

Department of Family and Protective Services

Legislative Update Stakeholder Forum

July 16, 2009

Stakeholder input is valuable during session and Interim

- Legislative hearings
- Legislation workgroups and meetings
- Newsletters, policy pages, resources for the public and Legislature

LEGISLATIVE STATISTICS

- Over 7000 bills were filed during the 81st Legislative Session.
- DFPS tracked 689 bills.
- Of those bills tracked, 129 passed and are being implemented.

LEGISLATION IMPACTING DFPS

Key Legislation



KEY LEGISLATION

ADULT PROTECTIVE SERVICES

SB 643 Sen. Nelson / Rep. Rose

- State School Reform bill
- Provisions directed at Dept. of Aging and Disability Services:
 - Changes the name “state schools” to “state supported living centers”.
 - Creates a DADS Assistant Commissioner for SSLCs.
 - Designates Mexia State School as a forensic SSLC.
 - Requires random drug testing of employees.
 - Requires video surveillance cameras in public areas.
 - Creates the Office of the Independent Ombudsman.
 - Requires unannounced on-site surveys by DADS of HCS group homes.
 - Requires database of abuse/neglect/exploitation information for SSLCs, public and private ICFs-MR, and HCS group homes.

KEY LEGISLATION

ADULT PROTECTIVE SERVICES

SB 643 cont'd

- Provisions specific to DFPS include:
 - Adds a process involving the Office of the Inspector General in APS investigations.
 - Provides procedures for providing mortality review teams with confidential abuse/neglect information.
 - Lays out requirements for posting reporting information in facilities.
 - Increases penalty for not reporting abuse, neglect or exploitation to DFPS.
 - Requires DFPS to conduct investigations in private ICFs-MR.

KEY LEGISLATION

ADULT PROTECTIVE SERVICES

HB 3112 Rep. Hartnett / Sen. Nelson

- Requires DADS to ensure that an application for guardianship is filed within 70 days of APS referral, regardless of whether DADS handles the application directly or forwards it to another party.
- Allows a one-time 30 day extension to this timeframe that must be approved by APS.
- Applies the timeframe to DADS, its contractors, non-contracted guardianship programs, and private individuals such as family members.
- Adds a statutory time limit to help ensure decisions concerning guardianship are made in a timely manner which will benefit the client.

KEY LEGISLATION

ADULT PROTECTIVE SERVICES

SCR 77 Sen. Nelson / Rep. Rose

- DOJ Settlement bill
- Grants legislative approval to the settlement between the Department of Justice and the State of Texas. Within the funding for the settlement is \$3.15 million to make the following changes:
 - Decrease the timeline for serious incident investigations from 14 days to 10 days.
 - Ensure management review of every APS investigation.
 - Review prior cases on alleged victims and alleged perpetrators.

KEY LEGISLATION CHILD CARE LICENSING

SB 68 Sen. Nelson / Rep. Darby

- Places in statute exemptions from child care licensure that are currently in rule. Also places in statute current rules and practices regarding background checks for licensed operations and homes.
- Makes key changes to definitions for “child-care institution,” “day-care center”, “group day-care home,” “regular care,” and “residential child-care facility.” Adds new definitions for “before-school and after-school program” and “school-age program.” Changes name of “child care institution” to “general residential operation”.
- Amends due process requirements relating to certain enforcement actions.

KEY LEGISLATION

CHILD CARE LICENSING

SB 68 cont'd

- Makes all emergency suspensions 30 days (rather than current 10 days for non-residential operations); and extends the bar for obtaining a new license 5 years for all facility types if the owner or director was previously prohibited from holding a license for substantive reasons (currently this bar is 5 years for residential facilities but only two years for day-care facilities).
- Provides a venue for getting ex parte orders in CCL investigations to access records and premises.
- clarifies what CCL staff may investigate with regard to possible illegal childcare operations.

