



## 2007 Legislative Recap

### CHILDREN IN POVERTY AND FAMILY ECONOMIC SECURITY

More than one in every five children in Texas is poor. To these children, poverty means going without the things many of us take for granted, such as food, shoes that fit, or important medications. Researchers have continuously found that children living in poverty are more likely to suffer from poor health, low birth weight, higher infant mortality rates, and learning disabilities. Poor children are also more likely to experience abuse and neglect and encounter violent crime more often than children who are not poor. Compared to other states, Texas offers minimal assistance to poor families. Therefore, protecting our current system from cuts is critical, as is increasing the state's long-term commitment to assist low-income parents in building a better economic future for their children.

In 2002, 70% of Texas families with children living in poverty were headed by an employed person. However, as many poor families have experienced, work is not a guarantee that a family will have enough to live on, let alone escape poverty. In fact, parents in most Texas cities need to make twice the federally-defined poverty level just to live modestly, with nothing extra for emergencies or to save for the future. Despite these facts, Governor Perry asked state agencies to reduce their budgets by 10% for the 2008-2009 biennium. Now that the 80<sup>th</sup> Legislation Session has come to a close, we are excited to report that the **10% budget cuts to social services has been prevented!!**

#### PUBLIC BENEFITS

Due to recent changes in federal law by the Deficit Reduction Act of 2006 (DRA), states are exploring ways to increase work participation among recipients of **Temporary Assistance to Needy Families (TANF)**. One effort was **SB 1096** by Senator Kyle Janek, which would have harmed the most vulnerable TANF recipients, including people with disabilities and those caring for kids with disabilities. This bill would have subjected these families to a **new work requirement with "work" being very narrowly defined**. Doing so would have set many of these families up for failure by being sanctioned off the program, and thereby losing access to employment services, children's cash assistance, and the parent's Medicaid. SB 1096 by Janek was passed by the Senate, but never made it out of committee in the House.

Fortunately, legislators had the opportunity to consider much better TANF bills as well. **HB 3759** by Representative Elliott Naishtat was the most **comprehensive pro-child TANF legislation** filed in the 80<sup>th</sup> Legislature. HB 3759 would have required the Health and Human Service Commission (HHSC) to provide **work support assistance for six months to former TANF recipients** and have established a program to **assist persons with barriers to employment**, such as a disability or being the caregiver for a child with a disability. It would also have implemented a **pre-sanction review** so that families would not lose benefits if they had good cause for not complying with part of their agreement. Though HB 3759 never made it out of committee, **SB 589** by Senator Jane Nelson did. SB 589 is not as comprehensive as HB 3759, but it is a bill that protects children in families receiving TANF. SB 589 clarifies the Texas Workforce Commission's ability to **serve parents of children on TANF without subjecting those parents to mandatory work requirements** and putting their children at risk of losing TANF due to full-family sanctions. SB 589 was passed by both chambers and signed by the Governor.

**HB 75**, filed by Rep. Naishtat and sponsored by Senator Jeff Wentworth, has been signed by Governor Perry. Under HB 75, a process **contesting the Health and Human Services Commission's decisions** regarding an application for public benefits, such as **Medicaid** or **Food Stamps**, is to be established. Applicants who have been denied benefits and wish to contest a decision could request an administrative review by an attorney of the HHSC. The option of filing a petition with a district court in Travis County to have the decision reviewed is also available under this legislation.

## OTHER KEY LEGISLATION

Legislators and the public currently do not have clear access to information that would show how a proposed bill will affect children. As filed, **SB 98** by Senator Judith Zaffirini would have required each bill or joint resolution considered by the Legislature to be accompanied by an explanation of **how the bill would affect children** and the **number of children affected**. Texans Care For Children initiated this legislation. Though it never made it out of committee in the Senate, we were pleased to have the legislation drafted and filed, and we hope to increase support for this initiative in future sessions.

Under **SB 62** by Sen. Zaffirini, the Texas Comptroller of Public Accounts would be allowed to develop and implement a program to give eligible low-income individuals and households the opportunity to contribute to **individual development accounts**. Participants would be able to withdraw money from their account without penalty for postsecondary education and training, purchasing or financing a home, and starting a business. Texans Care supported this legislation that would boost the financial security of low-income families. It passed the Senate and was set on the calendar to be heard on the House floor. However, this was one of the many bills that died in the House the last week of session.

