

This is a case plan from the Texas FLDS CPS case. American Family Advocacy Center has evaluated it and added comments which address the issues which affect case planning. AFAC has conducted CLE training on these issues nationwide. These comments are but a tiny portion of the strategies taught by Suzanne Shell which result in a reunification rate exceeding 90% and occurring within days or weeks instead of months



COMMISSIONER
Carey D. Cockerell

May 6, 2008

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

The strategies and explanations are far from comprehensive but give an idea of some of the ways one can be pro-active with their own case to achieve reunification or prevent Termination of Parental Rights (TPR). For more information, Ms. Shell may be contacted at 719-749-2971.

www.profane-justice.org or

www.profanejustice.blogspot.com

We are writing to give you information about Child Protective Services (CPS) and what it means for you and your child. Currently your child is in the temporary custody of Child Protective Services (CPS) pursuant to a court order and, as discussed below, your active participation with CPS in services to you and your child is very important. Attached is important information that you need to review and understand.

First, a CPS caseworker has been assigned to your child's case. When you want to talk to CPS about your child's case, please contact your caseworker.

Your caseworker is:

Second, you are advised that everyone who lives in Texas must follow Texas law. Under Texas law, CPS' job is to protect children from abuse or neglect. When a parent, or someone who cares for a child, abuses that child or allows someone else to abuse that child, CPS must investigate. When CPS finds that the child is not safe, CPS must take steps to ensure that the child is protected,, which may include removing the child.

As we move forward with your child's case, we want to make sure that you understand what kinds of things are considered abuse in Texas. If you are unsure, your caseworker or your attorney can help you understand what abuse is under Texas law. You can call your caseworker with any questions you have.

Texas law says that child abuse or neglect can be physical, sexual, or emotional. A parent who does something abusive to a child is responsible for what they did. A parent is also responsible if they allow anyone, including their husband or wife, to abuse the child or if they otherwise fail to act and it results in abuse or neglect of the child. Thus, not stopping someone from abusing your child is as bad as abusing the child yourself. Under Texas law this is called abuse by omission. In addition, abuse to one child in the household can be considered by CPS and the judge in determining whether other children are also at risk for abuse or neglect.

Physical abuse happens when someone in the home does something that causes injuries to a child. The injuries to a child can be many things such as broken bones, broken ribs, head injuries, bruises, burns, bites, or any other injury to the inside or outside of the child's body. It does not matter if the abuse is caused on purpose by someone wanting to hurt the child or by someone disciplining the child in a way that causes a physical injury.

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Analysis prepared by American Family Advocacy Center copyright 2008 Suzanne Shell
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Discipline can be abuse. Texas law limits the things a parent can do to discipline a child. You should talk with your caseworker about what kinds of discipline are allowed under the law.

In Texas, a boy or girl does not become an adult until they are 18 years old. Sexual abuse happens when someone has sexual contact with an unmarried child 17 years old or younger and the person having sexual relations with the child is more than three years older than the child. Under Texas law it does not matter if the child agrees to the sexual relations with the adult. Unmarried children 17 years of age or under cannot legally agree to sexual relations even if they are willing. A parent who does not prevent sexual conduct with their child or who encourages the child to have sexual relations with an adult has abused the child. While children may legally marry at 16 years of age with a parent's consent, allowing a child under 16 years of age to marry or be involved in sexual conduct with an adult is sexual abuse under Texas law.

Emotional or mental abuse happens when a parent's actions or failure to act results in significant harm to a child's growth, development, or psychological functioning.

CPS's investigation of the Yearning for Zion Ranch found evidence under Texas law of sexual, physical, and emotional abuse. Because of what CPS found, CPS removed your child from the ranch. After a hearing, the judge agreed with CPS's belief that your child was not safe from abuse. The judge gave CPS temporary custody of your child. Your child has been placed in foster care.

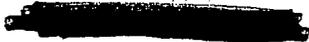
During the next 12 months, a judge will make more decisions about what is best for your child. The judge has many things to consider. There may be questions for you and for your caseworker. Texas law requires that CPS provide the judge with reports about your child over the next 12 months. Some of the information for the reports will need to come from you. After reading the CPS reports and talking with the child's family and the caseworker, the judge will decide what is in the best interest of your child. If the judge is not satisfied that you can provide a safe place for your child where they are free from abuse, the judge may decide to limit or even permanently take away all of your rights as a parent of the child. The child then could be placed in permanent foster care or be adopted.

