
Disproportionality in Child Protective Services - Policy Evaluation and Remediation Plan

A report from
The Texas Health and Human Services Commission
and
The Department of Family and Protective Services
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Table of Contents

Executive Summary	1
Introduction	3
Policy/Procedure Review and Remediation Plans	5
Disparities and Remediation Plans in Exits from Care	5
Remediation Plan - Reunification.....	6
Remediation Plan - Kinship Placements	9
Remediation Plan - Adoption	11
Disparities in Decision to Remove.....	13
Remediation Plan - Removals	14
Disparities in Decision to Offer In-Home Services.....	14
Remediation Plan - In-Home Services	15
Other Factors Influencing Disproportionality.....	16
Diversity and Cultural Competency.....	16
Review and Discussion of Case Decisions	18
Mandated Activities on Disproportionality	20
Conclusion	23
Appendix I: Community Change Model	24

Executive Summary

Senate Bill 6, passed by the 79th Texas Legislature and signed by Governor Rick Perry, laid the foundation for comprehensive reform of Child Protective Services (CPS) in Texas. One aspect of that reform is addressing issues of disproportionality or overrepresentation of a particular race or ethnicity within the child protection system. Since the legislation's passage, the state has analyzed data related to enforcement actions, reviewed policies and procedures in each child protection program, and developed plans to remedy disparities.

These efforts already are producing results. Child Protective Services has enhanced training for service delivery staff and management, developed collaborative relationships with community partners, increased staff diversity, and improved targeted recruitment efforts for foster and adoptive families.

Senate Bill 6 provided resources and direction to transform the program charged with protecting children. As part of the ongoing legislative oversight, Section 1.54 of the legislation requires the Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS) to prepare two reports on disproportionality in the child protective services system. The first report, submitted to the Texas Legislature on January 2, 2006, did find disproportionality in Texas' CPS system. The data largely confirmed the findings in national child welfare research regarding disproportionality. This second report, due July 1, 2006, contains an evaluation of policies and procedures CPS uses in enforcement actions, describes remediation plans to address disparities, and outlines activities to increase cultural competency.

Major achievements in developing remediation plans and increasing cultural awareness include:

- Revised CPS training for new caseworkers to include additional information on disproportionality, including the "Knowing Who You Are" video produced by Casey Family Services. CPS management participated in "Undoing Racism" training, developed by the People's Institute of Survival and Beyond. DFPS is now offering these courses to staff.
- Signed a contract with One Church, One Child of North Central Texas to address disproportionality of children in foster care through outreach and specific recruitment activities in Arlington, Dallas, Fort Worth, Houston, and Austin.
- Developed partnerships with community organizations to address disproportionality in Houston, Arlington, Fort Worth, and Beaumont/Port Arthur. These partnerships produced community advisory committees comprised of local stakeholders and leaders.

- Hired a state level disproportionality director and disproportionality specialists in Houston, Arlington, Fort Worth and Beaumont/Port Arthur to support the community's work on disproportionality and to serve as resources to CPS staff.
- Increased diversity among CPS staff at the regional and state level.

HHSC and DFPS are committed to ensuring all children and families have equal opportunities for positive outcomes. HHSC and DFPS will track progress in reducing the disparities discussed in this report and will identify additional strategies in response to any new findings. The two agencies will continue working with dedicated community partners to ensure the success of these efforts.

Introduction

In response to several cases ending in tragedy despite previous involvement with the state's protection programs, Governor Rick Perry issued an executive order in July 2004 directing the Health and Human Services Commission (HHSC) to review and reform Child Protective Services (CPS), a program of the Department of Family and Protective Services (DFPS). HHSC presented detailed reform recommendations to the Governor, who called upon the Texas Legislature to pass legislation to implement these recommendations.

In May 2005, the 79th Texas Legislature passed Senate Bill 6, outlining comprehensive reform of DFPS. The legislation directed a study of disproportionality, or overrepresentation of a particular race or ethnicity within the CPS system. The legislation further directed the development of remediation plans if the analysis indicated that enforcement actions were initiated disproportionately against any race or ethnicity.¹ As part of the ongoing legislative oversight, Section 1.54 of the bill required HHSC and DFPS to prepare two reports on disproportionality in the child protective services system. The first report, submitted to the Texas Legislature on January 2, 2006, analyzed data regarding child removals and other enforcement actions taken by CPS during state fiscal years 2004 and 2005. This second report, due July 1, 2006, evaluates the policies and procedures CPS uses in enforcement actions and describes remediation plans to address disparities found in the CPS system.

The findings in the initial report indicated that disproportionality exists within the Texas CPS system, even when taking into account other nationally recognized relevant factors such as age and sex of the victim, family income, allegation type, and marital status. The Texas findings generally confirmed the dominant views found in child welfare research literature regarding disproportionality in child protection systems:

- In Texas, even when other factors are taken into account, African American children spend significantly more time in foster care or other substitute care, are less likely to be reunified with their families, and wait longer for adoption than Anglo or Hispanic children.
- The statewide analysis did not reveal a significant association between African American race and a CPS decision to remove a child from the home when controlling for factors including income, age of the victim, type of abuse or neglect allegation, source of report, and region of the state. The analysis did find that Hispanic children were significantly less likely than Anglo children to be removed from the home while Native American children were significantly more likely.
- African American families were less likely than Anglo families to receive in-home family services to help prevent child removal in three areas of the state, while

¹ In this report, the terms race and ethnicity refer to the terms as used and defined in relevant federal guidance. See <http://www.doi.gov/diversity/doc/racedata.htm>

Hispanic families were less likely than Anglo families to receive such services in four areas.

- Among families investigated for child maltreatment, poverty was a strong predictor of whether a child would be removed from the home. More than 60 percent of child removals in Texas involve families with annual incomes of about \$10,000 or less. This is a factor in disproportionality because poverty rates are higher among African American families.
- Factors, such as poverty, family structure, age of the alleged victim, type of alleged abuse, and role of the individual reporting play a significant part in the final decision of child maltreatment cases investigated by CPS.

