

SCAN Policies Database State Profile 2023: Texas

Overview of the SCAN Policies Database

The State Child Abuse and Neglect (SCAN) Policies Database compiles data on the definitions and policies that states use in their surveillance of child maltreatment, along with data on associated risk and protective factors. The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children's Bureau in the Administration for Children and Families, U.S. Department of Health and Human Services. Mathematica leads this project in partnership with Child Trends.

The project's purpose is to review and compile information from states' definitions and policies to create a database of those definitions and policies that can be used for analysis. The SCAN Policies Database is a resource for researchers, analysts, child welfare agency staff, and others interested in examining differences between states in their definitions and policies on child maltreatment and how they change over time.

Content

The scope of the SCAN Policies Database includes information about state definitions and policies related to child abuse and neglect for all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. The SCAN Policies Database team gathered this information through a document collection, review, and coding process. The team obtained input from states on data collection through a confirmation and verification process. More information about these data collection procedures can be found in the data user's guide and data collection protocol, accessible at <https://www.scanpoliciesdatabase.com/data-use-resources>.

The SCAN Policies Database 2023 represents data collected, reviewed, and verified between June 2023 and July 2024. The data reflect the state definitions and policies for the calendar year 2023. The scope of topics in the database includes states' definitions of child abuse and neglect, as well as information about policies related to reporting, screening, and investigating child maltreatment. Key aspects of the child welfare systems' response and context are also included.

The content in the SCAN Policies Database is organized into six domains. The state profiles, codebook, data collection protocol, and data file are also organized by these domains. In the protocol, each question begins with a letter prefix identifying the domain for each variable. The six domains with the identifying protocol number prefix are listed below.

Domain	Question prefix
Definitions	D
Reporting	R
Screening	S
Investigation	I
Child welfare response	W
Child welfare system context	C

State profile

This SCAN Policies Database state profile is a summary of the information collected about the definitions and policies for the identified state. Each of the six domains contain a set of tables that depict the state's information for all variables within that domain.

The state profile presents data for each variable with “yes,” “no,” “unknown,” or other response, as appropriate. The response of “unknown” appears for topics that could not be located from the state's available resources or verified with that state. In some cases, “logical skip” appears when a question was not applicable to a particular state, given a related response on a preceding question. Some information was not included in the state profile to ensure alignment with Executive Orders or other Presidential Actions.

Data use resources

Several data use resources are available to support users of the SCAN Policies Database:

- **Data user's guide:** The guide has detailed information about the data set, including the process used to collect and review the data, the scope of information included in the data set, guidance on using the data, such as how to link the data with other data sources, and notes about specific topics. The data user's guide includes appendices, including information about changes to the data between 2021 and 2023 that reflect changes to state laws and policies during that time period. There is one data user's guide that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Codebook:** The codebook provides information about each variable in the data set, including variable names, labels, definitions, protocol number, variable type, and frequencies. There are separate codebooks to summarize the data from each round of data collection.
- **Errata statement:** The errata statement presents corrections applied to previous rounds of data for the SCAN Policies Database. Starting in 2023, there is one errata statement that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Data collection protocol:** The protocol has the questions used to collect information about states' laws and policies as part of the data review and coding process for each round of data collection. There are separate data collection protocols for each round of data collection for the SCAN Policies Database.

These data use resources can be found on the SCAN Policies Database website (<https://www.scanpoliciesdatabase.com/data-use-resources>) or from the National Data Archive for Child Abuse and Neglect (NDACAN) (<https://www.ndacan.acf.hhs.gov/>).

More information

More information about the SCAN Policies Database can be found at <https://www.scanpoliciesdatabase.com>. General inquiries can be submitted to SCANPoliciesDatabase@mathematica-mpr.com.

