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Commissioner

Department of Family & Protective Services

House Select Committee on Child Welfare and Foster Care

Representative Suzanna Gratia Hupp
Chair

June 2, 2004



Charge 2:

“Evaluate means by which the state may promote substitute care with relatives of a child who is removed from the home by Child Protective Services”



Stages of Service

- Investigation
- Family Based Safety Services
- Substitute Care
- Permanent Placement



Investigation

CPS Policy

- If a safety plan is needed, extended family members can often help to protect children.
- If children need to be temporarily away from their home for safety during the investigation, CPS may ask parents to voluntarily place their child in safe kinship care of the parents' choice.



Investigation

Kinship Assessment

- Identify potential kinship placement resources
- Complete background checks
 - Criminal history
 - Abuse/Neglect history
- Perform abbreviated risk assessment



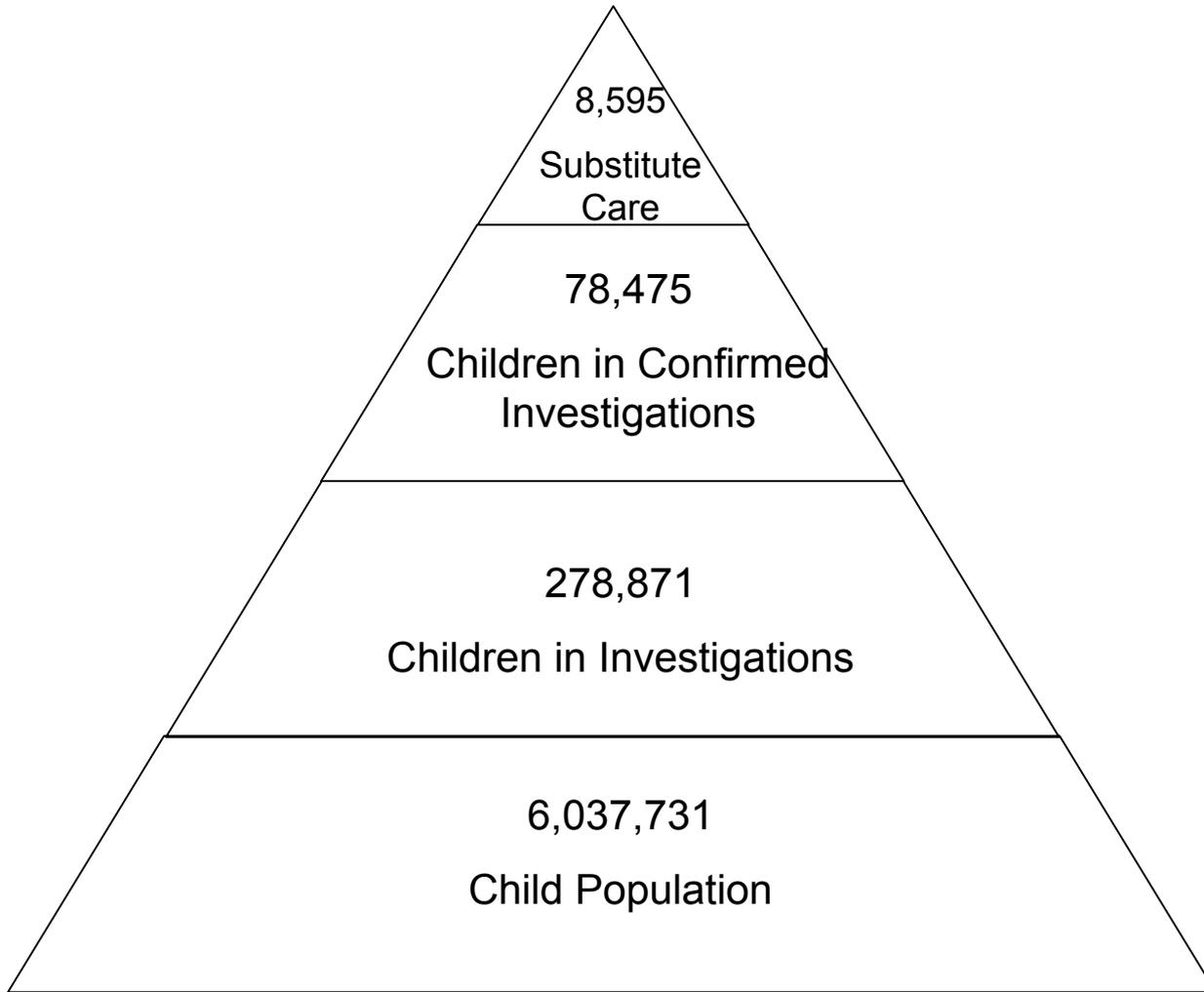
Investigation

CPS Practice

- 96.9% of children involved in CPS investigations remain in their home.
- CPS works with families to use kinship care voluntarily during an investigation.
- Alleged perpetrators can voluntarily leave the home in order to avoid removal of the child.