The initial report found the reasons for disproportionality are multifaceted and complex, with solutions in Texas likely involving policies that range from directly targeting issues of race to those that bring about general improvements to the system. The report also noted that because poverty appears to be a significant part of the problem, policies that provide resources to support parenting efforts in impoverished communities were likely to promote improved outcomes.

The second report is presented in three parts. It begins with a review of enforcement policies and the development of corresponding remediation plans, followed by a plan for additional research to examine the relationship of poverty, race, ethnicity, and risk in CPS case decisions. The final section of this report includes an update on the four cultural awareness activities mandated in Section 1.54 of Senate Bill 6:

- Develop and deliver cultural competency training to service delivery staff.
- Increase targeted recruitment efforts of foster and adoptive families who can meet the needs of children who are waiting for permanent homes.
- Target recruitment efforts to ensure diversity among CPS staff.
- Develop collaborative partnerships with community groups, agencies, faith-based organizations and other community organizations to provide culturally competent services to children and families of every race and ethnicity.

With the passage of SB 6, Texas has taken a proactive step toward promoting parity and improving outcomes for all Texas children. HHSC and DFPS are committed to further examining all policies and procedures that may contribute to disparities in the CPS system and completing remediation plans identified in this report.

Policy/Procedure Review and Remediation Plans

A review of state enforcement policies and procedures found most policies to be sound, but it identified some policy areas needing improvement. This review also identified a need for some specific procedural changes to mitigate disproportionality in Child Protective Services (CPS). Enforcement actions are defined as actions taken by CPS that are supported by legal court proceedings and regularly reviewed by the courts, including:

- Removal of a child from the home.
- Court order to participate in services prior to removal of a child or parent.
- Placement of the child while in custody.
- Adoption of the child, or any other outcome that results in permanent placement and dismissal of the state's legal case.
- Decision to offer or not offer services that might prevent any of the above.

Beyond policy and procedural changes, the Department of Family and Protective Services (DFPS) has identified additional program or system improvements to enhance positive outcomes for all children served by CPS. These system improvements include changing casework practice, training, and workforce recruitment practices as well as leveraging community resources to better address factors related to child abuse and neglect and the underlying poverty experienced by many CPS families.

The sections that follow describe enforcement actions used by CPS and identify corresponding remediation plans to address disparities.

Disparities and Remediation Plans in Exits from Care

Finding: In Texas, even when other factors are taken into account, African American children spend significantly more time in foster care or other substitute care, are less likely to be reunified with their families, and wait longer for adoption than Anglo or Hispanic children.

The review of CPS data also found:

- African American children exit to reunification more slowly than Anglo or Hispanic children.

- Hispanic children exit more rapidly to reunification than Anglo children.¹
- Exits to relative placement and to adoption are slower for both groups of children, relative to Anglo children.

There are several possible permanency outcomes for children who are removed from their homes. The most desirable outcome is family reunification. When family reunification is not possible, CPS attempts to find a placement with relatives or other adults significant in the child's life to help maintain family, cultural and community connections. When neither of these options is viable, securing a permanent placement through adoption may be in the child's best interest. All of these options are preferable to children remaining in foster care for long periods of time or until they age out of care.

Reunification

Poor families struggle with access to health care, reliable transportation, adequate housing and basic necessities. Some are faced with issues related to substance abuse, mental illness and family violence. Generally, these are longer-term problems and ones not easily overcome in the 12-month period specified in the Texas Family Code to obtain permanency for a child. Families facing these challenges need considerable assistance to provide safe, stable environments for their children.

Maintaining close relationships between the family and the child while the child is in substitute care increases the likelihood of successful reunification. These relationships are strengthened when the child's substitute care placement is near his or her home, ideally within the same school district. CPS policy appropriately addresses proximity to the child's school and parents' home when choosing a caregiver and in case planning for the child and family.² Historically, however, there have not been sufficient placement resources within every Texas community to place all children in close proximity to their family's home. This may be particularly true of African American families living in areas of concentrated poverty.³

Remediation Plan - Reunification

Difficulty in obtaining substitute care placements in close proximity to children's homes led to significant changes in the placement decision process. CPS centralized its placement function and provided placement team staff with automated support for tracking foster home and facility vacancies. Residential providers are contractually required to access the central placement database daily and update vacancies in foster homes, residential

¹ As cited in the first report, this finding appears consistent with the "Hispanic Paradox," a phenomenon in which the Hispanic population performs better than expected on many measures of health and well being despite their relatively low economic level.

² Social Security Act, Title IV, Section 475 and CPS Handbook Policy 6311, 6411 and Appendix 6311-B. http://www.ssa.gov/OP_Home/ssact/title04/0475.htm and http://www.dfps.state.tx.us/Handbooks/CPS_Handbook/CPS_Handbook.htm

³ Concentrated poverty is defined as a census tract with 40 percent or more of its residents having incomes below the federal poverty lines.

treatment centers, emergency shelters and institutions. Regionally based placement teams across Texas use this data to make placements for children in foster care, ensuring proximity is always considered when making placement decisions.

Utilizing family group decision-making conferences, while a child is in foster care has proven valuable in reuniting families.⁴ As a voluntary program, it is available following removal of child from the home and for youths currently in care who are preparing for adult living. Family Group Decision-Making conferences involve participation by the family (including extended relatives) in a conference with CPS. These conferences are designed to develop a plan to ensure safety and permanency for the children involved. An agreed upon, family-driven service plan is negotiated in the conference and contains goals, tasks and assignments for the family and others associated with the case. In a few areas in Texas, families have been offered this service before the removal of a child from the home.

The findings from the ongoing evaluation of Family Group Decision-Making conferences indicate success in several areas.⁵ For families who participated in conferences within the first 30-45 days following removal from the home, foster care placements fell from 54 percent to 38 percent, relative placements increased from 29 percent to 45 percent, and 13 percent of the children returned home. Thus, there was a 16 percent shift from foster care to relative care following these initial conferences in 2004 and 2005.

Another indicator of success, reported by parents and relatives, is greater satisfaction with Family Group Decision-Making conferences than with traditional permanency planning meetings. Data also suggest that children are less anxious following a Family Group Decision-Making conference than children whose families participated in traditional permanency planning meetings. Additionally, data found that children placed with relatives were better adjusted than children placed in foster care, and children placed with relatives following a conference appeared the most adjusted.