CPS must now create a Family Service Plan and provide it to the judge. Your caseworker will be attempting to contact you soon so that you can work together on this plan. It is very important that you cooperate with CPS on developing this plan and also cooperate on future things the judge will need. If you have not had your DNA tested as ordered by the judge, you will need to do so immediately. The judge will expect you to work with your caseworker. Not working with CPS is something the judge may consider when making decisions for you and your child. Hiding information or misleading your caseworker will not help your efforts to regain custody of your child.

Another caseworker is assigned to each child. You will also be contacted by this caseworker soon. This caseworker is developing a plan of service for your child. **Each of your children will have their own plan of service.** In the coming weeks and months, you may be called by other caseworkers who will be working with your child on things such as education and health issues.

CPS is committed to working with you and your child for **the best possible outcomes.** Call your caseworker with any questions you have about this letter. You also should call your caseworker whenever you have questions about your child's case.

Sincerely,



Case Name:
Case #:

**FAMILY SERVICE PLAN
Substitute Care**

IDENTIFYING INFORMATION:

Name(s) of Alleged Parent(s)/Caregiver(s)

[REDACTED]

Name(s) of Child(ren)

[REDACTED]

PLAN DATES:

Plan Completed/Conference Date: May 7th, 2008
Month/Year of Next Review: _____

PERMANENCY GOALS:

Child's Name	Permanency Goal	Target Date
[REDACTED]	Family Reunification	April 13, 2009
[REDACTED]	Family Reunification	April 13, 2009
[REDACTED]	Family Reunification	April 13, 2009

PARTICIPANTS (Principals and Collaterals on case):

Name	Relationship
[REDACTED]	Alleged Mother
[REDACTED]	Alleged Father
[REDACTED]	Caregiver

REASONS FOR CHILD PROTECTIVE SERVICES INVOLVEMENT:

The child was a resident of the "Yearning for Zion" Ranch located near Eldorado, Texas. The Ranch was a communal living environment for a large number of children and adults who are members of the Fundamentalist Church of Jesus Christ of Later Day Saints ("FLDS"). Interviews with underage girls at the Ranch revealed a pattern of underage girls being "spiritually united" with adult men and having children with these men. The Department's investigation has found an apparent practice of training young girls to submit to this behavior and training young boys that when they become adults it is appropriate for them to become perpetrators, which conduct constitutes sexual and mental and emotional abuse. During the investigation by law enforcement and the Department, there has also been an on-going pattern of deception in identifying family relationships and providing other basic information regarding the children, including failing to correctly identify the parents of children and providing inaccurate or incomplete information regarding names, ages, dates of birth of adults and children. This has resulted in the Court ordering maternity and paternity testing in order to truly identify family members and their relationship to each other and the children. Based on information gathered by the Department's investigation to date, a large number of female children removed from the Ranch, who are believed to be ages 14 - 17, have children, are pregnant, or both. A number of these girls have two children, and two have three children. Medical exams and reports received during

Case Name:
Case #:

FAMILY SERVICE PLAN
Substitute Care

the on-going investigation indicate that some children have had broken bones in the past, several of which are suspicious for physical abuse and/or neglect. Based on interviews with the children and journal entries found at the Ranch, there are indications of possible sexual abuse of some young boys. Based on the small number of older boys located on the Ranch, there appears to be a pattern of excluding older boys from the Ranch. The Department also has concerns as to whether the educational needs of the children are being adequately fulfilled through home schooling. The adults have not shown that they have the ability to protect the children from these abuses. Some adults have been perpetrators of physical, sexual abuse and mental and emotional abuse and neglect while other adults have stood by and done nothing while the children were abused. The adults have chosen to be members of a community that appears to support systemic abuse of children.

