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,

Thomas Chapmond

TC:jj

cc: Representative Suzanna Hupp