<b>Texans Care For Children's Legislative Priorities: CHILD POVERTY</b>	<b>STATUS</b>
Protect funding for health and human service programs	Passed
Adopt TANF policies that allow Texas to meet federal work participation without pushing hard-to-serve families off of TANF	Mixed Results: Defeated legislation that would have punished families and passed small improvement to current system
Repeal the TANF full family sanction policies enacted in 2003 that punish children for their parents' actions	Did not pass
Require all legislation to be accompanied by a Child Impact Statement	Did not pass

## CHILD AND MATERNAL HEALTH

Dependable health coverage and access to primary health care services is critical if Texas kids are to receive the care they need to grow into productive workers and responsible citizens. Unfortunately, Texas has the nation's second highest rate of uninsured children with 20.2% without health insurance coverage compared to 11.6% nationally. Research shows that nearly 33% of uninsured children have not received a basic checkup in the past year and 14% have gone over two years without any contact with a doctor. Growing awareness of the importance of adequate health care and nutrition in a child's early years and the long-term cost savings associated with effective preventative care allowed legislation focused on improved child health outcomes to gain momentum during this legislative session.

### CHILDREN'S MEDICAID AND CHIP

When the 80<sup>th</sup> Legislative Session began, there was growing concern over the **decline in Children's Health Insurance Program (CHIP)** and **Children's Medicaid enrollment**. As of October 2006, CHIP enrollment had declined by 206,574 children (41%) since state budget cuts took effect in September 2003. Children's Medicaid had also declined by 89,544 children since December 2005 when a new private contractor, Accenture, assumed responsibility over the CHIP and Children's Medicaid application process. With fewer children insured through CHIP and Medicaid, health care costs have shifted to local communities and put increased strain on local emergency rooms. Texas has already lost \$832 million in federal matching funds for not fully funding the CHIP program, and Texas is in danger of being targeted for a reduction in funds based on our lower enrollment numbers with the Federal SCHIP Reauthorization scheduled for 2007.

The large number of bills filed early in the session relating to CHIP and Children's Medicaid signaled a strong base of support for efforts to improve access to public health programs for children. **HB 109** by Representative Sylvester Turner emerged as the primary vehicle of change in the House and was designed to enroll an additional 170,760 children who are eligible but not enrolled in CHIP over the next two years. HB 109 included the following **CHIP reforms**: returning to **12- months continuous eligibility**; allowing for the **deduction of child care expenses** from a family's income when determining a child's eligibility; **eliminating the 90 day waiting period** before coverage begins for uninsured children; **increasing the assets limit** to \$10,000 (from \$5,000) and the **vehicle allowance** up to \$18,000 (up from \$15,000); and increasing **CHIP outreach efforts** to enroll eligible children.

The Senate approved a modified version of HB 109, sponsored by Senator Kip Averitt, that would **require electronic eligibility checks every six months** for families with incomes above 150% of the Federal Poverty Line. The final version of the bill agreed to in conference committee and signed by the Governor provided that the electronic income eligibility checks every six months would be **only for families between 185% and 200% of the Federal Poverty Level**.

Additionally, the state budget includes **funding for CHIP to cover the higher enrollment numbers** anticipated from HB 109. Although other legislation and amendments were proposed that would have applied CHIP reforms to Children's Medicaid, most prominently **SB 266** by Sen. Zaffirini, the **session ended without similar expansion of Children's Medicaid**.

Additional legislation was designed to address the enrollment decline in CHIP and Children's Medicaid. A House rider in **HB 1** by Representative Warren Chisum, the appropriations bill, designated **\$28 million for CHIP outreach activities**. **HB 3575** by Representative Patrick Rose, signed by the Governor, addresses the fact that **errors and delays in the Health and Human Services electronic eligibility system** caused hundreds of children to be erroneously denied coverage and in many cases contributed to delays in urgently needed medical care. HB 3575 **creates a Health and Human Services Eligibility Legislative Oversight Committee** and requires HHSC to contract with an outside party to conduct an **audit of the electronic eligibility systems**.

## OBESITY PREVENTION, CHILD NUTRITION, AND TOBACCO PREVENTION

Obesity is one of the most urgent health problems facing Texas children today. More than 35% of Texas children are considered overweight or obese. The Legislature did not provide additional appropriations for obesity prevention programs at the Department of State Health Services, though \$20 million was approved to support physical education programs for middle school students. **SB 530** by Sen. Nelson, signed by the Governor, was a major win in the fight against child obesity. SB 530 **improved the current physical activity requirement** for elementary school students and expanded it to apply to middle school students. The bill also requires **annual physical fitness assessments** for students in grades 3-12. This early intervention is critical as children who are overweight at the age of 12 are 75% more likely to be overweight as an adult. Texans Care also supported **SB 34** by Sen. Nelson that would have put current **school nutrition standards into law**. This bill never got out of committee. Other successful obesity prevention legislation passed and signed by the Governor includes **SB 555** by Senator Eddie Lucio, Jr. establishing April as Texas Fruit and Vegetable Month, **HB 2313** by Rep. Rose establishing the second week in September as Obesity Awareness Week, and **SB 556** by Sen. Lucio that creates an Interagency Obesity Council.

Efforts to expand the **comprehensive anti-tobacco program** from pilot areas to the entire state were not funded.

