

Protect Children in the Department of Family and Protective Services (DFPS) Budget

Testimony to the House Appropriations Subcommittee on Article II of House Bill 1

The Texas Legislature should keep more children safe with their families and, when appropriate, out of foster care. The Legislature should also ensure that all children in foster care have a safe, nurturing home where they can heal from trauma and thrive.

Keep More Children Safe with their Families and, When Appropriate, Out of Foster Care

When families experience stress, as they have during the COVID-19 pandemic and last week's energy blackout, risk factors for child abuse and neglect or Child Protective Services (CPS) involvement often increase. These risk factors include domestic violence, challenges associated with poverty like housing instability, and untreated mental illness or substance use disorders. Some reports also suggest sexual or physical abuse has increased or worsened during the pandemic.

The 2018 Family First Prevention Services Act (FFPSA) restructures how the federal government finances state child welfare systems by prioritizing prevention and higher-quality foster care providers. One of the primary goals of the FFPSA is to reduce the number of children entering foster care by creating new federal funding opportunities to help states address unmet mental health and substance use disorder treatment needs of children and their caregivers. The FFPSA, which takes effect on October 1, 2021, must be a priority for the Texas Legislature. DFPS defers to the Legislature for direction on how to address what is arguably the biggest child protection issue facing the state.

Recommendations

- **Support DFPS Exceptional Item (EI) #4 for Prevention and Early Intervention (PEI).** The introduced budget does not fund this Exceptional Item, even though PEI programs across Texas are a critical investment to prevent child abuse and help Texas parents during the pandemic.
- **Leverage new funding available through the FFPSA, which has not been included in the introduced budget,** to expand prevention services through these implementation options in the DFPS FFPSA Strategic Plan:

- Pilot FFPSA Prevention Service Coordination through PEI Community Grants;
- Expand Helping through Intervention and Prevention Services for Pregnant and Parenting Foster Youth (HIP); and
- Expand Capacity for FFPSA Prevention In-Home Parenting Programs.

Ensure Safe, Nurturing Homes for Children Who Do Enter Foster Care

We know that safe, nurturing connections are critical for child development. Some research has also suggested that children being in foster care – especially for long periods – can cause harm. Because of this research and the strong desire to keep more families safely together, the feds decided to open up funding for prevention services by restricting funding for foster care facilities. Federal funds *can* continue to support family-based foster care and high-quality or specialized providers that serve larger groups of children. We know that even before the pandemic, Texas lacked foster homes willing to serve teens, children with high needs, and kids in rural communities. The pandemic has only made things worse. And Texas also faces urgent, well-documented challenges that demonstrate some children in foster care are unsafe and unsupported. These challenges are the most pronounced in foster care facilities that serve large numbers of children.

Starting October 1, 2021, FFPSA restricts reimbursement for foster care facilities that are lower quality or unspecialized. Texas has *no* providers that meet the new federal quality standards and is expected to lose \$52 million over the biennium as a result.

Recommendations

- **Amend Rider 24 to allow foster care facilities to offer discharge planning and aftercare services**, which will improve safety and support for children in foster care facilities by helping facilities meet the FFPSA's heightened quality standards. This change would eliminate the only barrier for some providers to meet the new federal standards.
- **Support DFPS EI #2 and increase foster care provider rates set in Rider 24** to comply with federal court orders and protect vulnerable children in long-term foster care. House Bill 1, as introduced, does not incorporate this exceptional item and maintains foster care rates at their current level.