



Thomas Chapmond  
Commissioner

# Department of Family & Protective Services

## House Select Committee on Child Welfare and Foster Care

Representative Suzanna Gratia Hupp  
Chair

February 4, 2004



# Presentation Overview

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- I. DFPS Overview
- II. Budget Information
- III. Child Care Licensing
- IV. Child Protective Services
- V. Advancing Residential Childcare
- VI. Residential Child Care Contracts
- VII. Rate Setting



# DFPS Overview



## DFPS Overview-Mission

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***The mission of the Department of  
Family and Protective Services  
is to protect the unprotected.***



## DFPS Overview-HB 2292

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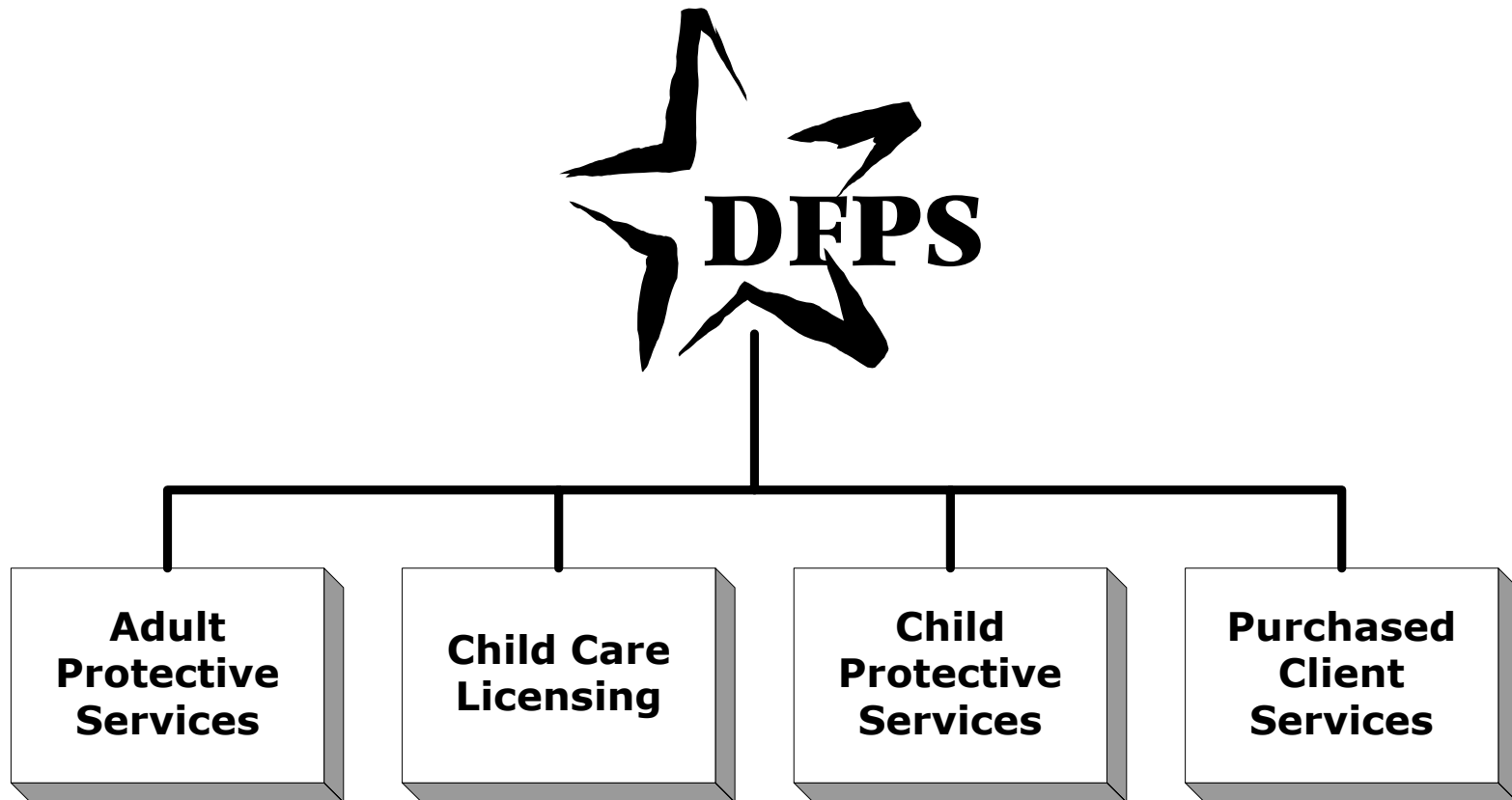
### **How does HB 2292 affect Protective and Regulatory Services?**

- PRS became the Department of Family and Protective Services (DFPS) on February 1, 2004.
- DFPS maintains the programs of PRS.
- No additional programs transferred to DFPS.



