



Resource Letter:
For Judges and Attorneys Handling Child Protective Services Cases
April 1, 2020

Guidance for Services and Service Plans

The COVID-19 pandemic has quickly transformed public life across Texas and the nation with the Centers for Disease Control and Prevention issuing guidance for Americans to drastically curtail social interaction to halt the spread of the virus and many states, counties, and cities are issuing “shelter-in-place” orders requiring people to stay in their homes unless engaged in essential activities. These restrictions can present substantial obstacles for parents involved with Child Protective Services to reunify with their children.

Despite the pandemic, courts must continue to make findings regarding reasonable efforts to prevent or eliminate the need to place a child in foster care as well as the efforts made to finalize a child’s permanency plan, and when ordering services or adopting a proposed service plan, courts must consider the totality of the circumstances, balancing statutory requirements, child safety issues, and public health concerns. Access to and completion of services during this extraordinary time will be a challenge for all involved.

Below are provisions courts may want to consider to help ensure parents can engage in and complete their services, to support children staying connected to their parents, siblings and families while receiving the services they need, and to exercise appropriate oversight of all parties as they attempt to provide and comply with services during this public health emergency.

- Allow remote participation or completion of service plan requirements whenever possible and permit parents to participate using whatever technology is available to them.
- Inquire whether parents, relatives, children, and foster parents have access to cell phones and computers with internet access. Consider what access or limitations parents have related to these resources when ordering services.
- Permit flexibility regarding service plan requirements that depend on economic conditions. Remember that parents may be at increased risk of economic disruptions caused by the COVID-19 pandemic including experiencing homelessness and housing instability, unemployment or reduced income, and food insecurity.
- Waive or toll any service plan requirements that cannot be completed due to a “shelter-in-place” or equivalent order from the federal, state, county, or city government.
- Waive or toll service plan requirements for services that are unavailable, suspended, or cancelled due to the pandemic. This may be especially critical for incarcerated parties where virtual or online resources may be less available during the emergency.

- Waive or toll drug testing requirements, if the area is not under a “shelter-in-place” order, unless an imminent reunification is being considered, the parent’s substance abuse is directly related to the child’s safety, and a local testing facility is open for appointments.
- Require that services provided in-person follow all federal and local public health guidelines (e.g., maintaining social distancing, frequent cleaning of all surfaces and equipment used, the provision and use of protective gear like gloves and masks for staff and participants, etc.).
- Require transportation associated with services that must be completed in-person to comply with federal and local public health standards and consider that public transportation services may be limited or suspended due to the emergency and if operating, may present a health risk.
- Amend children’s plans of service to allow for increased access to phones and other modes of communication to enable contact with friends, siblings, extended family members, symbolic relatives, and any other important supports during this time of crisis so that social distancing does not become social isolation.
- Consider whether visitation between parents and children can be increased or enhanced rather than restricted. In disaster circumstances, a child has an intensified need to have contact with their parent and a real or perceived lack of progress against a service plan should not present a barrier to visitation. The standard for allowing visitation should be whether the visitation is harmful to the child’s physical or emotional well-being and should never be used as a punishment or reward.
- Utilize the Texas Alliance of Child and Family Services [COVID-19 webpage](#) to access information about services that are available across the state. Judges who want to connect with their local child welfare organizations can contact the Alliance at info@tacfs.org.

Standing Orders related to these practices may relieve some anxiety in your jurisdictions and answer questions parents have about the court’s expectations regarding compliance with service plans. In addition to these orders, if the court is aware of program closures and changes affecting parties appearing on the CPS docket, please consider sharing that information on the court’s website along with any standing orders issued.

These efforts can help ensure parents have access to the necessary information, encouragement and support needed to reunify with their children while keeping themselves, their children, and the public as safe as possible during this crisis.

Additional guidance from the Children’s Bureau, regarding conducting hearings, making required findings, and maintaining family connection can be found here:

https://www.cwda.org/sites/main/files/file-attachments/cws_acf_guidance_03_27_20.pdf?1585609015

The Children’s Commission will be sending out additional information on resources available to parents to assist them during COVID-19 pandemic.

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Children's Commission | 201 W. 14th St., Austin, TX 78701

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