State identifying information

Table I. State Identifying information

	Response
State abbreviation	TX
State Federal Information Processing Standard (FIPS) code	48
Census region code	South
State verified coding of information	Yes
State confirmed documents reviewed	Yes
State definitions and policies for calendar year	2023
Data version	2023v1

Domain D: Definitions of child maltreatment

Table D.I. State's definition of child maltreatment

	Response
1. Types of maltreatment included in state definition	
a. Physical abuse	Yes
b. Excessive corporal punishment	Yes
c. Sexual abuse	Yes
d. Emotional maltreatment	Yes
e. Neglect	Yes
f. Inadequate clothing	Yes
g. Inadequate shelter	Yes
h. Malnourishment, inadequate food	Yes
i. Medical neglect, inadequate medical care	Yes
j. Failure to thrive	No
k. Educational neglect	No
l. Abandonment	Yes
m. Injurious environment. Likelihood of harm to child's health, physical well-being	Yes
n. Drug lab. Child present within structure where methamphetamine is being created	Yes
o. Inadequate supervision. Failure to meet parent or caretaker responsibilities	Yes
p. Drug or alcohol misuse. Parental drug or alcohol misuse causing harm to child	Yes
q. Prenatal exposure to drugs or alcohol	Yes
r. Illicit substance. Illegally providing a controlled substance to a child	Yes
s. Human trafficking, involuntary servitude, sexual servitude	Yes
t. Female genital mutilation	Yes
u. Shaken baby syndrome, abusive head trauma	Yes
v. Failure to protect. Failure to protect from harm	Yes
w. Domestic violence. Exposure to domestic violence	No
x. Factitious disorder by proxy	No
y. Institutional abuse/neglect	No
z. Other definition (specify)	Yes - Forcing or coercing a child to enter into a marriage

Table D.I (continued)

	Response
2. Subtypes of maltreatment included in state definition	
a. Subtypes of maltreatment considered abuse	Abuse includes emotional abuse, labor trafficking, physical abuse, sex trafficking, sexual abuse; Physical abuse includes substance use by parent, (specifically current use of a controlled substance, in a manner or to the extent that the use results in physical injury to a child and causing, expressly permitting, or encouraging a child to use a controlled substance); Emotional abuse include parental substance use (specifically the current use of a controlled substance, in a manner or to the extent that the use results in mental or emotional injury to a child)
b. Subtypes of maltreatment considered neglect	Neglect includes abandonment, neglectful supervision, medical neglect, physical neglect, refusal to assume parental responsibility; Physical neglect includes the failure to provide a child with food, clothing, or shelter
c. Subtypes of maltreatment considered other than abuse or neglect	Not applicable
3. Level of harm included in state's definition of child maltreatment	
a. Inflicts harm	Yes
b. Imminent danger or substantial risk of harm	Yes
4. Differences in level of harm included in state's definition of child maltreatment by type of maltreatment	No
5. Type of harm or injury specified in state's definition of child maltreatment	
a. Death, bodily injury, impairment of physical condition	Yes
b. Impairment of mental or emotional condition	Yes
c. Harmful environment, conditions	Yes
d. Type of harm or injury not specified	No
e. Other (specify)	No
6. Variation in extent of injury or harm by maltreatment type in the state's definition of child maltreatment	No
7. Perpetrator identified as part of state's definition of child maltreatment	Yes
8. Types of perpetrators specified as part of state's definition of child maltreatment	
a. Any person	No
b. Parent	Yes
c. Guardian	Yes
d. Caregiver/caretaker	Yes
e. Family member or parent's paramour	Yes
f. Household member	Yes
g. Person responsible for child	Yes
h. Other (specify)	No

Table D.I (continued)

	Response
9. Types of perpetrators vary by type of maltreatment	Yes
10. Explanation of variation in types of perpetrator by maltreatment type	For abandonment, the perpetrator is a parent, guardian, or managing or possessory conservator of the child
11. Child age included in definition of child maltreatment	Yes
12. Specific child age in definition of child maltreatment	Under age 18
13. Variability of child age by type of maltreatment	No

