



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

KYLE L. JANEK, M.D.  
EXECUTIVE COMMISSIONER

June 6, 2014

Mr. Ken Levine  
Director  
Sunset Advisory Commission  
1501 North Congress, 6th Floor  
Austin, Texas 78701

Dear Mr. Levine:

We would like to take this opportunity to thank you and your staff for the incredible job done during this review process. Sunset staff were thorough in their efforts to conduct a comprehensive assessment of the Department of Family and Protective Services (DFPS) and we appreciate all the hard work. In particular, we would like to express our sincere appreciation for your thoughtful description of the work DFPS staff perform and for demonstrating a real understanding of the difficult nature of that work and the pressure our staff are under every day of the year.

Attached you will find our response to the Sunset Staff Report for DFPS. The report accurately captures the challenges we face in protecting Texas' most vulnerable citizens. We understand and support the need for change within DFPS, and we stand ready to work with the Sunset Commission and Legislature to do so. As we work towards making the necessary changes, Sunset's efforts will help us better serve children, families, the elderly, and adults with disabilities who depend on the agency.

We look forward to discussing these recommendations with the Sunset Commission during the upcoming hearing, and to working with you throughout the continued review of the health and human services system as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle L. Janek".

Kyle L. Janek, M.D.  
Executive Commissioner, HHSC

A handwritten signature in black ink, appearing to read "John J. Specia, Jr.". The signature is stylized and includes a long horizontal line at the end.

Judge John J. Specia, Jr.  
Commissioner, DFPS

# Texas Department of Family and Protective Services

## Response to Issue 1

---

### **Efforts to Reduce Turnover of CPS Caseworkers Fail to Address Key Reasons Many Staff Leave.**

#### *Management Action*

- 1.1 Direct DFPS to consolidate its existing workforce management functions under one operational unit and add additional critical functions to better support employees and systematically identify root causes of turnover.**

DFPS supports this directive and agrees that workforce management functions need to better support agency staff. DFPS has already approved a redesigned organizational structure that complies with this Sunset directive.

- 1.2 Direct DFPS to dedicate existing caseworker positions to create a mentoring program to better support new CPS caseworkers.**

DFPS agrees with this directive. Newly trained caseworkers need continued support through mentoring as they start field work. While CPS caseworkers must be mobile, they require support to continue increasing their competency. Historically, CPS used on-the-job trainers (OJTs) in such a role, but this function was eliminated in 2011 due to budgetary constraints. CPS supports reinstating OJTs to help address new caseworker development and alleviate some of the ongoing training responsibility from CPS supervisors.

- 1.3 DFPS should more clearly define its policy on the use of corrective performance actions, provide additional guidance to managers on appropriate use, and require centralized reporting of all level one actions.**

DFPS agrees with this recommendation. The agency recognizes coaching and counseling, as outlined in the Health and Human Services HR Manual, as valued practices to first correct minor performance issues. DFPS supports the need to ensure consistent application of corrective actions by all staff and sees centralized reporting of all level one actions as a method to ensuring such consistency.

- 1.4 DFPS should develop a systematic way of using turnover, when appropriate, as a tool for judging performance of CPS regional management.**

DFPS agrees with this directive.

**1.5 CPS should revise its system for evaluating caseworker performance by better evaluating quality.**

DFPS agrees with this directive. DFPS intends to use the CPS operational assessment to identify essential work elements of each CPS position, and the corresponding quantitative and qualitative performance measures that best reflect quality casework. DFPS is also committed to making sure all DFPS staff have meaningful performance standards identified for their work that measure quality.

**1.6 DFPS should provide guidance to managers on awarding merit pay to ensure transparency and consistent criteria for merit pay awards to foster increased morale and retention.**

DFPS agrees that merit pay is an important agency tool for reinforcing quality work, while supporting retention efforts. DFPS will use the revised performance tools developed in Recommendation 1.5 as a basis for merit pay award criteria outlined in this directive. The agency believes this approach will provide a transparent basis for the consistent application of merit awards.

**1.7 DFPS should establish a system for collecting confidential internal complaints.**

DFPS agrees with this directive.

**1.8 DFPS should regularly do casework time studies to more accurately develop caseload goals and policies that are fair and attainable for caseworkers.**

DFPS agrees with this directive and is already planning a time study. Routine time studies are an important tool for ensuring that caseworkers are evaluated against realistic job expectations.

**1.9 DFPS should develop a standardized and objective method for fairly and efficiently distributing cases.**

DFPS supports this directive. The agency must ensure that cases are distributed as efficiently and fairly as possible, and welcomes the direction to explore technology solutions to do so.

