

CAREGIVER NOTICE **ROUNDTABLE REPORT**

FEBRUARY 2026



SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

The material in this report should not be construed as an advisory or ruling issued by the Supreme Court of Texas or any other court on specific cases or legal issues. Contributions to this report are solely intended to address the improvement of the law, the legal system, and the administration of justice related to child welfare cases.

Caregiver Notice Roundtable

Table of Contents

I. Introduction and Background	5
II. Purpose and Goals	7
III. Caregiver Perspective: Experiences and Impact	8
IV. Current Practices and Challenges	9
V. Identifying Strengths & Best Practices	11
VI. Recommendations	12
VII. Conclusion	13
Participant List	15

I. Introduction and Background

The Supreme Court of Texas Children’s Commission, in partnership with the Texas Department of Family and Protective Services, hosted a Roundtable Meeting to discuss Notice and Engagement of Caregivers in Child Welfare Court Hearings on Monday, November 17, 2025 from 10am to 2pm in Austin, Texas. The Roundtable Meeting brought together individuals with subject matter expertise on these issues to address challenges, strengths, and opportunities for improvement. Participants from around the State included judges, attorneys, CASA Program Directors, DFPS State and Regional Staff, Single Source Continuum Contractor Staff, Foster Parents, Kinship Caregivers, and Office of Court Administration Staff.

A. State Law

Notice to caregivers is required under both state and federal law. The controlling authority on this issue in state law is Texas Family Code § 263.0021. The statute reads, in relevant part, as follows:

(a) Notice of a hearing under Chapter [263] shall be given to all persons entitled to notice of the hearing.

(b) The following persons are entitled to at least 10 days' notice of a hearing under Chapter [263] and are entitled to present evidence and be heard at the hearing:

(2) the foster parent, preadoptive parent, relative of the child providing care, or director or director's designee of the group home or general residential operation where the child is residing; [and]

(9) any other person or agency named by the court to have an interest in the child's welfare.

(c) Notice of a hearing under Chapter [263] may be given:

(1) as provided by [Texas Rules of Civil Procedure Rule 21a](#);

(2) in a temporary order following a full adversary hearing;

(3) in an order following a hearing under this chapter;

(4) in open court; or

(5) in any manner that would provide actual notice to a person entitled to notice.

(e) Notice of a hearing under Chapter [263] provided to an individual listed under Subsection (b)(2) must state that the individual may, but is not required to, attend the hearing and may request to be heard at the hearing.

(f) In a hearing under Chapter [263], the court shall determine whether the child's caregiver is present at the hearing and allow the caregiver to testify if the caregiver wishes to provide information about the child.

This statute provides clarity about caregiver notice of court hearings and specifically applies to all hearings held under Chapter 263 of the Texas Family Code. Chapter 263 hearings include the Status Hearing (Tex. Fam. Code § 263.201); the Initial Permanency Hearing (Tex. Fam. Code § 263.304); Subsequent Permanency Hearings (Tex. Fam. Code § 263.305); Permanency Hearings Before a Final Order (Tex. Fam. Code § 263.306); and Permanency Hearings After a Final Order (Tex. Fam. Code §§ 263.501, 263.5031). Although there is no final hearing (i.e., trial on the merits) statute in Chapter 263, Tex. Fam. Code § 263.304(b) requires the court to set a final hearing under Chapter 263 before the dismissal deadline set out in Tex. Fam. Code § 263.401. Accordingly, notice to caregivers is also likely required for a final hearing.

Summary of State Law on Caregiver Notifications

WHICH hearings require notice

- all hearings under Texas Family Code Chapter 263

WHO must be notified of court hearings

- individual providing care for the child

WHEN notice must be provided

- 10 days prior to hearing

HOW notice can occur

- multiple methods

WHAT the notice must include

- attendance is optional, with an opportunity to be heard

DFPS policy is consistent with this statutory framework and further clarifies that the primary caseworker is responsible for providing notice. Child Protective Services Policy Handbook [5534 Notice Requirements for All Hearings Before the Final Order](#). Notice can be provided through DFPS [Form 2051](#). DFPS policy also provides that notice of a hearing should also include the date, time, and location of the specific hearing. Child Protective Services Policy Handbook [5234 Providing Notice of a Hearing](#).

