



# House Committee on Human Services

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Interim Hearing

January 24, 2008

Carey D. Cockerell  
Commissioner

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## Senate Bill 758

- Authored by Senator Jane Nelson and Representative Patrick Rose.
- Passed by the 80th Legislature.
- Continues DFPS reform (SB 6, 79<sup>th</sup> Leg.).
- Focused primarily on services to children and families.

## Implementation Plan

- SB 758 requires DFPS to prepare a detailed plan for:
  - The implementation of each element of SB 758 for which funding has been obtained; and
  - The continued implementation of all reform activities required by Chapter 268, Acts of the 79th Legislature, Regular Session, 2005 (SB 6), as modified by this Act.
- Plan submitted December 31, 2007.

# Child Protective Services (CPS) Improvement Plan

## Primary Goals

- Keeping families together while ensuring child safety in the home
- Reducing the length of time children remain in state care
- Improving the quality and accountability of foster care

# Keeping Families Together While Ensuring Child Safety in the Home

Plans to achieve this goal include:

- 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 include:

- 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

# Improving the Quality and Accountability of Foster Care

Plans to achieve this goal include:

- Improving Child Care Licensing monitoring and investigations
- Expanding substitute and adoptive placement quality and capacity
- Streamlining criminal history background checks
- Expanding the use of mobile technology and enhancements to the CLASS and IMPACT database systems and operations
- Expanding implementation of the remediation plan to address disproportionality in foster care
- Implementing a statewide pilot program for an Intense Psychiatric Services “Step-Down” Rate



## Other Key Elements of SB 758

- Case Management Pilot
- Adoption subsidies for children who might remain in foster care
- Working with OneStar, DARS and Casey Family Programs
- Pre-K eligibility for former foster children
- Monitoring performance of providers through data system
- Committee on Pediatric Centers of Excellence
- Caseworker Education Reimbursement Study and targeted recruitment of caseworkers
- FBI checks and director requirements for daycares

## Case Management Pilot

- SB 758 requires DFPS to develop a pilot program for the outsourcing of case management services in up to 5% of CPS cases.
- No funding was allocated for this project.
- DFPS has developed a plan that will culminate in a proposal with a funding request for the 81<sup>st</sup> Legislature. Components of the plan include:
  - o Survey research to gather broad samples of ideas from stakeholders;
  - o Regional focus groups with stakeholders; and
  - o Research of other successful models.

## Adoption Subsidies

- SB 758 contains a provision intended to facilitate the adoption, through increased adoption subsidies, of a select group of children who would otherwise likely remain in foster care until age 18.
  - o DFPS is working to establish the criteria that will benefit those children the bill is targeting.
  - o DFPS anticipates rules being developed and proposed in October 2008.



Where are children in DFPS care?  
Of the 27,458 children in DFPS substitute care on December 31, 2007... (-2405 or -8.1% since March 07)

17,354 (-2,058 or -10.6%) children were in Foster Care

11,732 (-933 or -7.4%) children were placed in **Child Placing Agency (CPA) Foster Homes**

Foster homes are families who accept foster children into their homes. These foster homes are recruited, trained, verified and managed by private CPAs.

DFPS has contracts with just over 100 CPAs.

The majority of CPA foster homes are verified to provide *therapeutic* foster care services.

2,359 (-749 or -24.1%) children were placed in **DFPS Foster Homes**

These are families who accept foster children into their homes and are recruited, trained, verified and managed by DFPS. The majority provide *basic* foster care services.

812 (-25 or -3%) children were placed in **Basic Child Care**

These are typically cottage and campus type settings meeting basic child needs.

1,392 (-74 or -5%) children were placed in **Residential Treatment Centers**

An RTC is a very structured setting for children with serious emotional disturbance or mental health issues.

625 (-258 or -29.2%) children were placed in **Emergency Shelters**

These are intended for stays of less than 30 days.

