

OBTAINING CPS RECORDS

Prepared by the Texas Foster Youth Justice Project

4920 N. IH 35, Austin, Texas 78751

512-374-2767 or 1-877-313-3688 (toll free)

info@texasfosteryouth.org

texasfosteryouth.org

As an attorney or accredited immigration representative (henceforth attorney), you are able to request CPS (Texas Department of Family and Protective Services) records for a youth who was in foster care or if someone has had a case open with Child Protective Services that involved the youth being abused or neglected¹. We recommend that an attorney actually file the request as the process can take months or longer and former foster youth move often or have unstable addresses. It is also much easier for an attorney to follow up on a request. The person requesting records must be at least 18 or their parent or managing conservator must make the request. There are **no costs** to request these records.

Note the Texas Foster Youth Justice Project is available to provide guidance and assistance to attorneys filing CPS record requests. Feel free to contact us with your questions. We are also prepared to address significant barriers to foster youth accessing their records, so don't hesitate to let us know about problems. We have engaged in extensive negotiations with CPS about issues in the past and achieved significant improvements – historically it was virtually impossible to obtain records.

You can also refer aged out foster youth to our Project if they want their CPS records and you don't need them for the case you are assisting the client with. We strongly recommend someone utilize our services rather than request them on their own as it makes it much more likely they will actually receive the records.

These are the steps to requesting CPS records.

1. Fill out the Request for Case Records (Form 4885-G)

You can find the Request for Case Records (Form 4885-G) by clicking [here](#) or by going to: www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=4885G.pdf.

Below are instructions on how to fill out the Request for Case Records (Form 4885-G). A sample can be found [here](#). The bolded numbers in the instructions below match up to where you need to fill out the information on the sample form. You can fill out the form on the computer or by hand.

- Under **A** you will need to check the Child Protective Services (CPS) box **(1)**.
- Under **B** you will need to put as much information about the person you are requesting the records for. Include:
 - full name (first, middle, last) under Case Name **(2)**
 - case number if you know it **(3)**

¹ Texas Family Code §261.201(d) and Texas Family Code §264.0145 .

- the dates the youth was in foster care or investigation happened for the youth **(4)**. If there were multiple cases open or the youth was in foster care multiple times, be sure to put all the dates. If you don't know the exact date, then estimate the time period.
- Put the name of the person you are requesting records for under primary children so that you can include the date of birth and social security number. Then list any parents/grandparents/adoptive parents/ etc. that may have been involved in the case, particularly the person the child was living with when they were placed in foster care. CPS records are usually titled under the name of this person. **(5)**.
- Under Any Other Identifying information **(6)** you can put the county where the case was out of. You can also put any other names the person you are requesting went by, including the youth's name before an adoption or name change or nicknames. If there are more people that won't fit in **(5)** then you can place that information here. If you only know some of the information, go ahead and put it in. All information will help.
- Under **C**, put the name, middle initial and last name of your client. **(7)**. Then check mark the yes boxes for both "Are you involved in the case that you are requesting?" and "If yes, were you ever in DFPS foster care as a child?" **(8)**.
- While it does not necessarily make sense, as the form says to complete this section *if you are requesting records for a case in which you are NOT involved* and you just checked a box saying you were involved, in **(8.5)** check the appropriate box for 1. 2. or 3 and write in the necessary information. For accredited immigration representative note that and that you are representing your client on an immigration matter.
 - Include your (the attorney) phone number **(9)**, fax number if you have one **(9)**, and email address **(9)**.
 - Under **D** you need to fill out your address where you want the CPS records mailed to **(10)**.
- Under **E**, after reading the agreement, sign **(11)** and date the form **(11)**.

2. Have client sign a DFPS authorization form

It is not clear whether this is still required by DFPS but we have continued to prepare and submit it as it was required in the past. Click [here](#) for a sample of the DFPS Authorization Form. You will need to update the highlighted areas with information about the person records are being requested for and the attorney information.

We recommend that you include a cover letter with the Request for Case Records (Form 4885-G). This letter should include your name, address, phone number, email address, and a statement that you are requesting the records, and what you have provided with the letter. A sample letter can be found [here](#). If you are a licensed attorney, include language in second paragraph of sample letter. If you are an accredited immigration representative, include language in third paragraph of sample letter.

3. Send the letter and Request for Case Records (Form 4885-G) to DFPS with a copy of bar card or Board of Immigration Appeals accreditation decision

Mail the letter, the Request for Case Records (Form 4885-G), and a copy of your bar card or Board of Immigration Appeals Decision regarding your accreditation to:

Department of Family and Protective Services
Attn: RMG (Y-937)
PO Box 149030
Austin, Texas 78714-9030.

We have stopped sending by certified mail as we no longer have problems confirming receipt.

4. Wait for confirmation letter

You will receive a letter from the Department of Family and Protective Services after around two weeks. This letter confirms your request. It gives you information about their process and how to contact them if you would like to check the status of your request. **Be sure to keep this letter in case DFPS asks to see a copy of it when you request an update.**

5. Request update and STARRS Reference #

You can check the status of your request through mail, email, or phone. It is good to request an update once you have received the confirmation letter. You should also request the STARRS Reference # (see last paragraph of this section). If you requested a deadline (see 6. Request Records Deadline), you should request a status update the week of the agreed upon deadline.

