

Significant Concerns Regarding HB 1542/SB 907

The Bills Steer More Children to Cottage Homes Rather Than Foster Families

We appreciate the authors' efforts to address the state's foster care challenges. However, these bills will steer more children to settings where they are likely to have worse outcomes. The legislation also falls short of alleviating the state's foster care capacity crisis.

These bills tell CPS that placing children in cottage homes is just as good as placing them with foster families. Current policy directs CPS to attempt to place a child with a foster family before resorting to congregate care settings such as cottage homes. Under the bill, if the closest available foster family is in the neighboring county, and there is an opening in a cottage home in a child's county, she would be placed in the cottage home.

Placing children with foster families is much better for children than placing them in cottage homes. Cottage homes are a collection of housing units on a single campus. Each holds about 8-15 children, with a rotating "house parent." There is a broad consensus that placing children with families is better for their development. Children under age 12 are especially likely to struggle with developing healthy relationships --and likely to learn challenging behaviors -- when placed in a congregate care setting. **In fact, ruling in the lawsuit against CPS, a federal judge found that Texas is already over-reliant on congregate care and that it poses an unreasonable risk of harm to their health or safety.**

Expanded use of cottage homes will not alleviate the state's foster care capacity crisis. The children that CPS has trouble placing in foster care -- including those sleeping in CPS offices -- have significant mental health and behavioral needs. Cottage homes do not serve these children.

The bills could put \$1.3 billion in federal funding at risk by violating federal law. The bills appear to violate requirements that children be placed in the least restrictive setting available. The fiscal note for SB 907 says that if DFPS is out of compliance with federal law, it "could potentially put at risk up to \$1.3 billion in existing Title IV-E and TANF federal funding."

During the House hearing, the bill was opposed by a number of organizations that focus on what's best for Texas kids. Texans Care for Children, One Voice Texas, Texas CASA, Texas Lawyers for Children, National Association of Social Workers-Texas Chapter, and TexProtects all opposed the bill. The only organizations that supported the bill were vendors who would receive CPS contracts under the bill.

Texans Care for Children is a statewide, non-profit, non-partisan, multi-issue children's policy organization. We drive policy change to improve the lives of Texas children today for a stronger Texas tomorrow. We envision a Texas in which all children grow up to be healthy, safe, successful, and on a path to fulfill their promise.