

# GLOSSARY OF TERMS

## **Abandonment**

The leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, without arranging for necessary care for the child, and a demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child.

## **Administrative Closure**

An investigation can be administratively closed if all allegations meet at least one of the following criteria:

- CPS does not have the authority to investigate the allegation.
- The allegation was already investigated and assigned a disposition.
- The allegation does not meet the definition of abuse or neglect.
- The allegation was based on an anonymous report and there is no evidence corroborating the allegation.
- The caseworker gathered sufficient, credible information refuting that the alleged abuse or neglect occurred or is at risk of occurring.

## **Alternative Response (AR)**

AR is a different way to respond to reports of abuse/neglect. AR allows for a more flexible, family engaging approach while still focusing on the safety of the children. AR allows screened in P2 reports where there is no open case and all alleged victims are 6 or older to be diverted from a traditional investigation and serviced through an alternative family centered assessment track. AR cases differ from traditional investigations cases in that there will be no substantiation of allegations, no entry of perpetrators into the Central Registry (a repository for reports of child abuse and neglect), and there will be a heightened focus on guiding the family to plan for safety in a way that works for them and therefore sustains the safety.

A staged rolled out of AR started in November 2014 and, as of November 2016, Alternative Response has been fully implemented in Regions 1, 3, 7, 9 and 11. Regional roll-outs will continue with full statewide rollout anticipated by December 31, 2018.

## **Background checks**

CPS checks both the criminal and child abuse and neglect history of parents, caretakers and other persons residing with a child. The type of check performed and the impact of any findings varies depending on the type of proposed placement.

## **Child Abuse Registry**

A confidential repository of child abuse and neglect findings maintained by DFPS which can be searched by authorized persons to determine what, if any, child abuse and neglect history an individual has. TEX. FAM. CODE §261.002.

## **Child Advocacy Center (“CAC”)**

A multi-disciplinary center covering a specific geographic area (county or counties) designed to improve the quality of child abuse or neglect investigations in a child sensitive environment. A

CAC uses trained forensic interviewers to minimize the trauma to a child while meeting the needs of CPS, law enforcement and prosecutors and works to promote collaboration between medical, law enforcement, social work, legal and other child welfare professionals. TEX. FAM. CODE §264.401

### **Children in the Custody of the Texas Department of Family and Protective Services (DFPS)**

All children for whom a court has appointed DFPS legal responsibility through temporary or permanent managing conservatorship or other court ordered legal basis. DFPS custody terminates when a court orders DFPS custody ended or a youth turns 18, whichever comes first.

### **Child Fatality Review Committee (CFRC)**

A statewide multidisciplinary committee designed to review child deaths to identify procedures to avoid preventable deaths and to promote awareness of these issues. Mandatory board members include individuals from the Department of State Health Services, law enforcement, DFPS, medical examiners and other health professionals. The CFRC is not limited to child deaths attributed to abuse or neglect, but includes accidents, illnesses and deaths of unknown causes. [TEX. FAM. CODE §§ 264.501-264.514.](#)

### **Completed Investigation**

Any non-AR investigation that is not administratively closed or merged into another stage.

### **Court Appointed Special Advocate (“CASA”)**

CASA is a non-profit organization which screens and trains volunteers willing to be appointed to serve as advocates for CPS children. Courts frequently appoint CASA volunteers as guardian ad litem for children in CPS conservatorship. [TEX. FAM. CODE §§264.601-264.613.](#)

### **Disproportionality**

The overrepresentation of children of a particular race or ethnicity in the child welfare system. The goal of disproportionality projects is to address practice and policies that contribute to this phenomenon and in doing so, undo the impact of racism on child welfare practices. DFPS has several disproportionality projects underway and the Casey Foundation is resource for current information on this issue. See [www.casey.org](http://www.casey.org).