434 (-19 or -4.2%) children were placed in **other types of foster care**

such as camps, maternity homes, hospitals, juvenile detention, ICF-MR, HCS homes, state schools & hospitals.

10,104 children were in other types of Substitute Care

8,533 (-310 or -3.5%) children were placed in **Kinship Care**

DFPS supports relative caregivers by assisting with initial costs of accepting a child and through ongoing case management.

477 (-76 or -13.7%) children were in pending adoptions in **CPA Adoptive Homes**

286 (-32 or -10.1%) children were in pending adoptions in **DFPS Adoptive Homes**

808 (+71 or +9.6%) children were placed in **Other Substitute Care**

which includes independent living programs, unauthorized absences and court ordered placements.

**Notes:**

- a. This graphic represents children **under the age of 18** in DFPS Substitute Care.
- b. There were also 541 (-23 or -4.1%) youth **over the age of 18** in foster care, but who had "aged-out" of the legal conservatorship of DFPS.
- c. There are a total of 29,823 (-2094 or -6.6%) children in DFPS legal responsibility. 2365 (+311 or +15.1%) are in the legal conservatorship of DFPS but **not** in substitute care; the majority of these children are in a reunification stage and are living with their families of origin.

# Capacity

## Background

- In early 2007, DFPS faced the increased challenge of finding appropriate placements for children in foster care.
- Data collection of children sleeping in offices or other locations began in January 2007. The highest number of children sleeping in offices was 160 in May 2007.
- Numbers have significantly declined with 10 children in December 2007.
- DFPS took several actions to immediately address the situation including:
  - o Meeting with providers around the state;
  - o Adding profiles of children needing placement on the Xtranet;
  - o Implementing a retroactive service level authorization; and
  - o Working with Casey Family Programs.

# Capacity

## Plan to Meet the Needs of Children

- Need: For targeted capacity and service development
- Goal: Strengthen the ability of the Texas Child Welfare System to meet the needs of children in foster care
- Outcomes:
  - o Strengthen the ability of providers to meet the needs of children in care
  - o Improve internal efficiency
  - o Strengthen community partnerships to encourage local solutions

# Capacity

## Partnering with OneStar and DARS

- SB 758 requires DFPS to work with the OneStar Foundation to assist with foster home recruitment.
  - DFPS and OneStar have met and developed a plan to conduct an assessment of recruitment efforts in Region 6.
- SB 758 requires DFPS to work with the Department of Assistive and Rehabilitative Services (DARS) to recruit families for children who have hearing impairments.
  - DFPS, DARS and community stakeholders have met to develop family recruitment strategies for children with hearing impairments.
  - A brochure has been developed and is being utilized for recruitment efforts.
  - The workgroup plans to also discuss strategies for recruitment of families to care for blind or visually impaired children in foster care.

# Workforce Support and Retention

Terri Ware

Chief Operating Officer



# Turnover Statistics

## Turnover by Fiscal Year

- FY 06 19.2%
- FY 07 21.2%
- FY 08 (1st Qtr) 21.0%

## Highest Turnover Positions (FY07)

- CPS Special Investigators 41.1%
- CPS Investigators 40.7%

## Highest Turnover Regions (FY07)

- Region 8 27.1%
- Region 6 26.1%

## Lowest Turnover Positions (FY07)

- CCL Workers 15.8%
- APS Workers 22.3%

## Lowest Turnover Regions (FY07)

- Region 2 13.0%
- Region 5 15.2%

# Research on Retention

## Four Sources of Information

- State Auditor's Office on-line exit survey
- Survey of Organizational Excellence
- Regional focus groups
- Independent studies

## Top Reasons Why Staff Leave

- Working conditions/environment (e.g. safety, work related stress and or workload issues)
- Better pay/benefits
- Issues with employees they supervise or issues with their supervisor

Source: State Auditor's Office Exit Survey

# Workforce Support and Retention Initiative

Senate Bill 1, Rider 15 (79th Legislature) and House Bill 1, Rider 13 (80th Legislature) direct DFPS to develop a Human Resources management plan designed to improve employee morale and retention. The plan must focus on reducing employee turnover through better management. The effectiveness of the agency's plan shall be measured by whether there is a reduction in turnover rates.

