The Role of the Texas Legislature in Child Welfare Reform
Before Reform

- In 2003 and 2004 several high-profile abuse and neglect cases ended in tragedy, focusing intense scrutiny on the state's Child Protective Services program.

- It was clear the state's overwrought protective services system had reached a breaking point and expectations were unrealistic considering the resources and systems in place to protect children.

- In response, Governor Rick Perry directed the Health and Human Services (HHSC) Commission to investigate and reform the CPS program of the Department of Family and Protective Services (DFPS).

- HHSC launched an independent review of relevant laws, cases, training procedures, policies, management and organizational structure, and more. By the end of 2004, HHSC issued recommendations for reform to the Texas Legislature.
Investigative Caseloads before Reform

CPS Investigator Caseload Average

<table>
<thead>
<tr>
<th>Caseload Size</th>
<th>FY02 1st Qtr</th>
<th>FY03 1st Qtr</th>
<th>FY04 1st Qtr</th>
<th>FY05 1st Qtr</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly</td>
<td>30</td>
<td>50</td>
<td>60</td>
<td>70</td>
</tr>
<tr>
<td>Daily</td>
<td>25</td>
<td>35</td>
<td>45</td>
<td>60</td>
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Monthly vs. Daily caseloads over time.
CPS Reform efforts, with support of 79th and 80th Legislatures, have resulted in practice changes that serve as a foundation going forward. These include:

- Family Focused approach
- Family Group Decision-Making processes throughout all stages of service.
- Kinship Care
- Disproportionality Initiative, using data and in partnership with the community and with families.
- Quality Assurance Framework
Reform I
The 79th Legislature enacted SB 6, the omnibus Department of Family and Protective Services (DFPS) reform bill.

SB 6 instructed DFPS to improve the services it provides to children, families, the elderly and adults with disabilities.

SB 6 was largely focused on the “front end,” or investigation stage, of the protective services system.
Increased Funding and Staff

• To facilitate far-reaching changes to its programs, DFPS was provided an unprecedented funding increase.

• The 79th Legislature appropriated $2.1 billion to DFPS for the FY 2006-07 biennium, nearly a 22 percent increase over the previous budget.

• DFPS workforce grew from just under 7,000 workers in FY 2005 to more than 9,000 in FY 2007.

• Most of these new staff work directly with clients, including 848 additional CPS investigators.
CPS Investigations

• Hire a Director of Investigations to oversee the investigative functions.
• Assign complex investigations to staff experienced in forensic investigations.
• Hire CPS investigators with law enforcement experience to improve investigations and to train other caseworkers on forensic techniques.
• Restructure investigative units to pair one supervisor with five caseworkers.
• Incorporate the use of forensic medical assessment and telemedicine.
• Equip caseworkers with tablet PCs, enabling them to do faster, even real-time, investigation documentation and case consultation with experts and experienced staff.
• Respond to high priority reports of abuse/neglect within 24 hours and to all others within 72 hours by September 2007.
• Add specialized screeners to prioritize abuse and neglect reports.
CPS Services

• Promote continuity of care for children in DFPS custody by providing financial assistance, additional support and services to relative caregivers.

• Obtain names of three relatives as possible caregivers in the event a court orders the removal of a child.

• Perform background and criminal history checks on individuals who are identified as potential caregivers and determine the most appropriate substitute caregiver.

• Create health and education passports to allow these critical records to travel with each foster child.
Prevention Services

- Develop community-based prevention services for families at risk of child abuse.
- Establish an inter-agency council to collaborate on policies and report on ways to reduce abuse and neglect.
- Use the Family Drug Court Program to integrate substance abuse treatment services into child abuse/neglect cases.
Functional Units

OLD SYSTEM
Inefficient - all functions concentrated on a single caseworker

Integrated Caseworker
• Investigations
  Child safety intervention
• Working With Supervisor
• Supervising Parent-Child Visits
• Gathering Evidence
• Reviewing Case Histories
• Making Initial Collateral Contacts
• Transporting Children to Visits
• Paperwork to Initiate Services
• Notification Letters
• Case-related travel
• Documentation

NEW SYSTEM
Distributed - all functions performed by most appropriate staff

Dedicated Investigative Caseworker
• Investigations
  Child safety intervention
• Documentation
• Working With Supervisor
• Gathering Evidence
• Case-related travel

Case Aides
• Transporting Children to Visits
• Supervising Parent-Child Visits

Clerical Staff
• Paperwork to Initiate Services
• Notification Letters

Special Investigators
• Investigations
• Gathering Evidence

Case Screeners
• Make Initial Collateral Contacts
• Review Case Histories
Distribution of Investigative Functions

<table>
<thead>
<tr>
<th>Pre CPS Reform</th>
<th>Post CPS Reform</th>
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<tbody>
<tr>
<td>Contact with children families &amp; collateral:</td>
<td></td>
</tr>
<tr>
<td>Paperwork &amp; documentation:</td>
<td></td>
</tr>
<tr>
<td>Evidence gathering:</td>
<td></td>
</tr>
<tr>
<td>Travel:</td>
<td></td>
</tr>
<tr>
<td>Consultation with supervisor:</td>
<td></td>
</tr>
<tr>
<td>Other activities:</td>
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</tr>
</tbody>
</table>

