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



Navigating Child Welfare

Tool 6: What Happens if My Children Are Removed?

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Purpose

If CPS removes your children from your home, it's normal to feel overwhelmed, devastated, heartbroken, angry, or scared. Many parents experience intense grief and loss during this time. These feelings are valid. Removal of a child can be one of the most painful and disorienting experiences a parent or caregiver faces.

This tool explains what usually happens after a removal, what your rights are, and how you can stay involved and work toward reunifying with your children. You may see words in this tool that are technical terms used by CPS or the court system. If a word feels unfamiliar or confusing, you can visit our Child Custody Glossary.

Knowing what to expect can help you feel more grounded, even in a moment that feels chaotic.

Throughout this process, it is very important to keep track of everything you're doing to stay involved and care for your children. We suggest you keep your own records of all your interactions with CPS and your efforts to meet the requirements in your case plan, including services you are receiving and actions you have taken to make it safe for your children to return to your home.

What to Expect:

Court Hearing - Once your children are removed, a judge will schedule a hearing—in some states this is called a shelter hearing, a temporary custody hearing, or a care and protection hearing. At this hearing, CPS will explain why they removed your children. The judge will decide whether your children should be returned to you or remain in out-of-home care while the case moves forward. According to the law, CPS usually must ask the court for permission before removing children from their home. But if they believe your children are in immediate danger by you and/or other circumstances if they remain at home, they may remove them first and hold the hearing within 72 hours. In some states, this is more common for CPS to perform ”emergency removals” instead of first getting a court order. No matter the order, this first court hearing is where CPS presents their reasons for removing the children, and you have the opportunity to begin responding and protecting your rights. You have the right to:

- Attend the hearing.
- Bring evidence showing your children can be safe with you. This could include:
  - Copies of any safety plans that have been implemented and documentation of how you have been following the safety plan;
  - Copies of orders of protection or injunctions that you have filed against the person who uses violence;
  - Documents such as medical or school records that contradict CPS’ claims that your children are abused or neglected;
  - Witnesses who can testify on your behalf that your children are safe with you;
  - Documentation of any services you are already engaged in to address the safety concerns raised by CPS.

- Bring evidence that CPS has not made any effort to prevent the need to remove your children from you. To support your argument, you can offer suggestions of reasonable efforts that CPS could make, and with which you are willing to comply, to keep your children safely at home
- Propose someone who can care for your children (such as a relative, neighbor, or friend) if the court agrees with CPS that they need to be removed from your care.
- Speak for yourself or have a lawyer speak on your behalf.

Tip: Ask the court about free legal representation if you don't have a lawyer. Depending on the state, some parents qualify for a court-appointed attorney.

If your children are Native American or Alaska Native (or may be eligible to be), the federal Indian Child Welfare Act (ICWA) may apply to your case. ICWA is a special federal law designed to protect Native children, families, and tribes from unnecessary removal and separation, and to keep children connected to their culture, community, and extended family. ICWA requires state agencies and courts to follow specific procedures, provide active efforts to prevent removal or to reunify families, notify the child's tribe and parents, and prioritize placements that maintain cultural connections when out-of-home care is necessary. When ICWA applies, it also gives the child's tribe the right to participate in or transfer the case to tribal court. These protections are in addition to the rights described in this tool and can result in stronger safeguards for Native families. [1]

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[1] https://www.nicwa.org/wp-content/uploads/2025/02/2021-Family-Guide-to-ICWA-Updated-2.pdf

Case Plan Development - If the judge decides your children will stay in out-of-home care (for example, in foster care or in the care of an approved relative), you will be given a case plan. This plan outlines what you need to do to bring your children home, and should also outline what others (your caseworker, for example) will do to support you. You will be expected to follow the case plan to get your children back. The child welfare agency will monitor your progress and report back to the court on how you are doing. You have the right to:

- Help create the case plan and share your opinion.
- Ask for changes if something feels unrealistic or unrelated to your child's safety.
- Ask for reasonable accommodations to help you complete your case plan (such as transportation assistance, scheduling appointments around your work or school hours, or referring you to service providers who speak your preferred language)
- Raise your concerns in court if CPS won't adjust your case plan or provide reasonable accommodations.