## Vision

- DFPS employs highly motivated, diverse, ethical, well-trained and professional staff who are committed to the agency's mission and well-prepared to produce successful outcomes.
- DFPS will implement the following strategies in order to demonstrate a commitment to the recruitment, hiring and retention of employees:
  - Promote employee communication and input
  - Improve hiring practices
  - Strengthen supervision
  - Manage workloads
  - Enhance work environment
  - Value employees

## **FY 07 Actions To Recruit And Retain Staff**

### Recruitment –

- Attended 26 job fairs
- Placed over 100 newspaper ads
- Attended Career Days at colleges and high schools

### Retention –

- Additional staff
- Expanded office space
- Expanded mobile technology
- Implemented Tenure and Vision Awards
- Budgeted for merit raises
- Continued stipends for CPS Investigators
- Established Night Shift Differential at Statewide Intake
- Traveled to regions on the Texas Tour
- Created Program Improvement Committees
- Strengthened peer training
- Implemented the STARS Program

# Child Protective Services

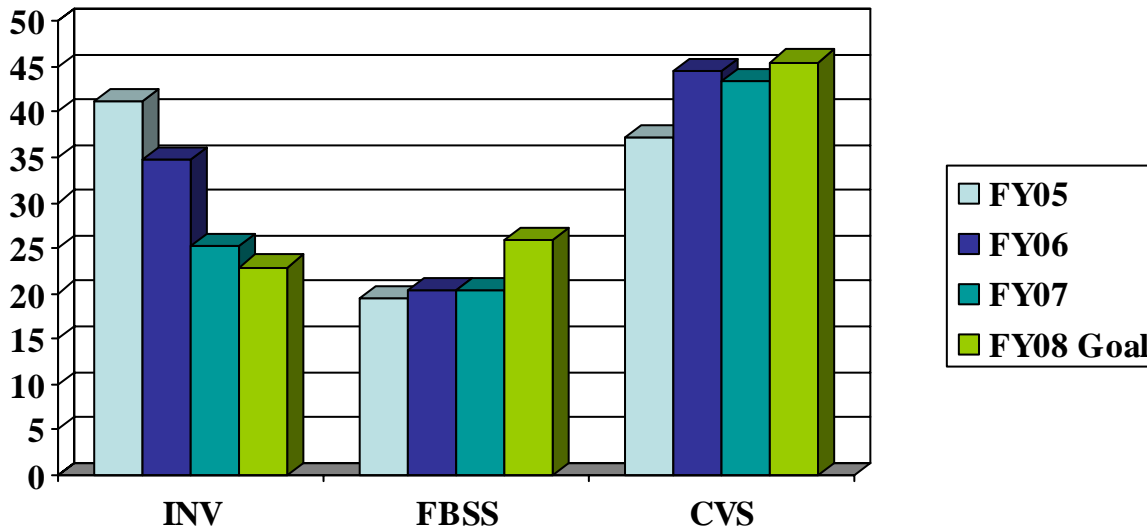
Joyce James

Assistant Commissioner

# CPS Caseloads

## Average Daily Caseloads

- Investigation caseloads have dropped from 41.1 in FY 05 to 25.3 in FY 07, slightly above the FY 08 goal (22.9).
- Family Based Safety Services (FBSS) caseloads have risen from 19.4 in FY 05 to 20.4 in FY 07, below the FY 08 goal (25.9).
- Conservatorship/Substitute Care (CVS) caseloads increased from 37.1 in FY 05 to 43.3 in FY 07, below the FY 08 goal (45.5).