<b>Texans Care For Children's Legislative Priorities: CHILD HEALTH</b>	<b>STATUS</b>
Move to 12-month continuous eligibility for CHIP and Children's Medicaid	Mixed Results: Passed for CHIP, with 6-months income check for families between 185% and 200% of Federal Poverty Line, not passed for Medicaid
CHIP and Children's Medicaid: modify the asset test, create exemptions to the 90-day waiting period, set aside childcare expenses and child support	Mixed Results: Passed for CHIP, not for Medicaid
Increase CHIP and Medicaid reimbursement rates	Passed
Increase funding for community-based outreach for CHIP and Children's Medicaid	Passed
Correct problems with the public and private components of the CHIP and Children's Medicaid eligibility system	Passed
Require a study of a CHIP buy-in model to cover all Texas children	Did not pass
Secure the Texas Public School Nutrition Policy by making it a state law	Did not pass
Require daily physical education for children in grades K-12	Mixed Results: Passed physical activity requirement, not physical education, for children K-8
Expand the comprehensive anti-tobacco program from pilot areas to the whole state	Did not pass

## CHILDREN'S MENTAL HEALTH

Mental health support for children and youth is a critical component of their healthy development. Mental health care may be a caring adult helping a child find healthy ways of dealing with anger, a teacher supporting a child's social growth, or a parent talking with their child about their emotions. In some children, more intense mental or behavioral health care is needed to help overcome abuse, abandonment, or chemical addiction. However, mental health treatment is expensive and is not covered by many health insurance plans, which creates a barrier for many children, regardless of family income. In fact, only about 15% of the children potentially eligible for public mental health services actually receive

services. Untreated or unidentified mental health disorders, unfortunately, often spill over into other systems. For example, almost half of the youth in Texas youth prisons have mental health needs, and rates of mental illness are high among adults in prison and without a home. Investing in mental health services for children and youth is smart in the short run, and it also has a long-term payoff for the state.

## MENTAL HEALTH PARITY

Texas is a “partial parity” state, which means that health plans must provide coverage for certain specified illnesses like schizophrenia, though plans do not have to cover many mental disorders, such as eating disorders. Parity is one building block toward a system where every child can access the mental health services he or she needs, and advocates like Texans Care supported multiple bills during the 80<sup>th</sup> Legislature to **require health plans to cover all mental illnesses** on equal terms with physical illness. **SB 568** by Senator Rodney Ellis was the most promising. As filed, it would have required that treatment for all mental disorders defined by the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders be covered under the same terms and conditions as for physical illness. It passed the Senate in a weaker form. However, it passed out of committee in the House on May 17, when the House floor calendar was already very full, and was never set to be heard on the House floor. Language from SB 568 was attached to the brain injury bill, **HB 1919** by Representative Todd Smith, though it was stripped back off the bill before HB 1919 was sent to the Governor. The 80<sup>th</sup> Texas Legislature ended **without passing mental health parity** legislation for children or adults.

## ACCOUNTABILITY AND COORDINATION

Prior to the reorganization of health and human services agencies after the 2003 legislative session, the Office of Children’s Mental Health existed at the Texas Department of Mental Health and Mental Retardation (TDMHMR). After restructuring, the Office of Children’s Mental Health was abolished and mental health service provision was absorbed by the Department of State Health Services (DSHS). The result has been a decline in the priority of, coordination of, and accountability for children’s mental health services in Texas. Further, funding for adult and children’s mental health services is often reported together, so how much Texas is actually spending on children’s mental health is unclear. With so little specific information about children’s mental health and no accountability mechanism separate from adult mental health, there is no way of ensuring that children’s mental health gets adequate focus.

The 80<sup>th</sup> Legislature considered multiple bills to address the **accountability and coordination problems**. **SB 1503** by Sen. Zaffirini and its companion, **HB 2339** by Rep. Naishtat, were bills that Texans Care strongly supported. Similar bills were **HB 2893** by Representative Ana Hernandez and **HB 3677** by Representative John Davis. SB 1503 was the one bill of these four that received significant support. It passed by the full Senate and, though referred to the House, SB 1503 was not given a hearing before the House Public Health committee. SB 1503 would have created a **Children’s Behavioral Health Council** charged with providing a coordinated, comprehensive, interagency approach to the development and delivery of behavioral health services to children. The Council also would have administered grants to develop local systems of care and have designed an integrated funding structure for providing children’s behavioral health services. The bill also addressed the behavioral health needs of children at risk for parental relinquishment to the state by providing services to these children through a federal waiver program, as it currently does for children with mental retardation. SB 1503 would have gone a long way in increasing the priority of, coordination of, and accountability for children’s mental health services, and Texans Care counts the failure of this bill in House committee as a **major loss of this legislative session**.

## FUNDING

The Department of State Health Services requested **\$82 million in new funding** for community-based mental health crisis services for children and adults. This item was funded by the Legislature and will support community-based interventions to avoid hospitalization, such as in-home crisis services, respite services, observation, and mobile outreach.

