



# What to Expect When CPS is At Your Door

## A Guide for Domestic Violence Survivors

The purpose of this guide is to help survivors of domestic violence with how to handle an investigation by Child Protective Services (CPS). Family and friends of survivor parents can also benefit from this guide and find useful information to support survivors.

Experiencing domestic violence can make it difficult for you as a parent to keep your children safe. Receiving a visit from CPS may add stress to this situation, especially when it feels like you are being blamed for things you cannot control. Our goal is to help you understand what to expect during a CPS investigation and your rights throughout this process so you can make informed decisions and advocate effectively for yourself and your children. This guide is part of our [Navigating Child Welfare Toolkit](#), which offers a variety of resources tailored specifically to survivors of domestic violence.



**NATIONAL CENTER TO ADVANCE PEACE**  
for Children, Youth, and Families

The National Center to Advance Peace for Children, Youth, and Families (NCAP) is a coalition led by Caminar Latino and includes Ujima: National Center on Violence Against Women in the Black Community, the Alaska Native Women's Resource Center, the National Indigenous Women's Resource Center, and Futures Without Violence



The next sections will guide you through the process of interacting with CPS, starting with understanding why CPS is at your home, what to expect, and what rights you have during their investigation. Survivors of domestic violence will find practical advice on how to navigate this challenging situation. This toolkit is designed to empower you with the knowledge and resources you need to protect yourself and your children during this process. As an accompaniment to this guide, we also have a pocket-sized Know Your Rights tip card that you can keep on hand.

## What is CPS?

Child Protective Services (CPS) is a commonly used name for the state agency designed to respond to concerns of suspected child abuse or neglect. CPS is a core component of state-run Child Welfare Systems. In most states, the Child Welfare System is located within a larger agency, such as the Division of Child and Family Services (DCFS), Office of Children's Services (OCS), or Department of Children and Families (DCF). These different names are often used interchangeably, and depending on the state, it may be more common to hear CPS referred to by one of these other acronyms. There are federal laws that set minimum standards for defining and responding to child abuse and neglect, however, each state operates independently. For this reason, states may use different terminology to refer to their Child Welfare System, have different laws defining child abuse and neglect, and different procedures for how reports of abuse and neglect are investigated and handled.

# Why is CPS at My Home?

CPS may visit your home if someone reports concerns about your child's safety. These concerns may be related to domestic violence occurring in the home, or they may be about other incidents or conditions in which your child was reportedly harmed, at risk of harm, or neglected.



Anyone can make a report of child abuse or neglect. Certain professionals like teachers, social workers, and doctors, are required by law to report to CPS if they have suspicions of child abuse and neglect. Neighbors, relatives, or even abusive partners can file a report as well. Legally, CPS cannot tell you who made the report.



Depending on the state you live in, exposure to domestic violence may be considered child abuse or neglect, especially if CPS believes the domestic violence threatens the safety of children in the home. A few states protect survivors from being held responsible for child maltreatment when there is domestic violence in the home. Other states have laws, such as ‘failure to protect,’ that allow survivors to be held responsible if their children are exposed to domestic violence.



If CPS receives a report and believes a child may be in danger or at risk of harm, they will start an investigation to assess whether the child is safe. In some states, certain reports may be routed to an “alternative response” path. Alternative response allows parents to avoid a CPS investigation by voluntarily cooperating with services to address child safety concerns.

## Know Your Rights

- You have the right to know who is at your door. You can ask the CPS worker to identify themselves by showing you their badge.
- You have the right to keep CPS out of your home unless you give them permission to enter, they have a valid search warrant, or they have declared an emergency for imminent danger of serious harm to child. This is the term that CPS will use, and generally means they believe a child is in a situation where there is a high likelihood that they will be seriously harmed. The definition of what counts as imminent danger of serious harm depends on your state laws and CPS policies. If CPS comes to your door, you can ask: “Do you have a warrant or has an emergency for imminent danger to my children been declared?” If the answer is no, you can ask them to come back at a time that works better for you.