B. Federal Law

The federal law contains similar concepts but references different terms. Generally, the case review system is the term used in federal law to describe how courts handle child welfare

cases, including how caregivers are notified of court hearings. In relevant part, under 42 U.S. Code § 675 (5) (G):

The term “case review system” means a procedure for assuring that— the foster parents (if any) of a child and any preadoptive parent or relative providing care for the child are provided with notice of, and a right to be heard in, any proceeding to be held with respect to the child, except that this subparagraph shall not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a proceeding solely on the basis of such notice and right to be heard.

Similar to Texas law, federal law requires that the notice to caregivers must include the right to be heard in the proceeding/hearing. It is important to note that federal law explicitly states that the caregiver does not have to be a party to case in order to receive such notice.

C. Child & Family Services Review

In Fall 2023, Texas entered Round 4 of the Child and Family Services Review (CFSR). This review is a process the federal Administration for Children and Families Children’s Bureau uses to evaluate every state child welfare system in the same manner around safety, permanency, and well-being outcomes, along with seven key systemic factors. The Children’s Bureau utilizes multiple activities to evaluate the state’s performance including a data profile, a statewide assessment, stakeholder interviews, and case reviews.

The case review systemic factor assesses how well the case review system is functioning to ensure that foster parents, preadoptive parents, and relative caregivers of children in foster care are notified of, and have a right to be heard in, any review or hearing held with respect to the child. This particular aspect of the child welfare system was determined to be an area in need of improvement in Texas. In the final report, the Children’s Bureau noted that “data and information indicated that Texas did not routinely provide notices to foster parents, preadoptive parents, and relative caregivers of periodic reviews and permanency hearings as required. Texas did not have a process to track whether foster parents, preadoptive parents, and relative caregivers had been notified of periodic reviews or permanency hearings related to the children in their care.” The Roundtable Meeting was intended to be the first substantive step towards building a more consistent practice throughout the State for notice to caregivers of court hearings.

II. Purpose and Goals

To begin the roundtable discussion, participants discussed why it is important for caregivers to receive notice of court hearings. Participants’ most frequent response was that caregivers have daily interactions and observations of the child and can provide the most recent and

accurate information about the child. Because caregivers are in regular contact with the child, they can provide information to the judges that may not be available to the attorneys, CASA, caseworkers, therapists, and other individuals who see the child less often. Caregivers are also a steady presence in a child's life when there is turnover in the professionals working in the child welfare system. The caregiver can often provide critical information about the child's unmet needs or the support needed to ensure the stability of the placement (i.e., daycare or special education services). Caregivers can also provide information about whether the child's attorney and/or caseworker has visited the child, how services for the child are going, and the child's progress and challenges. Participants agreed that access to more complete information supported more informed judicial decision-making.

Another key consideration is caregiver engagement. Roundtable participants noted that when caregivers participate in the court process, they better understand what is happening in the case, which informs how to approach the child before and after court hearings. Engagement was described as supporting buy-in as cases move towards permanency, often more quickly with caregiver participation. Additionally, caregivers who participated in the roundtable emphasized that being involved in the process makes them feel valued and heard which in turn contributes to foster parent retention.

When asked about the goals for the roundtable meeting, participants expressed that if notice practices are improved the result could be increased caregiver engagement and a potential for increased relative placements. Other potential benefits could include avoiding delays in services, addressing parental concerns about how the child is doing while in care, strengthening relationships between parents and caregivers, improving time to permanency, and promoting accountability for everyone involved in the case.

III. Caregiver Perspective: Experiences and Impact

The roundtable meeting included six caregivers with experience caring for children in foster care. Their experiences included both kinship care and licensed foster care placements, representing both rural and urban areas in Texas. Several key themes emerged from their experiences related to notice of court hearings.

- Training: foster parent training does not address the court process or inform caregivers of the opportunity to be heard in court hearings.
- Caseworker awareness: caseworkers are not always familiar with the law on caregiver notice.

