature of these issues, the Texas Home School Coalition recommends that the Sunset Commission and DFPS staff consider the following recommendations:

- THSC recommends the clear implementation, communication, and distribution of policies outlining for CPS caseworkers the severe nature of the removal of a child by the agency, and the agencies intent that such recommendations be made only as a last resort in emergency situations, as outlined by Chapter 262 of the Texas Family Code.
- THSC recommends the clear implementation, communication, and distribution of policies for CPS caseworkers outlining criteria which are not a suitable basis for removal of a child.
- THSC recommends the clear implementation, communication, and distribution of policies by CPS designed to hold accountable, by way of appropriate punishment, those employees who abuse their discretion and authority under the law.