# DFPS Overview-Programs

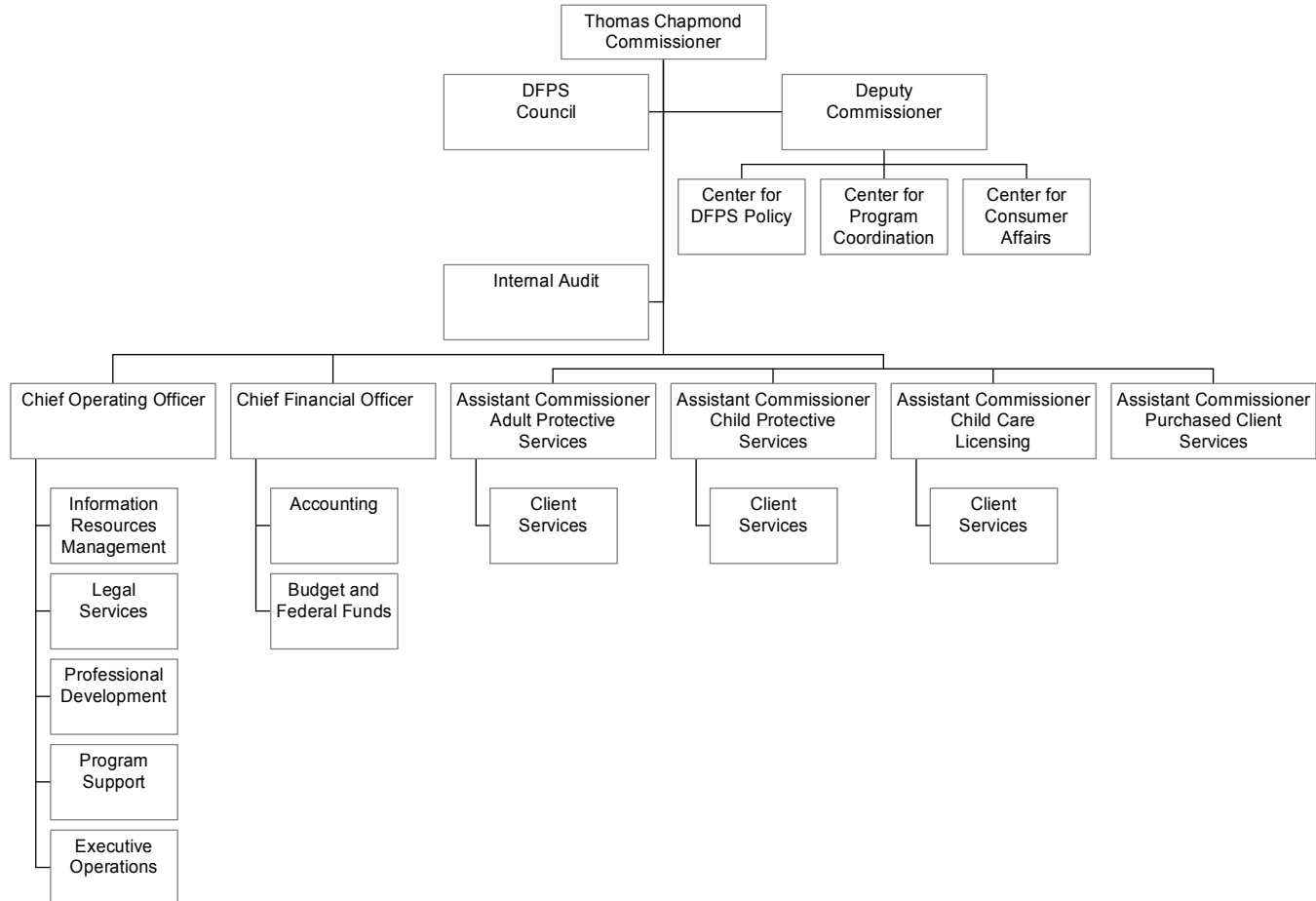
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# DFPS Overview-Organizational Structure

## DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES ORGANIZATIONAL CHART





# Budget Information





## Budget Information

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<b>Fiscal Year 2004</b>	<b>Dollars</b>	<b>Percentage Federal</b>
Total Budget	\$857 million	68%
Child Protective Services (86% of total budget)	\$740 million	67%
<ul style="list-style-type: none"> <li>•CPS Services</li> <li>•Foster Care</li> <li>•Adoption Subsidy</li> </ul>	<ul style="list-style-type: none"> <li>•\$290 million</li> <li>•\$350 million</li> <li>•\$100 million</li> </ul>	<ul style="list-style-type: none"> <li>•76%</li> <li>•65%</li> <li>•45%</li> </ul>
Child Care Licensing (2% of total budget)	\$19 million	95%



# Child Care Licensing



# Child Care Licensing

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## **Licensing Authority**

The Texas Department of Family and Protective Services is granted its authority to regulate child-care facilities and child placing agencies by the Texas Legislature in Chapter 42 of the Texas Human Resources Code.



