
Advocating for Yourself in Foster Care

You are in foster care if the Texas Department of Family and Protective Services (DFPS) has temporary or permanent managing conservatorship (or custody) of you. CPS is a part of DFPS.

You can be in foster care if you are in a foster home, residential treatment center (RTC), hospital, an unlicensed or unpaid placement, in another state, living on the street or couch-surfing, in jail or prison, with a family member or friend, or anywhere else as long as DFPS has custody of you.

As a youth in foster care, you have certain rights and are supposed to have certain things before you turn 18:

- You have a right to attend your court hearings and speak to the judge. You also have a right to contact and speak privately with your attorney, guardian ad litem, CASA, and caseworker.
- You should have your original birth certificate, Social Security card, and Texas ID or driver license by your 16th birthday.
- You should understand your immigration status and DFPS should be working to make sure that applications for lawful status have been filed.
- If you have disabilities, you should have a transition plan specific to your needs, including understanding whether you have Social Security benefits and how to continue receiving them after you leave foster care. Applications for any benefits and services related to your disability should be filed at least one year before you turn 18.
- There are many other rights listed in the [Rights of Children & Youth in Foster Care](#) document, which should be provided and explained to you by your caseworker or PAL staff.

If you think your rights are being violated or you do not have what you are supposed to have, you can do the following things. You should share details about what is happening and why you think it is wrong. An example may be: “I don’t have my birth certificate and I have already turned 16. The law says I am supposed to have my birth certificate by my 16th birthday.”

- Attend your court hearings and ask to talk to the judge.
- Contact your caseworker and caseworker’s supervisor.
- Contact your attorney, guardian ad litem, or CASA. If you don’t know who your attorney is or how to contact them, ask your caseworker.
- Contact the [Foster Care Ombudsman](#) to make a complaint (only if you are younger than 18).
- Contact the [DFPS Office of Consumer Affairs](#) to make a complaint (if you are 18 or older).
- If you need to report abuse – whether of yourself or another child – call the [Texas Abuse Hotline](#).
- Contact the [Texas Foster Youth Justice Project](#) for FREE legal advice and representation

Check out these videos for more information:

- [Understanding the roles of the people involved in a CPS case](#)
- Your Lawyer Works for You: [Part 1](#) and [Part 2](#)

Things you can tell your attorney about attending court hearings:

- You are my attorney appointed by the court. You are supposed to represent what I want and work to help me meet my goals.
- I want to attend my court hearings. I want you to tell the judge that I want to attend my court hearings and I want the judge to order CPS to make sure I can attend hearings.
- If the judge does not order CPS to make sure I can attend hearings, I want you to tell the judge that Texas law and CPS policy say I am supposed to attend my court hearings and ask the judge to make an official decision about my request to attend court hearings.
- If my requests to attend my court hearings are denied, I want you to talk to me about whether you should appeal the decision to a higher court.

Contacting the [Foster Care Ombudsman](#)

- Phone: (844) 286-0769, 8 a.m. - 5 p.m., Monday – Friday
- Online: <https://hhsportal.hhs.state.tx.us/heartwebextr/public/hhscFco>
- Mail: Texas Health and Human Services Commission, Foster Care Ombudsman, P.O. Box 13247, Austin, TX 78711-3247
- Fax: (888) 780-8099

Contacting the [DFPS Office of Consumer Affairs](#)

- Phone: (800) 720-7777, Monday-Friday 8:00 am to 4:30 pm
- Online: https://www.dfps.texas.gov/Contact_Us/Questions_and_Complaints/OCA.asp
- Complete Complaint Form and submit by email, fax, or mail
 - o Email: oca@dfps.texas.gov
 - o Fax: (512) 339-5892
 - o Mail: OCA/DFPS, PO Box 149030, MC: Y946, Austin TX 78714-9030

Contacting the [Texas Abuse Hotline](#)

- Phone: (800) 252-540 – as of September 1, 2023, you can no longer make a CPS report about abuse or neglect without giving your name and contact information
- Online: <https://hhsportal.hhs.state.tx.us/iam/portal/citizen> - you must create an account to file a report online, so be sure to use an email address you can access to complete the account registration

Contacting the [Texas Foster Youth Justice Project](#)

- Phone: (877) 313-3688
- Email: info@texasfosteryouth.org
- Online: <https://texasfosteryouth.org/contact/>
- Mail: Texas Foster Youth Justice Project, Texas RioGrande Legal Aid, 1111 N Main Ave, San Antonio, TX 78212

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