

Budget Recommendations for CPS: Community Based Care, the Family First Prevention Services Act, and Information Technology

Testimony to the House Appropriations Subcommittee on Article II

The Legislature has made progress on Child Protective Services (CPS) challenges the last two years, but it has much more work to do to adequately fund CPS. Three of the key CPS areas that the Legislature should invest in this session are the subject of today's hearing.

To reach the goal of helping more children stay safely with their families rather than enter foster care, the Legislature should ensure DFPS has funding to support planning and other changes required to take advantage of new federal funding that will become available in Texas in 2021 when the state begins implementing the Family First Prevention Services Act (FFPSA). **To help reach the goal of ensuring children are safe when they do enter foster care**, the Legislature should invest in the DFPS data system. **Finally, to reach the goal of ensuring children in foster care are recovering from trauma and thriving**, the Legislature should fully fund Community Based Care (CBC) and investing in developing high quality foster homes and facilities that will minimize the anticipated loss of federal funding for certain foster care placements under the FFPSA.

We appreciate the Legislature's important funding increases and child welfare reforms over the last two years. However, there is much more work to do, as exemplified by the Department of Family and Protective Services (DFPS) request for \$324 million in Exceptional Items for Child Protective Services (CPS). In addition to those Exceptional Items, which are not funded in the current version of HB 1, more funding is also needed for the state to move forward with Community Based Care, resolve ongoing issues with IMPACT (the DFPS information technology system), and prepare for implementation of the FFPSA, which has been entirely excluded from the agency's current LAR. During our testimony to the Committee last week, we outlined recommendations for CPS funding outside of these three areas.

Keep More Families Safely Together and Prevent Entries into Foster Care

Family First Prevention Services Act

HB 1 currently does not account for costs and investments associated with preparing to implement the new FFPSA, which restructures federal financing for child welfare. Although DFPS has not asked for resources to ramp up for FFPSA implementation, the Legislature should work now to ensure Texas can take full advantage of the new funding for prevention services and reduce reliance on the types of congregate care that federal funding will no longer support when Texas begins implementation of the law in the fall of 2021. Additionally, the new federal law opens up key opportunities to fund prevention programs that will help more children stay safely with their families rather than entering foster care.

Recommendations

- Invest in developing capacity and workforce to deliver prevention services that meet certain evidence-based thresholds;
- Invest in infrastructure to accommodate federal reporting requirements related to services provided and performance-based outcomes at the child level;
- Determine the required state match; and
- Invest in training for DFPS staff on foster care candidacy and prevention planning.

Ensure Children are Safe in Foster Care

Information Technology

A better data system is critical to child safety, but HB 1 includes an overall reduction of \$16.5 million in All Funds for various information technology projects for Information Management Protecting Adults and Children in Texas (IMPACT). For caseworkers to ensure child safety, they have to be able to access information about a child's placement, history, health, education, any juvenile justice involvement, and more. The Fifth Circuit issued an opinion in the federal lawsuit against the Texas foster system that noted DFPS' haphazard record-keeping makes it unreasonably difficult for caseworkers to navigate a child's case file and assure each child's safety. As part of the lawsuit, DFPS will likely be required to develop a new integrated computer system to keep all records in a centralized electronic database so that caseworkers and others involved in a child's case can easily locate the information they need to ensure they are meeting the needs of each child. Beyond what will likely be required by

the lawsuit, we recommend changes that would allow for interoperability with state contractors, other child-serving systems in Texas, and other states .

Recommendations

- Invest in a new interoperable data system that contains each child’s complete records, including but not limited to a complete migration of all medical, dental, educational, placement recommendations, court, mental health, and caseworker records and ensure that the new system maximizes child safety by meeting the needs of providers and caseworkers in Texas’ evolving child protection system.

Ensure Children are Healing and Thriving in Foster Care

Community Based Care

One of the main strategies that the state has used to build foster care capacity is Community Based Care (CBC), which is a community-based approach to meeting the unique needs of children, youth, and families. Following last session, the CBC contractor in the Fort Worth area, ACH Child and Family Services, was expected to take on a new responsibility of case management. However, the transfer of case management services from the state to ACH has not yet occurred because of inadequate state funding to support a contract for these services.

Recommendations

- Fully fund Community Based Care.

Family First Prevention Services Act

In addition to providing funding to expand behavioral health services and in-homes parenting skill building services for parents at risk of having their children removed by CPS, the FFPSA only allows the use of federal dollars for certain types of foster care placements and severely restricts funding for group care. The FFPSA only allows federal funding to be used for foster family homes, family-based residential treatment, specialized care for pregnant and parenting youth, specialized care for children who were victims of or at risk for human trafficking, and Qualified Residential Treatment Program (QRTPs, a new term for institutional care settings that meet heightened standards set out in the law including aftercare support, on-site nursing, trauma-informed care, and accreditation). After the first two weeks in a placement, states will no longer be able to use federal IV-E funding for any other types of group settings.

Recommendations

- Invest in developing Qualified Residential Treatment Program capacity by providing start-up grants to help offset the costs of necessary structural changes;
- Anticipate the loss of federal financial participation for currently eligible placements that do not meet the new standards;
- Invest in developing foster home capacity;
- Invest in increased staff time dedicated to the workload associated with performing required assessments of placements; and
- Invest in information technology revisions based on new federal data exchange and reporting requirements.

Conclusion

Texas must build on the progress that state leaders have made to improve the child welfare system during the last two years. During the 2019 legislative session, we will work with the Legislature on these important issues to make sure families have the support they need to stay safely together and fewer children enter foster care in the first place. When children cannot safely stay with their families or kin and must enter foster care, Texas must not only continue to prioritize child safety, but must also ensure every child is able to heal and thrive.