

Appendix A: Commonly Used Terms

ABUSE – Inflicting or causing physical injury, harm, or imminent danger to the physical health or welfare of a child other than by accidental means, including excessive corporal punishment. Physical injury includes, but is not limited to, bruising, bleeding, burns, fractures or substantial malnutrition.

ADJUDICATION – A finding by the judge that one or more of the allegations of abuse or neglect alleged in the state’s Suit Affecting the Parent-Child Relationship are true.

ADOPTION – A legal process where a court grants exclusive, legal parental rights to an adult person other than the child’s birth parent.

ALLEGATIONS – Sometimes called charges, allegations are statements made by DFPS about the abuse or neglect that DFPS believes happened or did not happen to a child.

APPEAL – A request to a Court of Appeals or to the Supreme Court to review and change the decision of a lower court.

ASSISTANT DISTRICT ATTORNEY (ADA) – An attorney who is employed by an elected state District Attorney who provides legal representation to the state in its prosecution of civil child abuse and neglect cases.

ATTORNEY AD LITEM (AAL) – An attorney appointed by the court to represent the legal rights and interests of a child in conservatorship of the state.

ATTORNEY/ATTORNEY AT LAW – Also called a lawyer, this person is licensed by the State Bar of Texas provide legal representation to persons, including parents, involved in CPS cases.

CAREGIVER – A person, parent, guardian, custodian, institution, or agency that is responsible for a child's care and welfare.

CASA (COURT APPOINTED SPECIAL ADVOCATE) – A person who appears at court hearing as a volunteer and who advocates for what he or she thinks is in the best interest of your child, as opposed to an attorney ad litem who advocates for your child’s legal interests.

CASE MANAGER – In Texas, they are usually called a caseworker or a social worker who works for CPS.

CASE PLAN/FAMILY SERVICES PLAN – Sometimes called Family Service Plan. A written plan developed by the parent/caregiver and the caseworker that states what services will be provided by DFPS and others, and what is expected of the parent/caregiver, DFPS, and others.

CASEWORKER – An employee of CPS, which is part of the Department of Family and Protective Services. The caseworker makes sure your child is safe, develops case plans/family service plans, and provides services to your child, family and other caregivers.

CHILD ABUSE – Any non-accidental physical injury to the child.

CONCURRENT PLANNING – Each child in care has a permanency plan – a Plan A. The concurrent planning process requires CPS to develop a Plan B, which is the concurrent plan, and it is worked at the same time as the primary plan.

CONSERVATORSHIP (CVS) – The term Texas uses to describe your child’s and your case status while your child is in foster care. You will have a CVS worker who will develop your case plan, monitor your child’s placement, and testify at various hearings.

COUNTY ATTORNEY – Typically the county attorney represents the state in misdemeanor criminal cases and can also represent the Texas Department of Family and Protective Services or Child Protective Services (DFPS or CPS). Not all counties have a county attorney and a district attorney and instead have only one person who performs both functions of the county and district attorney.

COURT APPOINTED SPECIAL ADVOCATE (CASA) – a specially trained, non-lawyer volunteer appointed by the Court to represent the best interest the child and to report directly to the court.

COURT ORDER – Legal document that embodies what happens at each hearing, including findings of the judge regarding certain parties and activities. The order will tell parties what to do and what not to do, and everyone must follow the court’s order or the judge can find you in contempt of the court order.

COURT ORDERED SERVICES (COS) – Instead of removing a child, CPS can ask that you be ordered to participate in services. If services are ordered and you don't do them, CPS may ask that your child be removed, leading to Temporary Managing Conservatorship (TMC).

CPS HISTORY – Your family's past involvement with CPS. This include: investigations regarding you, your child/children and other parent(s) of your children. It includes your CPS history as an adult and a child.

CUSTODY – The term that describes which adult or who has the authority to decide where a child will live.

DENIAL OF CRITICAL CARE – When a child is denied adequate food, shelter, clothing or other care necessary to the child's health and welfare.

DISPOSITION – What the judge decides should happen in a case, including where a child should live, the visiting plan, what is expected of the caregiver in order for the child to be reunited with his or her family if the child is in foster care, and other matters.

EXTENSION – Legally, child abuse and neglect cases must end within 12 months, but the court can order a six month extension of the case if extraordinary circumstances exist.

DISTRICT ATTORNEY – Typically, the district attorney represents the state in felony cases and can also represent the Texas Department of Family and Protective Services or Child Protective Services (DFPS or CPS). Not all counties have a county attorney and a district attorney and instead have only one person who performs both functions of the county and district attorney.

FAMILY SERVICE PLAN – The document that spells out all the services CPS will provide the family to help reunify the child. It may also spell out services needed for the child to be adopted by a relative or a non-relative. It will also include the time frame within which CPS must provide the services. It must be developed with the parent, signed by the parent, and approved by the judge.

FINAL ORDER – The court must issue a Final Order in each case within 12 to 18 months from the date a child is removed from his/her home and placed in foster care. The Final Order usually determines the status of parents' rights, conservatorship of the child, and the rights, duties, and responsibilities of any parent whose rights are not terminated.

FINDINGS – Findings are determinations that the court makes about certain activities in the case based on the evidence presented by the parties.

FOSTER CARE – System that provides substitute homes for children when children cannot be placed with relatives.

GUARDIAN – Person appointed by the court who has the legal right to make important decisions in a child's life including consent to marriage, enlistment in the armed forces of the United States, or medical, psychiatric, or surgical treatment, adoption, and to make other decisions involving protection, education, and care and control of the child.