Investigation



Fiscal Year 2003



Family Based Safety Services

Federal Law

- “The Court finds that all reasonable efforts, consistent with time and circumstances and pursuant to 42 USC 671(a)(15) and 672(a)(1), have been made by the Petitioner to prevent or eliminate the need for removal of the child the subject of this suit from the home and to make it possible for the child to return home, but it is not in the child’s best interest to remain at home.”



Family Based Safety Services

State Law

- At first court hearing, Court must find that reasonable efforts, consistent with circumstances and safety of the child, were made to prevent or eliminate the need for removal of the child (TFC Chapter 262).
- The court is required to find that "continuation in the home would be contrary to the child's welfare (TFC Chapter 262)."
- At the 14 day adversarial hearing, the court must find, in addition to the requirements above, that "reasonable efforts have been made to enable the child to return to the home (TFC Chapter 262)."



Family Based Safety Services

CPS Policy

- Family based safety services are provided to families and children in their own homes to:
 - protect the children from abuse and neglect;
 - help the family reduce the risk of abuse or neglect; and
 - either
 - avert the removal of the children from their home or
 - make it possible for the children to return home



Family Based Safety Services

CPS Practice

- During initial staffing for Family Based Safety Services, relatives are identified for possible placement in the event risk of harm increases to the children and removal is unavoidable.
- 32,664 children received services in their own homes during FY 2003.



Substitute Care

• **Judicial Hearings**

- Emergency Hearing
- Show Cause Hearing (14 days)
- Status Hearing (60 days)
- Permanency Hearing (6 Month)
- Permanency Review Hearing (10 Month)
- Final Orders



Substitute Care

Federal Law

Title IV-E of the Social Security Act provides that the State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards.



Substitute Care

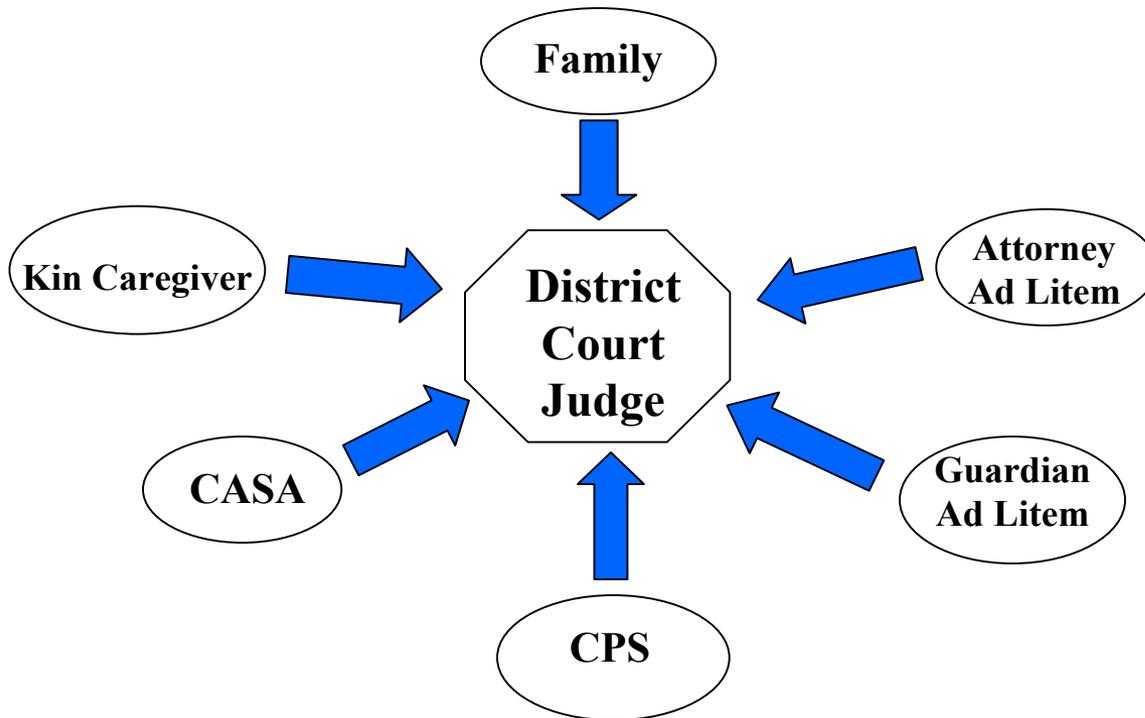
State Law

- The court is required to place a child removed from the child's custodial parent with the child's non-custodial parent or with a relative of the child unless placement with the non-custodial parent or a relative is not in the best interest of the child (TFC §262.201(f)).
- Texas Family Code describes legal steps the Court and DFPS must follow when a child is removed from a home due to safety issues (TFC §262.104 – 262.113).
- Beginning at 180 days, and every four months thereafter, the court is required to review and evaluate the department's continued efforts to find relatives who could provide the child with a safe environment, if the child is not returned to a parent or another person or entity entitled to service under Chapter 102 (TFC §263.306(a)(6)).
- The Court shall require the parent to inform DFPS about relatives for potential placements (TFC §262.201(c)).



