

Attorneys who represent parents in CPS cases have **duties to their clients** and **responsibilities to the judge** overseeing the case.

There are things a parent's attorney

must do



may do



cannot do



Resolving Issues with a Parent's Attorney

If you have an issue with your attorney, the **first step** is to talk to your attorney; this can solve most issues. If your attorney has violated a rule of professional conduct or the law, you may be able to file a grievance. Filing a grievance will not necessarily get you a new attorney for your case; you may be required to continue working with the same attorney. A grievance may not change your case, improve your position, or cause your child to be returned to you.

The State Bar of Texas handles the complaint process for all attorneys licensed in Texas. The **Client-Attorney Assistance Program** may be able to assist you in resolving issues with your attorney. You can learn more by calling the **Grievance Information Helpline** at **1-800- 932-1900**.

Educate Yourself

More information about the legal process in CPS cases is available through the Family Helpline.

The **Family Helpline** answers **parent and caregiver questions** about CPS matters. Callers receive legal information and education, but not legal advice or legal representation.

Family Helpline
1-844-888-6565
Monday through Friday
9:00 AM to 6:00 PM

Additional resources including this brochure are available on the **Children's Commission website** or by scanning the QR code below:



What Does a Parent's Attorney do in a CPS Case?



Important Information for Parents Involved in CPS Cases

A parent's attorney must:



- Interview you.
- Investigate your case.
- Interview each person who knows important facts about your case.
- Interview parties to your case and their attorneys. Parties usually include CPS, parents, and sometimes grandparents or foster parents.
- Children are not parties, but the child's attorney **MUST** participate in your case the same way your attorney does.
- Review all documents in the court's file and provide copies to you if you ask for them.
- Request documents or other information from CPS and other parties.
- Meet with you in person before each court hearing unless this is not possible.
- Explain things in a way that you can understand.
- Offer their advice about what they think you should do.
- Follow your decisions about what you want in your case.
- Be loyal and keep what you tell them private, except when your attorney believes a child is being abused or neglected or when sharing the information is required to prevent a crime from happening.
- Know the law in order to provide you with good legal representation.
- Take action to help you get what you want in the case, including settling or negotiating an agreement outside of court.
- Review and sign all proposed orders that affect you OR decline to sign the orders if you direct your attorney not to agree.
- Know when and where all court hearings for your case will be held and share this information with you.
- Keep you informed about what's happening in your case and give you an update when you ask for one.

A parent's attorney may:



- Attend and participate in all legal proceedings in the case.
- Provide a substitute attorney if they cannot personally attend, if you and the judge agree.
- Participate in any meetings run by CPS that you are also invited to participate in.
- Request a trial in front of a judge or jury.
- Agree OR refuse to agree to let another attorney interview you.

A parent's attorney cannot:



- Knowingly make a false statement to a judge or jury or use evidence that the attorney knows is false.
- Represent you AND someone else who wants a different result in the case.
- Allow you to lie to the court.
- Ask a witness to lie.
- Fail to work on your case or not take care of their duty to you and your case.
- Knowingly treat any person involved in a court proceeding differently based on race, color, national origin, sex, religion, age, or disability.