**TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

**COUNCIL MEETING**

**October 16, 2015**

The Texas Department of Family and Protective Services Council met on October 16, 2015, at 9:03 a.m. at the John H. Winters Building Public Hearing Room, Room 125-E, 701 West 51st Street, Austin, Texas 78751. Present were Chair Christina Martin, Vice Chair Imogen Sherman Papadopoulos, Patricia Cole, Krizia Ramirez, and Scott Rosenbach.

Also present were Commissioner John J. Specia, Jr., General Counsel Trevor Woodruff, and department staff.

**Agenda Item 1 - Call to Order**

The meeting was called to order by Chair Martin at 9:03 a.m. Ms. Martin began the meeting with an announcement that the Hidden Pines fire had grown to 4,383 acres with 25 percent containment. Thirty-four homes had been destroyed with approximately 400 homes evacuated. The agency had received one intake from a foster home with two children that were safely evacuated. No childcare or residential facilities had been impacted by the fire. Statewide Intake had two employees affected by the fire, and the DFPS office in Bastrop was unaffected. Commissioner Specia thanked Paul Morris, Assistant Commissioner for Child Care Licensing, who serves as the agency’s incident commander during these types of situations to ensure employees, families, and children receive needed resources.

**Agenda Item 2 - Reading, Correction and Approval of Minutes of June 18, 2015, regular meeting**

Vice Chair Papadopoulos motioned to approve the minutes as presented; Ms. Cole seconded. No corrections were needed, and the motion passed.

**Agenda Item 3 - Agency Briefings**

**3.a. Embracing Permanency: A Call to Action, Camille Gilliam, CPS**

Camille Gilliam, Child Protective Services, spoke about CPS Transformation with a specific focus around permanency. When Commissioner Specia came aboard, he toured the state and became concerned that children were aging out of foster care without achieving permanency. Many years ago, he worked on legislation requiring caseworkers to achieve permanency within twelve months of a child entering foster care with a possibility for an extension. However, unintended consequences surfaced in which a lack of urgency caused a child to remain in care for the full 12 months when permanency could have been achieved sooner. DFPS began work to develop a statewide permanency plan. Ms. Gilliam played a video that gives context for the work being done on permanency.

As of August 2014, there were 28,000 children in care, 17,000 of those in foster care. 10,400 were placed in kinship care, and these numbers continue to increase as the agency becomes better at engaging family). 485 children were pending adoption in private agency adoptive homes and almost 200 were pending adoption in DFPS adoptive homes. Finally, 465 children were placed in other types of substitute care.

Much has been done in the area of permanency. The percentage of children exiting without a permanent home is declining, but still more than 1,400 children are aging out without a home every year. Ms. Gilliam went over negative outcomes that may follow after a youth ages out of the system. Positive permanency is defined as providing a family for the kids, and reunification when possible. If reunification isn't possible, then permanent custody to an adult (preferably a family member) or adoption. These are the preferred outcomes. It is important to work with urgency.

Casey Family Programs has partnered with the agency in this work. Amelia Franck Meyer from Minnesota has spoken at each region in the state about the importance of permanency. Partners have also been a part of this work, attending the summits being held. Houston has had a project in the works a year longer than the state and is already seeing great outcomes.

CPS wants to reduce the youth in DFPS conservatorship by decreasing the time to achieve positive permanency by 25% by 2020. The target for the first year is one month. Specific goals include permanency for the children under six years of age who have been in care for over two years and reducing the number of children exiting without a permanent home to under 750 by August 31, 2016.

Ms. Ramirez asked about unique regional goals, particularly how permanency work in San Antonio might be replicated in other regions. Ms. Gilliam answered that San Antonio has shared its data. A permanency summit approaches in February, which will present an opportunity to share lessons learned and highlight high-performing areas. Ms. Ramirez asked what database was utilized to generate permanency data on Slide 9 of the presentation regarding employment outcomes and median earnings for former foster youth. The data was generated by Casey Family Programs.