### **Emotional Abuse**

Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning; causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning; or the current use by a person of a controlled substance as defined by [Chapter 481, Health and Safety Code](#), in a manner or to the extent that the use results in mental, or emotional injury to a child.

### **Exclusion to Neglect**

If a person responsible for a child's care, custody, or welfare refuses to permit the

child to remain in or return to the child's home, it is *not* neglect if the:

- Child has a severe emotional disturbance.
- Person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child.
- Person has exhausted all reasonable means available to the person to obtain the mental health services necessary to protect the safety and well-being of the child.

### **Exits from DFPS Custody**

A child exits from DFPS custody when a court terminates DFPS legal responsibility or a youth turns 18, whichever comes first. The following are the categories of exits from DFPS Custody:

- **Reunification** - Child returns to the home of the parent from whom they were removed.
- **Relative as a permanent managing conservator (PMC)** - A court orders PMC to an individual who is usually a legal or blood relative or other individual who has a significant relationship with the child or the child's family known as "fictive kin." The Relative as PMC can exercise specific rights including but not limited to the right to have physical possession of the child along with specific responsibilities including but not limited to the duty of care, control and protection of a child, the right to designate the primary residence of the child and the right to make decisions concerning the child's health-care and education. If the individual appointed as PMC meets the criteria for the Permanency Care Assistance (PCA) program, they get an ongoing monthly payment for the child that is similar to an adoption subsidy.
- **Adoption** - A court has ordered all parental rights terminated and orders legal custody to an adoptive parent.
- **Aging out** - A youth turns 18 and becomes a legal adult.
- **Other** - Any other exit from DFPS custody which includes children in court ordered or independent living placements, children for whom DFPS custody was never obtained and children with a missing exit reason.

### **Failure to Thrive**

This is a diagnostic condition resulting from serious nutritional deprivation that causes a child not to grow and develop normally physically or mentally. This condition may be indicative of abuse or neglect.

### **Family-Based Safety Services (FBSS)**

Protective services provided to a family to prevent the need to remove a child from the home. [40 TAC § 700.702](#).

### **Family Reunification Services**

Protective services provided to a family to aid in transitioning a child back into the home after a child has been in substitute care. [40 TAC § 700.703](#).

### **Family Group Decision Making**

This is a family-focused method for addressing child protection issues that originated in New Zealand and is now practiced in many jurisdictions, including Texas. The concept is to bring

together as many concerned and interested parties as possible to discuss and problem solve issues that impact child safety. Invitees might include family members, friends, community leaders, religious advisors, counselors, educators and anyone else who might have something to contribute. The process is intended to give the family the primary responsibility for crafting a solution that is best suited for their particular situation.

### **Foster care**

A subset of Substitute Care that includes all children living in a placement that has been verified to provide 24-hour residential care for a child, in accordance with [Chapter 42 of the Human Resources Code](#) and related regulations. These placements include foster homes, including kinship care where the caregiver has been verified, general residential operations (GRO), emergency shelters, residential treatment centers (RTC), and juvenile facilities.

### **Investigations**

DFPS is required by state law to conduct civil investigations of reports of suspected child abuse or neglect. The objectives of the investigation are to ensure child safety, determine whether abuse or neglect occurred, determine whether children are at risk for abuse or neglect in the future, provide child or family needed safety services and refer the family to services available in the community, if needed.

### **Investigation dispositions**

- [Reason to Believe](#) (RTB) - based on the preponderance of evidence gathered during the investigation, the caseworker concludes that the alleged abuse or neglect did occur and the alleged perpetrator is responsible for it.
- [Ruled Out](#) (RO) - the information gathered during the investigation supports a reasonable conclusion that:
  - the alleged abuse or neglect did not occur; or
  - the alleged perpetrator is 9 years old or younger, or
  - the alleged abuse or neglect did occur but there is sufficient evidence to reasonably conclude that the named alleged perpetrator is not responsible.
- [Unable to Complete](#) (UTC) - the caseworker could not gather enough information to draw a conclusion as to whether the alleged abuse or neglect occurred, because the caseworker could not locate a principal, or a principal was uncooperative.
- [Unable to Determine](#) (UTD) - the allegation does not meet the criteria for *Reason to Believe*, *Ruled Out*, or *Unable to Complete*, but:
  - the information gathered is not enough to determine whether the alleged abuse or neglect occurred; or
  - there is enough information to determine that the abuse or neglect occurred, but there is not enough information to determine if the alleged perpetrator is responsible.