- Inconsistency: notice of court hearings is not consistently provided to the caregivers. Alerts are sometimes received on the wrong cases and sometimes not received at all.
- Timeliness: to prepare for court, including clearing schedules and securing childcare, the notice must be sent far enough in advance; this also supports the likelihood of attendance. Earlier notice also allows time for the caregiver to prepare the child for the hearing and possible outcomes.
- Scheduling: many caregivers work outside the home and have other commitments as well, so the availability of remote participation can create more opportunities for caregivers to participate in hearings.
- Unpredictability: hearing schedules can change at the last minute and the new hearing dates are not routinely communicated to the caregiver.
- Creating trust: caregivers often feel that their voice is not heard in the court process; they are intimidated and afraid to speak up.
- Navigator: kinship navigators can help kinship caregivers understand the process, including how to dress for court, when to speak, etc.
- Legal representation: attorneys ad litem may not visit children regularly or wait until right before a hearing and caregivers have to self-advocate to ensure the child's needs are addressed.
- Lack of clarity: caregivers do not know where the boundaries are regarding what information is appropriate to share with the court.
- Safety: caregivers may not come to court or speak up due to privacy and safety concerns.
- Familial concerns: when the child is a relative or kin, appearing in court can add further complication to strained family dynamics.

IV. Current Practices and Challenges

The Child and Family Services Review revealed that caregivers do not regularly receive notice of court hearings. When notice is provided, caregivers reported receiving it through a variety of methods, including announcements in open court, verbal communication, and written notice by email or text. In Texas, individuals who may provide notice to caregivers include the caseworker (DFPS or SSCC), CASA or guardian ad litem, attorney at litem, and the judge (in court). For Child Protection Courts, the Child Protection Case Management System (CPCMS) has a feature that enables interested persons, including caregivers, to sign up for email or text alerts for notice of hearings.

At the roundtable, caregivers expressed significant concerns about their privacy and the lack of protections in place to ensure their safety during court hearings. Participants noted that

caregivers are often required to identify themselves at the start of hearings and that participation by Zoom may reveal identifying information through screen names. One participant noted that certain courts will not allow individuals into a virtual hearing unless they are named clearly. Some foster parents expressed discomfort with parents having access to identifying information. Court practices vary regarding how caregivers are identified in court, referenced in reports, and whether they are sworn in to testify.

Participants also discussed challenges related to caregiver participation in hearings. In some courts, objections to caregiver participation may be raised, and if sustained, caregivers who attempted to attend a hearing may ultimately be excluded. Participants further noted that there is no clear method for courts to confirm a caregiver's presence. In some instances, caregivers may be waiting in a general waiting room without the court's knowledge that they are available to participate. Also, caregivers may lack access to information to participate remotely, resulting in hearings proceeding without their knowledge or participation. Caregivers also reported uncertainty about whether hearings would occur in person, remotely, or both. As one attorney put it, without accurate notice of the type and time of the hearing, caregivers show up in the wrong hearing format, at the wrong time, or they do not come forward to be heard at the right time.

Additionally, some courts use one Zoom link for all of the hearings that day, requiring participants to log in early and potentially wait for extended periods due to the lack of a time-certain docket. Another concern mentioned by caregivers is that sometimes hearing notice is given but it does not include the Zoom link or the exact hearing time until closer to the hearing date.

Another issue raised is that some older caregivers in particular struggle with technology and have difficulties participating via Zoom. Finally, a court coordinator or administrator is needed to help parties and interested persons navigate accessing the hearing, either in person or online.

When asked who is responsible for providing notice to caregivers, participants agreed that the DFPS or SSCC caseworker is charged with this duty. However, due to the significant responsibilities placed on the caseworker and the challenges related to turnover, other individuals currently provide notice as a secondary method to ensure caregivers are aware of court hearings. Another issue identified by participants is that some caseworkers may be unfamiliar with the statutory requirements related to caregiver notice or may be hesitant about caregiver participation in hearings.

Participants noted that caregiver contact information is typically drawn from the DFPS IMPACT system, which may not reflect current placement information. While e-filing

systems notify attorneys and parties of hearings, updated caregiver information is necessary for effective notice. CASA was identified as a potential source of secondary notice, although not all children are assigned a CASA volunteer.

Regardless of how notice is provided, in almost every instance the notice did not include a statement that the caregiver has the opportunity to be heard in court. The exception to this practice was a recent change in Houston where the Harris County Attorney's Office now includes language about the opportunity to be heard in the notices.

Lack of automation presents another issue discussed by participants. For doctor's visits and other appointments, notification can be provided through the use of technology. Currently, the DFPS IMPACT system does not have this functionality and the notice must occur manually, on a case by case basis.

