



An Overview of the Department of Family and Protective Services

House Human Services Committee

E1.026

February 17, 2004

presented by:

Commissioner Carey D. Cockerell



Table of Contents

- Section 1 – DFPS Overview
- Section 2 – Adult Protective Services (APS)
- Section 3 – Child Protective Services (CPS)
- Section 4 – Child Care Licensing (CCL)
- Section 5 – Prevention & Early Intervention (PEI)



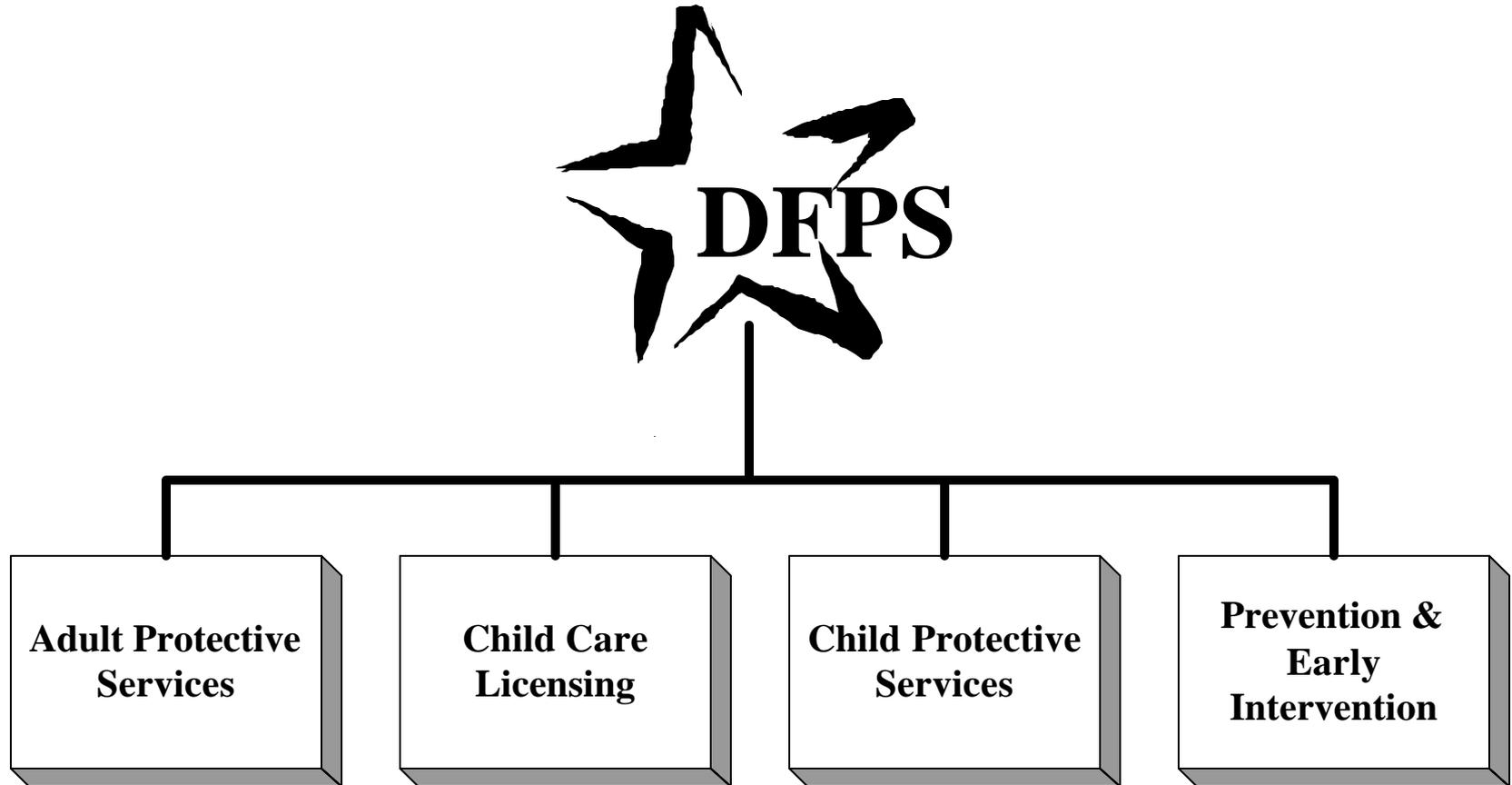
DFPS Overview

Section 1

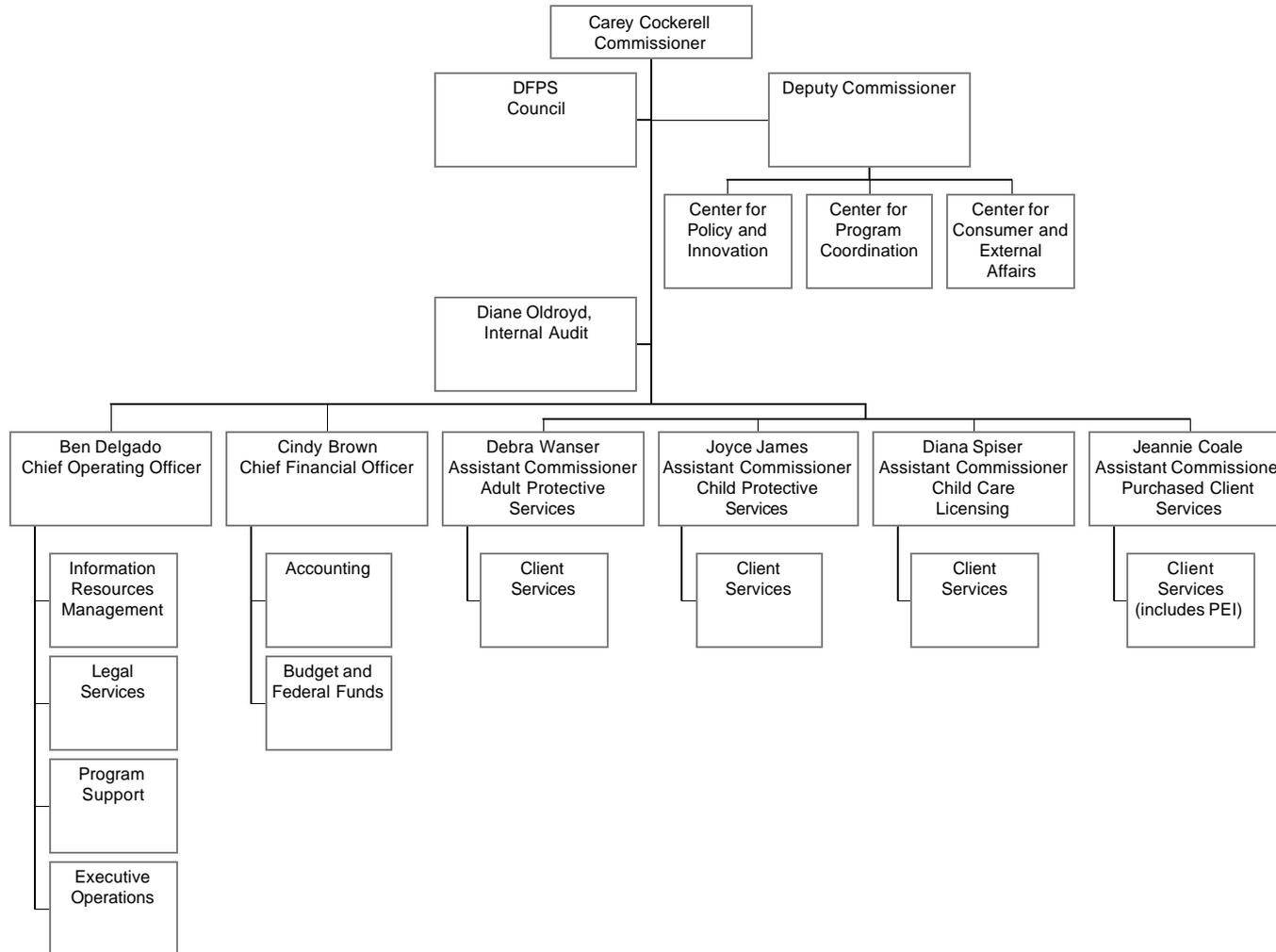
DFPS Overview - Mission

*The mission of DFPS is
“To protect the unprotected.”*

DFPS Overview - Programs

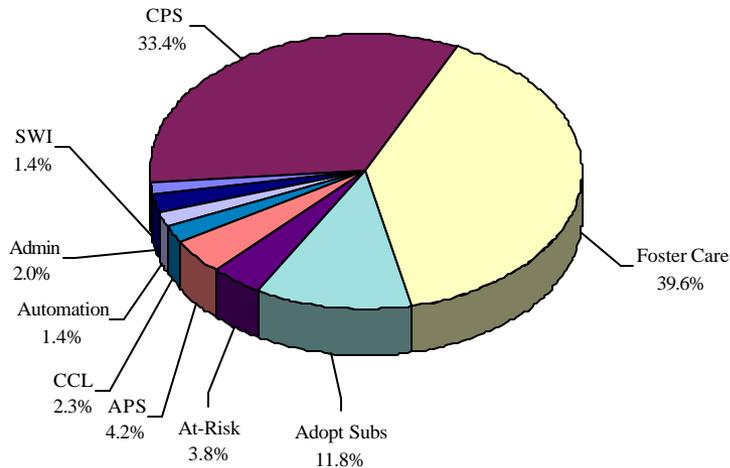