KEY LEGISLATION CHILD CARE LICENSING

HB 415 Rep. Villarreal / Sen. Uresti

- Expands number of small employers who can qualify for the employer-based day care permit, by increasing the number of full-time employees that a "small employer" could have from 50 to 100.

HB 3137 Rep. Gallego / Sen. Nelson

- Requires DFPS to develop a statement that lists the rights and responsibilities of foster parents in licensed and CPA-verified foster homes.

KEY LEGISLATION

CHILD PROTECTIVE SERVICES

Fostering Connections

HB 1151 Rep. Thompson / Sen. West

SB 2080 Sen. Uresti / Rep. McClendon

- Implements the federal **Fostering Connections to Success and Increasing Adoptions Act of 2008** by creating:
 - guardianship assistance program entitled Permanency Care Assistance Program;
 - extended adoption assistance and permanency care assistance up to age 21 for eligible youth; and
 - extended foster care up to age 21 for eligible youth.
- Requires DFPS to include “trauma-informed training” in training provided to foster/adoptive parents, kinship caregivers, and caseworkers (HB 1151).
- Sunset provision (SB 2080).

KEY LEGISLATION

CHILD PROTECTIVE SERVICES

SB 2080 Sen. Uresti / Rep. McClendon

- Implements the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (see previous slide).
- Creates taskforce to establish a strategy for reducing child abuse/neglect and improving child welfare and health.
- Directs DSHS to establish a grant program which will award grants to hospitals/health centers for the purpose of improving assessment, diagnosis, and treatment of child abuse and neglect.

KEY LEGISLATION CHILD PROTECTIVE SERVICES

HB 2225 Rep. Parker / Sen. Nelson

- Creates an adoption review committee that, along with DFPS, will conduct an extensive review of the foster care system to identify obstacles to permanent placements and develop ways to improve the system.

HB 1912 Rep. Rodriguez / Sen. Uresti

- Requires DFPS to expand transition planning to children age 14 in Permanent Managing Conservatorship.
- Requires providers to assist youth age 14 and older to gain “experiential life-skills training”.



KEY LEGISLATION

CHILD PROTECTIVE SERVICES

SB 983 Sen. Davis / Rep. Rose

- Requires DFPS to provide youth aging out of foster care a personal identification certificate, social security card, and proof of Medicaid enrollment. Documents must be provided no less than 30 days before youth leave care.
- Directs DFPS to ensure that each child in PMC has the opportunity to take driver's education course and obtain a driver's license before leaving care.

SB 1723 Sen. Van de Putte/ Rep. Guillen

- Directs DFPS to develop and provide an informational manual for "voluntary caregivers" of children involved in a CPS investigation.

LEGISLATION IMPACTING DFPS

Budget Overview

81st Legislative Session Funding Highlights:

- **Total All Funds** - \$109 million
- **Total FTEs** – 298.6 for FY 10 and 323.6 for FY 11

BUDGET OVERVIEW

- **Federal Fostering Connections Act**
\$2.3 million GR/TANF and \$3.5 million All Funds plus \$4.2 million GR in HB 4586
 - Funds 22 additional FTEs needed as a result of the mandatory notification of relatives and a Licensing IT system modification for waiver of licensing standards.
 - HB 4586 provides for the following optional programs: subsidized relative guardianship; extended foster care, adoption subsidies, and relative guardianship subsidies; foster care independent living setting. Includes 17 FTEs.

BUDGET OVERVIEW

- **Foster Care Rate Increases**

- **\$20.8 million GR and \$32.2 million All Funds**

- Funds rate increases for foster care services. A new rider ensures Child Placing Agencies will receive a rate increase from the dollars appropriated for a rate increase for foster families.

- **Divert children from inpatient psychiatric care**

- Provides by rider the authority to change the eligibility so that more foster youth can be served in the post psychiatric hospitalization step-down program.

BUDGET OVERVIEW

- **Increase funding for prevention services**
\$2.9 million TANF and All Funds
 - Funds an increase in other at-risk prevention programs.
- **Expand other at-risk prevention programs**
\$1.5 million GR and All Funds
 - Funds added to Rider 25 for community-based prevention programs.