Participants agree that receiving notice is important no matter what stage the case is in. However, there was emphasis on what is appropriate to be shared depending on the stage of the case. Attorneys and judges attending the roundtable expressed concern about the caregiver providing information to the court without being sworn in and without procedural protections in place to ensure the evidence is admissible. Also, with both kinship and foster parent caregivers, understanding what information is relevant to the proceeding is also challenging. One participant noted that parents are in a vulnerable position and that sharing a parent's history or a list of their flaws can be detrimental to the parent's progress in the case. While state law permits caregivers to share "information about the child," the boundaries of what is appropriate to share remain unclear for many caregivers.

V. Identifying Strengths & Best Practices

Although challenges to uniform notice practices remain, participants identified several strengths on which to build. For counties with a legal liaison, the process for notifying parties and interested persons is more seamless and routine. The liaison ensures all the contacts are up to date and provides court reports and notices within required timeframes. Even though the DFPS or SSCC caseworker is charged with providing notice, in many jurisdictions the attorney ad litem, CASA, or Attorney for DFPS/SSCC provides secondary notice. One attorney participant's solution is to create calendar notices for hearings and include caregivers on the calendar event which allows for updates to the date to go out to everyone included on the calendar event.

Additional strengths and best practices are included below:

- For Child Protection Courts, the dockets are posted online and parties or interested persons can sign up to receive notifications through CPCMS.

- At permanency planning meetings or DFPS/SSCC staffings, court dates are discussed.
- Many courts issue scheduling orders at the outset of the case which list all hearing dates as a roadmap.
- Many courts will reset a hearing if notice is not properly provided.
- Time certain court hearings give caregivers predictability around when their presence may be needed in court.
- DFPS/SSCC units that dedicate staff to a particular docket can streamline communications.

VI. Recommendations

Roundtable participants discussed several recommendations for improvement in light of the concerns and experiences shared by caregivers, the current practices and challenges, as well as current strengths and best practices. These recommendations are organized by target audience or responsible agency/organization to address issues related to each aspect of the child welfare system.

DFPS/SSCC

Training and materials should be updated to clarify information about a caseworker’s duty to provide notice of court hearings to caregivers that includes the opportunity for caregivers to be heard.

DFPS

DFPS should review policy to determine if any changes are needed regarding caregiver notice.

Existing opportunities, such as the rollout of the new kinship licensing standards, should be utilized to raise awareness about caregiver notice.

In the long term, an automated solution to provide caregiver notice should be developed.

Child Placing Agencies

Training and materials should include information for caregivers about court hearings, the opportunity to be heard, what is appropriate to share at hearings, and what to expect in court, including being sworn in as a witness.

Caregivers

A checklist should be developed to direct caregivers about what questions to ask and what caregivers need to know about court.

A video or training should be developed to explain what caregivers can expect when they come to court.

A form could be developed to help caregivers identify their needs and suggested topics to discuss in preparation for a hearing.

Judges

Courts should consider time certain docketing as well as scheduling orders to provide predictability in the timing of court hearings.

Courts should also address privacy considerations for caregivers, including how to name them in court reports and address them in court hearings.

Judges and court staff should orient all parties and interested persons prior to court hearings so that everyone on a case understands what is expected during the hearing.

Attorneys/CASA

Continuing Legal Education (CLE) should address the importance of caregiver notice and encourage attorneys ad litem for children and guardians ad litem to provide a secondary means of notice.

CASA programs should replicate the multidisciplinary roundtable discussion within their local communities to identify solutions that work for each community.

Children's Commission

The Children's Commission should develop a bench card with a checklist of considerations for how to identify and engage caregivers at court hearings.

Tool Kits for Attorneys representing parents, children, and DFPS, along with other materials, should be updated to explain caregiver notice laws and encourage best practice.

The Children's Commission should partner with the Office of Court Administration to create greater awareness of the notice feature available through CPCMS.

VII. Conclusion

The Caregiver Notice Roundtable Discussion built on the findings from the federal Child and Family Services Review, further explored current practices and barriers, and revealed

innovative approaches to ensure caregivers are routinely notified of court hearings and of their opportunity to be heard. The Children's Commission will continue to partner with DFPS to convene a workgroup to develop a pilot program to address these issues and develop related resources.

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