Important: In cases involving domestic violence, the case plan is often written only for the survivor-parent. You can ask CPS (and the court) to involve the person who used violence, and give them a separate case plan to hold them accountable, too.

Additional note: You may not need to complete every task on your case plan before your children are returned to you. Sometimes you can have your children returned to your care while you continue to work on your case plan, as long as the specific safety concerns identified by CPS have been addressed. These may be called "Conditions for Return" in your case plan and specify the requirements that must be met for your children to be safely returned to your care.

Suggesting a Caregiver (Kinship Care) - You can give CPS names of trusted family members or friends who might care for your children. This is called kinship care and is often preferred over foster care with strangers. The person you suggest may need to:

- Pass a background check. Typically, this includes both a criminal background check and a child abuse history background check. An individual who has had a previous CPS case against them will not be approved to serve as a kinship caregiver.
- Complete a home study to be approved. This is a safety inspection of the home to ensure it meets the same licensing standards as a foster home.
- Demonstrate their ability to care for your children and willingness to cooperate with the child welfare agency while the children are in their care.

There may be other requirements for kinship caregivers, such as training or certification, depending on the state where you live.

Knowing Where Your Children Are and How They're Doing – Your caseworker is responsible for keeping you informed about what is happening with your children while they are in out-of-home care. Typically, you will not have direct contact with your children's foster parents, unless they have agreed to help facilitate visits and communication with your children. Even in these cases, foster parents are restricted by the court in what they can share with you, so you should always direct any questions you have to your caseworker. You have the right to be informed about:

- Where your children are living.
- Their health, schooling, and day-to-day care.

You can also give input (through CPS) to foster parents/kin caregivers on:

- Medical care, schooling, diet, and cultural needs.
- Extracurricular activities or spiritual practices.

Your input matters. You are still the legal parent, and that means you have parental rights when it comes to making decisions about your children's care. You know your children better than CPS does. It is important to speak up about what your children need and express any concerns you have about how their needs are being met while they are not in your care. Taking an active role in your children's care also helps to show your commitment to being a parent. This can have an influence on the court's decision about whether to return your children to you.

Visitation Rights - Unless a judge says otherwise, you have the right to visit your children. Here's how visitation usually works:

- At the beginning, visits will most likely be supervised by someone from the child welfare agency or the foster parent may monitor the visit. Some child welfare systems may use a contracted provider to supervise visits, such as a Supervised Visitation Center. Generally, it will be your responsibility as the parent to get yourself to the specified location for the visit.

Over time, you may earn unsupervised or overnight visits as you make progress toward completing your case plan. However, this will only happen if you have been consistently participating in supervised visits and the child welfare agency feels that safety concerns have been well enough addressed for your children to visit with you safely.

If CPS believes something you do during visits is unsafe, they may ask the court to pause visits temporarily.Sometimes they will pause visits if you have not been cooperating with the child welfare agency or following your case plan.

It is very important that you make every effort to go to your visitation appointments. Ask your caseworker for help if you have trouble getting there or you need to schedule visitations around work, school, or other appointments. Call your casework as soon as possible if you know you are not going to make it to a visit. Missing scheduled visits or being consistently late to visits will reflect poorly on you and will be reported by your caseworker to the court, so it is important that you communicate with your caseworker and make it a priority to attend all visits.

The goal of visitation is to show CPS that you can parent safely. Parents often feel like they are being judged during these visits, and there is truth to this. The agency is observing how you interact with your children. While this will likely feel uncomfortable, try to use this opportunity to show them how much you love your children. Put time and care into preparing for your visits so you can make the time you have together with your children meaningful

Requesting Accommodations and Support - You have the right to ask for reasonable accommodations if something in your case plan is hard for you to complete due to a disability, language barrier, or other needs. You can ask for things like:

- Interpretation or translation for meetings with CPS and court hearings. CPS should also assist you with ensuring that programs or services you are being asked to complete provide interpretation and translation as needed. Whenever possible, they should refer you to a provider who offers services in your preferred language.
- Childcare so you can attend required classes.
- Transportation or virtual participation if travel is hard.

The law requires CPS to make “reasonable efforts” to help you reunify with your children. This means offering services and supports to assist your family in addressing the problems that put your children at risk of harm. It also includes helping you access what you need to participate in services. You can learn more about reasonable efforts here.