# What Happens During the Investigation?

During the investigation, CPS will gather information from many sources to determine whether the reported child abuse or neglect occurred and whether there are ongoing child safety concerns that need to be addressed. It is normal to feel scared, upset, or angry that you are being investigated. You might feel blamed or judged, but remember the violence is not your fault. There is also a very real possibility that a visit from CPS could escalate the violence you are experiencing at home. If you believe that a visit from CPS could escalate the violence, reach out to an advocate. They can also provide you with support during CPS interactions.

In most states, CPS has 60 to 90 days to complete their investigation. The following are typical parts of the investigation.



## *Initial contact:*



You will receive an unannounced visit at your home or receive a call from CPS to coordinate an appointment to talk to you and your children about the reported claims of child abuse or neglect.



In their visit, the CPS worker may arrive with a police officer, but this doesn't mean you or anyone else will be arrested or charged. It's common in some places for CPS workers to bring a police officer for their own safety.

## *Interviews:*



CPS will want to talk to you, your children, and the person who uses violence to gather information about what happened and assess safety and needs. They may ask to interview the children privately. Legally you cannot demand to be present, but you can state your preference to be present or ask that a neutral third-party be present to ensure the children's emotional and psychological safety during the interview.



CPS will also likely interview health care providers, school personnel, other members of your family, neighbors, and any person they think may have relevant information to assess safety concerns and family needs. This can feel very invasive and like you are being surveilled.



The interview may include questions about domestic violence. You have a right to be interviewed in private if you have concerns about discussing family violence in front of your children or partner. If the person who uses violence is present, do what you need to do to keep yourself safe in the moment and contact the investigator as soon as possible to tell them why you couldn't talk openly, if that is the case.



You can tell the CPS worker that right now is not a good time to talk, but you would like to schedule an appointment to meet with them at another time. You can also choose a safe location away from your home to meet with them. Make sure you get their contact information.



Rescheduling your CPS interview allows you time to consult with a domestic violence advocate, attorney, or trusted community member for safety planning and legal advice. You can also arrange for a support person to join you during the interview.



CPS may interview your children without you being present. You have a right to be informed if CPS talks to your child.



## *Other Visits and Inspections:*



CPS may want to inspect the living conditions of your home. This means they will look at sleeping spaces, general cleanliness, whether there is food in the refrigerator or pantry, home repairs that are needed, and other safety issues that may be present. The investigation may involve multiple home visits over several weeks.



These visits may be unannounced; however, you have a right to request that they be at a reasonable time, and that investigators do not show up at your place of work.

## *Evaluations:*



CPS may request professional evaluations of your children from medical and mental healthcare providers. They may also request that you and/or the person who uses violence participate in professional assessments, which could include mental health evaluations, parenting evaluations, domestic violence evaluations, or drug testing.



You can request to have appointments scheduled at a time that is reasonable for you. If a scheduled appointment does not work for you, you can provide alternative times of availability.





If transportation is an issue, ask the CPS worker what accommodations can be made to help you complete the evaluations that have been requested.



In addition, CPS will run background checks on you and any other adults living in your household to see if there are any prior criminal offenses or history of child welfare involvement.

## *Safety Planning:*

CPS may create a safety plan during their investigation. A safety plan is a document that lists specific actions and conditions you must follow to keep your children safe at home. This is different from a domestic violence safety plan because, with the CPS plan, you might not have much say in what's included. It's important to know that if you don't follow the CPS safety plan, there could be serious consequences, such as removal of your children by CPS. It's a good idea to have a domestic violence advocate or lawyer review the safety plan with you.