BUDGET OVERVIEW

- **Address caseload growth for Kinship Caregiver program**
\$3.6 million All Funds
 - Provides funding for more day care services for relative caregivers.
- **Strengthen CPS services to families**
\$4.6 million GR/TANF and \$5.4 million All Funds
 - Funds additional Family Group Decision Making staff to maintain current facilitator caseload for family group conferences, to provide more family team meetings in the investigation stage, and to offer family group decision making in Family Based Safety Services.
 - Also funds a study on the effectiveness of the Family Group Decision Making model.

BUDGET OVERVIEW

- **Direct delivery staff to meet federal standards**
\$10.5 million GR/TANF and \$12.3 million All Funds
 - Funds additional staff to improve face-to-face contact performance for children and their parents in Family Based Safety Services.
- **Direct delivery staff to maintain caseloads**
\$2.8 million GR/TANF and All Funds
 - Funds 16.2 FTEs for FY 10 and 34.4 FTEs for FY 11 for the Statewide Intake call center to maintain average hold times for callers reporting suspected abuse, neglect, and exploitation.

BUDGET OVERVIEW

- **Strengthen services to youth transitioning from foster care**

- **\$3.9 million GR/TANF and \$8.0 million All Funds**

- Funds additional PAL and Circles of Support staff to more effectively prepare and support youth aging out of foster care.
- Provides seed money of \$25,000 each to 8 communities to develop a transition center to provide comprehensive services to these older youth such as employment services and college prep or GED assistance.
- Funds an IT system modification to collect outcomes information on older youth after they leave the foster care system, which is a new federal reporting requirement.

BUDGET OVERVIEW

- **Replace non-recurring federal revenue**

- **\$12.7 million TANF**

- Fills in the gap caused by the loss of federal funds for the APS In-home program. This funding allows the agency to continue the current authorized and filled positions for FY 10-11.

- **Department of Justice State School settlement**

- **\$3.2 million GR and \$5.5 million All Funds**

- Funds provided in HB 4586 to increase APS staff for quicker State School investigations and a lower span of control for supervisors.

BUDGET OVERVIEW

- **Provide quality infant and toddler care programs**
\$4.0 million All Funds
 - Increases quality assurance activities for infant and toddler day care programs. A new rider requires a spending plan that is approved by the Governor and the LBB.
- **Special Immigrant Juvenile Status**
(\$0.2 million) GR and \$0.3 million All Funds
 - Maximizes federal funds by providing 3.0 FTEs to support the Special Immigrant Juvenile Status and other immigration-related processes to ensure access to federal Title IV-E funding.

BUDGET OVERVIEW

- **IT and data management initiatives**

\$0.8 million GR/TANF and \$1.0 million All Funds

- Funds a Data Integrity Unit responsible for overseeing and monitoring data related activities.

- **Data Center Services**

\$4.6 million GR and \$5.3 million All Funds

- Funds the projected Data Center billing costs and maintenance cost of agency remote servers.

- **Accessibility Funding**

\$0.6 million GR and \$0.7 million All Funds

- Funds accessibility testing, training and consultation.

BUDGET OVERVIEW

- **Additional purchased client services and program support for caseload growth**
\$2.2 million GR and \$10.6 million All Funds
 - Provides funds for more APS emergency client services and for more CPS day care services to address increased demand due to client growth.
- **Continue phase-in of tablet PCs for 2nd half of substitute care workers**
\$5.3 million GR/TANF and \$6.3 million All Funds
 - Funds 430 tablet PCs in FY 10 and another 430 in FY 11 so that all substitute care workers have tablet PCs by the end of the FY 10-11 biennium.

- Implementation of Enacted Legislation
 - Stakeholder participation & comments welcome
 - stakeholder@dfps.state.tx.us
 - Ongoing communication of implementation, reports, upcoming events, and more
 - www.dfps.state.tx.us