# Child Care Licensing

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## **Responsibilities for Daycare and Residential Child Care**

- Develop minimum standards
- Issue licenses
- Inspect facilities
- Investigate complaints regarding minimum standards
- Investigate reports of abuse and neglect
- Educate parents and other consumers
- Provide technical assistance



# Child Care Licensing

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**Risk-based monitoring**-Facilities and agencies are monitored through routine inspections and the investigation of complaints, including complaints of abuse and neglect. Licensing staff have three levels of monitoring plans based on the facilities' performance and the level of risk to children's health, safety, and well-being.



# Child Care Licensing

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## **Minimum Standards**

Through the rule-making process, Child Care Licensing establishes minimum health and safety standards for a variety of residential child-care facility types and for child-placing agencies.



# Child Protective Services



# Child Protective Services Legal

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## **Child Protective Services Legal Framework**

- Federal-State partnership
- Approximately 67% federal funding
- Federal child welfare funding is tied to compliance with federal mandates





# Child Protective Services Legal

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## **State Law**

- Human Resources Code, Chapter 40
  - Enabling legislation for DFPS, vests DFPS with responsibility to operate the state child welfare program.
  - Requires compliance with federal mandates to ensure continued receipt and maximization of federal funds.
- Texas Family Code
  - Contains detailed state law provisions for operation of the state child welfare system.



# Child Protective Services Program

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## CPS Outcomes

- **Safety**-Children are, first and foremost, to be protected from abuse and neglect. Children should be safely maintained in their homes whenever possible and appropriate.
- **Permanency**-Children need permanency and stability in their living situations. The continuity of family relationships and connections should be preserved for families.
- **Family and Child Well-Being**-Families should have an enhanced capacity to provide for their children's needs. Children should receive appropriate services to meet their educational needs. Children should receive adequate services to meet their physical and mental health needs.



# Child Protective Services Program

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## **CPS Services**

- Intake
- Investigation
- In-Home Safety Services
- Out-of-Home Care
- Permanency Planning
- Reunification Safety Services
- Preparation for Adult Living
- Adoption



# Child Protective Services Program

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## Intake

- Intake staff operate a toll-free, statewide telephone reporting system.
- Professionals can report non-emergency reports through the Internet.
- All reports which meet the statutory definition of abuse or neglect are assigned for investigation.



# Child Protective Services Program

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## **Investigation**

- Investigate the reported incident.
- Determine whether child abuse or neglect has occurred.
- Assess the risk of occurrence in the future.
- May refer families to services in the community, such as individual or family therapy, parenting classes, or programs offering financial assistance for utilities/rent and childcare.



# Child Protective Services Program

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## **In-Home Safety Services**

- Services designed to reduce the risk of future abuse or neglect while the child remains in the home.
- Assessments are conducted; safety plans are developed.
- Concrete services provided by caseworkers.
- Caseworkers and families work together on specific goals for 3-9 months.



# Child Protective Services Program

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## **Out-of-Home Care**

- If child cannot remain safely in the home, the following types of placements are used:
  - relative homes,
  - foster homes, and
  - residential facilities.
- CPS and the family develop a service plan to resolve barriers to safety.
- CPS is required to arrange all medical, dental and therapeutic services needed by the child, as well as basic needs.



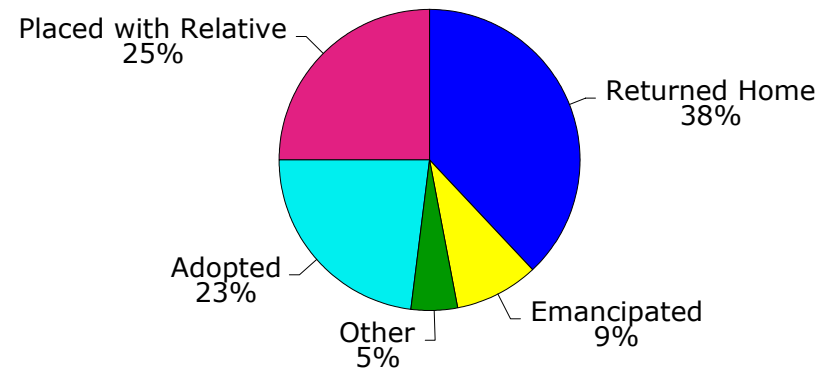
# Child Protective Services Program

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## Permanency Planning

- Courts have 12 months to issue a final order with a 6 month extension available in special circumstances
- The final order may accomplish the following:
  - return the child to the parents,
  - name a relative or another person as the managing conservator,
  - appoint the department as the managing conservator, or
  - terminate the parent-child relationship.