Substitute Care

Judicial Review





Substitute Care

CPS Policy

- Requires DFPS to identify and locate relatives to assess willingness and suitability to care for the child.
- CPS policy outlines the issues to consider in all placement decisions:
 - preferential placement with noncustodial parents or kinship caregivers
 - the child's best interest
 - the child's permanency plan
 - the caregivers ability to meet the child's needs
 - the setting best suited to meet the child's needs
 - the child's or youth's preference
 - the least restrictive, most family-like setting available
 - close proximity to the child's home
 - placement with siblings



Substitute Care

Kinship Assessment

- Identify potential kinship placement resources
- Complete background checks
 - Criminal history
 - Abuse/Neglect history
- Complete reference checks
- Complete kinship homestudy
- Recommend placement



Substitute Care

CPS Practice

- 1,389 children removed in FY 2003 were initially placed with relatives.
- 5,561 children were placed from foster care to a kinship placement in FY 2003.
- As of February 29, 2004, 5,470 (24.1%) of children in DFPS conservatorship were living at home or with a relative.



Permanent Placement

Federal Law

- Title IV-E, Social Security Act requires documenting agency steps in finding an adoptive family or other permanent living arrangement, which includes a fit and willing relative.



Permanent Placement

State Law

- When the child's permanency plan is termination of parental rights and adoption, DFPS is to begin the search for qualified persons to adopt the child and report to the Court DFPS efforts to find qualified persons (TFC §264.206).
- When possible, place siblings in the same adoptive home (TFC §162.302).
- The Court is prohibited from naming DFPS as permanent managing conservator for the child unless the court first finds that appointment of a parent, a relative, or another person would not be in the child's best interest (TFC §263.404).
- DFPS is to develop Swift Adoption Teams, that attempt to place for adoption a child with an appropriate relative (TFC §264.205).
- Following award of Permanent Managing Conservatorship to the department, the court conducts placement review hearings every 6 months to review appropriateness of placement, additional plans or services needed to meet the child's needs, and DFPS efforts to finalize permanency plan (TFC §263.501 §263.503).



Permanent Placement

Permanency Planning Options

- Family Reunification
- Alternative Family Placement
 - Adoption by a relative
 - Permanent Managing Conservatorship by a relative
 - Adoption by an unrelated family
 - Permanent Managing Conservatorship by an unrelated family
 - Care by a foster family with DFPS having PMC
 - Care in another family arrangement with DFPS having PMC
- Another Planned Living Arrangement
 - Independent living
 - Long Term Placement



Permanent Placement

CPS Policy

- Key issues in making a permanent placement
 - Potential relative placements
 - Best interest of the child
 - Child's permanency plan
 - Ability to meet child's needs
 - Child's or youth's preferences
 - Least restrictive, most family like setting
 - Placement with siblings



Permanent Placement

CPS Practice

- 10,410 children left DFPS care in FY 2003.
 - Of these, 3,899 (37.5%) were reunified with their family.
 - 3,235 (31.1%) had a permanent placement with relatives.
 - 621 through adoption
 - 2,614 through Permanent Managing Conservatorship



Programs that promote substitute care with relatives

One-Time Grandparents Supplemental Benefits Program

- Administered by Health and Human Services Commission (previously administered by Dept. of Human Services).
- Allows a grandparent, age 45 or older, with and income at or below 200% of the federal poverty limit, to receive a one-time supplemental grant of \$1,000.
- In FY 2003, 1,587 grandparents caring for 2,833 children received grants



Programs that promote substitute care with relatives

Family Group Decision Making (FGDM)

- Currently in 21 counties.
- The child's family participates in a facilitated conference.
- The goal is to assure safety, permanency and well-being for the child while maintaining family placement and/or support.
- Community-based resources support families.
- Includes case management, training, and support services.



Programs that promote substitute care with relatives

Family Group Decision Making (FGDM)

- Sites by county:
Bexar, Blanco, Brazoria, Burnet, Chambers, Collin, Comal, Dallas, Hays, Jefferson, Johnson, Liberty, Llano, Lubbock, Montgomery, Nueces, Potter, Randall, Smith, Tarrant, and Walker.
- 101 family group conferences held for children who have been removed from home.
 - 20 children (10.7%) decision was for the children to return home
 - 130 children (69.8%) decision was for placement with relatives
 - 36 children (19.3%), decision was for the children to remain in foster care



Programs that promote substitute care with relatives

Kinship Care Pilot (HB 1, Rider 7(c))

- Provides a one-time payment of \$1,000 to a qualified caregiver to be used to purchase beds, bedding, furniture, clothing, etc.
- Offers supportive services such as:
 - training and case management services,
 - family counseling services,
 - day care services, and
 - reimbursement of up to \$500 per year for eligible expenses.



Programs that promote substitute care with relatives

Kinship Care Pilot

- Sites:
Cameron, Hidalgo, Nueces, and Webb counties
- Families Served: 26
- Children Placed: 70
- Families in Process: 23