### **Interstate Compact on Adoption & Medical Assistance (“ICAMA”)**

An interstate agreement enacted into law by participating states designed to facilitate delivery of medical services for adopted children whose families either reside outside the state of the child’s residence at the time of adoption or who subsequently move out of state. [TEX. FAM. CODE § 162.201](#).

## **Interstate Compact on the Placement of Children (“ICPC”)**

A national compact enacted by state legislation in each jurisdiction that governs the placement of children across state lines.

## **Kinship care**

A subset of Substitute Care that includes all children in DFPS custody who are living with a legal or blood relative or other individual who has a significant relationship with the child or the child's family known as "fictive kin." The law encourages these placements. See [TEX. FAM. CODE §264.751-264.759](#)

## **Legal status**

All children in DFPS Custody have one of the following court ordered statuses:

- **Care, Custody or Control** - A court may order this legal status instead of ordering Temporary Managing Conservatorship. This order provides legal authority for DFPS to ensure a child's safety and meet a child's basic needs for shelter, food and education.
- **Temporary Managing Conservatorship (TMC)** - When a court orders DFPS as TMC, DFPS can exercise specific rights including but not limited to the right to have physical possession of the child along with specific responsibilities including but not limited to the duty of care, control and protection of a child, the right to designate the primary residence of the child and the right to make decisions concerning the child's health-care and education.
- **Permanent Managing Conservatorship (PMC)** - When a court orders DFPS as PMC, it can be either with a child's parental rights terminated or parental rights intact. The rights and duties of DFPS are generally the same as with TMC.
- **Possessory Conservatorship (PC)** - when a court orders DFPS as PC, DFPS has the specific rights and duties enumerated in the court's order.

## **Labor Trafficking**

Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under [Penal Code §20A.02\(a\)\(5\) or \(6\)](#), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of these sections.

## **Legal Risk Placements**

The CPS term for a foster care placement made before parental rights are terminated with caretakers who seek to adopt, in order to expedite permanency and minimize disruption for a child. A legal risk placement is only made in specified circumstances where the likelihood of termination of parental rights is considered high.

**Level of Care ("LOC")** The CPS term used to describe the degree of services needed by a child in foster care. It determines the kind of foster care setting, the level of training required of a caregiver and the amount paid for foster care. The LOC may change during the time a child is in foster care after a periodic assessment. Assessment of each child in CPS care is made by a

private contractor called [Youth for Tomorrow](#). Children are assessed and placed in one of four levels of care, each characterized by the level of services required:

1. Basic Services – usually a family setting in a foster home, designed for a child with ordinary needs.
2. Moderate Services – usually a therapeutic or habilitative foster home with a structured, supportive setting, with access to therapeutic intervention or medical supports, designed for a child with frequent behavioral problems that present a moderate risk of harm to self or others.
3. Specialized Services – usually a group home or residential treatment center staffed with caregivers with specialized training, designed for children who need 24-hour close monitoring, and regular professional guidance, therapeutic, habilitative and medical intervention.
4. Intense Services – usually a residential treatment center or hospital where a child can get structure and limited outside access, designed for a child with behaviors that present an imminent, severe danger to self or others. Staff members are professionally trained, supervision is 24-hour and often 1 to 1 supervision to protect a child.

### **Medical Neglect**

Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child.

### **Neglectful Supervision**

Placing the child in or failing to remove the child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child; or placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child.