By June 2006, more children of all races and ethnicities had exited care as a result of Family Group Decision-Making conferences. Thirty-one percent of the children whose families participated in a conference returned home, as compared to 14 percent of children whose families did not participate in a conference. These findings were especially pronounced for African American and Hispanic children for whom exits from care have been slower. Thirty-two percent of African American children whose families attended a conference had returned home, relative to 14 percent whose families did not attend a conference. For Hispanic children, 39 percent had returned home following a conference, relative to 18 percent when the family did not attend a conference.

CPS expanded Family Group Decision-Making with the following activities:

⁴ Baumann, D.J., Tecci, M., Jeffries, V., Sheets, J., Wittenstrom, K., Ritter, J. (2005) Family Group Decision-Making. Texas Department of Family and Protective Services.

⁵ Wittenstrom, K, Tecci, M and Jeffries, V. (2006) Family Group Decision-Making in Texas. American Humane's 2006 Conference On Family Group Decision-Making. San Antonio, June, 2006.

- Initiated the training of CPS disproportionality specialists to facilitate family group decision-making conferences in the disproportionality pilot sites.
- Secured additional resources in the Tarrant County pilot site to train African American members of the local community to facilitate family group decision-making conferences for children currently in foster care and for children at risk of removal from the home.
- Collaborated with a community partner in the Harris County pilot site to conduct family group decision-making conferences before the removal of the child from the home or within 24 to 48 hours after the child enters conservatorship.
- Initiated the participation of these additional Family Group Decision-Making facilitators in “Undoing Racism” training.
- Increased the numbers of family group decision-making conferences by using agency contract funds.

CPS remediation efforts also focus on increasing kinship placements for children. It is anticipated this increase will result in more available foster homes, thereby creating additional opportunities for placements in closer proximity to the child’s family. Given the similarities between family-based safety services and reunification services, efforts designed to alleviate disparities in in-home services also are expected to mitigate issues delaying reunification. More information on efforts to alleviate disparities in family-based safety services is found on page 14.

Kinship Placements

The evaluation of policies and procedures regarding kinship placements provided several opportunities to improve areas believed to influence disproportionality. According to some staff, in the past there was some reluctance to consider relatives or other adults significant in the child’s life as possible placements due to concerns that problems within the biological parents’ household will exist within the extended family. In other instances, kinship placements were not made either because these individuals were unable to be located or had yet to be approved as substitute caregivers at the time placement was needed.

In some cases, the federal requirement that relatives serving as foster parents meet all eligibility conditions of non-related foster parents is a systemic factor influencing achievement of these placements. This requirement prevents relative caregivers who are unable to meet the eligibility requirements from being verified as paid foster parents.

Relatives may find the role of caregiver to be an emotional and financial challenge. There are usually added household costs when rearing additional children, and kinship caregivers often must balance their role in protecting the child to that of interacting with the child’s parent. This creates additional stress for which there has not traditionally been significant support, be it financial or emotional. In the past, investigative and substitute

care staff were responsible for facilitating and supporting these placements, while specialized staff were responsible for recruiting, training, and supporting foster and adoptive parents.

Remediation Plan - Kinship Placements

Senate Bill 6 provided opportunities for CPS to significantly increase placement options for children by identifying relatives who could serve as caregivers early in the process and by providing them with resource materials, financial assistance, and support services. CPS expanded the statewide Kinship Care program on March 1, 2006. This expansion is expected to positively affect the rate of relative placements and relative adoptions and includes the following elements:

- The program provides initial start-up assistance of \$1,000 per sibling group and annual recurring payment of \$500 per child to qualified kinship caregivers for the child's essential needs, such as bedding, clothing, and school supplies. Support services, including childcare for those who qualify, became available to kinship caregivers on March 1, 2006.
- A kinship care manual is made available to kinship caregivers as a resource and information guide. The manual is given to kinship caregivers upon placement of a child in their home and provides information such as caregiver rights and responsibilities and available financial, childcare, and support services.
- A child placement resources form is provided to parents when a child is removed from the home and includes a statement to inform parents that CPS will share information about the case with the potential caregivers so they are aware of the child's history and are better prepared to meet the needs of the child.
- Abuse and neglect database checks are conducted upon receipt of the child placement resources form from the parent.
- The caseworker initiates a criminal background check on each potential placement within two business days of the agreement to accept possible placement of the child.
- If a parent completes the child placement resources form at the time of the child's removal from the home, a written home assessment is completed on the most appropriate person listed by the date of the adversary court hearing, or approximately 14 days after the child's removal from their home.
- Online staff training regarding the benefits of kinship care is now available as well as specific training for facilitators of kinship support services. New policy allows relative and kinship caregivers to apply completion of the kinship support training to their training requirements when adopting children in their home.

- The program also provides a reimbursement process for legal fees incurred by relative and kinship caregivers during the adoption process.

Revisions have been made to CPS policy to clarify the conditions under which relatives with limited criminal history may qualify as relative placements. If a relative has a criminal history that does not result in abuse, neglect or certain other conditions, the placement may be approved at the regional and state level under special circumstances.

Specialized staff, known as kinship caseworkers, now provides support services to relatives and kinship caregivers willing to accept placement of children. Kinship caseworkers provide assistance in accessing therapeutic services, childcare and financial support. These caseworkers provide training to kinship caregivers in areas such as discipline, self-esteem building, substance abuse and resource development. Caregivers are provided with useful manuals and brochures and information on community resources. Training and materials are available in Spanish and English and are being translated into Vietnamese.

CPS also created the Family Focus division to administer policy and best practice development for the following programs: Family-Based Safety Services, Family Group Decision Making, Kinship Care, Education, and Preparation for Adult Living. Putting these programs under one administrative structure increases continuity between CPS programs that provide services to children and families living in their communities.

Adoption

The review of foster and adoption policies revealed potential issues that may disproportionately affect Hispanic or African American children. Among the identified issues are:

- Lengthy foster/adoption applications.
- Lack of concurrent permanency planning by caseworkers.
- Unclear policy definitions regarding suitable types of placement.
- Insufficient policy on preparing children for adoption.