Email Records Management at Records.Management@dfps.state.tx.us or call them at 512-929-6764 or toll free at 877-764-7230.

Be sure to give client's name and date of birth so Records Management can find your request. It can be helpful to include the dates of when you sent in your request and when you received the confirmation letter from DFPS.

The first time you request an update, you should ask for the STARRS reference number. This is how DFPS tracks the requests. For future updates, you can request an update just using this reference number. Make notes about who you talk to, what date you talk to them and what they tell you. Save any emails you receive about the records. When you send requests for additional updates, send to the general email address at Records.Management@dfps.state.tx.us, not to the individual who previously answered unless instructed otherwise.

6. Request records deadline

Generally if you are requesting records for a client, you need them for a case. Currently it can take more than a year to get records unless you reach an agreement for them to be completed earlier. If you have a specific deadline you must do something by, we recommend that you give them a deadline that gives you time to review thousands of pages of records before that deadline. If your case does not have a

specific deadline but you need records to determine possible immigration relief, information relevant to an SSI application, etc., ask for the records in one month.

Once you have sent in the records request and received the confirmation letter, you can then request that the records be expedited. You can email Records.Management@dfps.state.tx.us, include the name and date of birth of the person you recently requested records for, include when you sent in the request and received the confirmation letter, and then request a deadline and reason for the records to be expedited such as upcoming trial, SSI application, or identification documents. You should hear a reply within 24 hours whether they will accept the request. If you are told they cannot be expedited or have other issues, contact the Texas Foster Youth Justice Project by email at info@texasfosteryouth.org or by phone at 512-374-2767 or 1-877-313-3688 (toll free).

7. Review records

Once DFPS receives the request, they will review and redact the records. They will take out information relevant only to another child, the identity of the person who reported the abuse or neglect, and social security numbers.

DFPS will not contact you when they send the records.

Once you receive the records, you will need to look over them to make sure you have everything. You should be aware that the records will come on a CD and can be in Adobe PDF format so you will need a PDF viewer such as Adobe Acrobat to review the records. Often all you will receive is a CD with the name of the adult who abused or neglected the child written on it. Sometime there will be a cover letter on the CD. There can be thousands of pages if someone was in foster care or just a few dozen if there was only an investigation. The records usually are not in order so they can be confusing.

For someone who was in foster care, you should receive various documents from the CPS case and some records from CPS computer system and copies of documents from other people and agencies. CPS records should also include a Health Passport. The Health Passport will include medical information about the providers seen, services received, and prescriptions filled, from around 2008 until the time the youth was no longer covered by Medicaid for current and former foster youth. (Prior to 2008, CPS had no method for tracking medical information, so you can only find bits and pieces in various documents in the file.) If you requested records from an investigation, the number of records will be much smaller and you likely will only receive limited computer system records. If there was an audio or video interview, contact Records.Management@dfps.state.tx.us to find out who to contact to make arrangements to view or listen to the recording. (You can do this as soon as you receive confirmation that the request was received.)

If it looks like any of the records are missing, you should contact Records Management at Records.Management@dfps.state.tx.us and explain the problem. If they are unable to resolve the issue, you should contact the Texas Foster Youth Justice Project by email at info@texasfosteryouth.org or by phone at 512-374-2767 or 1-877-313-3688 (toll free).

You can find information on the DFPS website about requesting records. Try the link www.dfps.state.tx.us/policies/caserecord.asp or search the web site for request records.

SAMPLE



REQUEST FOR CASE RECORDS
RECORDS MANAGEMENT GROUP

Use this form to request a copy of an Adult Protective Services, Child Care Licensing, or Child Protective Services case record. The Records Management Group (RMG) adheres to and complies with all statutes and rules pertaining to the entitlement, redaction, and release of the case records RMG maintains. Additional information regarding requests for case records, including entitlement guidelines, can be found at: <http://www.dfps.state.tx.us/policies/caserecord.asp>

Please fill out the fields below by typing or by printing legibly. An asterisk (*) indicates this information is required.

A. What type of case record are you requesting from DFPS?

Adult Protective Services (APS) Child Care Licensing (CCL) Child Protective Services (CPS)

B. What do you know about the case record? Please enter as much information as you can.

Case Name (APS or CPS) or Facility Name (CCL): Amy Lynn Doe Case Number: Case Dates (approximate dates case was open): 2004-2006, ~3/2008-6/23/12

*Names of the primary children and/or adults involved in the case:	*Dates of Birth:	*Social Security Numbers:
Amy Lynn Doe	6/23/1994	123-45-6789
David Smith- Biological father	1/23/????	
Samantha Sue Smith- Biological mother		

Any other identifying information, including former names:
Case out of Dallas County, name before adoption- Amy Lynn Smith, adopted father- Kenneth Doe

C. Who are you and how can we reach you if we have questions?

*First Name: Amy Middle Initial: L. *Last Name: Doe

*Are you involved in the case that you are requesting? Yes No If yes, were you ever in DFPS foster care as a child? Yes No

If you are requesting the record for a case in which you are NOT involved, please select one of the three options below.