## Kinship Caregiver Program

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

## Next Steps and Future Improvements

- The number of children in kinship care placements continues to increase.
  - As of August 31, 2005 – 6,425
  - As of August 31, 2006 – 8,085
  - As of August 31, 2007 – 8,707
- The additional staff allocated for the kinship program for FY 2008 and FY 2009 expands the availability of the full range of support services for more kinship placements in all areas of the state.
- The process of adding the new kinship staff is underway and will continue in order to match the increase in kinship placements.



## Working with Independent School Districts (ISDs)

- CPS employs one education specialist per region to ensure children in care receive quality education and to work with school districts.
- Educational Portfolios are being utilized throughout the state for all children in CPS conservatorship.
- Educational Specialists throughout the state are providing educational support and guidance for caseworkers as well as the ISD. They:
  - Assist the ISD in understanding the educational needs of the children, particularly the children who are enrolled in Special Education services;
  - Assist the ISD in understanding the psychological and behavioral effects of abuse/neglect and the foster care system placements, which may impede the child's educational attainments; and
  - Advocate for the children in the foster care system to ensure their educational needs are met.

# Adoption

## Adoption through DFPS and Private Agencies

- DFPS and private child placing agencies (CPAs) approve adoptive homes.
- DFPS contracts with private CPAs for adoption services.
- Adoptive families with DFPS and with private CPAs must:
  - o meet the same requirements to be approved; and
  - o be approved as adoptive homes before an adoptive placement occurs.

# Adoption

## Basic Steps in the Process

- Obtain termination of parental rights
- Prepare the child for adoption
- Recruit families
- Identify prospective adoptive families
- Select an adoptive family
- Present and place the child for adoption
- Supervise the adoptive placement to assist the child and family with any adjustment issues
- Consummate the adoption

# Adoption

## Adoption Data

- Average length of time from termination of parental rights to consummation:
  - FY 2005 - 15.4 months
  - FY 2006 - 15.5 months
  - FY 2007 - 15.3 months
- Number of consummated adoptions:
  - FY 2005 - 3,173
  - FY 2006 - 3,376
  - FY 2007 - 4,023

# Adoption

## Preparation of Adoption Records

- SB 758 requires DFPS to provide adoptive families with the child's redacted record.
- Each CPS record can be hundreds of pages long and, in order to be "redacted", requires de-identifying confidential information and photocopying the file.
- Ten additional redactors were funded, and hired in July 2007, to eliminate the backlog of adoption cases needing redaction.
- On August 31, 2007, there were 583 cases pending redaction and by December 31, 2007, this number had been reduced to 64 cases.

# Adoption

## Areas for Improvement

- Streamlining the adoption process
- Increasing the number of adoptive families
- Identifying permanent homes for children who are disproportionately represented in foster care

## Transitioning Foster Youth

### Preparation for Adult Living (PAL) Program

- PAL provides services to youth ages 16 through 20 who are currently transitioning out of care or who were formerly in foster care.
- In 1986, the PAL Program was created to better address the needs of youth aging out of foster care and to ensure older youth in substitute care are prepared for the transition from foster care to adulthood.
- Of the 8,356 youth ages 16 through 20 who were eligible for PAL Services in FY 07, 7,639 or 91% received PAL Services. The number of eligible youth receiving services in FY 06 was 7,279 or 92%, and in FY 05 it was 6,474 or 89%.

# Transitioning Foster Youth

## PAL Services

- Life skills training
- Transitional Living Allowances (TLA)
- Aftercare Room and Board Assistance
- Case management
- Support services
- Ansell-Casey Youth Life Skills Assessment
- Texas Youth and Runaway Hotlines
- Local, state and national youth leadership activities
- Education and Training Voucher (ETV) Program
- Tuition and Fee Waivers
- Transition centers



# Transitioning Foster Youth

## Transition Center Expansion

- Transition Centers are “one stop” centers where a young person can go to one location to complete their GED certification, receive PAL services, take a community college prep course, talk to the onsite apartment locator service, receive employment training and placement services, and more.
- Current Transition Centers or Partner Networks are in Austin, Corpus Christi, Dallas, El Paso, Houston, Kerrville, Kingsville, and San Antonio.
- New Transition Centers in El Paso, Central Texas (Killeen, Temple, Belton), and Beaumont/Port Arthur are planned for 2008.