Ms. Papadopoulos asked questions regarding recidivism rates for children after family reunification, permanency care assistance, and how children with serious mental/emotional health issues fit into the permanency program. The recidivism rate for children and families following reunification is very low and below the national average. The agency still utilizes funds provided by the Permanency Care Assistance (PCA) program. Relative adoptions with PCA are similar to adoption in that relatives are required to become licensed foster parents. PCA allows relatives to take permanent legal custody when adoption is not an option. Utilization of PCA funds continues to grow. For children whose parents cannot afford mental health services, the agency may assume joint management conservatorship, which gives children access to mental health care while still preserving many parental rights and authority . Permanency planning does apply to foster children with severe mental health issues. The agency remains dedicated to these children through permanency roundtables and does not minimize the issues they face. While the agency is making considerable progress with achieving permanency, there will be children who age out of care. The agency is looking at a number of options to provide support to those children, including permanency pacts. In establishing permanency pacts, the focus is on people who are not being paid to have a relationship with the child, perhaps family members or persons with whom the child had a relationship in the past. The state also has a number of supervised independent living centers and transitional living programs but the goal will continue to be positive permanency with families.

Chair Martin applauded the work Ms. Ramirez has done in setting up a support group for youth and adults who have aged out of the system. Commissioner Specia thanked Ms. Gilliam for her dedication to permanency.

**3.b. Statewide Intake Fiscal Year 2015 in Review, Ric Zimmerman, SWI**

Ric Zimmerman with Statewide Intake (SWI) presented the review. SWI won the Austin American Statesman’s Best Workplaces in Austin Award. Mr. Zimmerman encouraged council members to participate in a SWI tour.

Statewide Intake is the front door to the front lines for all DFPS programs, including Child Protective Services, Adult Protective Services, and Child Care Licensing. SWI is the initial contact for all reports of abuse and neglect and makes recommendations for investigations or to provide information and referral. Half of the time, SWI recommends intakes for investigation and the other half of the time, when the situation falls out of DFPS purview or when the situation does not rise to the definition of abuse and neglect, SWI provides information on local resources. SWI operates 24 hours a day, 7 days a week, 365 days a year. They accept information by phone, fax, mail, and e-reports.

This is a record-setting year for SWI: 778,155 reports were received in 2015. In 2013, Mr. Zimmerman began sending SWI updates to staff to recognize accomplishments and establish goals for the next year. Mr. Zimmerman provided a copy of the most recent email to council members. He noted that SWI exceeded all five of the quality benchmarks: interviewing, assessing, documenting, processing correctly, and customer service. They also exceeded the Legislative Budget Board (LBB)’s performance measure of 8.7 minutes for the average time to answer the English language queue: SWI averaged 8.2 minutes.

IMPACT modernization is underway to make this electronic system more reliable and efficient to help SWI improve hold time. Manual processes, such as faxed notices to law enforcement and child advocacy centers, will become automated with the modernized IMPACT system.

Two major policy changes have been incorporated: human trafficking for CPS and APS scope and jurisdiction. There are two new allegations around human trafficking: labor trafficking and sex trafficking. Senate 1880 provides better coverage for people in Medicaid waiver programs, and what used to be referred to as facility investigations is now APS provider investigations.

During the last legislative session, SWI received funding for its automated call distributor, including an upgrade to the master recovery call failover. Currently, when the phone system fails in Austin, SWI must manually switch over to a phone system in Dallas to allow calls to continue to route. Each SWI specialist has to take particular actions to direct their phone to the system in Dallas, which takes training, time and organization. With the new system, the intent is that the switchover will occur automatically in the background, preventing specialists from taking those extra steps.

