

Fathers have the same rights as mothers in CPS cases. Texas courts must consider you equally with the child's mother when it comes to the custody and safety of your child.

What does equal treatment mean?

Equal treatment means the court must listen to what you want, give it equal weight to what the mother wants, and hold you and the child's mother to the same standards.

This is true:

- **even** if you are not married to the child's mother.
- **even** if you haven't seen your child for some time.
- **even** if you aren't sure of your custody rights.
- **even** if you are incarcerated.
- **even** if you are behind on your child support payments.

Equal treatment does not mean the judge will order everything exactly the same. For example, the court doesn't have to give you and the mother the exact same amount of time with your child.



Fathers' Rights Explained

If you are a father involved in a legal case with Child Protective Services (CPS), it is important that you know what rights you have under Texas law.

- ▶ If you are the legal father to the child, you have the right to a lawyer.
- ▶ If you can't afford to hire one, the court will appoint a lawyer for you.
- ▶ If you don't yet have a lawyer, you may ask the court to appoint one for you.

Additional information about how a "legal father" is defined in Texas can be found within this resource.

Educate Yourself

More information about the legal process in CPS cases is available through the Family Helpline. The Family Helpline answers parent and caregiver questions about CPS matters. Callers receive legal information and education, but not legal advice or legal representation.

Family Helpline
1-844-888-6565

Monday through Friday
9:00 AM to 6:00 PM

Additional resources are available on the **Children's Commission website** or by scanning the QR code below:



Updated March 2025

FATHERS' RIGHTS IN CPS CASES: WHAT YOU NEED TO KNOW



Important
Information for
Fathers
Involved in
CPS Cases

FATHER'S RIGHTS IN CPS CASES

You have the right to be treated fairly when the court decides how and when you get to see your child.

You have a right to be there when decisions are made about your child.

You have the right to attend every CPS meeting and all court hearings involving your child.

You have a right to have a say in where your child lives.

If your child was not removed from you, the court must place the child with you unless that would put the child in danger.

If the court doesn't place your child with you, the court must treat you equally when deciding where the child lives, including considering placing your child with your side of the family.

You have the right to a Service Plan designed for you.

You have the right to help create your Service Plan that is specific to your individual circumstances and needs.

You have the right to information about your child.

You have the right to know about your child's wellbeing, including medical needs and medical care, and how your child is doing in school.

You have the right to know who the professionals are involved in the case.

WHAT IF I DON'T KNOW IF I AM THE FATHER?

Texas law regarding who is identified as the legal father of a child is found in Chapter 160 of the Family Code and there are several different ways to become the legal father of a child.

You may be identified as the legal father by order of the court.

This can happen if:

- both you and the mother testify in court that you are the father; or
- genetic testing confirms you are the father; or
- if you refuse genetic testing but the court still enters an order saying you are the father.

If you have been ordered to pay child support for that child, a court may have already identified you as the child's legal father.

You may be identified as the legal father even without a court order.

This can happen if you:

- were married to the mother when the child was born; or
- were married to the mother when the child was conceived but got divorced before the child was born; or
- married the mother after the child was born and signed a document called an Acknowledgement of Paternity where you swore under oath that you are the child's father; or
- did not marry the mother after the child was born, but you and the mother both signed an Acknowledgement of Paternity; or
- lived with the mother and child for at least two years after the child was born and told people you were the father.

You may not be identified as the legal father, but you may believe you are the father.

This can happen if you, the child's mother, or both of you believe that you are the father, but:

- you were not married to the child's mother;
- the child's mother is married to someone else, or was when the child was born;
- you have not signed an Acknowledgement of Paternity; and
- no court has yet identified you to be the father.

You can request a paternity test through the court to determine whether you are the legal father.

If you have questions about whether you are the legal father, it's important to talk to your lawyer.

Disclaimer: This document is intended to provide legal information only. For legal advice, please speak with an attorney.