## CPS Legislation

SB 723 by Sen. Edward Lucio and Rep. Patrick Rose

Contains one key provision related to CPS:

- Requires DFPS to track when placements are not made only because the relative/designated caregiver cannot afford to care for the child.
- Requires DFPS to track the amount of assistance that would have made the placement possible.
  - o This data is being recorded by CPS workers and will be reported to the Legislature by September 2008.

## CPS Legislation

HB 3008 by Rep. Paula Pierson and Sen. Jane Nelson

- Requires four counties (Collin, Dallas, Denton, Tarrant) to create a voluntary mentor program for foster youths, 14 years old and up.
- Contract is anticipated to begin May 1, 2008.
- DFPS will enter into an Interagency Contract with a public institution of higher education located in the geographic area served by the pilot, to conduct an evaluation.
- Requires the Department to report to the Legislature about needed improvements and whether the mentor program should be expanded.
- Final evaluation report to the Legislature due no later than January 2011.

## CPS Legislation

SB 759 by Sen. Jane Nelson and Rep. Tan Parker

- Mandates that if a child four years of age or older attends a permanency hearing, the court must talk to the child in a developmentally appropriate manner, if in the best interest of the child.
- Mandates that a child must also attend placement review hearings, unless excused by the court, and that the court must talk to children four years or older in a developmentally appropriate manner, unless it is not in the child's best interest.
- States that entities or persons entitled to 10 days notice of a placement review hearing are also entitled to present evidence and be heard at the hearing.
- Entitles the licensed administrator of the child placing agency where the child is placed to 10 days notice of a placement review hearing.
- DFPS has notified district and county attorneys as well as staff of the changes.

# Child Care Licensing

Diana Spiser

Assistant Commissioner

## Minimum Standards Revised

- The Child Care Licensing (CCL) program completed the first major revision of minimum standards for residential child care in two decades.
- This update of standards will strengthen the level of protection for all children in out-of-home care.
- The standards went into effect on January 1, 2007.
- Licensing provided a six-month period of technical assistance before beginning enforcement of new requirements on July 1, 2007.
- Licensing continues to offer technical assistance via a web page of Frequently Asked Questions and an email box dedicated to answering providers' questions.

## Minimum Standards Revision

### Significant Changes

- Increased requirements regarding care for infants and toddlers
- Increased training requirements
- Additional restrictions and requirements regarding emergency behavior interventions
- Requirements for transitional living programs
- Preliminary service plan required for each child admitted into care, initial service plan time frame changed to 40 days, service plan review time frames based on treatment services
- Caregiver/child ratios based on ages of the children as well as the types of services the children are receiving
- Additional restrictions and requirements regarding emergency behavior interventions
- Restrictions on use of tobacco products
- New fire, health, and safety standards, including requirements regarding fire extinguishers and carbon monoxide detectors
- New requirements regarding playground equipment and safety

## Child Care Licensing – Weighted Standards

- The weighting system will assign a weight or categorize individual minimum standard regulations, based on the risk to children.
- A regulatory weighting system will enable Licensing staff to focus resources where they are needed the most and provide the greatest level of protection to children. This system will help the Licensing division:
  - o Standardize the Licensing decision-making process;
  - o Take into account the relative risk of standard violations;
  - o Facilitate consistent and equitable enforcement of standards; and
  - o Communicate a better perspective of standards compliance to consumers.
- In the fall of 2008, Licensing will notify providers of all assigned weights, train Licensing staff on use of the weights, and modify the Licensing automation system to include the weights and related enhancements. Preliminary weights are posted on the DFPS website.