SWI has expanded its collaboration with local law enforcement agencies and child advocacy centers of Texas. SWI now shares notices with 260 law enforcement agencies and 50 child advocacy centers. This helps create local partnerships to prevent cases from falling through the cracks and expedites investigations and forensic interviews. Mr. Zimmerman commended regional staff in Child Protective Services and Child Care Licensing for their work with local communities. Chair Martin asked if there was a way to mark priority on the calls, like a code system. Law enforcement agencies feel inundated with notices and have a difficult time determining which notices are of the highest priority. Mr. Zimmerman understands the difficulty when receiving numerous notices. The notices are currently assigned priority levels but SWI can certainly look at other methods to better highlight priority cases. Ms. Martin noted that the notices have fostered communication between law enforcement and child advocacy centers.

The Retention Initiative Steering Committee is a group of frontline intake specialists and supervisors that suggests ideas for improving statewide intake operations. SWI utilizes the Employee Assistance Program to conduct debriefings and provide stress management counseling for its specialists; 73 staff persons participated this year. SWI continues its telework initiative with approximately 50 percent of staff working remotely, which is popular with staff and enables continuity of operations. Staff satisfaction continues to move upward and SWI has won awards, including the Texas Distance Learning Association Award. Also under the SWI umbrella is the Texas Youth Runaway Hotline, which has had a very successful advertising campaign, which recently added chatting and texting as a way of communicating with youth. The advertising campaign increased the chatting and texting contacts from 100 per month to over 600 per month. The Texas Youth Hotline is housed with SWI and is operated by volunteers.

Goals for 2016 include completing IMPACT modernization for intakes, including electronic reports. SWI plans to procure and install the new phone system in the coming year as well. Another goal for SWI is to achieve the LBB's newly-released performance measure of 7.2 minutes average hold time. Additional staff was not requested to meet this new benchmark but improved technology will be helpful. SWI will strive to improve staffing queue consistency in 2016. The staffing queue is managed by supervisors to allow SWI specialists to ask questions regarding intakes. SWI will also consider interpreter pay for its bilingual specialists.

Fiscal year 2016 challenges for SWI include the new LBB performance measure and changes to APS scope and jurisdiction. SWI is also working with CPS on structured decision-making and how that affects the assignment of cases. Lastly, HHSC transformation is underway, which does not directly affect SWI as this time. If Child Care Licensing moves to HHSC, SWI would continue to perform the intake function for that program.

SWI is internationally recognized, as they have hosted visitors from Japan and Singapore. Additionally, SWI receives questions from and provides support to other states regarding the e-reporting process in Texas.

Ms. Ramirez asked how human trafficking calls are affecting the other call intake. Mr. Zimmerman answered that many of the reports that will now be coded as human trafficking or sex trafficking may have been physical or sexual abuse in the past. SWI will work to fine tune the process to determine what incidents will result in an allegation of human trafficking or sex trafficking. When human or sex trafficking allegations occur in other states, the intake will fall into information and referral, in which the specialist will give them information on who to contact in their state for immediate protection.

Chair Martin encouraged council members to tour SWI. Commissioner Specia praised the team and the work they have done.

**3.c. Commissioner’s Report: Making Great Strides Tour; Administrative Update; Child Care Licensing Minimum Standards; Domestic Violence Awareness Month; APS Reorganization and Financial Exploitation Awareness Month; Rules Update and Notification of Rule Adoption; Worker Safety; Prevention and Early Intervention Consolidation, Partners in Prevention Conference, HOPES/Military Grants; Financial Children's Rights Lawsuit Update - John J. Specia, Jr.**

Commissioner Specia has been touring the state to meet with regional DFPS staff. The new Director of Workforce Management Support is Tim Giardino. Joann Tobias-Molina, Director of Policy and Performance Management, is the newest member of the APS Leadership team.

Childcare Licensing Minimum Standards review time means that stakeholder meetings are being held, along with statewide surveys. As of September 1, there are 12 new free online training courses in technical assistance materials, covering various health & safety topics for childcare providers. Sunset recommendations are being implemented.

October is Domestic Violence Awareness Month. Commissioner Specia recognized Maggy McGiffert and Brooke King from the Texas Council on Family Violence. A grant from the Governor's office allows for two positions that work specifically on child welfare/domestic violence issues.