Texans Care For Children’s Legislative Priorities: MENTAL HEALTH	STATUS
Ensure accountability for delivering mental health services to children	Did not pass
Increase funding for community-based children’s mental health services	Passed
Assure that youth in juvenile detention who are eligible for CHIP or Children’s Medicaid receive health coverage immediately upon release	Being accomplished outside of legislative process
Require insurance plans to provide enrolled children access to mental health benefits under the same terms as physical health benefits	Did not pass

# EARLY CARE AND EDUCATION

Children start learning long before they enter kindergarten. With more than half of the mothers in Texas with young children in the workforce, early care and education programs provide more than child care for families—they offer a tremendous opportunity to help young children build the solid foundation needed to succeed in school and life. Unfortunately, Texas' low minimum requirements in child care, low pay for caregivers, and the high cost of even basic child care combine to threaten the development of young children.

## QUALITY OF EARLY CARE AND EDUCATION

As many as 20% of children across the country are not prepared for kindergarten, either intellectually or socially. Texas can help prepare its children for success by supporting quality early care and education programs, which have been shown to improve children's rates of high school completion, lower the rate of juvenile delinquency, and improve their rate of employment as adults. How did the Legislature address the early care and education needs of Texas' youngest learners this session?

**SB 50** by Sen. Zaffirini was a comprehensive bill that sought to improve the quality of early care and education programs in Texas. Despite gaining significant bipartisan and public support, SB 50 died waiting for a final vote in the House. Thankfully, funding for many of the provisions in SB 50 was included in the state's final budget, including funds to expand **pre-kindergarten services through the TEEM** project, to **increase child care reimbursement rates**, and to support **professional development** opportunities for early care and education professionals. The Governor's signing of **SB 1871** by Sen. Zaffirini requires school districts to report reading scores to the State Center for Early Childhood Development for use in the **school readiness certification system** under development to determine if early childhood education programs are succeeding in getting children ready for kindergarten.

Senator Leticia Van de Putte and Representative Michael Villarreal each addressed **pre-kindergarten eligibility of children in the foster care system**. The Legislature recognized the importance of early learning opportunities for these at-risk children by including a provision in CPS Reform legislation (SB 758 by Sen. Nelson, signed by the Governor) to allow children to remain eligible for public pre-kindergarten after leaving foster care. **HB 1609** by Representative Myra Crownover includes **pre-kindergarten students** as being eligible for **Community in Schools (CIS)** programs.

**HB 199** by Representative Jerry Madden addresses the critical first year of a child's life by establishing a **residential infant care and parenting program** for mothers in prison. Signed into law by the Governor, this program will keep infants and their incarcerated mothers together to encourage mother-child bonding and provide the mother with childbirth education, baby wellness, and parenting education classes.

The Legislature had other opportunities this session to support quality early care and education programs, but it failed to do so. **SB 1141** by Senator Bob Deuell sought to establish the *Baby Steps* demonstration project, as proposed by Texans Care For Children, to link providers with child care consultants and resources at the community level to **improve the health, safety, and development of infants and toddlers** in child care. Unfortunately, funding for the project was eliminated in the early stages of the budget writing process, leaving the bill to die in committee. As in previous sessions, numerous bills were filed to **limit the class size for public pre-kindergarten**. None of the bills made it out of committee, and there remains no limit to how many students can be enrolled in a pre-kindergarten class in public schools.

## CHILD CARE REGULATION

The Legislature placed much attention this session on state oversight of child care facilities and staff. Originally filed as stand-alone legislation, provisions to expand **background checks of employees of registered child care facilities** to include **fingerprinting and FBI checks** were ultimately rolled into Child Protective Services Reform legislation SB 758 by Sen. Nelson. An attempt to require **background checks for relative providers** receiving state funds for providing child care for a family member did not make it out of the Legislature. However, the Texas Workforce Commission recently adopted new background check rules for certain relatives who are compensated by the state for providing child care. If a family member watches a child in their own home, as opposed to watching the child in the child's home, the relative provider and any adult who lives or regularly stays in the relative's home must undergo a full background check including fingerprinting before they can receive state compensation.

Other bills sought restrict or expand the purview of child care licensing. The passage of **HB 1385** by Rep. Villarreal created a separate level of regulation for **small businesses who offer child care** on their premises for employees. While

permit holders must employ caregivers who pass a background check, hold a credential, and care for no more than four children per caregiver, these child care facilities will not have to comply with many of the minimum health and safety standards required of regulated child care facilities. **HB 332** by Representative Warren Chisum was rolled into HB 1385 on the House floor, providing exemptions to some rural area **private schools** and **religious education programs** from child care regulation. HB 1385 became law, but without the signature of the Governor. **HB 1786** by Representative David Swinford, which provides **food bank programs** serving children an exemption from child care regulation, was signed by the Governor. **SB 218** by Senator John Carona sought to extend child care regulation to include **after-school programs** located on school facilities, but the bill died during the last hours of the session.

