

From Caregiver Information and Support Session
February 28th and March 1st, 2022



Out Youth serves the queer and trans community in Central Texas. You can learn more on our website: www.outyouth.org

Tonight, we will provide some information, resources, and space to process the emotional impact of this time.

We are NOT lawyers. This is not legal advice. This situation is fluid. This information may not be perfect, we will make mistakes but are trying our best to provide the best information we know as of right now.

We likely will not be able to answer "what if" questions or give advice about particular situations or scenarios.

What is happening is not okay, on too many levels to name. You should not have to be here tonight, have a lawyer on speed dial, or feel you need to justify your youth's existence for doing what is right and affirming and being a good caregiver.

We also want to acknowledge the trauma many communities have faced from systems such as CPS because of racism, and other isms and phobias past and present. We are also mindful of the youth who don't have supportive caregivers such as yourselves and have them in our thoughts.

We also acknowledge the incredible outpouring of love and support our communities and agencies have received in the past week. We are not alone.

WHAT WE KNOW

Neither the AG nor the Governor can change the law. The AG opinion and the Governor's letter are not legally binding.

No court in Texas, or anywhere in the country, has ever found that gender-affirming care can be considered child abuse since these are best practice standards of care according to every major medical and mental health-related association.

Despite this, we are aware of false reports that have been made to CPS related to trans youth. If this occurs:

- A family may be investigated by CPS
- If the investigation proceeds, it may then be closed, or the family might be referred for a court hearing
- It is important to note several county district attorney offices have said they will NOT allow a court case to proceed with the DA or County Attorney. This includes Travis County.
- (Added Tuesday, March 1st) The ACLU and Lambda Legal have filed suit against Gov. Greg Abbott and the Department of Family and Protective Services (otherwise known as CPS) to stop these investigations.

WHEN IT COMES TO CPS, YOUR FAMILY AND YOUR CHILD HAVE OPTIONS

Generally, child welfare attorneys advise cooperation and transparency with CPS in an investigation. However, this is a different situation.

Please note: we are not saying this is what you SHOULD do, since every family situation is different. We just want you to know all the OPTIONS you and your youth have.

Youth:

Please note, an investigator will likely try to speak with a youth at school

- A youth can decline to meet with the CPS investigator and refuse to answer any questions

- A youth can request a lawyer or other supportive adult be present at questioning

- A youth can confirm the following if they feel comfortable and the below is true:

 - Tell CPS your name.

 - Tell CPS you feel safe at home.

 - Tell CPS no one is sexually abusing you.

 - Tell CPS you get food to eat when you are hungry.

 - Tell CPS you get medical care when you need it.

 - Tell CPS you are done and if they want to speak with you again to contact your parent or your attorney.

- A downloadable card a youth can carry to school is now available on our website: <https://www.outyouth.org/support-for-families>

Families:

- A CPS investigator can be told no. They have to be granted permission to enter your home. You can politely decline the CPS investigator's request. Should the investigator press, you can ask if there is a court order for the investigator to enter.
- You can have a lawyer present at questioning.

RESOURCES

<https://www.lambdalegal.org/helpdesk>

<https://www.aclutx.org/en/request-legal-assistance>

IF requesting a pro bono attorney or seeking a private attorney, ideally request someone who specializes in child welfare law.