- Pre CPS Reform:
  - 36% Contact with children families & collateral
  - 31% Paperwork & documentation
  - 5% Evidence gathering
  - 15% Travel
  - 10% Consultation with supervisor
  - 4% Other activities

- Post CPS Reform:
  - 50% Contact with children families & collateral
  - 13% Paperwork & documentation
  - 10% Evidence gathering
  - 10% Travel
  - 10% Consultation with supervisor
  - 15% Other activities
Reform II
Senate Bill 758

- The 80th Legislature enacted SB 758, referred to as “Reform II”
- Continues DFPS reform begun with SB 6, 79th Legislature
- SB 758 primarily focused on improvement of conservatorship/ post-investigation services to children and families.
The chief goals of the second phase of DFPS Reform have been:

• Keeping families together while ensuring child safety in the home.

• Reducing the length of time children remain in state care.
Keeping Families Together While Ensuring Child Safety in the Home

Plans to achieve this goal included:

- Family Group Decision-Making during an investigation.
- Reducing caseloads for Family-Based Safety Services caseworkers.
- Strengthening Families through Enhanced In-Home Support Program.
- Additional Purchased Client Services designed to keep families together.
Reducing the Length of Time Children Remain in State Care

Plans to achieve this goal included:

- Family Group Decision-Making for more families after removal.
- Reducing caseloads for Substitute Care caseworkers.
- Additional Purchased Client Services to reunite families more quickly.
- Enhancing support of kinship placements.
- Enhancing support of court services and preparation of records.
Other Key Elements of SB 758

- Adoption subsidies for children who might remain in foster care
- Pre-K eligibility for former foster children
- Monitoring performance of providers through data system
- Caseworker Education Reimbursement Study and targeted recruitment of caseworkers
New Resources

To accomplish these continued reforms DFPS was provided $99.3 million by the 80th Legislature. The agency was funded to hire an additional 1,353 staff. DFPS was allocated 1003 new staff during FY 2008 and another 350 during FY 2009. This included:

- 501 Conservatorship staff (including 372 caseworkers)
- 348 Family Based Safety Services staff (including 212 caseworkers)
- 84 Family Group Decision Making staff
- 70 Kinship workers
- 31 Legal staff
- 21 Contracting staff
Reform Successes
## Highlights of Reform Progress

<table>
<thead>
<tr>
<th>2005</th>
<th>→</th>
<th>2008</th>
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<tbody>
<tr>
<td><strong>Investigative Caseloads</strong></td>
<td></td>
<td>Investigative Caseloads 1 to 22</td>
</tr>
<tr>
<td>Investigative Caseloads 1 to 43</td>
<td>→</td>
<td>Investigative Caseloads 1 to 22</td>
</tr>
<tr>
<td>No Family Team Meetings in Investigative Stage</td>
<td>→</td>
<td>Over 8,000 Family Team Meetings</td>
</tr>
<tr>
<td>Number of Removals 17,428</td>
<td>→</td>
<td>Number of Removals 14,295</td>
</tr>
<tr>
<td>19,113 Children in Foster Care</td>
<td>→</td>
<td>17,186 Children in Foster Care</td>
</tr>
<tr>
<td>6-9 Month Wait For Foster Parent License</td>
<td>→</td>
<td>120 Day Process for Licensing Foster Parents; Only 90 Days for Relatives</td>
</tr>
<tr>
<td>6,423 Children In Kinship Care Placements in August 2005</td>
<td>→</td>
<td>8,490 Children in Kinship Care Placements in August 2008</td>
</tr>
<tr>
<td>No Program To Address Poverty-related Factors to Prevent Child Removal</td>
<td>→</td>
<td>1,414 of the 1,559 Children Served by the Strengthening Families Initiative Stayed Safely At Home</td>
</tr>
<tr>
<td>Disproportional Representation of Minority Families</td>
<td>→</td>
<td>Disproportionality Has Decreased in 4 of the 5 Largest Counties</td>
</tr>
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</table>
# Highlights of Reform Progress

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<thead>
<tr>
<th>2005</th>
<th>→</th>
<th>2008</th>
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<tr>
<td><strong>Child Protective Services Continued</strong></td>
<td></td>
<td><strong>Child Protective Services Continued</strong></td>
</tr>
<tr>
<td>3,173 Adoptions Consummated</td>
<td>→</td>
<td>4,517 Adoptions Consummated</td>
</tr>
<tr>
<td>No Circles of Support For Youth Aging Out of</td>
<td>→</td>
<td>Over 2,000 Circles of Support Held</td>
</tr>
<tr>
<td>Foster Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Transition Centers For Youth Aging Out of</td>
<td>→</td>
<td>11 Transition Centers</td>
</tr>
<tr>
<td>Foster Care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 Weeks Training</td>
<td>→</td>
<td>12 Weeks Training</td>
</tr>
<tr>
<td>No Tablet PCs</td>
<td>→</td>
<td>All Investigation and FBSS and ½ Of Conservatorship Caseworkers Have Tablet PCs</td>
</tr>
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The DFPS Kinship program became effective March 1, 2006, and provides financial assistance, child day care, caregiver support groups, individual training, and case management services to relatives and other designated caregivers who are caring for children in the custody of DFPS.