GUARDIAN AD LITEM (GAL) – The Guardian ad Litem can be a CASA volunteer or a lawyer or another person appointed by court. If the GAL is a lawyer, the person is likely serving two roles – that of the lawyer and that of the GAL. This is allowed by Texas law.

HEARING – Formal court proceeding where witnesses are sworn and testimony is taken to help the court determine facts of the case, monitor the activities of the case, and help parties finalize the case plan.

HOME STUDY – A report about the home in which a child is placed or is going to be placed. It also involves all people living in the home. This can take weeks or months to complete, and must usually be completed before a child can be placed in the home.

INDIAN CHILD WELFARE ACT (ICWA) – A law that was established to protect the legal rights of children with American Indian or Native American heritage. It provides children and families with Native American heritage additional protections and rights in child welfare cases.

JUDGE – A person who presides over a case and makes final decisions about the rights of parties, where children will live, and duties that CPS or other parents have regarding the children involved in a case.

LACK OF SUPERVISION – Failing to supervise the child to the extent that there is a danger of the child suffering significant harm, injury, or death.

MEDIATION – A meeting that is court ordered where all the parties (CPS, parents, and attorney for child) come together and try to reach an agreement about what should happen with the child and family instead of going to trial.

MODIFICATION – A hearing to decide if the court should change a court order for a good reason.

MULTI-DISCIPLINARY TEAM (MDT) – Persons appointed by the judge who are required to meet and address the family history and issues. The team makes recommendations to the judge about the child's best interests and the services the family should receive.

NEGLECT – When a caregiver has failed or refused to provide adequate care, maintenance, supervision, education, medical care, or any other care necessary to a child, which places the child at risk.

OSAR (OUTREACH SCREENING ASSESSMENT AND REFERRAL) – A drug and alcohol assessment that involves a person self-reporting their own drug and alcohol use. This program helps determine whether or not the State will fund drug or alcohol treatment.

PC (PERMANENCY CONFERENCE) – Held by CPS to review the service plan and goals for the family.

PMC (PERMANENT MANAGING CONSERVATORSHIP) – Permanent custody given to the state or another adult. PMC to the state continues until the child exits the foster care system. PMC can be awarded to the state regardless of whether parental rights are terminated.

PERMANENCY – Permanency is the permanent living arrangement for a child as decided by a judge. (Examples of permanency include when a child is returned home, adopted, or placed with a relative or other person. A child who is in the PMC of the state is not considered to have permanency or a permanent living situation.

PERMANENCY REVIEW HEARING – A court hearing held to review how the family is doing with its service plan and in making the changes needed to have the children returned home or to fulfill the alternative or concurrent plan.

PETITION – A formal legal document stating the allegations of abuse and/or neglect and requesting that the court take action or grant a party's request such as allowing the state to have conservatorship of a child.

PROTECTIVE PARENTING – A type of parenting training or class that educates parents on how to be protective so that abuse or neglect of their children does not occur in the future.

PSYCHIATRIC EVALUATION – Service that may be court ordered or included on the family plan developed by CPS. Evaluates mental health of parent or child; the psychiatrist who does the evaluation can prescribe medicine, if necessary.

PSYCHOLOGICAL EVALUATION – Service that may be court ordered or included on the family plan developed by CPS. Evaluates a person's level of functioning, intellectual abilities, and whether parent has a mental illness. The psychologist who does this evaluation cannot prescribe medicine, but can make recommendations on needed services.

REASONABLE EFFORTS -The efforts and services that CPS must provide to parents in order to prevent or eliminate the need to remove a child from the home, to reunify the child with the parent or family, and if that cannot be accomplished, the efforts and services made to finalize the child's permanency plan, whatever it is (such as adoption).

RELATIONSHIP/RELATIVE PLACEMENT – The placement of a child in the home of a relative or family friend instead of with foster parents.

RELINQUISHMENT – A legal action where the parent voluntarily gives up their parental rights to the child.

REMOVAL – When the court determines a child is at risk of harm if left in the home and orders that the child be placed in another home or institution.

RETURN AND MONITOR – Order that allows CPS to keep temporary custody of the child, but the child returns to the parents and is intensively monitored by CPS. Can last up to 6 months.

REVIEW HEARINGS – The court must review the cases of all children in foster care after six months and at least every 12 months after that.

REVIEW HEARINGS – The court must review all cases for children in foster care four to six times before the court issues a Final Order required by the Texas Family Code. Once a court issues a Final Order, the court must conduct a review hearing every four to six months until the child exits the foster care system.

SERVICE PLAN – CPS plan of what the services CPS will offer the parent and that the parent needs to accomplish in order for the child to be returned home to the parent.

SERVICE PROVIDER – Agencies, individuals and organizations who contract with CPS to provide treatment or supervision services for families.

SUIT AFFECTING THE PARENT CHILD RELATIONSHIP (SAPCR) – Type of law suit filed by CPS that affects the parent-child relationship.

TERMINATION OF PARENTAL RIGHTS – This means that a parent no longer has any legal rights to the child. A parent may still have a duty to support the child until the child is adopted. The child may also inherit from the parent.

TMC (TEMPORARY MANAGING CONSERVATORSHIP) – Legal order that gives temporary custody to CPS.

UA (URINALYSIS) – Term frequently used to mean a drug test. Providing a UA may be a task ordered or included on the family plan of services. This isn't the only form of drug test CPS may ask for.