

IV. POLICYMAKING STRUCTURE

Department of Family and Protective Services			
Exhibit 3: Policymaking Body			
Member Name	Term/ Appointment Dates/ Appointed by ___ (Such As Governor, Lt. Governor, Speaker)	Qualification (Such As Public Member, Industry Representative)	City
Kyle L. Janek, M.D. Executive Commissioner	Appointed on September 1, 2012, by Governor Perry. Term expires February 1, 2015.	Board-certified anesthesiologist. Former State Senator and former member of the Texas House of Representatives.	Austin
Family and Protective Services Council			
Gigi Edwards Bryant (Chair)	Appointed by Governor Perry on 07-10-2006 Term Date: 2-1-2013	Public Member, also meets Human Resource Code, Section 40.021 mandate that one person be a person who was a child in foster care	Austin
Imogen Sherman Papadopoulos (Vice Chair)	Appointed by Governor Perry on 07-28-2004 Term Date: 2-1-2015	Public Member	Houston
Patricia Cole	Appointed by Governor Perry on 05-26-2011 Term Date: 2-1-2017	Public Member	Fort Worth
Debbie Epperson	Appointed by Governor Perry on 03-26-2007 Term Date: 2-1-2013	Public Member	Dallas
Christina "Tina" Rawls Martin	Appointed by Governor Perry on 04-06-2009 Term Date: 2-1-2015	Public Member	Mission
Benny Morris	Appointed by Governor Perry on 05-26-2011 Term Date: 2-2-2017	Public Member	Cleburne

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Member Name	Term/ Appointment Dates/ Appointed by ___ (Such As Governor, Lt. Governor, Speaker)	Qualification (Such As Public Member, Industry Representative)	City
Linda Bell Robinson	Appointed by Governor Perry on 11-09-2004 Term Date: 2-1-2013	Public Member	Houston
Scott Rosenbach	Appointed by Governor Perry on 04-06-2009 Term Date: 2-1-2015	Public Member	Amarillo
VACANT			

Appointed by the Governor, with the advice and consent of the Senate, nine Family and Protective Services Council members serve staggered six-year terms, with the terms of three members expiring February 1 of each odd-numbered year. While Council members represent the general public, individuals eligible for appointment must demonstrate an interest in and knowledge of programs administered by the Department of Family and Protective Services.

B. Describe the primary role and responsibilities of your policymaking body.

Appointed by the Governor, with the advice and consent of the Senate, the Executive Commissioner is the rulemaking and policymaking authority for the entire Health and Human Services (HHS) system. The following five HHS system agency councils assist the Executive Commissioner in this system oversight role:

- Health and Human Services Council,
- Aging and Disability Services Council,
- Assistive and Rehabilitative Services Council,
- Family and Protective Services Council, and
- State Health Services Council.

Statutorily created by the 78th Legislature as part of the H.B. 2292 reorganization, the Family and Protective Services Council supports the Executive Commissioner in developing policy and in rulemaking decisions specific to the functions of the Department of Family and Protective Services.

In addition to the Policy Council, the Executive Commissioner selects a Commissioner to act as an Executive Director of the agency. The DFPS Commissioner provides regular briefings to the Family and Protective Services Council at each quarterly meeting and works with the Council Chair to call subcommittee meetings as appropriate.

Another primary role and responsibility of the Family and Protective Services Council is providing an effective forum for public input into the Department of Family and Protective Services rules, policies, and budget priorities. Open public comments are a standing agenda item for each Council meeting.

Rules and policies affecting service delivery and programs originate within the Department. Once drafted, the DFPS Commissioner vets the change, seeking guidance from the Family and Protective Services Council; forwarding final recommendations to the HHSC policy advisor for review and final recommendation to the Executive Commissioner. The Executive Commissioner may make changes to the draft policy or rule and ultimately adopts the final product.

C. How is the chair selected?

The Governor appoints a member of the Family and Protective Services Council as the presiding officer (Council Chair) who serves in that capacity at the pleasure of the Governor. DFPS' Council has chosen to nominate a vice chair annually, in January. Per Council bylaws, the Council may also elect other officers, such as a secretary or committee chairs when they are necessary.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The Executive Commissioner serves as the ultimate rule and policymaking authority for the entire HHS system. However, as previously discussed, five advisory councils support this decision-making process. This structure – a single Commissioner overseeing an enterprise of five system agencies – is unique in Texas government. The approach of having standing advisory councils that represent each agency's functions is also unique.

According to statute, one of the members of the Family and Protective Services Council must be a person who was a child in the foster care system under DFPS. If, after conducting a search, the Governor determines that no qualified individual under this subsection is available, the Governor may appoint another qualified person.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2012? In FY 2013?