# Know Your Rights

- You have a right to know the claims of child maltreatment that are being investigated, and when they were made. However, you do not have a right to know who made the report of abuse or neglect.
- You have a right to remain silent. You must verbally assert your right to remain silent. For example, you could say: “I choose to exercise my right to remain silent.” Remember, even though you might feel pressured to answer, anything you say can be used against you. It is important to only answer questions that are specific to the situation being investigated.
- You have a right to seek legal advice at any time of the investigation. Depending on your state, you may be entitled to free or low cost legal representation at different parts of the process. To assert your right, you can say: “Before talking to you, I want to talk to an attorney.”
- You have the right to ask CPS where you can learn more about your rights as a parent in an investigation.
- CPS cannot make you take a drug test or sign an authorization for medical evaluations of your children without a court order. Note that medical evaluations on children can be carried out without parental consent in emergency situations where a child was harmed, or the child’s safety is considered to be in imminent danger.
- You do not have a right to stop or prevent CPS from talking to your child. CPS can talk to your child at school or the hospital without your knowledge or permission, but if they do so, they must notify you afterwards. You have a right to be informed if CPS talks to your children and to receive a copy of any evaluations of your children.



**Be aware that your decision to exercise your rights may be perceived by CPS as being “non-cooperative,” and may affect their assessment. You should carefully weigh the consequences of any action you take and try to find a balance between asserting your rights and showing a willingness to cooperate in ensuring your children’s safety.**

## What Happens After the Investigation

What happens after the investigation depends on what the investigator learns and how they interpret the information. CPS is required to notify you of the results of the investigation and inform you about what will happen next. You should receive an official notice of the findings in writing. The notice should clearly state whether CPS believes they have confirmed or not confirmed the claims of child maltreatment. Common words used by CPS to refer to the findings include: verified/unverified, indicated/not indicated, and substantiated/unsubstantiated.

### **Depending on the results of the investigation, possible outcomes are:**

- **No Further Action:** If there is no evidence of abuse or neglect, or it is determined there is not an ongoing risk to the child’s safety, the case may be closed with no further action.
- **In-Home Services:** If findings of abuse or neglect are verified, but CPS thinks risks to child safety are manageable, services may be offered to keep your family together and prevent the need to remove your children from the home. These services may be voluntary or they may be court-ordered.

- **Out-of-Home Placement:** In cases where findings of abuse or neglect are verified, CPS thinks there is imminent risk to children, and no reasonable efforts are possible, then children might be temporarily removed from your care. Generally, CPS must file a petition with the court to have your children removed, unless you agree to a voluntary placement. However, if there is imminent danger to the child's safety, CPS can remove children without a court order. This action must be reviewed by a judge, usually within 48 hours, depending on the laws of your state. If your children are removed, you have the right to defend yourself against the CPS allegations in court and may obtain legal counsel to do so.
- If findings of abuse or neglect are verified against you, in most states, your name will be added to a state child abuse registry. This can have significant legal consequences. If the findings are not verified, make sure you have not been added to the registry in error.
- Federal law requires States to make reasonable efforts to preserve and reunify families (i) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home; and (ii) to make it possible for a child to safely return to the child's home.[1]
  - If you feel reasonable efforts have not been made, you can file a complaint or voice your objections in court. It will help your case if you can provide clear examples of how reasonable efforts were not made and supporting documentation. For example, you requested help with childcare costs so you could attend appointments for services you were referred to by CPS, but this assistance was not provided.





# Know Your Rights

- You have a right to be informed about the findings of the investigation and receive the official report of the findings from CPS.
- You have the right to defend yourself in court if the allegations of abuse or neglect against you are verified. You can hire an attorney to represent you, or you may be eligible to receive a public defender free of charge.
- You have the right to keep your family together without CPS taking your child unless there's a court order or an emergency for imminent danger of serious harm to the child is declared by CPS or law enforcement.
- If CPS takes your child, a judge will review the decision. You have the right to be notified of the hearing and to have your say in court. Ask CPS for the reasons your child was removed and make sure you know when you'll have a chance to speak to a judge.
- You have the right to file an appeal if you disagree with the findings. The process of appeal can be different depending on your state, and sometimes it can be complicated and take a long time. You might want to get help from an attorney or an advocate to help guide you through the process.