The current protocol for licensing a foster or adoptive home involves an application process, completed home study, and completion of required training. The goals of this licensing process include increasing the foster or adoptive family's understanding of special needs a child may have resulting from abuse or neglect and assessing the family's ability to meet those needs. The licensing process begins with a 30-page application, and it contains many questions that require disclosure of personal information. Studies have found that many families, particularly African American families, may find the disclosure of

this type of information early in the application process to be intrusive.⁶ The unintended consequence has been to lose families rather than draw them into the adoption process.

Best practices for achieving safe and timely permanency for children involve concurrent planning, or preparing for two possible permanency options at the same time. Done properly, it allows staff to move quickly to complete the second option should the first option prove unattainable. Although CPS policy requires concurrent planning, a review of the adoption process revealed that some caseworkers were not consistently adhering to this requirement. For instance, some caseworkers were pursuing family reunification without simultaneously pursuing critical tasks to facilitate an adoption, should the plan for reunification fail. Without the preparatory steps for adoption having been completed, children may remain in foster care unnecessarily while a plan for permanency is restarted.

A review of policy related to facilitating placements for children and preparing them for adoption also identified further areas needing improvement. When describing the type of placement most suitable for a child, current CPS policy directs staff to address the best interest of children through placements in traditional families with a mother and father or a single individual who can protect, parent and nurture abused and neglected children. The word “traditional” may have unintended connotations for the caseworker assessing a potential adoptive family. Caseworkers may have overlooked blended, military and less financially secure families as potential options for children awaiting adoption.

Because African American and Hispanic children who exit care at a slower rate tend to be older, they are more likely to have experienced multiple or failed placements. To them, adoption may not be viewed as an opportunity to become part of a loving, caring, and permanent family; rather, it may be viewed as another potential rejection. CPS policy provides limited guidance to caseworkers on preparing children for adoption, particularly those experiencing multiple or failed placements.

Remediation Plan - Adoption

CPS has initiated changes to the foster and adoption application process to require less information at the beginning of a family’s inquiry- rather than the completion of a 30-page application. Information will be gathered in different stages, with all the information being collected before the home study process whereby CPS certifies the home. CPS will consult the Advisory Committee on Promoting Adoption of Minority Children, a legislatively created committee consisting of twelve members, six of whom must be ordained members of the clergy, to evaluate the revised application. The committee’s input will ensure the application process does not discourage families from applying to provide foster care or adopt a child. These changes to the foster and adoption application process are expected to occur in September 2006.

Program directors and adoption specialists in each region now are responsible for closer monitoring of children as they progress through the foster care system. This improved

⁶ Smith-McKeever, T.C. & McRoy, R.G. (2005). The role of private adoption agencies in facilitating African American Adoptions. *Families in Society: The Journal of Contemporary Social Services*, 84(4), 533-540.

monitoring and tracking of children resulted in a raised awareness among caseworkers for better compliance and accountability with concurrent planning policies. Increasing the use of Family Group Decision-Making conferences is expected to improve concurrent permanency planning. Enhanced participation of extended family members in these conferences will more clearly reveal the family's strengths and needs and provide caseworkers with crucial information that frequently was not known until later in the case. This deeper understanding of the family helps staff to evaluate the family's ability to reach targeted goals, identify progress toward positive outcomes and recognize the need for alternative planning earlier in the case.

Policy regarding the selection of foster and adoptive placements is being updated to describe the character and quality of the foster and adoptive families being sought. Policy will be improved to more specifically guide staff in the preparation of children entering the adoption process, particularly those who have experienced multiple or failed placements. Training curriculum to support these policy changes is under review.

CPS has initiated several strategies to build capacity of foster and adoptive homes by recruiting more diverse families. These recruitment strategies include developing a child-specific contract, a faith-based initiative, a marketing plan, and creating relationships with national African American adoption agencies. Targeted outreach to Hispanic communities is planned in parts of the state where higher numbers of Hispanic children are waiting for adoption.

There is now a contract with One Church, One Child of North Central Texas to address disproportionality of children in foster care through outreach and specific recruitment activities. The focus is to develop and execute a child-specific recruitment program, with an emphasis on minority children, which reaches out to faith-based and other communities to recruit, train, and license adoptive families for children in Arlington, Dallas, Fort Worth, Houston, and Austin.

CPS has expanded recruitment efforts through a faith-based initiative entitled Congregations Helping In Love and Dedication (CHILD) by housing faith-based recruiters in the regions and hiring a faith-based specialist at the state level to coordinate and expand agency collaboration with communities of faith.

A public awareness plan was developed to address disproportionality by increasing CPS visibility with minority newspapers and radio stations and by creating recruitment material specifically focused on minority populations. Several Catholic newspapers with Hispanic readership will begin featuring profiles of children available for adoption. CPS is securing a contract to list all profiles of Spanish-speaking Hispanic children in the Texas Adoption Resource Exchange in both Spanish and English. This service is expected to be in place in September 2006.

In addition, CPS has expanded recruitment efforts by partnering with African American adoption agencies across the United States. Each agency is now accepting child-specific profiles for African American children in CPS conservatorship who need an adoptive home. The Texas Adoption Resource Exchange sends adoption alerts on older African

American children to three African American adoption agencies: Homes for Black Children in Detroit, the Institute for Black Parenting in Los Angeles, and the ROOTS adoption agency in Atlanta. Child-specific recruitment efforts also are being pursued through expansion of the Heart Gallery Project. Discussed in more detail later in this report, this project reaches out to the community through public exhibits of portraits of children in foster care taken by professional photographers.

CPS has undertaken two specific projects to move existing children of all races and ethnicities in conservatorship to permanent placements. These efforts were developed as a result of assessing the current population of children in care and devoting additional resources to overcoming impediments to achieving permanent placements. In April 2005, CPS began Operation PUSH (Placing Us in Safe Homes) by identifying children in the conservatorship of DFPS who were near adoption but lacked a few requirements for their adoptions to be finalized. An agency-wide campaign identified completion of these tasks as a priority. The goal was to eliminate barriers and allow as many children to be adopted as possible by November 2005. After each region identified the tasks needing completion to consummate adoptions, a designated regional coordinator ensured the accomplishment of these tasks with state-level oversight and monitoring.