1. I am an attorney. I am representing: Amy Lynn Doe My bar card number is: XXXXXXXX

2. I have a court order. It authorizes me to request these records on someone else's behalf and a copy is included with this request.

3. I am not either of the above. However, I believe I am authorized to request these records on someone else's behalf because:
I am an accredited immigration representative representing my client in an immigration matter.

*Telephone Number (include area code): 512-111-1111 Fax Number (include area code): E-mail Address: me@me.com

D. Where do you want your copy of the case record mailed?

*Mailing Address (street or P.O. box):	*City:	*State:	*Zip Code:
1111 Washington Street	Austin	TX	78729

E. Can you agree to the following?

- I believe that all of the above information on my request is true and correct to the best of my knowledge.
- I have included a copy of my valid driver's license or other picture identification to verify my identity.

**Signed: Sign **Date: 4/10/13

Exceptions: Please contact us if you were formerly in DFPS foster care and have trouble sending a copy of your picture ID. If you are an attorney and you have provided your bar card number, a copy of your picture identification is not required.

If you have questions about this form or other records-related issues, please send an email to Records.Management@DFPS.STATE.TX.US or call us toll-free at 877-764-7230

Send by mail the completed form and all required documents to:
Department of Family and Protective Services, Attn: RMG (Y-937), P.O. Box 149030, Austin, Texas, 78714-9030

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION

I, Amy Lynn Doe, hereby authorize the Texas Department of Family and Protective Services to release to any representative of Mary Christine Reed, Attorney at Law, Texas RioGrande Legal Aid, 4920 N. IH-35, Austin, TX 78751

(ATTORNEY, DOCTOR, THERAPIST, SOCIAL WORKER, OR OTHER DESIGNATED PERSON, including address)

any and all information, including but not limited to written records, reports, documents, notes, narratives, medical records that TDFPS has in its possession concerning
(list signer's name and that person's children's names and dates of birth, if applicable)

Name: Amy Lynn Doe

DOB: 06/23/1994

This authorization will remain valid for a period of 180 days from the date signed.

I understand that any information that would identify any complainant of alleged abuse and/or neglect and any information that is confidential by law or TDFPS policy will be redacted or removed from the material pursuant to this authorization

I EXPRESSLY WAIVE, RELEASE, AND DISCHARGE TDFPS AND ITS OFFICERS AND EMPLOYEES FROM ANY CAUSE OF ACTION OR CLAIMS ARISING FROM ANY DISCLOSURE OF INFORMATION OR RELEASE OF RECORDS, CONFIDENTIAL OR OTHERWISE, PURSUANT TO THIS AUTHORIZATION.

I have read this authorization fully. I realize its effect, and I am signing it freely and voluntarily.

Signature of Client
SIGNATURE

Amy Lynn Joe
TYPED OR PRINTED NAME

JURAT

"My name is Amy Lynn Doe, my date of birth 06/23/1994, and my address is: 1111 Washington St, Austin, TX, 78729. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of TX, on the 1st day of Jan, 2014.
day month year

Signature of Client
Signature

NAME

1111 Washington Street, Austin, Texas 78729
512-111-1111, me@me.com

April 10, 2013

Texas Department of Family and Protective Services
Attention: RMG (Y-937)
P.O. Box 149030
Austin, Texas 78714

Re: Amy Lynn Doe, d/o/b 6/23/1994

Dear Texas Department of Family and Protective Services:

This office represents Amy Lynn Doe, d/o/b 6/23/1994. Amy Lynn Doe is a former foster care child who is now an adult and she is requesting that you send me her complete CPS records and Health Passport.

I am enclosing an executed Form 4885-G Department of Family and Protective Services Request for Case Records, a copy of my bar card and Texas Identification Card/ Texas Drivers License.

Comment [KP1]: If licensed attorney, include following language.

I am enclosing an executed Form 4885-G Department of Family and Protective Services Request for Case Records and a copy of the Decision of Board of Immigration Appeals regarding my accreditation. As an accredited representative I am authorized to practice before immigration court and judges under 8 C.F.R. 1292.2.

Comment [KP2]: If Accredited Immigration Representative, include following language.

I am aware that §1452.8 of the CPS handbook requires that the CPS worker advise the requestor in writing how long it will take to prepare an edited copy of the child's records for release. Please send me written confirmation that you have received this request, information about when I should expect the records, and information about who I can if I should have any additional questions or need to update my contact information for the request. Please also provide the reference number of my request.

I am also aware that Texas Family Code § 264.0145 requires that DFPS prioritize requests to release case records, including those made by an adult previously in the department's managing conservatorship and that according to CPS Handbook §1452.8, I am entitled to these records free of charge.

If there is any additional information you need from me to process this request, please notify me.

Sincerely,

Name