Financial payments assist caregivers with the child’s essential needs including bedding, clothing, and school supplies. For eligible caregivers, the program provides:

- Initial start-up funds of $1000 per sibling group;
- Reimbursement of flexible expenses up to $500 per child per year; and
- Post-permanent managing conservatorship (PMC) reimbursement up to $500 per child per year for 3 years.
Kinship Caregiver Program

Number of Kinship Placements

- FY 2005 – 6,240
- FY 2006 – 7,907
- FY 2007 – 8,801
- FY 2008 – 8,490
Adoption Data

Number of consummated adoptions by fiscal year

- FY 2005 – 3,173
- FY 2006 – 3,376
- FY 2007 – 4,023
- FY 2008 – 4,517
DFPS Children in Foster Care

Aug-06 Feb-07 Aug-07 Feb-08 Aug-08
CPS Caseloads

Average Daily Caseloads

- Investigation caseloads have dropped from 41.1 in FY 05 to 21.9 in FY 08.
- Family Based Safety Services (FBSS) caseloads have risen slightly from 19.4 in FY 05 to 20.3 in FY 08.
- Conservatorship/Substitute Care (CVS) caseloads initially increased from 37.1 in FY 05 to 44.5 in FY 06, but then decreased in subsequent years with FY08 at 37.3.
81st Legislature
Funding Decisions for the
FY 2010-11 Biennium
81st Legislative Session Funding Highlights:

- Total All Funds - $109 million

- Total FTEs – 298.6 for FY 10 and 323.6 for FY 11
Funding Highlights

Federal Fostering Connections Act
$2.3 million GR/TANF and $3.5 million All Funds
plus $4.2 million GR in HB 4586

• Funds 22 additional FTEs needed as a result of the mandatory notification of relatives and a Licensing IT system modification for waiver of licensing standards.

• HB 4586 provides for the following optional programs: subsidized relative guardianship; extended foster care, adoption subsidies, and relative guardianship subsidies; foster care independent living setting. Includes 17 FTEs.

Direct delivery staff to meet federal standards
$10.5 million GR/TANF and $12.3 million All Funds

• Funds additional staff to improve face-to-face contact performance for children and their parents in Family Based Safety Services.
Funding Highlights

Address caseload growth for Kinship Caregiver program
$3.6 million All Funds
  • Provides funding for more day care services for relative caregivers.

Strengthen CPS services to families
$4.6 million GR/TANF and $5.4 million All Funds
  • Funds additional Family Group Decision Making staff to maintain current facilitator caseload for family group conferences, to provide more family team meetings in the investigation stage, and to offer family group decision making in Family Based Safety Services.
  • Also funds a study on the effectiveness of the Family Group Decision Making model.
Funding Highlights

Additional purchased client services and program support for caseload growth
$2.2 million GR and $10.6 million All Funds
• Provides funds for additional CPS day care services to address increased demand due to client growth.

Continue phase-in of tablet PCs for substitute care workers
$5.3 million GR/TANF and $6.3 million All Funds
• Funds 430 tablet PCs in FY 10 and another 430 in FY 11 so that all substitute care workers have tablet PCs by the end of the FY 10-11 biennium.
Key Legislation from the 81st Legislature:
Fostering Connections
Fostering Connections

House Bill 1151 and Senate Bill 2080

• Implements the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 by creating:
  • guardianship assistance program entitled Permanency Care Assistance Program;
  • extended adoption assistance and permanency care assistance up to age 21 for eligible youth; and
  • extended foster care up to age 21 for eligible youth.
• Requires DFPS to include “trauma-informed training” in training provided to foster/adoptive parents, kinship caregivers, and caseworkers (HB 1151).
Permanency Care Assistance Program

- The new program will provide assistance payments to a kinship provider who has been verified as a foster parent and who has provided care to a child that has been in the home at least six months since the kinship provider was verified as a foster parent.
- The program will be offered for children and youth where the permanency plan of reunification and adoption have been ruled out.
- Allows the DFPS to pay one time expenses, not to exceed $2,000, to the kinship provider for allowable expenses necessary to obtain permanent managing conservatorship of the child.
- Permanency Care Assistance can be no greater than what the foster care assistance would have been.
Extended Adoption Assistance and Permanency Care Assistance

Allows adoption assistance to be extended to a youth's 21st birthday (from the 18th birthday) if the youth's adoption assistance agreement was entered into after the youth's 16th birthday, provided that the youth is:

1. regularly attending high school or enrolled in a program leading toward a high school diploma or high school equivalency certificate;
2. regularly attending an institution of higher education or a post secondary vocational or technical program;
3. participating in a program or activity that promotes employment or removes barriers to employment; or employed at least 80 hours a month; or
4. is incapable of doing any of the previously described activities due to a documented medical condition.
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