## Substitute Care Outcomes End of FY 2003







# Child Protective Services Program

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## **Reunification Safety Services**

- CPS provides services to families whose children are returning home from substitute care to:
  - reduce the risk, and
  - enable the family to function effectively without CPS assistance in the future.
- Services provide support to the family and child during the child's transition home.



# Child Protective Services Program

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## **Preparation for Adult Living (PAL)**

- CPS helps prepare adolescents in substitute care for adulthood.
- PAL provides skills and resources, such as:
  - basic living skills,
  - money management skills, and
  - vocational education.
- A Youth Leadership Committee meets to review policy and practice related to children in foster care.



# Child Protective Services Program

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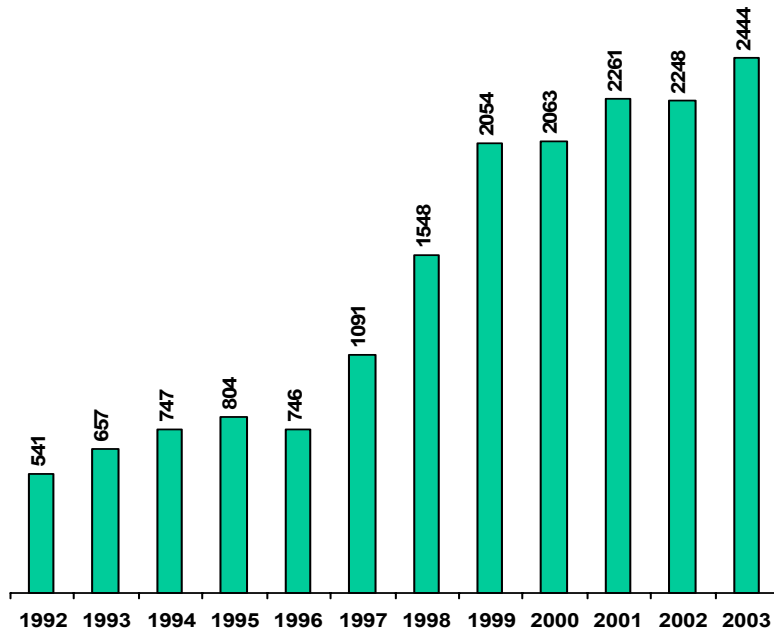
## **Adoption**

- The Department seeks adoptive homes for children who have had parental rights terminated
- Initiatives to promote adoption:
  - Texas Adoption Research Exchange,
  - foster/adopt licensure,
  - recruitment efforts, and
  - collaborations with private and non-profit agencies.