FAMILY STRENGTHS AND SUPPORTS:

The adults appear to have good organization skills. They work well in structured environments. Most adults work together with others they live with and have a strong work ethic. The adults appear to communicate well with others at the YFZ ranch. The adults generally demonstrate basic parenting skills. They provide for the basic physical needs (food, clothing, shelter) for the children. The adults express a desire to be good parents. They have strong religious beliefs. They have a community financial support structure within the YFZ ranch. They are resourceful by gardening, making clothing and utilizing home-making skills and strong construction skills. The mothers have support from other adult women and adolescent girls who assist with child care responsibilities. The family refrains from drug and alcohol abuse.

COMMUNITY SUPPORTS:

They have maintained a cooperative relationship with city and county authorities to ensure operations of the YFZ ranch. The adults have demonstrated use of hospital/medical resources in some emergency situations.

HOPES AND DREAMS FOR THE CHILD(REN):

PARENTS RESPONSIBILITIES RELATED TO CHILDRENS EDUCATION:

The parents will cooperate with their child's educational assessment and support any recommendations in such assessment. They will provide to the Department information regarding the child's educational background and training, such as any home school course curriculum, grade reports, educational assessments or testing, etc. The parent will encourage their child to participate in school and educational activities in a positive manner. The parent may provide appropriate materials that will aide the child's education, such as books and other appropriate educational resource materials. The parents should be able to demonstrate an understanding of how the child's education impacts the child's ability to be a successful and independent adult.

FAMILY AND CPS CONCERNS RELATED TO RISK AND SAFETY:

Initial Concerns:

1 Sexual abuse has been confirmed for some children which poses risk of abuse to all children. (Sexual abuse is defined to include, without limitation, sexual conduct harmful to a child's mental, emotional, or physical welfare, failure to make a reasonable effort to prevent sexual conduct harmful to a child, compelling or encouraging a child to engage in sexual conduct, placing a child in or failing to remove a child from a situation in which the child would be exposed to a substantial risk of sexual conduct harmful to the child's mental, emotional or physical welfare or placing a child in or failing to remove the child from a situation in which the child would be exposed to acts of sexual abuse committed against another child. This includes a parent or caregiver making a child accessible for sexual abuse and/or failing to protect from such abuse).

As Of:
04/07/2008

2 There is concern that the children may have been physically abused. (Physical abuse is defined to include, without limitation, physical injury that results in substantial harm to the child

As Of:
04/07/2008

Proper challenges to a case plan include, 1) irrelevant element not designed to remedy actual issues proven to exist in this family; 2) caseworker (CW) failed to provide timely referrals or services; 3) CW obstructed parent's compliance with case plan; 4) Case plan is a boilerplate plan and not individualized to the needs of the family rendering it inappropriate on its face; 5) parent not allowed input into case plan rendering it inappropriate on its face; 6) services are substandard, incompetent or below accepted standards of practice for the profession rendering it inappropriate.

or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given. This includes a failure to make reasonable efforts to protect the child from physical abuse by another person and/or placing the child in and/or failing to remove the child from a situation where that child or another child may be physically abused).

3. There is concern that the children are being mentally and/or emotionally abused as a result of being subjected to sexual and/or physical abuse and neglect. (Mental or emotional abuse is defined to include, without limitation, mental or emotional injury to a child that results in an observable and material impairment of the child's growth, development or psychological functioning, causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development or psychological functioning).

As Of:
04/07/2008

4. There is concern that the children are being neglected. (Neglect is defined to include, without limitation, the leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm, placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a substantial risk of immediate harm to the child, placing a child in or failing to remove a child from a situation in which the child or another child would be exposed to a substantial risk of sexual conduct harmful to the child).

As Of:
04/07/2008

As Of:

SERVICE PLAN GOALS (CHANGES NEEDED TO REDUCE RISK):

A. The parent will demonstrate an understanding of the dynamics of child physical, mental, emotional and sexual abuse and neglect and demonstrate ways they can be protective of children.

B. The parent will be able to discuss with the caseworker and demonstrate and utilize appropriate discipline that does not result in physical or emotional injury to the child.

C. The parent will become knowledgeable regarding community resources and demonstrate the ability to access community resources as necessary to provide financial and other support and protection for themselves and the children, including demonstrating the ability to provide a safe home for the children.

D. The parent will be able to discuss with the caseworker how to apply information learned from services provided by DFPS.