DFPS Overview – Organizational Structure



DFPS Overview - Budget

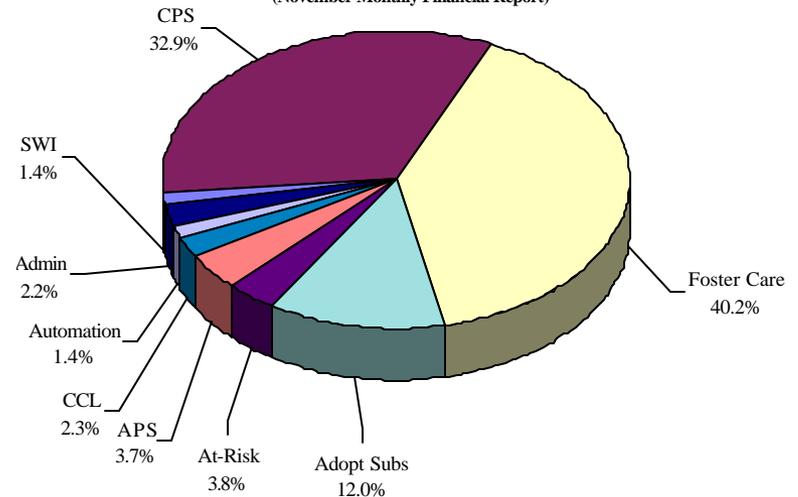
**FY 2004
Estimated Expenses**



Statewide Intake	\$ 11.5
Child Protective Services	278.2
Foster Care Payments	329.8
Adoption Subsidy Payments	98.5
Prevention & Early Intervention	32.0
Adult Protective Services	34.7
Child Care Regulation	19.5
Automation/Capital Budget	12.0
Indirect Administration	<u>17.0</u>
FY 2004 TOTAL	\$833.2

**FY 2005
Estimated Expenses**

(November Monthly Financial Report)



Statewide Intake	\$ 12.2
Child Protective Services	289.3
Foster Care Payments	353.2
Adoption Subsidy Payments	105.6
Prevention & Early Intervention	33.4
Adult Protective Services	32.1
Child Care Regulation	20.3
Automation/Capital Budget	12.4
Indirect Administration	<u>19.5</u>
FY 2004 TOTAL	\$878.0

Statewide Intake

- Intake
 - DFPS staff operate Statewide Intake, a toll-free, statewide telephone reporting system to assist individuals in reporting abuse and neglect. Hotline Number: 1-800-252-5400
 - Professionals, such as hospital and home health agency staff, can report non-emergency reports through the Internet.
 - All reports dealing with adults or children which meet the statutory definition of abuse, neglect, or exploitation are assigned to APS or CPS for investigation.