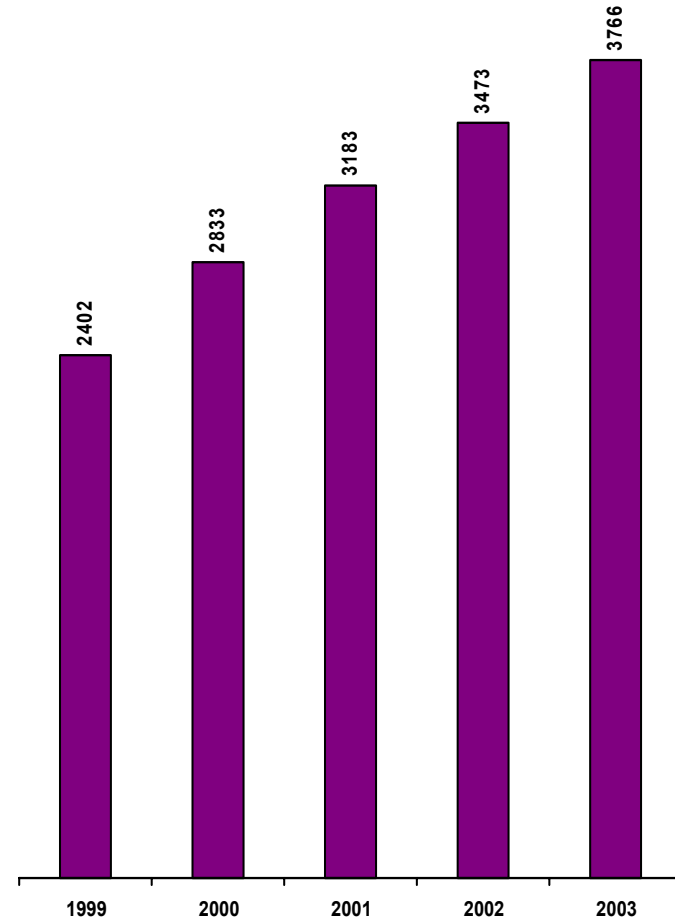


# Child Protective Services Program

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Consummated Adoptions  
By Fiscal Year



Children Legally Free for  
Adoption at the end (Aug.  
31<sup>st</sup>) of each Fiscal Year



# Child Protective Services Program

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## **New Initiatives**

- Texas UNITES
- Kinship Care
- Faith Based Foster Home Recruitment
- Family Group Decision Making



# Advancing Residential Childcare Project



# Advancing Residential Childcare Project

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A joint initiative of HHSC and DFPS dedicated to evaluating and improving the Texas foster care system.

## **Goals**

- Implement an integrated philosophy and approach to residential services centered on individual child needs.
- Promote the development of best practices in residential services.
- Improve and streamline the monitoring of residential services.
- Use outcome data to improve the system of care.



# Advancing Residential Childcare Project

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## **Philosophy and Approach**

- The needs of children come first.
- Decisions should be based on the best interest of the individual child.
- Residential services should focus on children's need for safety, permanency and well-being.
- DFPS works in partnership with foster families and residential childcare agencies to provide quality, cost efficient services.





# Advancing Residential Childcare Project

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## Service Levels

- Converted six levels of care to four service levels, in compliance with Rider 21 of House Bill 1.

1 & 2	Basic Services
3 & 4	Moderate Services
4 & 5	Specialized Services
6	Intense Services

- Improved system of care by:
  - shifting focus from behaviors to needs,
  - expanding definitions to include all children,
  - adding permanency as a key concept, and
  - laying foundation to care for more children in homes.



# Advancing Residential Childcare Project

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**Revision of Minimum Standards.** Child Care Licensing is currently drafting revisions to the minimum standards for residential child-care facilities and child-placing agencies with the following goals:

- Improving the safety and protection of children,
- Consolidating nine facility specific standards into three sets of standards,
- Encouraging a continuum of services, and
- Consolidating oversight functions.



# Advancing Residential Childcare Project

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## **Residential Licensing Standards**

- Consolidate 9 license types into:
  - Home-based care,
  - Facility-based care, and
  - Therapeutic camps.
- Incorporate the new service levels.



# Advancing Residential Childcare Project

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## Outcomes in Residential Services

- Outcomes have been selected to evaluate the progress of individual children.
  - The child is safe in care
  - The child is placed with siblings when appropriate
  - The child moves toward permanency
  - The child improves in functioning
  - The child is placed in the region of conservatorship
  - The child maintains behavior without psychotropic medications, restraints or seclusions
- Outcomes will be aggregated at individual provider, region and statewide levels.
- Outcomes will be used to improve services and build capacity.



# Advancing Residential Childcare Project

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## **Next Steps 2004**

- Aggregate outcome data at individual provider level
- Propose new residential childcare licensing standards
- Begin recruiting new placement resources
- Finalize quarterly child outcome report format
- Establish benchmarks for each outcome

## **Next Steps 2005**

- Incorporate outcomes into residential contracts
- Adopt new residential licensing standards

## **Next Steps 2006**

- Implement new residential licensing standards
- Begin to use outcome data in contract decisions
- Coordinate licensing and contract monitoring functions



# Residential Child Care Contracts



# Residential Child Care Contracts

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## **Purchased Residential Child Care**

- Residential Child Care is the custody, supervision, assessment, training, education or treatment of an unrelated child or children up to the age of 18 years for 24 hours a day that occurs in a place other than the child's home, including child placing agencies. (TAC §745.35)
- The Department contracts with licensed residential child-care providers to provide substitute care to children in DFPS's managing conservatorship. (TAC §745.35)
- The procurement method is open enrollment.



# Residential Child Care Services

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## **Contract Process**

- Potential provider obtains appropriate licensure and completes contract application.
- DFPS residential contract manager and 3<sup>rd</sup> party evaluator verifies potential provider's qualifications.
- DFPS management reviews complete contract package for appropriate action.