<b>Texans Care For Children's Legislative Priorities: EARLY CARE AND EDUCATION</b>	<b>STATUS</b>
Increase State funding of child care licensing and regulation activities	Mixed Results: Additional funding for residential (foster care) licensing, but no new funding for day care licensing
Use Child Care Development Block Grant funds to support activities that directly improve child care quality	Passed: \$2 million in CCDF funds will be directed to support professional development
Raise the reimbursement rates for providers of subsidized child care	Mixed Results: \$18 million in CCDF funds will be directed to support providers demonstrating quality
Invest additional funds in public pre-kindergarten programs	Mixed Results: Proposed cuts were avoided; TEEM pre-kindergarten project received level funding from last session
Establish a network of child care consultants to assist early care and education programs improve their safety and quality	Did Not Pass
Support professional development of early care and education professionals	Mixed Results: Legislation failed, but funding provided.
Study the impact of previous learning environments upon children's performance within the TEEM pre-kindergarten project	Not Filed
Provide funding to pay the higher subsidized child care reimbursement rates paid to programs that provide high quality care and education	Passed: \$18 million in CCDF funds will be directed to support providers demonstrating quality

## CHILD WELFARE

The Texas Child Welfare system has received sustained attention from both the 79<sup>th</sup> and 80<sup>th</sup> Legislatures. High-profile deaths of children in state custody focused media and law-maker attention on long-standing problems. The difficulties in the child welfare system did not develop overnight: chronic under-investment and the Department of Family and Protective Services' (DFPS) failure to ask for what was needed to protect kids are both to blame. The challenge now is to sustain reforms and new investment in the system over multiple years so that the system not only begins to come out of crisis but also to make tangible improvements for the state's already-vulnerable children. Though the 80<sup>th</sup> Legislature did not do all of what was needed in child welfare, legislators took significant positive steps.

### CHILD PROTECTIVE SERVICES REFORMS

During the 79<sup>th</sup> Legislature, SB 6 by Sen. Nelson began a **wave of reform within the Child Protective Services (CPS)** system. During the 80<sup>th</sup> Legislature, **SB 758**, also by Sen. Nelson and its companion **HB 2140** by Rep. Rose, revised the more unworkable parts of SB 6 and implemented new reforms into CPS Reform II. **HB 1361** by Rep. Naishtat was an alternate vehicle for CPS reform that the Legislature did not choose to move forward. Signed into law by the Governor, SB 758 has many components, the most significant of which include:

- Removing the **Independent Administrator** and the mandate to **privatize substitute care services** from SB 6;
- Removing the mandate to **privatize case management** services from SB 6 and instead opting for a **case management pilot project** involving 5% of the cases statewide by September 1, 2008, with an evaluation;
- Redefining "case management," "conservatorship services," "permanency services," "substitute care provider" and "substitute care services;"
- Establishing a program to provide **in-home support** (limited funding for non-recurring expenses) for families in which poverty is the primary underlying cause of neglect if the support can prevent removal of the child from the home or quicken the child's reunification with his or her family;
- Supporting the DFPS workforce by studying the impact of **reimbursing caseworkers' educational expenses** and **focusing recruitment** on those with a bachelor's or advanced degree in a human services field;
- Creating a new process for child-placing agencies to **report and check information on a foster or group home** that has been closed through a searchable database, and requiring foster homes transferring to a new child placing agency to notify the child placing agency of **prior licensing violations**;

- Establishing a **Committee on Pediatric Centers of Excellence**;
- Directing DFPS to work with the OneStar Foundation, focusing on **faith-based organizations**, to increase the number of foster families;
- Increasing the **adoption subsidy** for youth who would otherwise be in long-term foster care;
- Establishing eligibility for **free prekindergarten** for any child who has ever been in the conservatorship of DFPS;
- Requiring DFPS to **consult** with the child's caseworker, attorney ad litem, guardian ad litem or CASA volunteer whenever possible **before making a placement decision**; and
- Directing DFPS to develop a **Child Protective Services Improvement Plan** that addresses many areas still in need of improvement.

Legislators fully funded the \$99 million that DFPS identified as necessary to support CPS Reform II in SB 758, though **none of the funding was identified to support the case management pilot project**. The budget also funds the establishment of a new post-hospitalization psychiatric step-down rate, for which DFPS is already promulgating rules.

**SB 813** by Sen. Janek, signed by the Governor, also dealt with CPS privatization. It and its companion **HB 2287** by Rep. Turner, assured that, regardless of how CPS privatization proceeded, Harris County and other child welfare boards, local government boards, and children's advocacy centers would be able to continue providing CPS services if they had done so prior to September 2006.