Adult Protective Services (APS)

Section 2



APS Overview

- History
 - In 1981, Chapter 48 of the Human Resources Code was enacted by the legislature, establishing the state's authority and responsibility for protecting vulnerable adults age 65 and older from maltreatment.
 - In 1983, the legislature amended Chapter 48 to include protection of adults with disabilities age 18 to 64.
 - In 1992, the responsibility for investigating abuse and neglect in MHMR facilities was transferred to the agency and placed within APS.
 - Effective September 1993, APS was given the responsibility of seeking guardianship of children with disabilities aging out of CPS conservatorship.

APS Services

- Intake
- In-Home Investigations and Services
 - DFPS staff conduct in-home investigations of abuse, neglect and exploitation for persons who are elderly or adults with disabilities when they live in private residences, room and board homes not subject to licensure, and adult foster care homes with 3 or fewer residents.
 - If allegations are confirmed, staff provide or arrange for services for their clients through other state and community agencies and contracted short-term purchased services.
 - Types of services may include, but are not limited to emergency shelter, food and medication, cleaning, minor home repairs, restoration of utilities, guardianship and mental health assessments.
 - Clients who have the cognitive ability to consent, have the right to refuse services. For clients who lack capacity and are at risk, APS may pursue legal action to provide involuntary services.

In Fiscal Year 2004, APS completed 60,998 investigations and validated 44,034 cases of abuse, neglect or exploitation.

APS Services

- **MHMR Investigations**
 - DFPS staff investigate allegations of abuse, neglect and exploitation of adults and children receiving services in MHMR facilities and related programs. These settings include state schools, state hospitals, state centers, community MHMR centers, home and community-based services and Texas Home Living Waiver programs, and contractors.
 - DFPS conducts an investigation when the alleged perpetrator is an employee, agency, or contractor in one of these programs.
 - DFPS provides investigation reports to mental health and mental retardation facilities for action as appropriate.

Guardianship

- Guardianship
 - DFPS staff or contracted local entities may be appointed by a court to serve as a guardian for incapacitated elders or persons with disabilities who are victims of abuse, neglect, or exploitation and incapacitated children who are aging out of CPS conservatorship.
 - APS serves as guardian of last resort when no family member, interested party or other alternative is available.
 - Guardianship services may include managing a ward's estate, living arrangements, medical treatment, funeral arrangements, and disposal of property.
 - As of December 1, 2004, DFPS contracts with the Department of Aging and Disability Services (DADS) to perform the Guardianship duties. If approved by the legislature, this responsibility will be transferred to DADS.

At the end of Fiscal Year 2003, APS directly provided 552 guardianships and contracted for an additional 170.



Child Protective Services (CPS)

Section 3

CPS Overview

Legislative History

- State Law
 - Grants DFPS responsibility to operate the state child welfare program.
 - Requires compliance with federal mandates to ensure continued receipt and maximization of federal funds..
- Federal Laws Establish:
 - Minimum definitions of child abuse and neglect
 - Mandatory abuse and neglect reporting
 - Confidentiality of reports and records
 - Due process protections for children and families
 - Reasonable efforts to prevent unnecessary removals of children from the home and to achieve permanent placement of the child
 - Making the safety of children the paramount concern in the delivery of services

CPS Services

- Intake
- 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.
 - Following the investigation, the case could be:
 - Closed with no findings of abuse/neglect,
 - Closed with a referral to community services,
 - Opened as an In Home Safety Services case, or
 - The child/children could be removed and placed in Out-of-Home Care at the direction of the court.

CPS Services

- 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; a plan identifying services needed to ensure the long-term safety and well-being of the child and family is developed.
 - Services are authorized by caseworkers and provided through contracts with community agencies.
 - Services may include essential home repairs, parenting classes, and homemaker services.
 - Caseworkers and families work together on specific goals for 3-9 months.

