

# **EXAM SPECIFICATIONS FOR CHILD WELFARE LAW**

**PURPOSE OF THE EXAM.** The purpose of the certification exam is to require an applicant to demonstrate substantial knowledge of significant legal concepts and corresponding skills in child welfare law.

**EXAM FORMAT.** The exam consists of a three-hour morning session with three essay questions each worth 100 points and a three-hour afternoon session with 100 multiple choice questions (10 of which involve professional ethics) each worth 2 points. The required passing score is **350**. The essay portion of the exam may be taken by laptop (supplied by the examinee) or by writing. Answers to the multiple choice questions will be documented by the applicant on a scantron answer sheet supplied by TBLS.

**EXAM GRADING.** All exam materials are confidential and not available for review. Essay answers are graded anonymously and identified only by an assigned examinee number. Multiple choice answers are computer graded. Successful examinees are notified that they passed but are not provided with their specific score. Unsuccessful examinees are notified of their exam score. Exams that score 10 points below the passing grade are automatically regraded. Exam results are final.

**ESSAY QUESTIONS.** Essay questions consist of a fact pattern followed by a series of questions (usually 4-6) for an applicant to answer. Essays are designed to require an applicant to recognize and analyze issues in the fact pattern and explain how those issues should be resolved. The fact patterns will involve situations you would likely encounter in your practice. Applicants should ensure they provide the specific information each question requests and communicate their response as clearly as possible. An organized, clearly written answer using complete sentences will almost always receive a higher score than a choppy, disorganized one. In order to pass the exam, applicants must be able to clearly express answers in a manner that would be persuasive to the decision-maker in a case.

**MULTIPLE CHOICE QUESTIONS.** These questions are designed to test a breadth of issues in the specialty area and require an applicant to select the option that represents the **best** available answer.

**REQUIRED KNOWLEDGE, SKILLS AND ABILITIES.** An applicant in child welfare law is expected to understand all aspects of child welfare and is also expected to be familiar with the procedures for resolving child welfare cases both in the Texas Family Code and in the Texas Rules of Civil Procedure, a general application of the Texas Rules of Civil Procedure and Texas Rules of Evidence, provisions in the Texas Constitution and other state laws relating to child welfare law, and federal laws relating to child welfare law. This will include legislation in effect at the time of the exam that may have been recently enacted as well as any recent case law. A more detailed list of required knowledge are set out on the following pages.

***NOTE: NOT ALL TOPICS LISTED BELOW WILL BE COVERED ON ANY GIVEN EXAM. APPLICANTS WILL BE TESTED ON RULES AND LAWS IN EFFECT AT THE TIME OF THE EXAM UNLESS OTHERWISE SPECIFIED.***

**1. Federal Law**

- a. U.S. Constitution
- b. Child Abuse Prevention and Treatment Act
- c. Social Security Act (Title IV-B and IV-E)
- d. Adoption and Safe Families Act
- e. Chaffee Act
- f. Fostering Connections to Success Act
- g. Indian Child Welfare Act
- h. Preventing Sex Trafficking and Strengthening Families Act
- i. Servicemembers Civil Relief Act
- j. Special Immigrant Juvenile Status

**2. State Statutes and Regulations**

- a. Texas Family Code
- b. Texas Rules of Civil Procedure
- c. Texas Rules of Evidence
- d. Texas Administrative Code
- e. Child Protective Services (TDFPS) Handbook
- f. Texas Rules of Appellate Procedure

**3. Intake and Investigations**

- a. Reporting Child Abuse/Neglect
- b. DFPS Interviews with Children
- c. Family Based Services
- d. Orders in Aid of Investigation
- e. Orders to Participate in Services
- f. Records and Confidentiality

**4. Trial of Cases Involving TDFPS**

- a. Removals
- b. Pleadings
- c. Jurisdiction, including UCCJEA
- d. Venue
- e. Service of Process and Due Diligence
- f. Discovery
- g. Emergency Removal Hearing
- h. Non-Emergency Removals
- i. Adversary Hearing
- j. Evidentiary rules
- k. Paternity
- l. Aggravated Circumstances
- m. Protective Orders and Family Violence
- n. Substance Abuse Issues
- o. Mental Health issues

- p. Expert Witnesses
- q. Status Review Hearings
- r. Visitation and Access issues
- s. Incarcerated Parent/ Bench Warrants
- t. Permanency Hearing
- u. Monitored Return of Children
- v. Dismissal and Extension of Court's Jurisdiction
- w. Permanency Care Assistance (PCA)
- x. Court proceedings involving conservatorship without TPR
- y. Joint Managing Conservatorship
- z. Termination of Parental Rights
- aa. Jury Trial - from voir dire to Instructions and Verdict
- bb. DeNovo Hearings
- cc. Post-Judgment Motions and Appeals from Final Judgment
- dd. Mandamus and Bill of Review

**5. Interventions**

**6. Mediation and Non-Adversarial Dispute Resolutions**

**7. Attorney Ad Litem / Guardian Ad Litem**

- a. Appointment ~~DM~~
- b. Requirements for effective advocacy
- c. Ineffective Assistance of Counsel
- d. Counseling parent clients
- e. Counseling child clients
- f. Professional responsibilities
- g. Court Appointed Special Advocates and Guardian Ad Litem

**8. Children**

- a. Best interests of children
- b. Texas Service Levels System
- c. Children in court
- d. Foster Children Bill of Rights
- e. Disproportionality
- f. Medical Care and Coverage

**9. Education**

- a. School Stability
- b. McKinney Vento Act
- c. Individuals with Disabilities Education Act
- d. Special Education issues
- e. Uninterrupted Scholars Act
- f. Tuition and Fee Waivers
- g. Every Student Succeeds Act

**10. Long Term Care**

- a. Permanency After Final Order (Placement) Hearings
- b. Extended Foster Care
- c. Transitional Living

- d. Trial Independence
- e. Guardianship
- f. PAL
- g. Aging out of Care

**11. Adoptions**

**12. Associate Judges**

- 13. The Texas Disciplinary Rules of Professional Conduct.** The ethics questions regarding this topic will involve an array of hypothetical fact situations which will cover several different aspects of ethical issues that arise in the practice of law. The questions will not be limited to the practice of any one specialty area, and consequently, an applicant is advised to be familiar with all provisions of the TDRPC.

**SUGGESTED STUDY MATERIALS:**

- Articles from Statewide seminars
- The Family Code
- The Handbook of the Department of Family & Protective Services
- Recent changes to legislation-Legislative Update
- Rules of Civil Procedure
- Texas Rules of Appellate Procedure
- Supreme Court of Texas Children’s Commission resources:
  - Legislative Update: <http://texaschildrenscommission.gov/media/83450/85th-session-legislative-update-july-21-final.pdf>
  - Bench Book for CPS Judges: <http://benchbook.texaschildrenscommission.gov/>
- Practice Guide for Child Welfare: [https://www.dfps.state.tx.us/Child\\_Protection/CPS\\_Attorneys/](https://www.dfps.state.tx.us/Child_Protection/CPS_Attorneys/)
- Related sections of the Education Code
- Related sections of the NACC Redbook