The **caseloads of CPS conservatorship workers**, those who work with children in the state's care, were not adequately addressed this legislative session. Conservatorship caseloads average 45, though the Child Welfare League of America recommends caseloads of 12-15 and the national average is 24. Overburdened caseworkers sometimes fail to make appropriate decisions, compromising children's safety. In 2004, 38 foster children died under the state's watch, and in 2005 that number increased to 48. DFPS is receiving funding sufficient to lower conservatorship caseloads to 41 by FY 2009. That is a positive step, but it does not go far enough to keep kids safe. The 80<sup>th</sup> Legislature failed by not prioritizing funding to set caseload reduction targets in statute to begin moving Texas closer to the national average. Both **HB 3108** by Representative Valinda Bolton and **HB 3756** by Rep. Naishtat would have moved Texas in that direction, though neither got out of committee in the House.

## KINSHIP CARE

**Kinship care** is the placement of a child with a relative rather than with a foster family when that child has been removed from their home due to abuse or neglect. Kinship care allows children to maintain family and community connections, maintain ethnic and cultural identities, and reduces the trauma caused through loss and attachment issues. Paid relative placements tend to last 30% longer than non-relative placements, and increasing support for kinship care costs the state less than placing children in foster care. Legislators had several bills to consider that would have expanded financial assistance for low-income relatives, since the biggest barriers for these families are financial ones. Successful among the kinship care bills was **SB 723** by Sen. Lucio. Signed by the Governor, SB 723 directs DFPS to **collect data on kinship placements that fail for financial reasons** so that it can better identify what would be necessary to help these placements succeed. Other kinship care bills (**HB 1826** by Representative Richard Raymond, **SB 1042** and **SB 982** by Senator Royce West, **HB 1845** by Representative Garnet Coleman, and **HB 2595** by Representative Borris Miles) were unsuccessful this session, though Texans Care is suggesting that legislative committees further study this issue before the next legislative session.

## ABUSE AND NEGLECT PREVENTION

Texas will now have a **child abuse and neglect prevention plan**, thanks to **HB 662** by Representative Dawnna Dukes. The bill directs DFPS to work with the Interagency Coordinating Council for Building Healthy Families to develop a long-range strategic plan for child abuse and neglect prevention services. HB 662 calls for two reports with recommendations, one by December 2008 and the other by December 2009. Also added to this legislation is the **Child Abuse Neglect and Prevention Trust Fund** language that was originally contained in **HB 3015**, also by Rep. Dukes, that didn't make it out of committee. These provisions protect the money in the Trust Fund by dedicating it to child abuse and neglect prevention programs and by restricting the ability of the Legislature to appropriate money out of the Fund for any other purpose.

Texas would also have had a **Child Abuse and Prevention Task Force** if **SB 1457** by Senator Carlos Uresti passed. This bill was approved by the Senate and set on the House calendar, but was a casualty of the clock late in the session. The bill would have established a task force to develop a strategy for reducing child abuse and neglect and improving child welfare.

The 80<sup>th</sup> Legislature also expanded prevention services by establishing and funding the **Nurse-Family Partnership Program**. Signed by the Governor, **SB 156** by Senator Florence Shapiro establishes a competitive grant program to fund

the establishment or expansion of nurse-family partnership programs by March 2008. HHSC will award grants for programs that can serve at least 2,000 people in multiple communities for at least two years. Programs funded would have to adhere closely to the model developed by the Nurse-Family Partnership National Service Office. Texans Care supports home visitation and family mentoring programs as a solid public investment. The Nurse-Family Partnership is not the only such program, though it is one with good outcomes and strong legislative support. Legislators appropriated \$7.9 million to HHSC to support this program.

## OTHER KEY BILLS

**HB 3505** by Representative Will Hartnett, signed by the Governor, and companion to **SB 1411** by Sen. West, was a key win for Texas children. It requires **judges** and other **judicial officers** be instructed on handling cases of child abuse and neglect. Current law requires 8 hours of the training in the judge's first term of office or the judicial officer's first four years of service. **HB 3505 increases the hours of required training** and mandates two hours must be on **child abuse and neglect topics** such as child sexual abuse, child and child caregiver attachment, child development relating to abuse and neglect, and medical aspects of child abuse and neglect.

This session, a **Foster Child Bill of Rights** moved through the Senate and onto the House floor. **SB 805** by Sen. Uresti, companion to **HB 1752** by Representative Eddie Rodriguez, succumbed to procedural roadblocks and heated debate on the House floor. It would have put into law many practices that are already part of DFPS policy.

**HB 3008** by Representative Paula Pierson also made its way to the Governor, which he signed into law. **HB 3008** is a **mentoring bill** that establishes a North Texas pilot program to connect foster care youth age 14 and over to volunteer adult mentors for the purpose of **assisting the youth's transition to adult living**.