## **Contract Terms**

- DFPS establishes the qualifications, standards, services, expectations and outcomes.
- Providers ensure delivery of contracted services.





## Residential Child Care Services

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**Youth for Tomorrow (YFT)** is a private, non-profit organization that contracts with DFPS to provide 3<sup>rd</sup> party evaluator services for children in 24 hour residential care to:

- Assess the needs of children,
- authorize a service level consistent with identified treatment and service needs, and
- Ensure that authorized services are being delivered.



# Residential Child Care Services

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## **Contract Monitoring**

- Annually monitors every residential child-care contract.
- Verifies compliance with:
  - Contract Terms,
  - RCCL Licensure, and
  - Service Level System.
- Identifies contracts with increased risk factors for more intense monitoring.



# Residential Child Care Services

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## **Annual Contract Renewal**

- The contract renewal process is similar to the initial contracting process.
- The Residential Contract Manager conducts an annual on-site monitoring visit.
- DFPS determines whether to renew the contract.



# Rate Setting



# Rate Setting

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## **Rate Setting Process**

- Cost Report Submitted
  - Completed by 24-hour residential child care providers.
  - Training and submission of cost report required by contract.
- Cost Report Reviewed
  - Reports receive a desk or on-site review.
  - Unallowable costs are excluded per OMB circular A-110, A-122 and agency rule.
- Adjusted cost database submitted for rate setting.



# Rate Setting

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- Rate Setting Methodology
  - Follows Texas Administrative Code – Title 40, Part 19, Section 1700.1802
  - Riders 7, 18 and 21 also implemented during rate setting process
- Rate recommendations are based on the following
  - Provisions of the TAC
  - Legislative direction
  - Staff recommendations
  - Agency service demands
  - Public testimony
  - Availability of appropriated revenue
- Rates Adopted



# DFPS Rate Setting

## FY 2004-2005 Foster Care Rates

Rate Structure	FY 2004-2005 Rates	FY 2004 Supplemental Amount *	FY 2004 Resulting Rates
Basic CPA	\$34.00	\$2.00	\$36.00
Basic Foster Family	\$20.00		\$20.00
Basic Facility	\$34.00	\$2.00	\$36.00
Moderate CPA	\$65.00	\$0.50	\$65.50
Moderate Foster Family	\$35.00		\$35.00
Moderate Facility	\$80.00		\$80.00
Specialized CPA	\$85.00	\$2.25	\$87.25
Specialized Foster Family	\$45.00		\$45.00
Specialized Facility	\$115.00		\$115.00
Intense Facility	\$202.00		\$202.00
Emergency Shelter	\$90.00	\$4.00	\$94.00

\* - A supplemental rate for FY 2004 was approved based on \$3.95 million additional general revenue funding (\$5.76 million all funds) from state fiscal relief federal funds. There is no assurance supplemental funds will be available for FY 2005.



# Attachments





# Attachment # 1

Texas Department of Protective and Regulatory Services  
FY 2004 Operating Budget

Strategy	Budget 2004	General Revenue	Federal Funds	Other Funds
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A.1.1 CPS Statewide Intake	\$7,373,473	\$1,719,196	\$5,654,277	\$0	193.7
<b>Federal Funds Include:</b>					
Temporary Assistance to Needy Families (TANF)					
IV-B, Part 1, Child Welfare Services					
IV-E Foster Care					
Adoption Assistance					
Title XIX - Medical Assistance Program					

A.1.2 Child and Family Services	\$217,366,710	\$49,537,942	\$164,531,564	\$3,297,204	4749.6
<b>Federal Funds Include:</b>					
IV-B, Part 2, Promoting Safe and Stable Families					
Temporary Assistance to Needy Families (TANF)					
Refugee and Entrant Assistance					
State Court Improvement					
Adoption Incentive Payments					
Children's Justice Grants					
Adoption Opportunities					
IV-B, Part 1, Child Welfare Services					
IV-E Foster Care					
Adoption Assistance					
Title XX - Social Services Block Grant					
Child Abuse and Neglect Basic					
Independent Living					
Title XIX - Medical Assistance Program					

	\$48,464,468	\$10,462,657	\$38,001,811	\$0	
<b>Federal Funds Include:</b>					
IV-B, Part 2, Promoting Safe and Stable Families					
Temporary Assistance to Needy Families (TANF)					
Child Care Development Block Grant (CCDF)					
Adoption Incentive Payments					
IV-B, Part 1, Child Welfare Services					
IV-E Foster Care					
Title XX - Social Services Block Grant					
Independent Living					