APS Reorganization is tied into Sunset recommendations. If consolidation goes forward under Sunset, that will facilitate the transfer of the provider program to HHSC. The elderly are attractive targets for financial exploitation and the agency is working to raise awareness of the signs of financial exploitation.

Emergency rulemaking authority was utilized to adopt a rule on the licensure on the Karnes and Dilley Family Residential Centers operated by ICE. This emergency rule will be followed by rule proposal, public comment period and adoption. There's challenging timing for rules regarding the DFPS advisory committees and task force. Another new procedure of the Sunset legislation requires negotiated rulemaking, a process using neutral facilitators to help convene a meeting with stakeholders resulting in consensus rules and language about a certain matter.

Commissioner Specia talked about a new worker safety tool available for APS, CPS, and licensing field workers using cell phones. It will include location information when notifying emergency services and supervisors. A question was asked about the possible use of satellite phones in areas of the state without cell coverage.

The division on Prevention and Early Intervention (PEI) held its conference two weeks ago; 600 people attended.

DFPS' PEI is in the process of merging with HHSC's Texas Home Visiting program. The Texas Home Visiting program is expected to be transitioned to DFPS by February 1, 2016.

HOPES/Military Grants provide opportunities to address special populations. 2016 allocation for HOPES is $16,781,000. The Military Families program is based in the three biggest military communities: El Paso, Fort Hood and San Antonio. HOPES & Military Grants require community collaboration. Commissioner Specia played a video about helpandhope.org.

An opinion on the Children's Rights lawsuit is forthcoming.

**3.d. Chair's Report, Tina Martin**

Chair Martin thanked the Texas Council on Family Violence for providing council members with handouts. An update on council members' activities is provided in the packet.

The schedule for remaining work sessions and meetings for 2016 is provided in the packet.

October is Domestic Violence Awareness Month and November is National Adoption Month.

**Agenda Item 4 - Public Testimony**

There was no public testimony.

**Agenda Item 5 - New Business**

**5.a. Recommendation to propose rule changes in 40 TAC, Chapter 745, Licensing, Subchapter O, Independent Court Ordered Adoption Evaluations, Paul Morris, CCL**

Paul Morris asked the council to consider rules in Title 40 of the Administrative Code, Chapter 745, Licensing, Subchapter O, relating to independent court ordered adoption evaluations. The rule changes are needed to implement HB 1449, passed during the 84th Legislative session.

HB 1449 requires the establishment of minimum requirements for pre-placement and post-placement portions of an adoption evaluation. The proposed rules will only apply in a private adoption situation where a court orders an adoption evaluator to conduct an evaluation. Licensing has no authority over or enforcement powers regarding the adoption evaluators.

Once the rules are adopted, enforcement is the responsibility of the courts. Licensing is recommending repeal of the current rules related to social studies in 40 TAC, Chapter 745, Licensing, Subchapter O and to replace it with the new Subchapter O relating to adoption evaluations. They asked that the council recommend to the Commissioner and Executive Commissioner that the rule changes be proposed and published in the *Texas Register* for formal public comment.

Ms. Cole moved that the council recommend for proposal by the Health and Human Services Commission, the repeals and new sections, concerning independent court-ordered adoption evaluations as reflected in the council’s October 16, 2015, Agenda Item 5.a. Mr. Rosenbach seconded. The motion passed.

**5.b. Recommendation to propose rule changes in 40 TAC, Chapter 745, Licensing, relating to public notice and hearing requirements and administrator licensing, Paul Morris, CCL**

Paul Morris asked the council to consider rules in Title 40 of the Administrative Code, Chapter 745, Licensing, relating to public notice and hearing requirements and administrator licensing. The rule changes are needed to implement HB 2070 and SB 807 and 1307, passed during the 84th Legislative session.

