



Child Protection (CPS)

What is Child Protection?

Child Protection (commonly called CPS) is a county agency that reviews reports of maltreatment and neglect of children. Then it decides how to deal with those reports. If the report seems to show that a child is in danger, they investigate to find out if maltreatment happened. They also decide if your family needs services. In some cases, CPS may file a court case and ask a judge for your children to be put in foster care or placed with a relative. This is called an “out of home” placement. “Out of home” placement can be temporary to give you time to work on the issue that caused the report to be made.

If the report doesn’t seem to show that your child is in danger, the county may close the file. Or, if they think you need some help, they may offer a Family Assessment. If you agree to a Family Assessment, a CPS social worker works with you to find services to help with the issues in your home. This could be therapy for you or your child, parenting classes, or other services to help you work on the reason for the report.

What is maltreatment?

Maltreatment means the abuse or neglect of a child.

Abuse is physical or emotional harm to a child that is not an accident. It is things like:

- broken bones and bruises
- burns
- hitting that is not normal discipline
- sexual abuse of any kind
- emotional harm

Neglect is when the child doesn’t get necessary things like:

- food
- clothing
- shelter
- education
- medical care
- supervision
- protection from harm



What can CPS workers do?

- **Offer Family Assessment**

Family Assessment means a social worker from CPS meets with you to talk about the maltreatment report. When a family agrees to the Family Assessment, CPS **won't** do an investigation. They won't decide if maltreatment happened or not. They are there to help you find services for you and your child so the problems can get better.

But, if you **do not** cooperate with the Family Assessment and CPS is worried that your child is at risk, they may transfer your case to be investigated.



- **Investigate**

CPS workers investigate maltreatment reports when the report seems to show that a child is in danger because of abuse and/or neglect by a parent or custodian.

The investigation can include:

- phone calls or meetings with the parent or custodian
- a visit to the child's home
- an interview with the child
- interviews with other people like doctors or teachers

When they finish the investigation, CPS must decide 2 things:

- Was the child abused or neglected?
- Does the family need services?

If CPS decides the family needs services, they also decide what services protect the child and rehabilitate the family.

- **Make Maltreatment Determinations**



When a CPS worker is done investigating, they must decide if maltreatment happened or not. If the worker believes that the child was abused or neglected, they make a "maltreatment determination." You get a letter to let you know about the decision.

Sometimes the worker makes a maltreatment determination even though they don't offer any services.

- **Provide Services**

If a child was abused, is likely to be abused, or has been neglected, CPS may open a case file. Then they can offer services like chemical dependency treatment, parenting classes, and counseling. They can offer services without going to court if the parent agrees to cooperate.

- **Recommend Removal of the Child**

CPS workers can't take a child out of the home unless they have a court order, OR a parent says it is ok. If a worker feels a child is in immediate danger but can't get the parent to agree, they call the police. Police can take the child from the home to a shelter.



There must be a court hearing within 72 hours (weekends and holidays do not count) to decide if the child should stay in foster care longer.

- **Go to Court**

CPS workers can ask a Juvenile Court Judge to temporarily remove a child from the home of the parent who is suspected of abuse or neglect. The child may be placed with a relative, in foster care, or in a residential facility, while CPS works with the parent on the reasons why the child was removed.

In most cases CPS must work to reunite the family.

- If the child is 8 or younger CPS has to work for at least 6 months to reunite the family. If the parent is cooperating and working the case plan, the court can extend that time.
- If the child is over 8 then the parent has more time.
- If it seems like the child can't go home safely, CPS collects evidence to support a permanent placement of the child away from the abusive or neglectful parent.
- CPS does not have to work to reunite the family with a new child in a new case if the parent:
 - ever had their parental rights terminated (TPR) or
 - had custody involuntarily transferred by the court

Can I appeal a maltreatment decision?

If you don't agree with the maltreatment determination, you can appeal it. The letter tells you about your right to appeal and how to appeal. **You only have 30 calendar days from the date you got the letter to appeal if you disagree with the maltreatment determination.**

Deciding to appeal is very important because a maltreatment determination shows up in background checks. This may keep you from getting or keeping jobs that involve caregiving. These are jobs like:

- childcare provider

- teacher or teacher's aide
- bus driver
- coach
- nurse or personal care attendant
- foster parent

If you don't appeal the maltreatment determination it stays on your record even after the end of any court case brought by CPS. See our fact sheet [What is maltreatment and how can it affect my job?](#)

What should I do if CPS contacts me?