A.1.4 Intensified Family Preservation	\$16,972,710	\$3,449,117	\$13,523,593	\$0	348.9
<b>Federal Funds Include:</b>					
<i>IV-B, Part 1, Child Welfare Services</i>					

A.1.5 Foster Care Payments	\$350,389,169	\$122,760,557	\$227,197,842	\$430,770	
<b>Federal Funds Include:</b>					
<i>Temporary Assistance to Needy Families (TANF)</i>					
<i>IV-E Foster Care</i>					

A.1.6 Adoption Subsidy Payments	\$99,674,758	\$54,807,209	\$44,867,549	\$0	
<b>Federal Funds Include:</b>					
<i>Adoption Assistance</i>					

A.3.1 Child Care Regulation	\$19,326,220	\$1,058,134	\$18,268,086	\$0	415.1
<b>Federal Funds Include:</b>					
<i>IV-E Foster Care</i>					
<i>Title XX - Social Services Block Grant</i>					



# Attachment # 2



## Texas UNITES

The Texas Department of Protective and Regulatory Services (PRS) recognizes that families are the preferred providers of child protection, but knows that sometimes a family's ability to provide proper protection for their children is overwhelmed. When children are no longer safe within their families, government services must step in. The goal of Texas UNITES is assuring that the government services offered during this time are coordinated to meet a particular family's needs and targeted to maximize the chances of success. A unified network of integrated, targeted, effective services, Texas UNITES, will be initiated in five sites, Lubbock, San Antonio, Port Arthur, Cleburne, and Angleton.

Texas UNITES, an HHSC led initiative, will devote full-time staff in these five locations to securing appropriate state agency services for families whose children have come into state care. Based upon information obtained from parents within the first two weeks of a child coming into protective custody, the Texas UNITES worker will liaison with representatives from other Health and Human Services agencies to identify services the family is eligible to receive. The available services would be identified at the family group meeting so that the family can incorporate these resources, as needed, into their family plan. The services would be intended to assist the family in overcoming matters that lead to the child's removal in hopes that the family may be reunited as soon as possible. Not only will the services be targeted to meet the individual family's needs, but they would also be sequenced in such a way as to maximize the effect of each service. The Texas UNITES worker will assist the family in securing the services and serve as their link to the agencies providing the services, thus giving the family a single point of reference rather than a maze of agencies. Efficiency of coordination tied in with effectiveness of the services may lead to the necessary provision of fewer services to the family and

child with the same result of a safe child and healthy family.

Once this model is established, PRS recommends that the target population be expanded to include:

- Medically fragile children
- Children and adults with disabilities
- Children and adults with mental health needs
- Children and adults diagnosed with mental retardation
- Drug exposed infants
- Families dealing with substance abuse issues





## Family Group Decision Making

Central to the concept of family group decision-making (FGDM) is the belief that families, communities, and the government must partner to ensure child safety and well-being. When Child Protective Services (CPS) intervention becomes necessary to protect a child from abuse, the child's family is invited to participate, along with extended family and trusted friends, in a facilitated conference. The goal of the conference is to craft a plan to assure safety, permanency and well-being for the child while maintaining family placement or support. Presented to the family group are agency and community-based resources that the family may include as an aspect of their plan.

The Texas Department of Protective & Regulatory Services (DFPS) is in the planning stage of initiating family group decision-making in multiple sites across the state. Initial participants will be families whose children have either just entered foster care or those who have been in care less than six months. The DFPS initiative will begin in December 2003 in five sites: Dallas, Port Arthur, Angleton, San Antonio, and Lubbock. In the months that follow, additional sites will include Plano, Cleburne, Burnet, Corpus Christi, Victoria, and Amarillo. Initially, the family group decision-making conferences may be offered primarily in neglect cases. As more staff expertise is gained in the process, families with a wide variety of issues may be offered the option of a family group conference.

The implementation of FGDMs worldwide has produced some promising trends for children and families, as well as those who work with them. FPS is hopeful that favorable outcomes will result from this initiative, including those found in another sites including:

- decrease in the number of children living in out-of-home care;
- increase in professional involvement with extended families;
- increase in the number of children living with relatives;
- decrease in the number of court proceedings; and
- increase in community involvement.







## Faith Based Foster Home Recruitment

The Department of Protective and Regulatory Services (PRS) recruits families to provide a continuum of placement services including foster care and adoption. On August 31, 2003, there were 15,576 children in foster care and on the same date there were 3,333 verified CPS foster homes. Child Protective Services (CPS) is in the process of implementing a foster home recruitment program involving the faith-based community to increase the number of available foster homes for children in the foster care system. Faith-based communities are composed of people who are supportive, active and committed to helping those in need, thus providing an excellent and available resource.