In Fiscal Year 2004, 53,248 children received in-home services and an additional 3,729 received in-home purchased services.

CPS Services

- Out-of-Home Care
 - If the Court determines that the child cannot remain safely in the home, they are either placed in the home of a relative, a foster home or residential facility.
 - Foster homes and residential facilities are reimbursed for child care-related costs.
 - Foster Care Reimbursement rates are based on the service needs of the child.
 - DFPS staff and the family develop a service plan to resolve barriers to safety.
 - Children in out-of-home care are eligible for Medicaid.
 - DFPS is required to arrange all medical, dental and therapeutic services needed by the child, as well as basic needs.

CPS Services

- Legal Resolution
 - Courts have 12 months to issue a final order for children in DFPS conservatorship. A 6 month extension is 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 or other party as the managing conservator, or
 - Terminate the parent-child relationship.
- Reunification Safety Services
 - DFPS provides services to families whose children are returning home from out-of home care to:
 - Reduce the risk, and
 - Enable the family to function effectively without CPS assistance in the future.
 - Contracted services provide support to the family and child during the child's transition home.
 - Services may include family therapy, at-risk child care and parenting classes.



CPS Services

- Preparation for Adult Living (PAL)
 - DFPS helps prepare adolescents in out-of-home care for adulthood.
 - DFPS contracts with community organizations to provide Life Skill training classes to equip adolescents with:
 - Basic living skills
 - Money management skills
 - Vocational education
 - A Youth Leadership Committee meets to review policy and practice related to children in foster care.

The PAL program served 5,341 youth in Fiscal Year 2004.

CPS Services

- Adoption
 - The Department seeks adoptive homes for children who have had parental rights terminated.
 - DFPS provides adoption services directly and DFPS contracts with Child Placing Agencies to provide adoption placement and consummation in some cases.
 - **Adoption Subsidies** are available to eligible children to help cover the costs of their care until their 18th birthday. Adoption Subsidy Payments are for a negotiated amount based on the documented needs of the child. The subsidy can include:
 - Monthly stipend (In FY 2003, the average monthly stipend per child was \$491.48) and/or
 - Non-recurring adoption expenses

In Fiscal Year 2004, there were 2,512 Consummated Adoptions.

CPS Services

- Adoption
 - To qualify for an adoption subsidy, a child must meet one of the following criteria at the time of adoptive placement:
 - a) Be six years old or older;
 - b) Be two years old or older and a member of a racial or ethnic minority;
 - c) Have a verifiable, professionally diagnosed physical, mental, or emotional handicapping condition; or
 - d) Belong to a sibling group needing placement in the same home.



Child Care Licensing (CCL)

Section 4

CCL Services

- Permit Issuance
 - DFPS staff regulate privately owned child-care and child-placing operations including those that provide:
 - Day care services for infants or after school care for school age children,
 - 24-hour residential care for medically fragile children,
 - Therapeutic foster care, treatment and case management, or
 - Adoption services.

CCL Services

- Permit Issuance
 - Child-care operations subject to Department regulation apply for a permit to operate.
 - Operations not needing a permit from DFPS include:
 - Homes where an individual is caring for children related to them, or where 3 or fewer children are being cared for without compensation.
 - Certain programs and facilities operated or regulated by other government entities, such as a Texas Youth Commission facility.
 - Programs of limited duration including child care facilities at a health club where parents remain on the premises.
 - Educational facilities and programs.

CCL Services

- Permit Issuance
 - DFPS staff determine whether each child-care operation complies with minimum standards before issuing a permit to operate. These standard include:
 - Provider qualifications and training
 - Child/Caregiver ratios
 - Sanitation Standards, including food preparation
 - Safety, including building and equipment safety
 - Administration and record keeping

In Fiscal Year 2004, there were 10,621 Licensed Day Care Facilities, 8,422 registered family homes, and 275 child-placing agencies.