Volunteers from the community including Court Appointed Special Advocates (CASA), Children's Advocacy Centers, local bar associations and agency retirees also assisted in this effort. CPS worked with juvenile courts, adoptive families, attorneys, and others to complete the necessary tasks and to schedule group adoption ceremonies to finalize adoptions during November 2005, National Adoption Awareness Month. These combined efforts and commitment of both CPS and community stakeholders resulted in a significant increase in the number of adoptions. In fiscal year 2005, there were 3,173 adoptions, an increase of 661 adoptions from the previous fiscal year.

CPS has initiated another unique adoption project to continue efforts to find permanent homes for children awaiting adoption. The project, termed HOME, or Help On Matching Every child, focuses on matching children with approved adoptive families throughout the United States. There are more than 8,000 approved families who want to adopt and are registered on various adoption exchanges such as ADOPTUSKIDS and the Adoptive Family Network in Texas. Use of this untapped resource is expected to increase the number of adoptive placements for Texas children.

Disparities in Decision to Remove

Finding: The statewide analysis did not reveal a significant association between African American race and the CPS decision to remove a child from the home when controlling for factors including income, age of the victim, type of abuse or neglect allegation, source of report, and region of the state. The analysis did find that Hispanic children were significantly less likely than Anglo children to be removed from the home while Native American children were significantly more likely.

Policies and procedures related to removing a child from his or her home appear predominantly sound, given that the removal rate for the majority of children in the state is essentially proportional across race and ethnicity. Although the data available for this report included only 31 cases involving Native American children in the state, CPS views the increased likelihood of removal for these children as significant. Accordingly, CPS conducted a preliminary review of these cases with emphasis on the investigation risk assessment documentation and reasons for removal. The results revealed a high incidence of alcohol and drug abuse among the parents of these children. The review also found considerable interstate movement as families moved from one Native American community to another. This movement may have contributed to a reduced connection with local community resources. A Native American child's tribe may not have had a presence in the child's area and therefore resources, available for children living on tribal land were not accessible to the family.

CPS also views the decreased rate of removal for Hispanic children as significant, particularly as it may provide insight for decreasing child removals across all groups. However, there appears to be no direct correlation between CPS policies and procedures and the decreased rate of removals of Hispanic children.

Remediation Plan - Removals

In response to the finding that Native American children are more likely to be removed than any other race or ethnicity, CPS is continuing to examine these cases to better understand what may be contributing to this overrepresentation. As part of the ongoing review, these cases will be examined with respect to the provisions of the Indian Child Welfare Act as well as the relationship between Native American and state courts.

CPS remediation efforts also include reaching out to Native American stakeholders and exploring ways to secure additional resources for Native American children. For example, exploring cross tribal access to resources for Native American children, if such arrangements do not already exist and are not prohibited by statute or custom. CPS will explore ways to provide improved services for Native American families with substance abuse problems. Additional efforts will focus on identifying factors leading to decreased removal rates of Hispanic children as well as proportionate removal rates of African American children. Ideally, the result of these efforts will better inform and shape CPS policy and practice in cases involving Native American children.

Disparities in Decision to Offer In-Home Services

Finding: African American families were less likely than Anglo families to receive in-home family services to help prevent child removal in three areas of the state, while Hispanic families were less likely than Anglo families to receive such services in four areas.

Family-Based Safety Services is the CPS program that provides in-home services. The focus of Family-Based Safety Services is meeting the needs of the family and utilizing family strengths to maintain the safety and health of the children in the family's own home.

In-home services are designed to prevent the removal of children by offering services directly in the home.

CPS policy contains Title VI of the Civil Rights Act of 1964 requirements for state and local governments to ensure programs and activities provided in English are accessible to people with limited English proficiency and that programs do not discriminate on the basis of national origin.

The evaluation of CPS policies and procedures regarding Family-Based Safety Services did not reveal any inherent weaknesses that would contribute to disproportionality. The disparity appears to be in the staff decision to provide or not provide these services. Among contributing factors in the decision to provide these services were the availability of community resources, flexibility in the service delivery process, and caseworker awareness of local resources.

CPS was able to identify some aspects of the service delivery process where improvement could positively impact the disproportionately low representation of African American and Hispanic families receiving in-home services. In some areas in Texas, the available services may not correlate to the family's identified need. For example, a family experiencing a financial crisis that interferes with their ability to provide for their children's basic needs may not benefit from the type of services traditionally offered at this stage in the CPS process, such as parenting or anger-management classes.

The service delivery process would benefit from flexible, non-traditional services that require a more individualized approach in working with families. Finally, although CPS caseworkers are required to be informed of and assist families in accessing community resources, it is possible that some caseworkers may overlook or be unaware of all available local resources.

Remediation Plan - In-Home Services

CPS caseworkers must be fully aware of community resources that may benefit children and families as well as potential barriers to obtaining those resources. CPS is examining ways to increase services that target basic needs. Technical assistance, provided through a federal grant, is being used to position state agencies to work collaboratively in the provision of services. HHSC and DFPS also are exploring other funding sources, such as Temporary Assistance for Needy Families, to help families served by CPS. Additionally, CPS is working on a project in San Antonio to deliver services to low-income Hispanic families through a comprehensive neighborhood service delivery system.

Further training for staff on the strengths-based approach employed in the Family-Based Safety Services program will raise overall awareness and ensure greater collaboration between CPS and the families served. CPS is increasing the application of principles and values found in Family Group Decision-Making. Plans are underway to expand Family Group Decision-Making into the Family-Based Safety Services stage of service during fiscal year 2008 and 2009. Expansion of this program is expected to more effectively engage families and further promote parity.

CPS reviewed best practice guidelines developed in other states that address disproportionality,⁷ and is working to adapt or adopt guidelines believed to be particularly useful in Texas. In addition, CPS conducted a general review of recent literature regarding the effectiveness of in-home services nationwide. The purpose of this review was to examine successful programs and determine what aspects could be applied to improve outcomes for families in Texas. The results suggest that effective in-home programs establish consistent criteria for identifying families at imminent risk of child removal and assist families through brief but very intensive services. The next step is to reassess the scope and purpose of Texas interventions in light of research findings elsewhere.