CPS developed a Statewide Recruitment and Retention Plan in order to meet the needs of the children who are removed from their home and who cannot safely remain in their own homes. The plan now includes a faith-based approach to foster parent recruitment. The main purpose of the foster home recruitment program involving the faith-based communities is to increase the number of available foster homes. The program goals are (1) to recruit and verify two families per congregation who can provide foster care services and (2) to develop supportive services from within the congregation for the verified families. The support services may include respite care, tuition for daycare services, transportation, and celebrations for special occasions.

The faith-based foster parent recruitment program is being implemented through the use of dedicated foster home workers in each district. Each of the five districts has identified the site and date where the faith-based recruitment project will begin. The project sites are Houston, Brownwood, Bryan, Arlington, Victoria and Uvalde, Texas. As part of this initiative, PRS is developing a recruitment video and PowerPoint presentation that will be used by district staff that highlights the children that are in foster care needing foster home placements. These children include minority children, children

with disabilities, sibling groups, and adolescents. This video and PowerPoint presentation will be shared with the faith-based community so that their recruitment efforts can focus on homes willing to foster these children. This will also help the families better understand the types of support services that are needed when caring for these children such as respite care and day care. PRS will also create a section on the PRS web site dedicated to faith-based recruitment of foster parents that will contain information on the process involved in becoming a foster parent as well as important contact information. PRS will develop faith-based recruitment materials that provide a description of the program, basic foster care requirements, identify how congregations can be supportive of families, as well as how congregations can provide a positive effect on children. Other specific recruitment activities will include contacting local ministerial alliances and meeting with local congregation leaders to arrange informational meetings to identify supportive families and identify two families within the congregation who will complete the foster home verification process.





## Kinship Care

Extended families for many generations have raised children in their homes when the birth parents were unable. Kinship care is an invaluable tool that keeps a child from experiencing complete family breakup. In addition, kinship care helps to reduce the stress a child may experience from being removed from his/her home and family or the stigma of being a “foster” child. Studies comparing both kinship care and traditional family foster care placements have found children in kinship care to maintain family connections, receive love and nurture from people the children know, and experience longer-term placements with fewer placement changes. Providing kinship caregivers with supportive services decreases the chances that families become more deeply involved with the Child Welfare system. Kinship caregivers are an important link for children because they may:

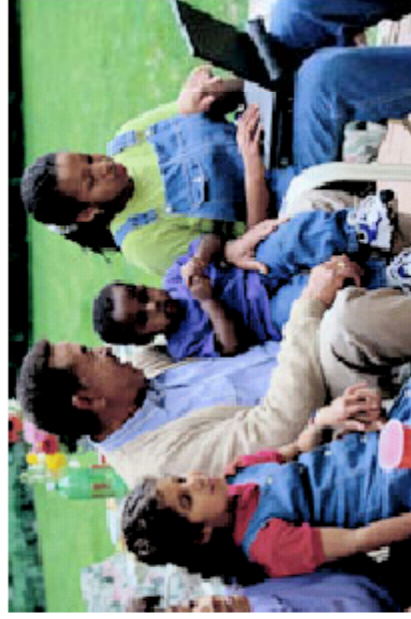
- provide a safe home,
- enable children to live with people they know and trust,
- reinforce a child’s sense of identity and self-esteem,
- help children make connections with extended families,
- continue lifelong family traditions and memories,
- instill healthy relationships, and
- provide love and nurture.

PRSwill be initiating a formal kinship care program in South Texas that will test an innovative method of providing supports to kinship care providers who accept placement of related children that are in the conservatorship of the Department. The program will:

- Provide a one-time integration payment of

\$1,000 to a qualified caregiver upon placement to be used to purchase beds, bedding, furniture, clothing, and other items needed to support the placement.

- Offer supportive services to the qualified caregiver as follows:
  1. Training and case management services would be available as long as PRSmaintains managing conservatorship.
  2. Supportive family counseling services not covered by Medicaid would be available for a maximum of two years from the date of placement.
  3. Day care services to qualified children and kinship caregiving families
  4. Reimbursement would be provided for flexible expenses incurred by the kinship family up to a maximum of \$500 per year. Eligible expenses to be determined along with a method to approve reimbursement for expenses not on the approved list.
  5. Refer families to the HHSC to determine eligibility for additional assistance. CPS will coordinate with HHSC to ensure that the \$1,000 integration stipend does not duplicate benefits offered by HHSC.







# Attachment # 3

# Obtaining a Contract