**HB 2670** by Representative Helen Giddings and its companion **SB 1941** by Sen. Deuell did not pass, though their provisions were successfully amended onto **SB 723** by Sen. Lucio on the House floor. **SB 723** was signed by the Governor. This legislation allows DFPS to access **reports of family violence for individuals applying for a foster home license** and requires DFPS to create a **database of all licensed foster care homes** that identifies those currently providing services. Law enforcement would be able to provide DFPS with a street address and automatically be given information as to whether the address is a licensed foster home and if a foster child currently resides at the address. DFPS will have to conduct a background search to determine whether law enforcement has responded to any domestic violence reports before issuing or renewing a foster home license. Law enforcement agencies must report to DFPS each time they respond to a call from a licensed foster home.

Rep. Coleman, in **HB 2380**, attempted to provide health insurance coverage for former foster children until age 25. Though that bill did not make it out of committee, Sen. Nelson's **SB 10** Medicaid Reform bill was successfully amended with language that will allow **former foster youth to be covered by Medicaid until they turn 23**, if they are enrolled as a student in Texas. Prior to the passage of **SB 10**, former foster youth could keep their Medicaid coverage only until the age of 21. **SB 10** was signed by the Governor and became law.

Texans Care For Children's Legislative Priorities: CHILD WELFARE	STATUS
Allocate additional funding for conservatorship, family-based safety services, and Preparation for Adult Living caseworkers	Mixed Results: Funding was allocated to begin reducing caseloads, though not significantly
Support restoration and increases in funding for youth development and child abuse prevention services	Passed
Increase reimbursement rates for all foster care and substitute care	Passed
Require all outsourced caseworkers and supervisors to achieve core competencies through required trainings, experience, or education	Did Not Pass
Ensure that the Child Abuse Prevention Trust Fund has legal protection and a stable funding stream	Mixed Results: Legal protection was passed, though stability of funding wasn't addressed
Ensure that liability limits, if any, for foster care providers protect children's and families' right to recourse while allowing providers to continue providing services	No longer applicable
Support the Department of Assistive and Rehabilitative Services' request to appropriate Early Childhood Intervention funding to bring Texas into compliance with federal regulations	Passed
Implement a Kinship Care Subsidy Program for Kinship Relatives at or below 200% of the federal poverty level	Mixed Results: No program expansion was passed, though the groundwork was established for future expansion



# AT-RISK YOUTH AND JUVENILE JUSTICE

When Texas fails to invest in its children, many of those children fail to meet their full potential. The juvenile justice system, including local probation departments as well as the Texas Youth Commission (TYC), is where youth often end up when we do not make those critical investments in early care and education, health care, mental health care and substance abuse treatment, and child welfare. Texas children fair poorly on many indicators of social well-being that are predictors of involvement in the juvenile justice system, such as poverty and lack of access to mental health treatment. In 2003, Texas ranked 47<sup>th</sup> among the states in per capita mental health spending and in 2005 ranked 46<sup>th</sup> in child poverty. During the 80<sup>th</sup> Regular Session, Texas made major strides in creating a more rehabilitative and less retributive juvenile justice system by passing significant reform legislation for TYC and increasing funding for the Texas Juvenile Probation Department (TJPC). Though it took a major sex abuse scandal to push for TYC reform, this session Texas made major progress in juvenile justice.

## TEXAS YOUTH COMMISSION REFORM

The big story in juvenile justice of this past session was **TYC reform**. In February, allegations of sex abuse of TYC youth at the West Texas State School in Pyote surfaced, spurring the creation of a special joint legislative committee to oversee the handling of the TYC investigations and plans for agency reform. Jay Kimbrough was named by Governor Perry as conservator of TYC, giving him wide authority to institute changes in the agency. Motivated by the TYC crisis, the House and Senate passed **SB 103** by Senator "Chuy" Hinojosa, an omnibus reform bill with many positive changes to current practice. The most significant reforms include:

- More **training for juvenile correctional officers**; training will increase to 300 hours from the current 80 hours;
- Lower **staff-to-youth ratios** to 1:12;
- **Segregation** of youth by **age and crime**;
- **Youth age 19 and over** will not be held at TYC, going instead to **parole** or the **adult system**;
- The creation of an **Office of Inspector General** and **Office of Ombudsman** to **increase oversight**;
- Increased use of **community-based alternatives** to lower the TYC population and rehabilitate youth in less restrictive environments. **SB 1295** by Sen. West was rolled into SB 103 coming out of the House and was included in the conference committee's report;
- Changes in the **TYC leadership structure** to include an Executive Commissioner appointed by the governor with consent of the Senate and abolished on September 1, 2009 and creation of a new advisory board;
- **Misdemeanant youth** will no longer be committed to TYC facilities;
- TYC will allow advocacy and support groups to provide **on-site services to incarcerated youth**. This provision was originally introduced as **HB 3309** by Rep. Bolton;
- Study moving to a **regionalized, diversified treatment model**; and
- New **county-based programs** in large counties for some misdemeanor youth.

