



TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

COMMISSIONER
Thomas Chapmond

April 20, 2004

Tim Lambert
Texas Home School Coalition
P.O. Box 6747
Lubbock, Texas 79493

Dear Mr. Lambert:

This letter is in response to your e-mail of March 12, 2004. You asked whether a Child Protective Services official has the authority to verify the home schooling of the family as part of their investigation, including when the report is made anonymously. You attached a letter you had sent to the CPS office in Waxahachie.

Family Code §261.301(e)(1-7), Investigation of Report, requires Child Protective Services to determine the following as necessary to provide for the protection of the child:

- The nature, extent, and cause of the abuse or neglect;
- The identity of the person responsible for the abuse or neglect;
- The names and conditions of the other children in the home;
- An evaluation of the parents or persons responsible for the care of the child;
- The adequacy of the home environment;
- The relationship of the child to the persons responsible for the care, custody, or welfare of the child; and
- All other pertinent data.

In general, home-schooling issues are not relevant to alleged abuse or neglect of a child, since the statutory definitions of abuse and neglect do not include truancy. Thus, home-schooling should not be part of the investigation. An investigation worker should not ask for verification of home schooling due to concerns about truancy or compulsory school attendance.

Sincerely,

A handwritten signature in black ink that reads "Thomas Chapmond". The signature is fluid and cursive.

Thomas Chapmond

TC:jj

cc: Representative Suzanna Hupp