E. The parent will cooperate with DFPS in establishing and verifying who their biological children are and who the biological fathers and mothers of their children are. This will include submitting to court-ordered genetic testing and providing reliable documents and information relating to the identity of the children, biological parents and relatives.

F. The parent will demonstrate the ability to provide a home free of persons who have or will abuse or neglect the children and provide a protective environment.

G. The parent will demonstrate the ability to protect the child(ren) from physical, mental, emotional abuse and neglect.

H. The parent will demonstrate the ability to protect the child(ren) from sexual abuse.

I. The parent will become knowledgeable about educational resources for the child available in the community and demonstrate an ability to access such resources, as necessary, to provide for the educational needs of the child.

J. As new information is obtained by DFPS and changes occur for the child, parent and family, additional goals may be identified and added to the plan of services.

TASKS AND SERVICES:

Case plan basics 101

1. Any element that is not designed to or will not correct the PROVEN problems, safety issues or danger that brought the child into CPS jurisdiction renders the entire case plan inappropriate. Each element must be designed to address a specifically identified and proven safety issues in the home consistent with the permanency goal.

Substitute Care

Task/Service including timeframes:	Assigned To:			
Attend and fully participate in parenting and other trainings and services designated or recommended by DFPS to understand and address issues related to sexual, physical and emotional abuse and neglect of children.	Parent			
DFPS will make appropriate referrals for needed trainings and services and arrange for services and verify attendance and participation.	DFPS			
Cooperate and participate in court-ordered psychological and/or psychiatric evaluations, including fully and completely answering questions, and otherwise openly participating in testing.	Parent			
Follow any and all recommendations made in the psychological and/or psychiatric evaluations.	Parent			
Make referrals for psychological and/or psychiatric evaluations for parents and verify attendance and cooperation with evaluations.	DFPS			
Attend and fully participate in any family or individual counseling sessions recommended by the psychological or psychiatric evaluation or as recommended by the Department.	Parent			
Make referrals for family and/or individual counseling recommended in the psychological or psychiatric evaluations and/or as recommended by the Department and verify attendance and participation in such counseling.	DFPS			
Submit to and cooperate with DNA testing, including appearing and submitting to such testing at such times and places as directed by the Court and/or the Department and providing any required information.	Parent			
Identify the biological mothers/fathers of each of your children and provide copies of any documents related to any marriages or divorces of the parents and/or related to the birth of your children.	Parent		Parents	05/07/2008

2. Any item that conflicts with any other item, or is impossible to perform renders the case plan inappropriate. e.g. not scheduling visits with all children at the same time/place, having the children placed more than 1 hour from the parent's residence when the permanency goal is reunification, failure to provide facilitative services to insure the parent can comply with any element, such as gas money for crossing the state to visit (because this is an added expense not normal the household and could prevent the parent from complying or successfully completing the case plan), etc. OR requiring a parent to get a job and keep a home for the child to return and then scheduling case plan services during work hours.

For more on case plan basics, and appropriate case planning, contact the American Family Advocacy Center, www.profan-justice.org

Case Name:
Case #:

FAMILY SERVICE PLAN
Substitute Care

Establish safe living arrangements for children and provide verification to the Department of living arrangements, including methods of support the family is receiving from all sources. This includes accessing available community and other resources to provide financially for the support and other needs of the parent and the children and includes preparing a budget and providing supporting documentation to DFPS on use of resources to provide such support.	Parent		Parents	05/07/2008
Work with the parent to assist the parent with finding community and other resources to sustain independent living arrangements, including making referrals to community resources where appropriate and available.	DFPS		DFPS	05/07/2008
Inform DPFS of your current living arrangements including all persons in your building or other residence (all floors, ages and gender of all members at present and anticipated) and inform DFPS by the next business day if there are any changes of residents or roles of persons in the building. Allow DFPS Program staff to make announced and unannounced visits to your residence to verify living arrangements.	Parent		Parents	05/07/2008
Provide a history of education training for each of your biological children to DFPS to aide in developing the appropriate educational services for your child. Follow the recommendations of professionals working with you or your child regarding their educational needs.	Parents		Parents	05/07/2008
Follow the recommendations of professionals who will be working with you to develop the skills necessary to work with your child.	Parents		Parents	05/07/2008
DFPS will consult with professionals to determine what other skills or knowledge the parents need to learn or acquire to care for and be protective of their children.	DFPS		DFPS	05/07/2008
Fully and accurately complete the Child Placement Resource Form and any other forms provided by DFPS to identify any family members who may be a resource for your children.	Parents		Parents	05/07/2008