**A Crisis Culture Affects CPS' Ability to Focus on Day-to-Day Management Activities Needed to Successfully Perform Its Difficult Work.**

*Management Action*

**2.1 Direct CPS to implement an annual business planning process.**

DFPS agrees with the need for CPS to implement an annual business planning process.

**2.2 Direct DFPS to report to the Sunset Commission in October 2014 on changes it plans to implement in response to the CPS operational assessment currently in progress, and any statutory barriers that may impede needed changes.**

DFPS agrees with this directive and welcomes the opportunity to identify statutory requirements that impede CPS from operating as efficiently and effectively as possible and do not add to the protection of children.

**2.3 Direct DFPS to submit a progress report to the Sunset Commission in 2016 on changes made as a result of the CPS operational assessment.**

DFPS agrees with this directive.

**2.4 Direct DFPS to comprehensively review and update the CPS policy and procedures handbook.**

DFPS agrees with this directive and preliminary work is already underway. DFPS believes it is moving in the right direction on these issues and will take additional steps with the completion of the CPS operational assessment as well as with the ongoing work to improve IMPACT.

**2.5 Direct CPS to develop a systematic approach to its policymaking process to ensure clear, updated policies and procedures that mitigate risk of noncompliance and staff confusion.**

DFPS agrees with this directive.

**2.6 Direct DFPS to require CPS regions to fully document their protocols and practices, report these, and update them on a regular basis.**

DFPS agrees with this recommendation. Consistency in CPS performance across the state is essential. Where regions have a need to develop area-specific practices, DFPS will ensure that any variation in work is due to clearly defined business needs in that region.

**2.7 Direct CPS to develop a systematic, comprehensive approach to evaluating and monitoring regional performance, including a monitoring process to verify implementation.**

DFPS supports this recommendation and the spirit of continuous quality improvement.

**2.8 CPS should develop a process to report results of staff surveys and other feedback mechanisms back to employees, including suggestions made and management actions taken.**

DFPS agrees with this directive.

**2.9 Direct DFPS to ensure its planning efforts for IMPACT modernization support improvement and align with possible CPS operational changes.**

DFPS agrees that the success of operational changes depends on coordinating these efforts with IMPACT modernization. Ensuring the second phase of this modernization effort is funded will allow DFPS to successfully carry out many of these improvement efforts.

**2.10 Direct DFPS to develop a succession planning strategy, to prepare for impending retirements and provide opportunities for advancement to lower-level staff.**

DFPS agrees with this directive and will coordinate its efforts with the larger HHS System succession planning work led by HHSC.

**DFPS Faces Significant Challenges and Risks in Its Efforts to Reform the State's Foster Care System.**

*Change in Statute*

**3.1 Require DFPS to develop and maintain a long-range foster care redesign implementation plan to guide the agency's transition efforts.**

DFPS agrees with this recommendation, as it demonstrates the State's continued commitment to build on momentum already established and to see foster care redesign through to its successful completion. The current foster care system is 90 percent privatized with DFPS securing placements through hundreds of individual contracts. This legacy system, with its multitude of contracts and providers, is difficult to manage and has proven problematic in providing children in care services that are tailored to their individual needs. Foster care redesign addresses these risks and deficiencies. Through a variety of other endeavors, including Medicaid managed care expansion, HHSC has demonstrated its expertise in successfully completing large change initiatives. DFPS is committed to learning from its own experiences, as well as our partners within the HHS system, to further guide our implementation efforts.

*Management Action*

**3.2 DFPS should thoroughly evaluate system data and cost before pursuing broad implementation of foster care redesign.**

DFPS agrees with this directive and an evaluation is underway. Analyzing data from each roll out is imperative to ensure the next roll out will be as successful as possible. DFPS will work to ensure it has adequate data to evaluate its progress as it implements each subsequent procurement.

**3.3 DFPS should develop a consistent approach to measuring and monitoring provider quality and identifying risk indicators in both the legacy and redesigned systems.**

DFPS agrees with this directive. Provider quality and risk within the foster care redesign and the legacy systems must be measured rigorously.

**3.4 Rules should be adopted for the use of foster care advisory committees, ensuring the groups meet the structural and operational needs for advancing the agency's goals.**

DFPS agrees with this directive as it will help ensure the groups' roles are clearly understood, and eliminate potential conflicts of interest between advisory committee members and future procurements.

**DFPS' Enforcement Efforts Must be Strengthened to Best Ensure the Safety of Children in Regulated Care.**

*Change in Statute*

- 4.1 Authorize the agency to assess administrative penalties for high-risk child care licensing violations without first pursuing non-monetary administrative sanctions.**

DFPS agrees with this recommendation.