### **Order in Aid of Investigation**

A court order to compel cooperation with specific components of a child abuse and neglect investigation.

### **Order to Participate in Services**

A court order to compel a parent or caretaker to participate in services designed to avoid the need to remove a child.

### **Parental Child Safety Placement**

Formerly known as a voluntary placement, this a placement for a child selected by a parent when child safety issues are identified in the course of a CPS investigation, which placement may continue in a FBSS case. This type of placement serves the important function of enabling CPS to potentially avoid a removal, while maintaining the safety of the child and minimizing the disruption for the child and family

**Physical Abuse**

Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm; failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child; the current use by a person of a controlled substance as defined by [Chapter 481, Health and Safety Code](#), in a manner or to the extent that the use results in physical injury to a child; or causing, expressly permitting, or encouraging a child to use a controlled substance as defined by [Chapter 481, Health and Safety Code](#).

**Physical Neglect**

Failure to provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused.

**Refusal to Assume Parental Responsibility**

Failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away.

**Release hearing**

An administrative proceeding that allows a designated perpetrator or designated victim perpetrator an opportunity to appeal a decision by DFPS to release information about the person to individuals who have control over the person's access to children. DFPS is represented in these hearings by attorneys in the Licensing Division. [40 TAC § 700.601\(2\)](#).

**Return and monitor**

Any child who is living with a parent but who is still in DFPS Custody.

**Risk Assessment of Future Child Abuse/Neglect**

In addition to assigning a disposition to all allegations, in a Completed Investigation, except for an Abbreviated Rule Out, CPS workers assess the likelihood that the child will be abused or neglected in the foreseeable future. CPS uses the [SDM Risk Assessment tool](#) to help workers classify the degree of risk in the home. This tool is actuarially based and helps the worker determine whether or not the family needs services. The decision to provide services is based on the assessment of risk, safety and other circumstances in the case, not on the disposition of the allegations. There are four possible risk classifications:

- Low
- Moderate
- High
- Very High

### **Sexual Abuse**

Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of indecency with a child under [Section 21.11, Penal Code](#), sexual assault under [Section 22.011, Penal Code](#), or aggravated sexual assault under [Section 22.021, Penal Code](#); failure to make a reasonable effort to prevent sexual conduct harmful to a child; compelling or encouraging a child to engage in sexual conduct as defined by [Section 43.01, Penal Code](#); causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene (as defined by the Penal Code) or pornographic; or causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by [43.25, Penal Code](#).

### **Sexual Assault Nurse Examiner (SANE)**

A registered nurse specially trained in procedures for forensic sexual assault examinations, including evidence collection and courtroom testimony. For more information, contact the Sexual Assault Prevention and Crisis Services (SAPCS), a program of the Crime Victim Services Division of the Office of the Attorney General which offers training, resources and information, at [www.oag.state.tx.us/victims/sapcs.shtml](http://www.oag.state.tx.us/victims/sapcs.shtml)

### **Sex Trafficking**

Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable [as an offense under §20A.02\(a\)\(7\) or \(8\) Penal Code](#), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of these sections. It includes compelling or encouraging the child in a manner to engage in sexual conduct that constitutes an offense of trafficking of persons under [§20A.02\(a\)\(7\) or \(8\)](#), Penal Code, prostitution under [§43.02\(b\)](#), Penal Code, or compelling prostitution under [§43.05\(a\)\(2\)](#), Penal Code.

### **Statewide Intake (SWI)**

This is the DFPS division designated to receive all reports or intakes of child abuse or neglect by toll free telephone, fax or internet 24 hours day, 7 days a week, 365 days a year. Specially trained staff receive, prioritize and send reports of abuse and neglect to the appropriate regional office for investigation.

### **Substitute care**

All children who are living in a DFPS out of home placement. It does not include children living in a return and monitor placement. Unless noted otherwise, it does include youth over 18 who are in extended foster care but are not in DFPS Custody.