Table D.II. Child maltreatment definition exemptions

	Response
1. Exemption included in state's definition of child maltreatment	
a. Financial issues, financial inability to provide for a child	Yes
b. Discipline; physical discipline, if it is reasonable and causes no bodily injury to the child	Yes
c. Safe haven exemption; newborn relinquished or abandoned in accordance with infant safe haven and safe surrender laws	Yes
d. Infant testing positive for drugs – medical; newborn with positive test for controlled substance due to parent's medical treatment	Yes
e. Religious observance; parent relies on spiritual or religious forms of medical treatment	Yes
f. Other exemption (specify)	Yes - Truancy; Runaway child; Children in need of supervision; Latch-key children; Harmful or violent children; Children with severe emotional disturbances
2. Safe haven exemption included in state's definition of child maltreatment	
a. Must leave a child at specific safe haven locations or designated providers	Yes
b. Child must be left by parent or parent's agent	Yes
c. Child must be left by a certain age (specify)	Yes - 60 days old or younger
d. No intent to return	Yes
e. Child must be left unharmed	Yes
f. Other (specify)	No

Table D.III. Definitions and response for child fatalities and near-fatalities cases

	Response
1. State's definition of fatalities or deaths caused by child maltreatment	
a. Not specified or defined	No
b. Injury from abuse or neglect caused death	Yes
c. Abuse or neglect was contributing factor in death	No
d. Death of child who was in child welfare custody or foster care	No
e. Other (specify)	No
2. State conducts case reviews with a child fatality review team or a similar review process for fatalities caused by child abuse or neglect	Yes, reviews are required for all or some cases
3. State's definition of near-fatalities or near-deaths caused by child maltreatment	
a. Not specified or defined	No
b. General reference to a serious or critical condition or injury that is life threatening with a substantial risk of death	No
c. Specific injury or specific medical treatment or intervention (specify)	Yes - Likelihood of death without medical intervention involving one or more of the following: 1) cardiopulmonary resuscitation (CPR), 2) medications to stabilize cardiac (heart) or respiratory (breathing) status, blood pressure, or critical electrolytes, 3) surgery to preserve brain function, to prevent blood loss, or to prevent infection
d. Other (specify)	No
4. State conducts case reviews with a review team or similar review process for near-fatalities caused by child abuse or neglect	Yes, reviews are required for all or some cases

Domain R: Reporting child abuse and neglect

Table R.I. Reporting policies

	Response
1. Statewide centralized reporting	Yes
2. Decentralized reporting	Logical Skip
3. Standard for reporting child maltreatment	
a. Known abuse and neglect	No
b. Reasonable cause to believe a child was abused or neglected	Yes
4. Universal mandated reporting	Yes
5. Required training for mandated reporters	No
6. Penalties for failure to report	Yes, all adults
7. Specific penalties for failure to report	
a. Criminal charges	Yes
b. Civil charges	No
c. Professional licensure suspended or revoked	Yes
d. Other (specify)	No
8. Penalties for false reporting	Yes
9. Specific penalties for false reporting	
a. Criminal charges	Yes
b. Civil charges	Yes
c. Professional license suspended or revoked	No
d. Other (specify)	No
10. Immunity for reporters of child abuse and neglect	Yes
11. Information requested at the time of report	
a. Identifying information of child	Yes
b. Location and contact information of child and family	Yes
c. Type and severity of suspected maltreatment	Yes
d. Date of suspected maltreatment	Yes
e. Identifying and other information of alleged perpetrator(s)	Yes
f. Identifying and other information of reporter	Yes
g. Identifying information of child's parents, guardian, or caregiver/caretaker	Yes
h. Identifying and other information of family or household members	Yes
i. Information on prior maltreatment	No
j. Other (specify)	Yes - Collateral contacts

Table R.I (continued)

	Response
12. Anonymity of reporter	All reporters can remain anonymous
13. Tribal involvement in state or local public child welfare agency's process to accept reports of Tribal cases	No, Tribes are not involved
14. State requires all notifications of substance-exposed newborns (SENs) to be submitted as reports of child maltreatment	
a. State does not require all cases of SENs to be reported for child maltreatment, but they could be reported if they meet certain criteria	Yes
b. State requires all SENs to be reported as child maltreatment	No
c. Other (specify)	No
15. Accepts reports of risk without an allegation of child maltreatment (risk-only reports)	Yes