- Write down the name and number of any worker that contacts you. Call them when you need information about the case.
- Keep notes of all meetings with workers, including the date, who was there, and what was said.
- Be cooperative and honest, but careful, when talking to workers. Remember, your comments can be used against you in a court case. Legally, CPS can't force you to talk to them. But if you don't talk to them, they may find that suspicious and open a case to investigate.
- Keep copies of all papers from CPS. If the worker finds there is no abuse or neglect, they send you a letter saying so. The letter also says that you can choose to have the whole file destroyed. Many times, it is better to ask the worker to keep the file, so if there is ever a question about what happened, you have the records.
- Go to all meetings. Bring a friend, advocate, or lawyer to meetings if you can.
- You can contact a private or legal aid lawyer for advice. If you have a low income, you have the right to a free court-appointed lawyer **IF** CPS is:
 - Making a foster care plan
OR
 - Filing a court case. Once the case goes to court, you have a right to a lawyer at every hearing.
- If your child needs to be out of your home, work with the CPS worker to find and place your child with your relatives, if that is what you want. If you are a relative, get involved in the case immediately! Relatives can be placement options but are also encouraged to be involved as resources for the child when in foster care.
- You have the right to take part in making a case plan that helps you and your family. Be honest! Tell the worker what things will help your family fix the problems, so you get a good case plan.



What kinds of court cases can CPS file?

- **Child in Need of Protection or Services (CHIPS) cases.** CPS may file a CHIPS case if they believe your child is not safe in your care. They can also file a case if they offered you services and you didn't agree to them, and they think your child is not safe.

The county must try to return your child to you. You have a chance to work with the county to make a case plan. You have 6 to 12 months to complete the plan.

If the child remains in foster care and you do not follow the case plan, the county files a permanency case.

- **Permanency Cases.** Permanency cases are when a child can't be returned to the care of their parents. Usually, CPS files a Termination of Parental Rights (TPR). A TPR is what they prefer to do. They can also do a transfer of custody. A transfer of custody does not terminate (end) a parent's rights. It is a court order that gives legal and physical custody of the child to someone else but may let the parent keep visiting the child.

For more information see our fact sheets [Your Rights Under the Indian Child Welfare Act](#), and [Paternity and Child Custody](#), and [What is a Guardian Ad Litem?](#)

When a case goes to court, the judge appoints a guardian ad litem (GAL) for your child. The GAL makes a report to the court on what is in the best interests of the child. The GAL is NOT the child's lawyer. If your child is age 10 or older, they have a right to their own court appointed lawyer. If the child is under 10, the court won't appoint a lawyer in most cases. The county attorney is the lawyer for CPS.

Foster parents or relatives who took care of the child can go to court hearings. They can ask the Judge to speak about what they think is best for the child.

What should I do if a court case is filed?

- Go to all meetings and court hearings.
- If you have a low income, ask for a free court-appointed lawyer. Normally, the court won't appoint a free lawyer until your first court hearing. The court appointed lawyer may represent both parents at the first hearing. If you feel like you don't agree with the other parent on things, tell the judge. Then you can get a separate lawyer.



If you think you should get a free lawyer, ask the judge to appoint a lawyer for you under Minnesota Statute [260C.163, subd.3](#) and Juvenile Protection Procedure Rules [36.01 and 36.02, subd.2](#).

You can also create and file a form to ask for a court appointed lawyer at: www.lawhelpmn.org/self-help-library/legal-resource/apply-court-appointed-lawyer-chips-case.

- Once your child is out of the home, there has to be a court hearing every 90 days. These hearings are so the court can keep track of the progress of the case.

If you are a grandparent and the child lived with you at any time in the last 2 years, you have the right to make yourself a “party” to the case by “intervening.” This means you ask the court to let you be a part of the court proceedings. A father who is not considered a “party” can also “intervene.” You can get the forms you need at the courthouse



You can also get the [court forms you need](#) to “intervene” at www.mncourts.gov.

- click on *Get Forms* towards the top of the page
- click on *Child Protection* in the list that comes up
- click on *CHIPS Motion to Intervene*
- choose the *[Packet]*. It has everything you need. Read the instructions carefully!

Out of Home Placement

There are 2 ways for a child to be placed in foster care:

- **Involuntary Placements.** These are Out of Home placements ordered by the court even though the parent disagrees.
- **Voluntary Placement Agreements.** Sometimes the parents agree that it would be best for their child to be in foster care or treatment for a while. Then the county and the parents may enter into a Voluntary Placement Agreement. The Agreement includes information about the period of time for the placement and about the services that fix the problems so the child can move back home.

Parents can change their mind about the voluntary placement and ask that their child be returned home. The county must return the child unless they go to court and prove that the child would not be safe.



What about my child’s culture or religion?

If the child has to be taken out of the home, they should be placed with relatives or in a foster home with an understanding of their ethnic or cultural background. But there is no rule that a child has to be placed with families of the same ethnic or cultural background. A parent can ask for the child to be put in a foster home of the same religion.

This is different for Native American / Indian children. See our fact sheet [Your Rights Under the Indian Child Welfare Act](#).

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.

Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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