## **Additional Information for Families with Special Status or Access Needs:**

CPS cannot discriminate on the basis of a person's national origin, immigration status, disability, age, sexual orientation, gender identity, religion, color, race, or ethnicity. CPS should not use these aspects of your identity to judge your ability to parent. Unfortunately, discrimination can still happen. If you feel like you are being treated unfairly or your rights have been violated, you can file a complaint. Learn more about federal protections against discrimination in child welfare and your rights [here](#).

### ***For individuals who speak a language other than English:***

- You have a right to communicate and receive information in the language that makes you feel most powerful.
- CPS must make immediate arrangements for the use of appropriate services such as a qualified competent interpreter for parents and children that speak a language other than English. It is not appropriate for CPS to ask children or other family members to serve as interpreters.
- Additionally, all documents such as safety plans, case plans, etc. should be provided in the preferred language. Do not sign anything that is in a language you do not understand.

### ***For individuals who are Deaf, hard-of-hearing, or have disabilities:***

- CPS must make immediate arrangements for the use of appropriate auxiliary aids and services such as a qualified competent ASL interpreter for parents and children who are Deaf or hard-of-hearing.
- If you or a member of your family has a disability, the child welfare assessment must be individualized and take into account functional effects of the disability. CPS must consider how a disability affects your family and provide any needed accommodations during their investigation and for any services they offer. If you feel like CPS isn't taking your family's needs into account, speak up and ask for the accommodations that are necessary.

### ***For immigrants:***

- Your immigration status does not affect your legal rights with regard to your children. CPS cannot remove your children simply because you are an immigrant.
- CPS is not required by federal law to report families' immigration status to federal authorities.
- You do not have to tell CPS if you are undocumented. However, your immigration status could affect access to publicly funded services. You can ask CPS to help identify services that you and your family can access safely. CPS must still provide language access during all interactions with you and do everything they can to avoid removing your child.
- Being a survivor of domestic or gender-based violence may qualify you for special protections and a path to regularization of immigration status. You should speak to an accredited representative or attorney who specializes in immigration issues.

### ***For indigenous families:***

- Under federal law, the Indian Child Welfare Act (ICWA), provides additional protections and rights to families during a CPS intervention if a child is a member of a federally recognized Tribe or eligible for membership.
  - Additionally, some states have approved their own version of ICWA with expanded rights and protections for Native American families.
- CPS is required to make active efforts aimed to safeguard the cultural and familial needs of Native American children. You should inform the CPS worker of your child's status.
- You can contact your Tribal social services agency to make sure they are aware of the CPS investigation and request their involvement in your case.

# Know Your Rights

- You can file a complaint at any time if you feel you have been treated unfairly, your rights have been violated, or you have concerns about anything you have experienced in your interactions with CPS. The process for filing a complaint varies by state.
- You have the right to communicate in a way that works best for you, to have things explained using words you understand, and to receive accommodations to allow you to communicate effectively and participate fully in the investigation. If CPS doesn't offer this help, ask for it right away.
- You have the right to a fair assessment if someone in your family has a disability.
- You have a right to keep your immigration status private.
- You have the right not to be asked discriminatory questions. CPS cannot ask you questions that seem biased or irrelevant to your case. If they do, you can ask why they are asking and how it relates to the investigation.



Remember, you are not alone. If you have questions about anything in this guide or need help finding information or resources for your state, you can contact the National Center to Advance Peace for Children, Youth, and Families:  
[info@centertoadvancepeace.org](mailto:info@centertoadvancepeace.org)



**Disclaimer: This guide is intended to provide general guidelines and may vary based on local laws and practices. It's important to seek personalized advice and support tailored to your specific situation to navigate the child welfare system as effectively as possible.**



## **NATIONAL CENTER TO ADVANCE PEACE** for Children, Youth, and Families

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