Table R.II. Types of mandated reporters

	Response	Response	Response
1. Types of mandated reporters	Included in state's definition of mandated reporters	Training required ¹	Subject to penalties for failure to report ²
a. Foster parents	Yes	Logical Skip	Yes
b. School staff - teachers	Yes	Logical Skip	Yes
c. School bus drivers or other transportation staff	Yes	Logical Skip	Yes
d. Before- /after-school program staff	Yes	Logical Skip	Yes
e. Child care staff	Yes	Logical Skip	Yes
f. Camp counselors, directors, or administrators	Yes	Logical Skip	Yes
g. Athletic coaches or staff	Yes	Logical Skip	Yes
h. Medical or dental professionals	Yes	Logical Skip	Yes
i. Substance abuse disorder treatment providers	Yes	Logical Skip	Yes
j. Mental health, counselors, or other social service professionals	Yes	Logical Skip	Yes
k. Police or other law enforcement	Yes	Logical Skip	Yes
l. Emergency medical technicians, firefighters, or other emergency personnel	Yes	Logical Skip	Yes
m. Judges	Yes	Logical Skip	Yes
n. District attorneys or other attorneys	Yes	Logical Skip	Yes
o. Guardians ad litem or court-appointed special advocates	Yes	Logical Skip	Yes
p. Other court personnel	Yes	Logical Skip	Yes
q. Shelter staff	Yes	Logical Skip	Yes
r. Those who work in fields processing or monitoring print, film, or computer images	Yes	Logical Skip	Yes
s. Religious clergy	Yes	Logical Skip	Yes
t. Volunteers	Yes	Logical Skip	Yes
u. Coroners or medical examiners	Yes	Logical Skip	Yes
v. Staff or contractors of state and county agencies	Yes	Logical Skip	Yes

Table R.II (*continued*)

	Response	Response	Response
w. Other type of mandated reporter (specify)	Yes - Any adults	Logical Skip	Yes - All adults

¹ Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no training is required for mandated reporters (Table R.II). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and all mandated reporters require training (Table R.II).

² Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no mandated reporters are subject to penalties (Table R.I). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and when all adults or all mandated reporters are subject to penalties (Table R.I).

Domain S: Screening reports of child abuse and neglect

Table S.I. Screening policies

	Response
1. Statewide centralized screening	Yes
2. How screening is decentralized	Logical Skip
3. Information required to screen in report	
a. Identifying information of child	Yes
b. Location and contact information of child and family	Yes
c. Type and severity of suspected maltreatment	Yes
d. Date of suspected maltreatment	Yes
e. Identifying and other information of alleged perpetrator(s)	Yes
f. Other (specify)	No

Table S.II. Screening decision process and activities

	Response	Required cases	Conditions or types of cases
1. Decision processes used during screening			
a. Supervisory review	Yes	Required for some	—
b. Team-based decision	No	Logical Skip	—
c. Individual screener	Yes	Required for some	—
d. Other (specify)	No	Logical Skip	—
e. Unknown	No	—	—
2. Variability of decision process used for screening			
a. Consistent statewide	Yes	—	—
b. Varies locally	No	—	—
3. Certain activities or information are required as part of screening	Yes		
4. Activities or information required as part of screening			
a. Safety or risk assessment	No	Logical Skip	Not applicable
b. Review agency records for prior involvement with child protective services	Yes	Required for all	Not applicable
c. Other (specify)	No	Logical Skip	Not applicable
5. Types of safety or risk assessment used during screening			
a. Structured decision making	Logical Skip	—	—
b. Other (specify)	Logical Skip	—	—
6. Consistency of screening activities/information			
a. Consistent statewide	No	—	—
b. Varies locally (specify)	Yes - Screening for some reports follow regional protocols	—	—

Table S.III. Screeners

	Response
1. Screener of abuse and neglect reports	
a. Caseworkers (frontline staff)	Yes
b. Case managers (supervisors)	Yes
c. Staff in specialized screening unit	No
d. Other (specify)	No
2. Qualifications of screener	
a. Associate's degree	No
b. Bachelor's degree	Yes
c. Master's degree	No
d. Training for screening (specify)	Yes - 7-week training including Basic Skills Development (BSD) for new intake specialists and Advanced Skills Development (ASD) to all BSD graduates within 12 months of BSD
e. Years of experience (specify)	No
f. Other (specify)	No
3. Degree in social work or related field for screeners	Yes, recommended or preferred, but not required
4. Tribal involvement in state or local public child welfare agency's process to screen Tribal cases	No, Tribes are not involved