Ongoing Court Hearings - While your children are in out-of-home care, you may have to go back to court regularly – usually every six months, but this varies. At each hearing, the judge will look at your progress on your case plan, and decide what should happen next. Typically, you will have an opportunity to speak at these hearings if there are things you want to share with the court, or you can have your attorney speak for you.

Reunification Timelines and What Happens Long-Term - Federal law gives courts a timeline for finding a permanent home for children who have been placed in out-of-home care. In most cases, the goal is to return children to their parents (which is called “reunification”), but if too much time has passed and reunification appears unlikely to occur, the court must identify other options. This timeline was created based on the belief that children should not remain in out-of-home care for an unlimited amount of time. However, the impact on parents is that they have limited time to complete the tasks required of them by CPS to get their children back. The timeline is as follows:

- Within 12 months of removal, parents should be reunified with their children, or at least made substantial progress towards reunification.
- By 18 months after removal, if the court decides the parent(s) still are not ready to reunify, courts must make a plan for the permanent placement of the children. This could involve termination of parental rights and adoption of the children.

Judges may allow extensions if:

- You’re actively working on completing the tasks assigned in your case plan and doing the things CPS has told you to do to make it safe for your children to be returned to your care.
- You’ve faced barriers that slowed your progress in completing your case plan (e.g., health, housing, lack of services, waitlist to receive services).
- The child welfare agency has not provided reasonable accommodations that you have asked for to help you complete your case plan.

You can request more time, but it’s not guaranteed. Having strong documentation and a support team can help. A judge may be more likely to give you an extension if you have been cooperative and made an effort to do the things on your case plan.

What if Things Don’t Go as Planned?

If CPS believes you’re not making enough progress towards reunification, they may ask the court to terminate your parental rights (TPR). This means your legal relationship with your child will be permanently ended. In most cases, the law requires CPS to make efforts to help you reunify with your children before moving to terminate parental rights.

It is important to note that in some situations, CPS can ask the court to terminate your rights without offering services first, especially if they believe reunification is not in your child’s best interest or if the law allows them to skip services due to the severity of danger to the children.

You have the right to a lawyer during this process, and you can ask the court to appoint one if you cannot afford a lawyer. That’s why it’s important to ask questions, speak up if something doesn’t feel right, and keep track of everything you’re doing to stay involved and care for your children.

Final Thoughts

Having your children removed from your care can be one of the most difficult experiences imaginable.There is no right or wrong way for you to feel in this moment. Losing your children, even if only temporarily, is traumatizing, and it may feel like decisions are being made about your family without your voice being heard.

If you are experiencing grief after the removal of your children, there is nothing wrong with you. Grief can take many forms and is a normal response to a situation like this. However, grief can also be overwhelming. That's why it is important for you to find the support you need so you can get through this process.

Here are a few ideas:

- Try some grounding techniques if you are feeling overwhelmed or anxious. Some simple techniques such as deep breathing exercises, visualizing a safe and calming place, or repeating a calming phrase can help to reduce anxiety and regain a sense of control and stability during moments of intense emotion.

- Build a support system. Identify the people in your life who you trust and who make you feel safe. These could be family members, friends, neighbors, an advocate, or people from your faith or cultural community – anyone who gives you strength.

- Start with small steps. Your case plan from CPS probably feels like an impossible list of demands. You don't need to do everything all at once. Try to find one thing that you can start on. Even something as simple as making a phone call to schedule an appointment will help you to feel like you are getting something done. Each step you take brings you one step closer to getting your children back.

- Consider seeking professional help if grief is overwhelming. A therapist can help you to process and find ways to cope with your grief so it doesn't get in the way of doing what you need to do to get your children back.

- Connect with other parents who have been through the child welfare system. It can be comforting to connect with others around a shared experience. In addition to providing solidarity and emotional support, they may be able to offer helpful advice on navigating the system. Your caseworker may be able to help you find a local or virtual support group for parents involved with the child welfare system. Additionally, some child welfare agencies offer programs that connect parents with a "peer support" - a parent who has been through the system and successfully reunified with their children. Ask your caseworker if there are any programs like this in your area.

Remember, you have rights, and you can ask for support. There are people and organizations that want to support you in keeping your family together. Here are some parent-led organizations that you can check out.

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