Signed by the Governor, SB 103 is a first step in juvenile justice reform; it is not the only step necessary. TYC will undergo review during the **Sunset Commission** during this biennium, which will likely yield continued reforms to be considered by the Texas Legislature in 2009.

Some bills were introduced separately but in the end were included in the TYC reform omnibus bill. Rep. Turner's **HB 3206** called for the Sunset Commission to conduct a study regarding moving toward a regionalized juvenile justice system structure with smaller facilities and more options for treatment and rehabilitation. This language was included in **SB 103**, and the study will be conducted as part of TYC's Sunset review. Another such bill, **HB 3521** by Rep. Bolton, included provisions to **increase the safety of TYC youth** by not allowing a sole person to be responsible for the care of youth, disallow discharge or discrimination against TYC employees who report wrongdoing or cooperate with investigations, and require that **TYC youth be informed of their rights** and how and to whom to **report violations of their rights**. **HB 3639** by Turner would have required TYC to establish an Office of Inspector General to investigate criminal allegations. **HB 3701** by Rep. Miles would have required TYC to establish an Office of Ombudsman. Neither of these bills made it into law individually, but SB 103 was passed with language requiring both an OIG's office and an Office of Ombudsman.

## TEXAS JUVENILE PROBATION DEPARTMENT

As a result of an anticipated transfer of part of the TYC population to the **Texas Juvenile Probation Commission**, TJPC funding was increased \$82.45 million above its request for the 2009-09 biennium (\$39 million in 2008 and \$43.39 million in 2009).

## AT-RISK YOUTH PREVENTION

The **Communities in Schools (CIS) program** to help youth stay in school received attention in **HB 1609** by Rep. Crossover. The version sent to the Governor was **much weaker than the bill as filed**. Originally, the bill would have set aside \$30 million each year for Communities in Schools from the Texas Education Agency (TEA) budget. As signed by the Governor, the bill states only that some portion of TEA's budget must be set aside for CIS. This biennium, that amount is \$20.7 million in 2008 and \$20.4 million in 2009.

**HB 2237** by Representative Rob Eissler, addressing **high school drop-out rates**, was signed by the Governor. It creates a \$4 million per biennium pilot program to provide **grants to school districts** to fund student club activities for at-risk students. It also establishes a pilot program to provide **intensive summer-time academic** instruction to at-risk students, with awards of \$750 per student, and establishes the **High School Completion and Success Initiative Council**.

**SB 1019** by Sen. West would have established a pilot program for **early identification of youth at-risk of dropping out** of school. The bill was never heard in committee. **HB 3202** by Rep. Madden would have created a competitive grant program for **disciplinary programs** for at-risk youth. The bill died in the Senate during the final days of the session. **SB 1515** by Sen. West and **HB 3418** by Representative Ryan Guillen would have established a **grant program for school clubs** that serve students at-risk for dropping out. These identical bills never received a committee hearing. Lastly, **HB 1778** by Rep. Giddings would have created a **grant program to promote good citizenship**. This bill was left pending in the House Appropriations Committee.

## OTHER KEY LEGISLATION

**HB 2291** by Representative Joe Farias and sponsored in the Senate by Sen. Uresti established an **offender-victim mediation program** for juvenile offenders and a program to **collect victim restitution from juvenile offenders**. This bill was signed by the Governor.

**HB 898** by Representative Ruth Jones McClendon would have established a **Criminal Justice Legislative Oversight Committee**. The Committee would have been responsible for **conducting research** and **providing objective information** on criminal justice issues to the Legislature to guide policy decisions. Since the Criminal Justice Policy Council under the leadership of Tony Fabelo was abolished by Governor Perry's veto pen in 2003, the state has been sorely lacking in criminal justice information with which to make informed policy decisions. Rep. McClendon's bill was an effort to fill the information gap, but was never brought to the House floor.

Texans Care For Children's Legislative Priorities: JUVENILE JUSTICE	STATUS
Increase TJPC's budget so that juveniles receive community-based probation services and avoid TYC	Passed
Fund community-based substance abuse and mental health programs to address the needs of at-risk youth	Mixed Results: Mental health crisis intervention funding was increased by \$82 million, though pre-crisis funding was not increased
Fully fund substance abuse and mental health services to meet the needs of youth incarcerated in TYC	Mixed Results: TYC reform includes health services provided in TYC, though full funding was not designated for substance abuse and mental health
Fund community-based substance abuse and mental health programs to address the needs of youth leaving TYC	Mixed Results: Mental health crisis intervention funding was increased by \$82 million, though pre-crisis funding was not increased
Fund TYC to lower its staff-to-youth ratios to national standards and increase staff training	Passed
Create an entity within state government to provide objective research to state policymakers on criminal justice issues	Did Not Pass