- 4.2 Require DFPS to develop an enforcement policy in rule to guide child care licensing enforcement efforts, and require a specific methodology to be publicly available.**

DFPS agrees with this recommendation.

- 4.3 Grant cease-and-desist authority to DFPS limited to the unlicensed provision of child care in accordance with child care laws.**

DFPS agrees with this recommendation.

*Management Action*

- 4.4 Direct DFPS to develop a more robust quality assurance process for standards cited that directly relate to child safety.**

DFPS agrees with this directive.

**CPS Does not Capture Comprehensive Information to Adequately Assess How Well it is Protecting Children.**

*Management Action*

**5.1 DFPS should add an additional measure of recidivism linked to the alleged perpetrator.**

DFPS agrees with this directive and will work to expand its current records retention policy.

**5.2 The agency should clarify and standardize the use of unsure case findings.**

DFPS agrees with this directive and is already working to clarify and streamline all investigative policy.

**5.3 DFPS should broaden its child fatality investigation review to include a sample of all fatality investigations.**

DFPS agrees with this directive and this work is underway now.

**5.4 The agency should develop a clear and consistent policy for referring families to services.**

DFPS agrees with this directive.

**5.5 DFPS should develop more specific outcome measures for Family-Based Safety Services.**

DFPS agrees with this directive.

**5.6 DFPS should monitor the use and evaluate the effectiveness of investigation resources.**

DFPS agrees with this directive and will work to ensure that staff use the full range of services available to assist them in completing quality investigations.

## Response to Issue 6

---

### **DFPS Should Elevate the Importance of Its Prevention and Early Intervention Efforts and Better Use Existing Data to Evaluate Program Effectiveness.**

#### *Change in Statute*

- 6.1 Require DFPS to develop a comprehensive strategic plan for its prevention and early intervention programs.**

DFPS agrees with this recommendation.

- 6.2 Transfer the Nurse Family Partnership Program to DFPS.**

HHSC and DFPS support the intent of this recommendation.

#### *Management Action*

- 6.3 Direct HHSC to work with DFPS to transfer the federally funded Texas Home Visiting Program to DFPS.**

HHSC and DFPS will work together to maximize its home visiting services to at-risk families.

- 6.4 Direct HHSC to work with DFPS and DSHS to transfer the Pregnant Post-Partum Intervention program and the Parenting Awareness and Drug Risk Education program to DFPS.**

HHSC, DFPS, and DSHS will work together to expand services to at-risk families.

- 6.5 Direct DFPS to develop a strategy to use existing data to better focus its prevention efforts and report the outcomes of its programs.**

DFPS agrees with this directive. In addition to reporting program outcomes, DFPS will report on the benefits these prevention efforts bring to the State.

## **Response to Issue 7**

---

### **A Lack of Administrative Flexibility and an Antiquated Fee Collection Process Limit DFPS' Ability to Recover Regulatory Costs.**

#### ***Change in Statute***

- 7.1 Eliminate the agency's statutory licensing and administrative fee caps and authorize fees to be set in rule.**

DFPS agrees with this recommendation.

- 7.2 Require DFPS to implement a renewal process for child care licenses and registrations.**

DFPS agrees with this recommendation.

#### ***Management Action***

- 7.3 Direct DFPS to transition to online child care licensing fee collections.**

DFPS agrees with this directive.

## Response to Issue 8

---

### **The Critical Nature of Its Work to Protect Children and Vulnerable Adults Imposes a Higher Burden on DFPS in How It Obtains Stakeholder Input.**

#### *Change in Statute*

- 8.1 Require rules governing the use of advisory committees, ensuring committees meet standard structure and operating criteria.**

DFPS agrees with this recommendation.

- 8.2 Remove DFPS' two advisory committees from statute.**

DFPS agrees with this recommendation.

#### *Management Action*

- 8.3 Direct DFPS to clearly define in agency policy the appropriate use of advisory committees and informal workgroups.**

DFPS agrees with this directive.

- 8.4 Direct DFPS to establish in rule the Advisory Committee on Promoting Adoption of Minority Children.**

DFPS agrees with this directive.

## **Response to Issue 9**

---

### **Consider Organizational Aspects Related to Family and Protective Services as Part of an Overall Assessment of Health and Human Services Agencies.**

#### **Recommendation**

- 9.1 Postpone the decision on continuation of DFPS' functions and structure until the completion of the Sunset review of the health and human service system.**

DFPS agrees that the work of protecting vulnerable children and adults must continue.