CCL Services

- Monitoring
 - Regular inspections are conducted by DFPS staff.
 - Inspections occur at least once every 12 months for every licensed child-care facility and child-placing agency, and a minimum of one inspection per year must be unannounced.
 - Registered child-care homes are inspected at least once every three years.
 - Monitoring plans set intervals for inspections based on an assessment of the operation's compliance history and other pertinent factors.
 - If deficiencies are noted:
 - Operations are given an opportunity to correct them.
 - When an operation fails to make corrections in a timely manner or places children at risk, action against the operation can result in evaluation, probation, suspension, administrative penalties, or revocation of the license or registration certificate.

CCL Services

- Investigations
 - Reports alleging violation of the minimum standards or abuse, neglect or exploitation of children in care are investigated.
 - The goal of all investigations is to assess risk to children and prevent further harm.
 - Investigations are conducted by DFPS staff trained to conduct investigations in child care operations.
 - The type and scope of the investigation may vary based on the information received in the report.

In Fiscal Year 2004, there were 14,249 complaints investigated (includes complaints of standards violations and abuse/neglect investigations).

CCL Services

- Consumer and Provider Education
 - DFPS provides information to parents and consumers to regarding child-care services.
 - Available on the DFPS website (www.dfps.state.tx.us) is a search mechanism providing information about child-care operations and child-placing agencies.
 - DFPS provides technical assistance and training to child-care operators to assist and encourage the improvement of child-care programs.



Prevention and Early Intervention (PEI)

Section 5

PEI Services

- Services to At-Risk Youth (STAR)
 - Provide contracted services in all Texas counties to:
 - Youth who are runaways, truants, and/or living in family conflict;
 - Youth who are age 9 and younger who have allegedly been involved in, or committed, delinquent offenses; and
 - 10 to 16 year olds who have allegedly committed misdemeanor or state jail felony offenses but have not been adjudicated delinquent by a court.
 - Services include family crisis intervention counseling, short-term emergency residential care, and individual and family counseling.
- Community Youth Development (CYD)
 - Provides contracted community-based delinquency prevention services to support positive youth development and prevent juvenile crime in 15 areas of the state known to have high incidence of juvenile crime.

PEI Services

- Texas Families: Together and Safe
 - Provides contracted family support services in some counties, designed to:
 - Alleviate stress, promote parental competencies, and increase the ability of families to successfully nurture their children.
 - Some families receive case–management services.
- Community Based Child Abuse Prevention (CBCAP)
 - Provides increased community awareness of existing prevention services in some counties, strengthens community and parental involvement in child abuse prevention efforts, and encourages families to engage in services that are already available.

PEI Services

- Dan Kubiak Buffalo Soldiers Heritage Program
 - A delinquency prevention program in three counties dedicated to building pride, honor, and self-esteem in at-risk 10-17 year old youth. Contracted services include mentoring, tutoring, Buffalo Soldier history classes, character development, self-esteem building, life skills training, field trips to state parks, encampments, and community service activities.
- Tertiary and Secondary Child Abuse Prevention Program
 - Community-based, volunteer-driven prevention, intervention and aftercare services in some counties for the families of children who are no longer served by CPS, or who are at risk of child maltreatment.

PEI Services

- Texas Youth and Runaway Hotlines
 - Runaway Hotline number: 1-888-580-HELP
 - Texas Youth Hotline number: 1-800-210-2278
 - Hotline staff and volunteers provide:
 - Statewide 24-hour crisis intervention and telephone counseling;
 - Information and referrals to callers in need of food, shelter, or transportation to their homes;
 - Conference calls to parents and shelters; and
 - A confidential message relay service between runaways and parents.
 - Collectively, the hotlines respond to 40,000 calls each year.

DFPS Contact Numbers

- Runaway Hotline number:
 - 1-888-580-HELP
- Texas Youth Hotline number:
 - 1-800-210-2278
- Statewide Intake Hotline Number:
 - 1-800-252-5400
- Website
 - www.dfps.state.tx.us