Rule changes clarify that a general residential operation that applies to provide services to human trafficking victims are exempt from any public notice and hearing requirements. Further, they update rules related to an applicant for an administrator's license who has a military background. Mr. Morris asked that the council recommend to Commissioner Specia and Executive Commissioner Traylor that the rule changes be proposed and published in the *Texas Register* for formal public comment.

Ms. Ramirez moved that the council recommend for proposal by the Health and Human Services Commission, the amendments, repeals and new sections, concerning public notice and hearing requirements and administrator licensing as reflected in the council’s October 16, 2015, Agenda Item 5.b. Ms. Cole seconded. The motion passed.

**5.c. Recommendation to propose rule changes in 40 TAC, Chapter 700, Subchapter E, Division 1 relating to Child Protective Services Intake, Investigation and Assessment, Audrey Carmical, Legal**

Audrey Carmical asked the council to consider rules in Title 40 of the Texas Administrative Code, Chapter 700, Subchapter E, Division 1 relating to Child Protective Services Intake, Investigation and Assessment. The changes will provide in-depth guidance and clarification, both to the public as well as staff, on how CPS currently investigates and dispositions various types of abuse and neglect defined in Texas Family Code.

It will provide new guidance to the public and staff on certain issues related to investigations and dispositions including situations where there is prenatal exposure to alcohol or controlled substances, child labor and sex trafficking, abuse or neglect allegations involving domestic violence, and allegations related to refusal by person responsible for a child to permit the child to return or remain home solely because of that person's inability to obtain mental health services for the child.

It also will update rules in the Subchapter by conforming them to current practice, streamline policy, and generally update items that are no longer accurate. Ms. Carmical asked that the council recommend to Commissioner Specia and Executive Commissioner Traylor that the rule changes be proposed and published in the *Texas Register* for formal public comment.

Mr. Rosenbach moved that the council recommend for proposal by the Health and Human Services Commission, the new sections, amendments, and repeals, concerning intake, investigation, and assessment, as reflected in the council’s October 16, 2015, Agenda Item 5.c. Ms. Cole seconded. The motion passed.

**5.d. Recommendation to propose rule changes in 40 TAC, Chapter 700, Subchapter L, relating to frequency and conduct of permanency planning meetings, Jenny Hinson and Debra Emerson, CPS**

Jenny Hinson and Debra Emerson asked the council to consider rules in Title 40 of Texas Administrative Code, Chapter 700, Subchapter L, relating to frequency and conduct of permanency planning meetings. Senate Bill 206, enacted during the 84th Legislative regular session, repealed certain prescriptive statutes in order to allow DFPS and its external partners to implement best practices amid changing circumstances in current business needs.

The new rule will adopt a schedule of the meetings, designed to allow the child to exit the managing conservatorship of the department safely, and as soon as possible, to be placed with an appropriate adult caregiver who will permanently assume legal responsibility of the child. Adoption of §700.1210 defines permanency planning meetings, specifies the purposes of the meeting, clarifies that except as otherwise permitted in law, a child's goal should involve permanent responsibility to a person or family, and reiterates that permanency planning meetings are governed by §263.009 of Texas Family Code.

Adoption of §700.1212 provides that to the greatest extent possible, permanency planning meetings should be conducted as necessary to achieve safe and timely permanency, including in the following points: to develop initial child plan of service and initial visitation plan prior to scheduled permanency hearings, following any significant updates to the child's permanency goal, and following a final order, and as necessary for a youth who is 16 and over, and who has a permanency goal of another permanent planned living arrangement which doesn't involve legal responsibility to a person or a family. They asked that the council recommend to Commissioner Specia and Executive Commissioner Traylor that the rule be proposed and published in the *Texas Register* for formal public comment.

Ms. Ramirez moved that the council recommend for proposal by the Health and Human Services Commission, the new sections concerning frequency and conduct of permanency planning meetings as reflected in the council’s October 16, 2015, Agenda Item 5.d. Mr. Rosenbach seconded. The motion passed.

**Adjourn**

Chair Martin wished everyone a happy holiday, and the meeting adjourned at 10:46 a.m.