

REVIEW OF CHILD PROTECTION AND THE 2015 LEGISLATIVE SESSION

Breakthrough with foster care bills, but CPS caseload funding still lagging

Legislators arrived at the Capitol after multiple hearings, child deaths in foster care, and disturbing reports placed a spotlight on the importance of strengthening Child Protective Services (CPS). Texans Care for Children's efforts to shape those pre-session discussions and channel that interest into positive change paid off for Texas children.

The Legislature passed SB 125, a bill we had pushed for three legislative sessions to improve and standardize **assessments when children enter foster care**. By understanding their needs from the beginning, CPS can do a better job of ensuring the treatment and homes selected for these children help them recover, rather than re-traumatize them or lead to inappropriate prescriptions for psychotropic drugs.

Lawmakers also passed HB 781, high-priority legislation we helped develop and champion to improve **screening and training for foster parents**. Among other provisions, it requires caregivers to receive 35 hours of competency-based training. Prior to HB 781, the state required a minimum of eight pre-service hours, although many contractors provided additional training. The new law will increase the chances that foster children are placed with foster parents who keep them safe and provide the love and support they need, rather than foster parents who are ill-equipped for the responsibility.



Texans Care also succeeded in passing other priorities, including funding for former foster youth staff positions in the Department of Family and Protective Services (DFPS), known as **youth specialists**, and new data collection on **pregnant and parenting foster youth** and former foster youth who fall victim to **human trafficking**. More youth input and better data will go a long way towards improving support for these vulnerable youth.

Prior to the legislative session, all health and human services agencies were under Sunset review, including DFPS. The **DFPS Sunset bill** passed by the Legislature, SB 206, highlights many of the agency's "Transformation" efforts aimed at ensuring CPS caseworkers spend more time with children and families through streamlined policy and procedures. While DFPS was protected from major Health and Human Services Commission (HHSC) consolidation efforts, as outlined in SB 200, child care licensing will move under a new consolidated Regulatory Division of HHSC. Additionally, prevention services currently located at HHSC and the Department of State Health Services (DSHS) – including substance abuse treatment services and the home visiting program – will move under the Prevention and Early Intervention (PEI) Division of DFPS.

Foster Care Redesign, the latest privatization effort, will continue to expand in the next biennium, despite ongoing concerns. Current efforts will have additional resources to address concerns related to costs and sustainability. The budget provides a rate increase for current efforts led by ACH Child and Family Services, the private mega-contractor responsible for providing or contracting out for all services within the region it oversees,

and will help offset the burden of high administrative costs. Redesign will expand to one new “catchment” area with additional funding for start-up and implementation. This additional funding for Redesign recognizes such efforts take additional investment and are not cost-neutral, a condition that the Legislature imposed upon DFPS for Redesign when it was first approved in 2011. We supported a successful budget rider requiring improved data collection and evaluation of these efforts to help strengthen transparency of Foster Care Redesign.

One key area where the Legislature fell short was funding to **reduce caseloads for CPS caseworkers**. Under the new state budget, caseloads will continue to far exceed national best practices, placing children in danger.

Outcomes of key child protection initiatives this session:

BECAME LAW

SUPPORT CHILDREN

HB 418 - Providing CPS authority to place a child victim of trafficking in foster care

HB 679 - Directing the Texas Department of Housing and Community Affairs to conduct a study on homeless youth

HB 781 - Improving training and screening requirements for prospective foster parents

HB 825 - Requiring courts to make diligent efforts to determine if a child has a Native American heritage

HB 1143 - Improving services provided to pregnant and parenting youth in the state’s foster care system

- *Data collection provisions of the bill passed as an amendment to SB 206; HB 1143 passed the House but did not receive a hearing in the Senate*

HB 1217 - Improving reporting on foster care youth who run away and those who fall victim to human trafficking

HB 1309 - Notifying legislators of the death of a child in foster care

HB 1781 - Filing suit for visitation with siblings by those adopted from foster care and separated from their siblings

HB 2070 - Amending requirements for safe houses serving trafficking victims and giving DFPS certain monitoring and oversight authority

HB 2053 - Locating missing children involved in a CPS investigation of abuse and neglect through a child-safety alert checklist

HB 2655 - Evaluating the relative and other designated caregiver placement program

HB 3748 - Providing staff support on college campuses for current and former foster youth pursuing a college degree

SB 125 - Requiring standardized assessments when children enter foster care to inform treatment and placement decisions

SB 314 - Ensuring relative caregivers understand the differences between managing conservatorship and adoption before DFPS is dismissed from a child's case

SB 830 - Establishing an independent ombudsman office for children and youth in foster care

SB 949 - Releasing an Annual Child Fatality Report on information related to child deaths due to abuse or neglect

SB 1117 - Requiring a plan for stable housing to be included in a youth's transition plan prior to leaving

SB 1407 - Promoting "normalcy" activities for children in foster care and allowing caregivers to make decisions regarding a foster child's participation in activities based on using a "reasonable and prudent parent standard"

SB 1889 - Excluding parents from the DFPS Central Registry list if they relinquish parental rights in an attempt to meet the mental health needs of their children

SB 1929 - Transferring parental rights cases no later than the 10th working day after an order transferring jurisdiction is signed

SB 1931 - Ensuring attorney representation for parents earlier in a case

\$200,000 for CPS youth specialists and youth leadership activities

IMPACT CHILDREN

SB 206 - DFPS Sunset bill

MAY HARM CHILDREN

HB 2799 - Allowing foster parents to homeschool foster youth without prior approval from DFPS

- *Provisions of the bill passed as an amendment to SB 206; HB 2799 passed the House committee but was not voted on by the full House*

DID NOT PASS

SUPPORT CHILDREN

HB 993 - Directing DFPS to develop a plan to bring caseloads for CPS caseworkers down to manageable levels

- *Left pending after a House hearing; voted down by the House as an amendment to the state budget and the DFPS sunset bill*

HB 3967 - Establishing a pilot program to promote savings and financial independence of transitioning foster youth

- *Left pending after a House hearing*

SB 1524 - Providing health coverage to transitioning foster youth from any state

- *Did not receive a hearing*

Additional funding to reduce caseloads for CPS caseworkers

- *Not included in the budget*

MAY HARM CHILDREN

HB 3864 - Allowing contracted foster care providers to discriminate against children and families that do not adhere to the provider's religious views

- *Passed the House committee but was not voted on by the full House*