Domain I: Investigations of child abuse and neglect

Table I.I. Investigations policies

	Response
1. Findings from child maltreatment investigations can lead to criminal penalties	Yes
2. Investigator for reports	
a. Caseworkers (frontline staff)	Yes
b. Case managers (supervisors)	Yes
c. Staff in specialized investigations unit	Yes
d. Law enforcement	Yes
e. Other (specify)	No
3. Qualifications of investigator	
a. Associate's degree	Yes
b. Bachelor's degree	Yes
c. Master's degree	No
d. Training for conducting investigations (specify)	Yes - Unspecified training before starting job
e. Years of experience (specify)	Yes - No experience required with bachelor's degree; 2 years of relevant work experience with associate's degree or 60 college credit hours; 1 year of relevant work experience with 90 college credit hours; Examples of relevant work experience in social, human, or protective services include paid or volunteer work within social service agencies or communities providing services to families or other at-risk populations
f. Other (specify)	No
4. Degree in social work or related field for investigators	No
5. Level of evidence required for substantiation (founded/indicated/confirmed)	Preponderance of evidence
6. Investigation determination can result in an "inconclusive" finding	Yes

Table I.II. Required activities/information for investigation

	Response	Required cases	Conditions or types of cases
1. Certain activities or information required for the investigation process	Yes		
2. Specific activities or information required for investigation			
a. Review agency records for prior involvement with child protective services	Yes	Required for all	Not applicable
b. Visit to child's home	Yes	Required for some	If there is a principal child in the home who is 5 years old or younger; The allegations involve the condition of the home or other circumstances in the case make a home visit necessary to ensure child safety
c. Interview or observation of child victim	Yes	Required for all	Not applicable
d. Interview or observation of other children living in child's home	Yes	Required for some	If the caseworker believes children have relevant information about the allegations or known danger to a child
e. Risk or safety assessment	Yes	Required for all	Not applicable
f. Evaluation of home environment or home study	Yes	Required for some	If there is an infant (under 12 months of age), the caseworker must observe the area where the infant sleeps for any unsafe sleep practices
g. Interviews with child's parents, caregivers, or other adults residing in child's home	Yes	Required for all	Not applicable
h. Check of criminal records for adults in home	Yes	Required for all	Not applicable
i. Check of child welfare or central registry for prior child maltreatment allegations against adults in home	Yes	Required for all	Not applicable
j. Medical evaluation	Yes	Required for some	Sexual abuse cases
k. Mental health evaluation	Yes	Unknown	Not applicable
l. Interview alleged perpetrator	Yes	Required for all	Not applicable
m. Interview reporter or collateral source	Yes	Required for some	School investigations

Table I.II (continued)

	Response	Required cases	Conditions or types of cases
n. Other (specify)	Yes - Arrange for joint investigation with law enforcement if Priority 1 and sexual abuse or physical abuse is alleged, or document why a joint investigation cannot occur; Visual examination of the child; Obtain demographic information from principals; Assess parent, other adults in home, and alleged perpetrator social history and information regarding substance use or abuse, mental health, domestic violence (in addition to criminal history and child welfare agency records); Contact parent who does not live in the home where the abuse/neglect is alleged to inform the parent about the investigation involving their child	Required for some	Joint investigation is required for sexual and physical abuse; For visual examinations, the caseworker must have reasonable belief that the child may have physical signs of abuse or neglect; For obtaining demographic information, the caseworker must work with each principal to determine the principal's race or ethnicity and the language in which the principal communicates for all cases; Assessing parents, other adults, and alleged perpetrators social history, information regarding substance use or abuse, mental health, domestic violence required if alleged perpetrator is a parent or other adult; For contacting parent who does not live in the home, this is required if child's parents live in two separate homes