Case Name: Case #:

**FAMILY SERVICE PLAN
Substitute Care**

Participate and cooperate in all visits with your child and demonstrate appropriate parenting skills and protective behavior during the visits. This includes not engaging in any inappropriate communications with the children. (Visits can be terminated at the discretion of the person supervising if any inappropriate behavior is observed during the visitation.)	Parents		Parents	05/07/2008
Set up visitation so parents can have visits with their children.	DFPS		DFPS	05/07/2008
Participate in educational/vocational testing for yourself, and work on educational or vocational training as needed to be able to financially support your child.	Parent		Parents	05/07/2008
Make referrals or identify resources for educational/vocational testing for parents and verify attendance	DFPS		DFPS	05/07/2008
As new information is obtained by DFPS and changes occur for the child, parent, and family, additional tasks may be identified and added to the plan of service in order to achieve service plan goals.	Parent DFPS		Parents DFPS	05/07/2008

TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE ENVIRONMENT WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE ENVIRONMENT, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU. THERE WILL BE A COURT HEARING AT WHICH THE JUDGE WILL REVIEW THIS SERVICE PLAN.

CONCERNS RELATED TO PLAN CREATION OR PARENT SIGNATURE:

PARENT(S) COMMENTS (Parent may include comments regarding this Family Service Plan):

Contact Person -For information about the Family Service Plan or your child(ren), please contact:	Name of Contact: Ashley Rashelle Kennedy	Telephone: (325) 657-7358
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Case Name: Case #:

**FAMILY SERVICE PLAN
Substitute Care**

**FAMILY PRESERVATION
PARENT (S) ACKNOWLEDGEMENT**

1. I understand the Texas Department of Family and Protective Services (DFPS) has determined that one of the following emergency conditions continues to exist in my family, and therefore services continue to be necessary:
 - A) A child is at risk of abuse and or neglect, as determined by DFPS;
 - B) A child has been removed from his/her home and placed in DFPS care, or
 - C) A child formerly in DFPS care is at-risk of being returned to DFPS care.
2. I understand the Family Service Plan is a very important document. I understand its purpose is to help me provide my child(ren) with a safe environment within a reasonable time as listed under Target Date for Permanency on the plan. I understand if I am unwilling/unable to provide my child(ren) with a safe environment, my parental and custodial rights may be restricted or terminated or my child(ren) may not be returned to me. I understand there will be a court hearing at which a judge will review this Family Service Plan.
3. I understand that if I have one or more children at home with me and if I am unwilling/unable to provide a safe environment for my child(ren) with the help of DFPS services, that the plan will be removal and placement of my child(ren) into foster care.
4. I understand my progress on this plan will be evaluated as follows:
 - A) Have I completed my tasks on the plan?
 - B) Have I achieved my goals in the plan?
 - C) Can I provide for the ongoing safety and well-being of my child(ren)?
5. I understand information for the evaluation of my progress may come from any and all of the following sources:
 - A) Me;
 - B) My family members;
 - C) Child Protective Service staff who have worked with me;
 - D) The initial report or future reports of child abuse and/or neglect; and
 - E) Other agencies, individuals, and community professionals.
6. I understand I may request a review of change of this plan or an evaluation of my progress at any time. I may also request an administrative review if I have a complaint about Child Protective Services. I may also request a fair hearing if services I have requested are denied, reduced or terminated, or if Child Protective Services does not act on my request for services with reasonable promptness.
7. I understand that I can request interpreter or translator services if needed to assist me in complying with this plan.

_____ Signature -- Parent	_____ Date	_____ Date Copy Given
_____ Signature -- Parent	_____ Date	_____ Date Copy Given
_____ Signature -- Parent	_____ Date	_____ Date Copy Given
_____ Signature -- Parent	_____ Date	_____ Date Copy Given
_____ Signature -- Worker	_____ Date	
_____ Signature -- Supervisor	_____ Date	