Since the findings in the initial report indicated that regional variations exist in the provision of Family Based Safety Services to African American and Hispanic families, ongoing remediation efforts will examine the reasons behind regional differences.

Other Factors Influencing Disproportionality

Two other factors, diversity and cultural competency, were explored as part of the disproportionality remediation plan. While these factors are not related to any particular enforcement action, they are relevant to addressing aspects of disproportionality in CPS.

Diversity and Cultural Competency

As described throughout this report, CPS conducted a thorough review of policies and procedures related to enforcement actions. In the majority of instances, policies and procedures offered limited explanation into the causes for disproportionality. As such, it appears disproportionality may be affected by external factors as well as differences in individual practice, including decision-making practices. CPS recognizes the additional opportunities to explore and influence the practices and viewpoint of its staff. Efforts are underway to improve the diversity of CPS staff. Case assignments will continue to be made based on demonstrated skill and competency, including cultural competency, of staff. A recruitment and retention workgroup is developing specific recruitment efforts to hire a more diverse workforce. Part of these efforts will include an examination of the impact of limited English proficiency and identify actions that may be needed to recruit and hire bilingual caseworkers. DFPS will partner with the HHSC Civil Rights Office to ensure workforce-planning efforts are in compliance with state statute.

CPS is working to increase cultural competency through expanded trainings for all levels of staff. Various training curricula are being modified to include content on the culture of poverty, strength-based approaches, and family-driven models. An example of this type of training is the “Effective Child Welfare Practice with Hispanic Children and Families”

⁷ See, for example, “A Practice Guide for Working with African American Families in the Child Welfare System” developed in Minnesota. See <http://edocs.dhs.state.mn.us/lfsrserver/Legacy/DHS-4702-ENG>

curriculum developed in concert with several Texas universities.⁸ Specifically designed to assist CPS staff to work more effectively with Hispanic populations, the first sessions have been made available to staff in Lubbock, Waco, San Marcos, and Tyler. These sites were selected due to the low numbers of Hispanic staff relative to the number of Hispanic children and families served. Content of this training will be incorporated into DFPS standard course offerings at the conclusion of the grant period.

CPS will also examine the relationship between risk, race, ethnicity, and poverty. As discussed in the following section, CPS hopes to gain a better understanding into individual practices and biases so that it may one day have the tools to extricate improper considerations such as poverty and race from an assessment of risk of harm to a child.

⁸ Funded by the United States Department of Health and Human Services' Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, the training was developed by professors at Texas Christian University, the University of North Texas and the University of Texas at Arlington.

Review and Discussion of Case Decisions

During the course of this analysis, CPS gained a greater appreciation for the complexity of the decision-making process required of staff. While some existing policies and procedures have been targeted for immediate change, CPS will conduct a longer-term study of the relationship between poverty, race, ethnicity, and risk in the case decision process.

Following the CPS investigation, the caseworker and supervisor must decide upon one of the following courses of action: close the case, open the case for in-home services or open the case and pursue removal of the child from the home. Throughout this section, this determination will be referred to as the “case decision,” which is not the same as the ultimate disposition in the case.

The case decision is based principally on the risk of future harm to the child. Analyses conducted on the Texas CPS system have borne out this relationship. Children were most likely to be removed in families assessed as high-risk, less likely to be removed in families with lower risk, and most likely to have their cases closed in low-risk families.¹ As discussed in the January 2, 2006, report, “Disproportionality in Child Protective Services,” there is a strong correlation between poverty and the case decision. It is possible that some staff inappropriately consider poverty when making the case decision. In addition, because poverty and risk are strongly correlated to race, there is a possibility that race or ethnicity could be inappropriately used in determining the risk of future harm to the child.

Correlation between Risk, Poverty, Race and Ethnicity

National studies indicate that poverty, race, ethnicity, and risk may be inextricably linked when it comes to disproportionality in the child welfare system. More minority children live in poverty than Anglo children. According to the 1999 Census, African American and Hispanic persons comprised 52 percent of poor children in the United States. African Americans tend to remain impoverished longer than other groups.² Not only do more African Americans live in poverty, they are also the largest ethnic group living in concentrated poverty as of 2003, although the number of Hispanics living in concentrated poverty is on the rise.³ Concentrated poverty is correlated with single parenthood, which is currently much more prevalent in African American families than in Anglo families,⁴ as

¹ These analyses were conducted by CPS using many of the same variables as those used for the January 2, 2006 report, “Disproportionality in Child Protective Services.”

² Hines, A.M., Lemon, K., Wyatt, P. & Merdinger, J., “Factors Related to the Disproportionate Involvement of Children of Color in the Child Welfare System: A Review and Emerging Themes,” *Children and Youth Services Review* 26 (2004): 507-527.

³ Jargowsky, P.A., “Stunning Progress, Hidden Problems: The Dramatic Decline of Concentrated Poverty in the 1990s”, Washington, DC: The Brookings Institution, 2003. Retrieved April 27, 2006, from http://www.brookings.edu/metro/speeches/20030519_poverty.htm

⁴ Hines, “Factors Related to the Disproportionate Involvement of Children of Color”; Schuck, A.M. “Explaining Black-White Disparity in Maltreatment: Poverty, Female-headed Families, and Urbanization.” *Journal of Marriage and Family* 67 (2005): 543-551.

well as substance abuse and a lack of community support⁵ both of which are risk factors as well. Furthermore, areas of concentrated poverty tend to have poorer school systems, a hostile neighborhood environment, and lack of community services and supports. The components of concentrated poverty tend to exacerbate the effects of family poverty. Indeed, higher rates of child maltreatment have been linked to concentrated poverty,⁶ and can be considered risk factors. All of these interwoven features of risk, race, ethnicity, and poverty tend to be related to the case decision at the conclusion of the investigation.⁷

Research on Race or Ethnicity Considerations in Case Decision

HHSC and DFPS will pursue options for studying whether considerations of race or ethnicity play some role in caseworkers' assessment of risk, either because of issues in the risk assessment system, individual bias, or both. This extent of professional research analysis will likely be best supported through a partnership of state agencies, foundations and academic institutions. HHSC and DFPS will explore these and other possibilities to help secure the needed research resources. Should the analysis yield data that indicate race or ethnicity is considered in the case decision, CPS will explore remediation actions including revisions to the risk assessment instrument as well as additions to the cultural competency trainings provided to staff.