Domain W: Child welfare response

Table W.I. Differential or alternative response

	Response
1. Differential/alternative response	Yes--implemented statewide
2. Types of maltreatment eligible for differential/alternative response	Only certain types of maltreatment are eligible
3. Types of maltreatment <u>not</u> eligible for differential/alternative response	
a. Cases involving child fatalities and near-fatalities	Yes
b. Substance-exposed infants	No
c. Physical abuse	Yes
d. Sexual abuse	Yes
e. Neglect	No
f. Abandoned infants	No
g. Other (specify)	No
4. Eligibility for differential/alternative response determined by a risk determination	Yes
5. Tools used to determine risk for differential/alternative response	Yes - Priority rating system
6. Risk level eligible for differential/alternative response	
a. No risk	No
b. Low risk	Yes
c. Moderate risk	Yes
d. Other (specify)	No
e. Unknown	No
7. Other types of cases or conditions eligible for differential/alternative response	
a. No other cases or conditions	Yes
b. No immediate safety concerns	No
c. No or few prior reports of child abuse or neglect	No
d. Other (specify)	No
8. When is determination made for differential/alternative response	
a. At the time of screening to assign to differential response	No
b. After a report is screened in	Yes
c. Other (specify)	No
9. Referrals to community services for cases engaged in differential response	
a. No	No
b. Yes - for all cases	No
c. Yes - when families express interest	No
d. Yes - when there is a determination of risk	Yes
e. Yes - other (specify)	No

Table W.II. In-home services, foster care, and permanency

	Response
1. In-home services provided for unsubstantiated cases to maintain intact families	Yes--implemented statewide
2. In-home services provided post reunification	Yes--implemented statewide
3. Permanency	
a. Kinship guardianship as a permanency option	Yes
b. Subsidized guardianship	Yes
c. Subsidized kinship guardianship	Yes
d. Subsidized adoption	Yes
4. Foster care case management staff	
a. State/county public agency staff	Yes
b. Contracted provider staff	Yes
c. Tribal agency staff	Yes
5. Qualifications of foster care case managers	
a. Associate degree	Yes
b. Bachelor's degree	Yes
c. Master's degree	No
d. Training for case management (specify)	Yes - Unspecified training before starting job
e. Years of experience (specify)	Yes - No experience required with a bachelor's degree; 2 years of relevant work experience with associate's degree or 60 college credits; 1 year of relevant work experience with 90 college credit hours; Examples of relevant work experience in social, human, or protective services include paid or volunteer work within social service agencies or communities providing services to families or other at-risk populations
f. Other (specify)	No
6. Degree in social work or related field for foster care case managers	No

Table W.III. Tribal foster care and Tribes that directly operate Title IV-E programs through an agreement with HHS

	Response
1. Tribal involvement in foster care for Tribal cases	No, Tribes within state do not provide foster care
2. Tribes directly operate a Title IV-E program through an agreement with US HHS	No
3. Number of Tribes that directly operate a Title IV-E program through an agreement with US HHS	Logical Skip
4. Specify Tribes that directly operate a Title IV-E program through an agreement with US HHS	Not applicable

Table W.IV. Indian Child Welfare Act (ICWA)

	Response
1. Federal ICWA requirements codified in state law	No
2. Federal ICWA requirements that are codified in state law	Logical Skip
3. State law codifying ICWA includes state-recognized Tribes	Logical Skip

Table W.V. Extended foster care

	Response
1. Foster care extension for youth older than age 18	Yes
2. Age youth are allowed to remain in extended foster care	Other - Generally up to age 21 (until 21st birthday); Up to age 22 (22nd birthday), if the young adult is regularly attending high school or a program leading toward a high school diploma or high school equivalence certificate
3. Youth must proactively request, provide consent, or opt-in to receive extended foster care	Yes
4. Criteria for youth to remain in extended foster care	
a. There are no criteria to remain in extended foster care	No
b. Enrolled in school	Yes
c. Employed	Yes
d. Participating in workforce development/training program	Yes
e. Comply with independent living/self-sufficiency plan	No
f. Receive independent living or other services	No
g. Medical condition exemption	Yes
h. Other (specify)	No
5. Reentry to extended foster care allowed for youth older than age 18 who aged out or left foster care	Yes
6. Conditions for youth to reenter extended foster care	
a. Youth consent or sign a voluntary placement agreement	Yes
b. Youth develop an independent living plan	No
c. It is in the best interest of the youth	No
d. Other (specify)	No

Domain C: Child welfare system context

Table C.I. Child welfare system context

	Response
1. State- or county-administered child welfare system	State-administered
2. State operates under legal consent decree or other court-ordered monitoring	Yes - M.D. vs. Abbott (also known as M.D. vs. Perry)

Supplemental Notes on State

Definitions

Inadequate clothing and inadequate shelter are considered maltreatment only when they can be tied to a detrimental impact on the child.