Statute requires the Family and Protective Services Council to meet at least quarterly. The Council met quarterly in fiscal year 2012. In addition to regular meetings, Council members attended a variety of other meetings and agency events, and the chairs of each council met twice, and members from all five councils attended an annual coordination meeting.

F. What type of training do members of your agency’s policymaking body receive?

Statute requires Family and Protective Services Council members to complete training before participating as an official Council member. Training program consists of information on the following subject areas:

- enabling legislation for the Council;
- roles and functions of the Department and the Council, including its advisory responsibilities;
- divisions of responsibility between the Executive Commissioner and the other HHS system agencies; and
- agency programs, rules, budget, and audit findings.

In addition, to agency-specific subject matter training, each Council member completes ethics training, as well as a review of procedures relating to the Open Meeting Act, Public Information Act, and the Administrative Procedures Act.

G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.

The Legislature created the Family and Protective Services Council to assist the DFPS Commissioner and Executive Commissioner in developing rules and policies for DFPS, including policies and rules governing the delivery of services and the rights and duties of individuals served by DFPS.

Purely advisory in nature, and unlike the boards that oversaw the legacy agencies pre-consolidation, the Family and Protective Services Council does not have a direct role in agency operations. To ensure Council members understand this unique role, training covers guiding principles, operating procedures, as well as roles and responsibilities.

H. What information is regularly presented to your policymaking body to keep them informed of your agency’s performance?

During each regularly scheduled quarterly meeting, the DFPS Commissioner and senior agency staff brief the Family and Protective Services Council on a variety of subject matters, including the agency’s performance, current priorities, and ongoing projects. Agency staff also apprises

the Council of changes in federal law that affect service and program delivery at the state level. These briefings occur as part of the items presented for Council action or as items strictly for the purpose of informing the Council.

The Council also reviews and recommends the agency's annual operating budget and audit plans developed by the Internal Audit division. Council members also receive email updates, weekly at minimum, informing them of agency activities or issues, as well as legislative updates as needed.

I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?

Negotiated Rulemaking and Stakeholder Groups

All rulemaking initiatives include a comment period wherein the agency receives comments on proposed draft rules or rule revisions. Often, as a part of this process, the agency may initiate a stakeholder working group to solicit feedback before actual draft rules, and the formal public input comment period, begins. Before implementing a major new initiative, staff may conduct stakeholder meetings across the state to gain additional feedback. For example, the Department utilized the Public Private Partnership advisory group, held multiple public meetings, and met with additional stakeholder groups to receive input on development of the Foster Care redesign model. Also, the agency formally responds to all comments submitted.

Advisory Committees and Task Forces

An advisory committee assists in developing policy and rule. A complete listing of all advisory committees is listed on the following page.

Open Council Meetings

Obtaining input from the public and stakeholders is a primary Family and Protective Services Council responsibility. The input presented to the Council by the public and stakeholders informs the advice the Council provides on rules and policymaking. The Council's guiding principles include a focus on the concerns and interests of consumers and constituents. The Council's guiding principles include a focus on hearing the concerns and interests of consumers and constituents.

To ensure stakeholder input is included in all Council functions, open public testimony, including written testimony, is a standing agenda item.

Since the DFPS Commissioner and senior staff members attend Family and Protective Services Council meetings, they also directly benefit from hearing public and stakeholder input. So public input not only helps the council shape its final advice and recommendations but also allows the DFPS Commissioner and senior staff to work with stakeholders to address their concerns.

J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

Department of Family and Protective Services Exhibit 4: Subcommittees and Advisory Committees			
Name of Subcommittee or Advisory Committee	Size/Composition/How Are Members Appointed?	Purpose/Duties	Legal Basis for Committee
Advisory Committee on Promoting Adoption of Minority Children	12 members appointed by the Executive Commissioner; at least six of the 12 members must be ordained clergy.	Facilitate increased adoptions of African-American and other minority children; study, develop, and evaluate programs and projects relating to community awareness and education, family support, counseling, parenting skills and education, and reform of the child welfare system.	House Bill 2468, 74 th Legislative Session
Parental Advisory Committee	The number of members and membership is determined by the Governor. When the committee last met, there were six members. The committee will reconvene when the Governor appoints a chair.	The Parental Advisory Committee shall advise the Department on policies affecting parents and their involvement with the Department including: (1) investigations of allegations of abuse or neglect; (2) designations of alternative placements for children; and (3) standards for	TX. Human Resources Code; Title 2, Subtitle D, Chapter 40, §40.073

Department of Family and Protective Services
Exhibit 4: Subcommittees and Advisory Committees

Name of Subcommittee or Advisory Committee	Size/Composition/How Are Members Appointed?	Purpose/Duties	Legal Basis for Committee
		persons who investigate reports of abuse or neglect on the state or local level.	