Other Decision Support

CPS requires all staff to add race and ethnicity as a variable when making data requests. Not only does this remind staff about the importance of race and ethnicity in their work, it also allows for monitoring of changes occurring at the unit, regional and state level. An example of such monitoring is an application that allows federal outcome measures to be displayed by ethnicity.

Additionally, as the state prepares for the outsourcing of case management and substitute care services, DFPS will require its contractor(s) to ensure the provision of services in a culturally competent manner. Independent administrators will be required to assist in efforts to promote parity in each region. In its independent administrator request for proposals for San Antonio, DFPS has required a system improvement measure related to disproportionality. This measure will assess the performance of the independent administrator across several outcomes in light of children's race or ethnicity. More information related to this system improvement measure is contained in the request for

⁵ Hines, "Factors Related to the Disproportionate Involvement of Children of Color".

⁶ Ibid.

⁷ U.S. Department of Health and Human Services Administration for Children and Families, National Survey of Child and Adolescent Well-being (NSCAW) CPS Sample Component Wave One Data Analysis Report. Washington, DC: 2005. Retrieved April 28, 2006, from http://www.acf.hhs.gov/programs/opre/abuse_neglect/nscaw/reports/cps_sample/cps_report_revised_090105.pdf; Minnesota Department of Human Services' Children's Services Administration. (2002, April). Minnesota Department of Human Services Report to the Legislature on the Study of Outcomes for African American Children in Minnesota's Child Protection System. St. Paul, MN: April 2002.

proposals for the independent administrator found at http://esbd.tbpc.state.tx.us/1380docs/530/64639_1.doc.

Mandated Activities on Disproportionality

Section 1.54(a) of Senate Bill 6 amended the Texas Family Code by adding section 264.2041. This new section requires DFPS to:

- Develop and deliver cultural competency training to all service delivery staff.
- Increase targeted recruitment efforts for foster and adoptive families who can meet the needs of children who are waiting for permanent homes.
- Target recruitment efforts to ensure diversity among department staff.
- Develop collaborative partnerships with community groups, agencies, faith-based organizations, and other community organizations to provide culturally competent services to children and families of every race and ethnicity.

Though aspects of these mandates have been discussed regarding CPS' progress in addressing disproportionality in enforcement actions, the section below summarizes responses for each of the required activities.

Cultural Competency Training

CPS has made progress in training service delivery staff to perform their jobs in a culturally competent fashion. Online cultural awareness training was developed for all CPS service delivery staff and management. Management and staff are participating in "Undoing Racism" training, a two-day workshop designed to educate and challenge people to undo systemic racism. The training aims to increase sensitivity to the issues that play a role in disproportionality. Participants describe their position and the importance of addressing disproportionality, consider the relationships between themselves and the community, and identify ways to increase their accountability to the families and children they serve. To date, the training has been provided to middle and upper-management staff at the state and regional level, supervisory staff in two pilot sites, service delivery staff in one pilot site in Houston, and all training academy managers.

CPS is also a part of a large-scale implementation of a training program developed by Casey Family Programs entitled "Knowing Who You Are." The goal of the training is to foster the development of healthy race and ethnic identities in children served by CPS by enhancing staff's understanding of their own race and ethnic identity. Accordingly, "Knowing Who You Are" training invites staff to examine their assumptions and biases related to race and ethnicity and to study personal comfort levels around these issues. This training has been incorporated into the basic skills training for in-home and conservatorship staff. It provides these staff with practical ways to integrate race and

ethnic identity work into their day-to-day activities for all children, regardless of their race or ethnicity.

Since September 2005, 251 new employees and trainers and ten community stakeholders have participated in “Knowing Who You Are” training. Fifteen individuals have been certified as facilitators of the training and an additional 14 are nearing completion of the certification process. Four training cycles have been offered since September 2005 in all parts of the state. All new staff providing services beyond investigation has been trained on one or more components of the program. Relevant components of “Knowing Who You Are” training are expanding to include new investigation staff by September 1, 2006. Plans for training the remainder of the current service delivery staff are being explored. CPS intends to train supervisors of direct delivery staff, as well as middle and upper-level regional management on at least one component of the program starting July 1, 2006.

Recruitment of Foster and Adoptive Families

The steps undertaken by CPS to address disproportionality in exits to adoption are relevant to this requirement as well. As discussed in section one, CPS is changing policy to broaden recruitment efforts of African American, Hispanic and other families. Targeted recruitment, with emphasis on minority children, has improved through a contract with One Church One Child of North Central Texas, and a faith-based initiative in conjunction with Congregations Helping In Love and Dedication (CHILD). CPS implemented a public awareness plan to increase visibility with the media and has entered into relationships with African American adoption agencies across the United States.

CPS participated in Texas Heart Gallery projects, the purpose of which is to promote adoption by linking professional photographers and children in conservatorship. The photographers donate their services and take portraits that feature the children’s personalities and positive qualities. The photographs are then displayed in a public forum to raise awareness about the children’s need for permanent, loving families and to encourage adoption of children who have been difficult to place. Many community volunteers and partners are assisting CPS to promote the adoption of children in this manner. Eight Heart Galleries throughout Texas had premieres in their communities and several others are in the development phase. This project improved child-specific recruitment efforts, and resulted in increased inquiries on featured children.

Recruitment of Diverse Staff

Efforts to ensure diversity include providing management with “Undoing Racism” training to communicate the importance of a diverse staff in improving outcomes for families and children. The strategy, along with other factors discussed in this report, has resulted in an increasingly diverse workforce. For comparable periods in fiscal year 2005 and fiscal year 2006, CPS staff increased from 5,796 to 6,935. This represents a 16 percent increase in staff. For African American staff, the increase was 1,550 to 1,945, representing a 20 percent increase. For Hispanic staff, the increase was from 1,408 to 1,704, or a 17 percent increase. Anglo staff rose from 2,762 to 3,128, representing a 12 percent increase. As the data indicates, the proportion of African American and Hispanic staff

increased relative to Anglo staff. CPS will continue to ensure diversity by providing staff with cultural competency training and training leadership on the importance of diversity.