## CCL – 80<sup>th</sup> Legislative Changes

The following are brief highlights of some of the actions taken by the 80<sup>th</sup> Legislature that affected Child Care Licensing operations:

- Added requirements for fingerprint-based criminal history checks for day-care center employees. (SB 758)
- Established inspection teams for annual inspections of a residential child-care facility and verification of the presence and qualifications of day-care center directors at unannounced annual inspections. (SB 758)
- Prevents DFPS from prohibiting possession of lawfully permitted firearms and ammunition in a foster home and allows DFPS to regulate the safety and storage of firearms. (SB 322 by Sen. Robert Deuell and Rep. Dan Flynn)
- Provided a new exemption for “employer-based day care” in small businesses, defined as a business entity with fewer than 50 employees. (HB 1385 by Rep. Michael Villarreal and Sen. Carlos Uresti)
- Requires police responding to family violence calls to determine if the address is a foster home and, if so, make a report to DFPS within 24 hours. Requires inquiries about family violence history before licensing or verifying a potential foster home. (SB 723 by Sen. Eduardo Lucio and Rep. Patrick Rose)
  - o DFPS and the Department of Public Safety have met to develop a plan and timeline to jointly implement this provision by September 1, 2008.

# Purchased Client Services

Jeannie Coale

Assistant Commissioner

## Intensive Psychiatric Transition Services (IPTP)

- Provides a structured, therapeutic step-down environment to allow children and youth an opportunity to further stabilize following hospitalization and maximize the success of their subsequent placement.
- Two contracts are currently in place via an emergency procurement conducted in September 2007.
- A second emergency procurement will be conducted in late January.
- A Request for Information (RFI) was released on January 14, 2008 in order to receive input about how to best implement the program.
  - o The results of the RFI and the two emergency procurements will be used to develop the long-term contract. The target date for having a long-term contract in place is October 1, 2008.

## HB 662 Update

HB 662, authored by Rep. Dawnna Dukes and sponsored by Sen. Rodney Ellis, continues the Interagency Coordinating Council for Building Healthy Families (ICC), established by the 79th Legislature. The ICC facilitates communication and collaboration concerning policies for the prevention of and early intervention in child abuse and neglect among 11 state agencies whose programs and services promote and foster healthy families.

Tasks assigned to the ICC include:

- Completing an inventory of child abuse and neglect prevention and early intervention policies, programs, and activities for participating agencies. Inventory completed June 1, 2006.
- Developing a statewide, long-range strategic plan for child abuse and neglect prevention services. Plan due December 1, 2008.
- Conducting an evaluation of prevention programs. Evaluation due December 1, 2009.

# Commissioner

Carey D. Cockerell

### Title IV-E Administrative Claims

- In September 2007, the U.S. Health and Human Services, Administration for Children and Families (ACF) conducted an administrative cost review (ACR) pilot of the Texas title IV-E foster care program and claiming methodologies.
- DFPS, the designated title IV-E agency, submits claims for foster care candidate costs for its own population, and Texas Juvenile Probation Commission (TJPC) submits claims to DFPS on behalf of Texas County Juvenile Probation Departments.
- According to the federal Child Welfare Policy Manual, a candidate for foster care is “a child who is at serious risk of removal from the home as evidenced by the state agency pursuing his or her removal from the home or making reasonable efforts to prevent such removal.”
- On December 28, 2007, DFPS received a letter from ACF explaining the results of the ACR pilot. ACF determined that DFPS and TJPC were improperly claiming reimbursement for title IV-E administrative candidate costs for services and directed DFPS and TJPC to cease claiming new candidacy costs effective January 1, 2008.
- Additionally, ACF noted several changes would be necessary to policies and practices of DFPS and TJPC to meet federal regulations in order to resume claiming. ACF clarified that DFPS and TJPC will be allowed to submit pending administrative candidacy costs for services through December 31, 2007. Federal regulations allow claims to be submitted up to eight quarters from the current quarter.
- DFPS, in collaboration with TJPC, is determining next steps to ensure proper claiming for foster care candidates for both DFPS and County Juvenile Probation Departments.

# Conclusion