Factitious disorder or Munchausen syndrome by proxy may be investigated under medical neglect or emotional abuse.

Exposure to domestic violence is considered maltreatment whenever a child attempts to intervene, when a child is close enough to potentially be harmed, or when it causes emotional harm to the child.

A child is a person under age 18 who is not and has not been married or who has not had his disabilities of minority removed for general purposes.

In most cases, the exemption for religious observance applies, but there are exceptions if life-sustaining medical treatment is required for a newborn, and the parent refuses treatment.

The term 'CPS' refers to ongoing services, such as family-based services and conservatorship, that might occur after an investigation.

Investigations and alternative response functions are conducted by Child Protective Investigations (CPI).

Child Safety Specialists (CSS) conduct near-fatal and fatal case reviews.

Screening

In rare circumstances, an associate's degree is acceptable as a requirement for screeners if it is coupled with some type of experience in protective services.

Workers performing screening are instructed to follow regional protocols when (1) workers deem reports not eligible for formal screening and route reports to supervisors and (2) when reports are deemed eligible for screening and the person performing screening forwards the report for investigation.

Investigations

An inconclusive finding is known as an 'Unable to Determine' disposition. Caseworkers assign 'Unable to Determine' disposition to an allegation if the allegation does not meet the criteria for Administrative Closure, Reason to Believe, Ruled Out, or Unable to Complete, and one of the following applies:

1. There is not enough information to determine whether the alleged abuse or neglect occurred;
2. There is enough information to determine that the abuse or neglect occurred, but not enough to determine whether the alleged perpetrator is responsible for it;
3. The caseworker does not assign this disposition unless the caseworker has made reasonable efforts to gather all available information.

Special investigators work on cases that are high profile or high-risk, or that require joint investigation with law enforcement due to alleged criminal acts. They also train and consult with staff on forensic interview skills and techniques, accompany caseworkers on investigations, and assist with crises.

Child welfare response

In Texas, when a child must be removed from their home, the court appoints Child Protective Services to be a “conservator” of the child.

State Statutes and Policy Documentation Sources

Assaultive Offenses, Tex. Penal Code Ann. § 5-22 (2021).

Child Welfare Services, Tex. Family Code Ann. § 5-264 (2015).

Extended Foster Care, Tex. Admin. Code. § 700.346 (2012).

Investigations of Report of Child Abuse or Neglect, Tex. Family Code Ann. § 5-261 (2021).

Investigations, Tex. Admin. Code. § 700.485 (2023).

Investigations, Tex. Admin. Code. § 700.511 (2019).

Permanency Care Assistance Program, Tex. Admin. Code. § 700.1027 (2010).

Review of Placement of Children Under Care of Department of Protective and Regulatory Services, Tex. Family Code Ann. § 5-263 (2013).

Texas Department of Family and Protective Services. (n.d.). Reporting abuse, neglect and exploitation.

Texas Department of Family and Protective Services. (n.d.). Reporting suspected abuse or neglect of a child in Texas: Reporting basics.

Texas Department of Family and Protective Services. (n.d.). What is a CPS Investigator.

Texas Department of Family and Protective Services. (2018). Section IV: Consultation and coordination between states and Tribes.

Texas Department of Family and Protective Services. (2019). Child protective services handbook.

Texas Department of Family and Protective Services. (2020). Safety and Risk Assessment Resource Guide.

Texas Department of Family and Protective Services. (2020). Substance Use.

Texas Department of Family and Protective Services. (2020). Title IV-B Child and Family Services Plan 2021 Annual Progress & Services Report.

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