Development of Collaborative Partnerships

Wherever possible, DFPS seeks input from external stakeholders to ensure the integrity and relevance of the agency's work with service providers, community partners, and clients. This essential involvement is grounded in the belief that communities and families must inform the process for identifying causes of disproportionality and the solutions. One of the outcomes of a collaborative partnership with Casey Family Programs is the development of the community change model described in Appendix I.

A statewide workgroup, made up of DFPS staff and external stakeholders was created to address disproportionate representation and disparate outcomes in CPS. The workgroup addresses not only the disproportionate rate at which some children enter the child welfare system, but also equities in all CPS stages of services: investigation, family-based safety services and conservatorship. The workgroup will examine factors underlying the decisions made at different points in the children's cases.

For additional outreach, specialized staff is located in regions with a high percentage of disproportionality. The duties of these staff include working with other agencies on cross-systems issues, and facilitating community group sessions and community organization. CPS also gives community presentations focused on addressing disproportionality in order to engage external colleagues, increase visibility with community leaders, and illustrate the need for a community response.

To most effectively use its resources in addressing the external factors believed to contribute to disproportionality, DFPS began with evaluating disproportional representation and disparate outcomes in two highly populated regions. A Community Advisory Committee was established in the Houston area, focusing on Harris County. A regional steering committee and advisory committees representing three counties were established in the Arlington/Dallas/Fort Worth area. Each committee includes broad representation from various segments of the designated community. These committees serve as an important and ongoing resource for reducing disproportionality and implementing remediation plans. The committees recommend changes and communicate concerns and information to DFPS and CPS leadership at regional and state levels. DFPS is evaluating the expansion of these programs to other regions based on the results of the efforts in the Houston and Arlington/Dallas/Fort Worth areas.

Conclusion

Governor Rick Perry and the 79th Texas Legislature set into motion several mechanisms for reforming and improving DFPS. Among key aspects of this reform is the examination of whether enforcement actions were initiated disproportionately against any race or ethnicity and the development of remediation plans to address any disparities found within the CPS system.

In the first report, *Disproportionality in Child Protective Services*, submitted to the Legislature on January 2, 2006, HHSC and DFPS reported that even when controlling for relevant factors, disproportionality was present in several areas. In this second report, the assessment of disproportionality continues by evaluating CPS policies and procedures and implementing corresponding remediation plans to address identified disparities. The evaluation revealed that although there were few readily identifiable policies contributing to disproportionality, the rate of disparate outcomes could be improved with changes to certain procedures and individual practices. An important component to achieving positive outcomes through continued improvement in practices is to examine the relationship between race, ethnicity, poverty, and risk as discussed in section two of this report.

Efforts to mitigate disproportionality were expanded beyond the functions and structure of CPS. As outlined in section three, DFPS continues to strengthen collaborative partnerships through a comprehensive statewide initiative, enhanced community presence and the use of local advisory committees. DFPS commits to evaluate in greater detail the external factors that may contribute to disproportionality in the child welfare system. In the course of reviewing policies and procedures related to enforcement actions, it became clear that decision factors and vital participants in a child's experience with CPS are numerous and often outside of the agency itself.

Many of the issues brought forth in these two reports will be better understood with a continuing analysis of factors influencing client outcomes, including aspects of the case decision process and the role of key participants such as law enforcement, judges, attorneys, advocates, service providers, and the community at large. DFPS will continue to track progress in reducing the disparities discussed in this report and will identify additional strategies in response to any new findings. By directing its focus both inward and outward, DFPS aims to continue down the path set by the 79th Texas Legislature for promoting parity and improving the lives of all children and families in the child welfare system.

Appendix I: Community Change Model

Community Change Model

Child Protective Services (CPS), in collaboration with Casey Family Programs, is using a multi-stage, community engagement model to address the problem of disproportionality and disparate outcomes for children of color in the child welfare system. The model takes a multi-faceted approach, looking at social, economic, educational, and political factors that impact disproportionality.

The cornerstone of the community change model is the formation of community partnerships to improve outcomes for children of color. The first step in forming community partnerships is to create community awareness. Each targeted area has formed an Advisory or Steering Committee comprised of local community leaders and CPS staff. The initial focus is to raise the issue of disproportionality and share related data to encourage discussions as to the role of local community services in creating parity. These efforts are reinforced by “telling the story” through the voices of former CPS clients, birth parents, kin caregivers, and foster parents. Committee members are asked to identify specific change strategies to enlist the larger community in addressing disproportionality. Encouraged to see themselves as informed advocates, they begin the process of identifying community strengths to address local needs.

The next stage in the development of these committees is a focus on community leadership. Community investment and ownership in system improvements to address disproportionality are directly linked to community strengths, constituent voice, and the needs identified by community members and leaders. Participation in *Undoing Racism* training is made available at this stage to reinforce the role of committee members as agents of social change.

The third stage of this community change model emphasizes community organization. Community organization begins with direct contact with the community to hear from residents about their issues and the strengths of the community. Relationships with residents are cultivated to support them as key resources. CPS Disproportionality Specialists play an active role in helping to begin this exchange of information and in conveying the belief that the community knows best what it needs and how to accomplish its goals.

The final focus of this community change model is community accountability for desired outcomes and measurable results. As owners of the solutions to sustained community change, committee members are empowered to take responsibility for changes that transcend the work of CPS. The resulting community partnerships lead to measured change at the local level.

This four-staged community change model has been utilized in the DFPS Disproportionality pilot sites and will also be the framework for working with the state-level taskforce being formed in fiscal year 2007. The role of the taskforce will be to lead the state-level efforts specific to disproportionality, such as serving as a voice for change, providing leadership for development of public policy, and identifying opportunities for coordinated efforts that sustain change and replicate successful practice models in other areas of Texas.