

Child Protection Funding Differences in the House & Senate Versions of the Texas Budget

Recommendations to Budget Conferees on Department of Family and Protective Services (DFPS) Funding in Article II

As the budget conference committee works on reconciling differences between the Senate and House budgets, we respectfully offer these recommendations to prevent child abuse and neglect, keep more children safely with their families and out of foster care, and support kinship caregivers like extended family or close family friends.

Keep Children Safe with Their Families & Out of Foster Care

The House and Senate versions of the Texas budget reflect lawmakers' desire to prioritize and invest in services to families that reduce child abuse and neglect, support families, and promote family preservation. However, each chamber has taken distinct approaches.

Lawmakers in each chamber have proposed legislation that, if passed, will be affected by funding decisions for DFPS Prevention and Early Intervention (PEI) programs and Family First Prevention Services Act (FFPSA) implementation. As conferees hash out the differences in the budget, investments in PEI programs and the foster care system will also shape the success of these bills and how these bills will be rolled out. For example:

- SB 24 by Senator Kolkhorst aims to develop an integrated continuum of programs that support struggling Texas families by moving PEI programs to the Texas Health and Human Services Commission. This bill has a fiscal note of \$22.8 million for this system and technology transfer. Yet, as discussed below, fully funding DFPS's request of \$90 million for increased PEI funds would allow Texas to help an additional 22,000 eligible families each year who are not receiving services now.
- SB 1853 by Senator Kolkhorst would allow Community-Based Care providers to offer family preservation services. As discussed below, House Rider 49 would offer new funding to help Community-Based Care providers serve pregnant women with substance use disorders and children with significant mental health challenges who are at risk of entering foster care unless they receive family preservation services.
- HB 1667 by Representative Jetton would allow mandatory reporters to refer low-risk families to services instead of reporting them to CPS. As discussed below, House Rider 42 would explore funding strategies to support services offered to families through this referral system; and House Rider 44 would help communities keep an updated inventory of services to which mandatory reporters could refer families.

Support the \$90.2 million increase that DFPS requested for PEI programs and that is adopted in Article II and Article XI of the House Budget Bill.

When initially filed, the House and Senate budgets provided level funding for DFPS PEI programs at \$236.5 million. The House increased funding for DFPS PEI programs by \$69.8 million for a total of \$306.4 million, and the House adopted additional increases in Article XI. The Senate only increased funding by \$1.2 million for a total of \$237.8 million over the biennium. Neither the House nor the Senate funded the full \$90.2 million increase that DFPS requested for PEI in Article II.

PEI programs are designed – and proven – to prevent child maltreatment and support positive youth development to keep more children safely at home. DFPS’s request for increased PEI funding would allow Texas to help over 22,000 additional eligible families who are not receiving services now.

Support Rider 42 and Rider 44 in the House Budget Bill.

- Rider 42 in the House Budget Bill directs DFPS to use a small portion of unexpended federal Family First Transition Act grant funding to study creative-cost reimbursement models that other states are using to implement the Family First Prevention Services Act in a way that decreases DFPS investigation of families.
- Rider 44 in the House Budget Bill, directs DFPS to use a small portion of unexpended federal Family First Transition Act (FFTA) grant funding to develop a Family Preservation Services Asset Map that would give Texas a more holistic picture of gaps in services and strengths when it comes to services supporting families.

Support Rider 49 in the House Budget Bill.

We strongly support the House’s approach to the use of unexpended federal FFTA funds in order to achieve the goal of getting family preservation services to more families.

- Rider 49 in HB 1, after passage on the House floor, directs DFPS to use a portion of unexpended federal Family First Transition Act grant funding to (a) continue funding for the Texas Family First pilots and (b) allow funding to support services for pregnant women or mothers with substance use disorders and their children and children who may enter foster care because their parents refuse to accept parental responsibility. While we appreciate the work happening in the Family First pilots, being able to serve families outside of the pilots is important because, according to the recent Rider 48 report, the narrow scope of the pilots only allows DFPS and the providers administering the pilots to serve 24 families total across Texas as of March 8, 2023.
- In contrast to House Rider 49 above, Rider 44 in the Senate Budget Bill, directs DFPS to use unexpended FFTA funding to (a) continue the Texas Family First Pilots but develop additional criteria to ensure more struggling families can access the services they offer, and (b) continue funding for the Qualified Residential Treatment Program (QRTP) Pilot. While we appreciate the Senate’s goal of getting more families connected to the excellent work that Community-Based Care providers aim to offer through the Texas Family First Pilots, there is a significant challenge with the Rider, as drafted. DFPS is limited in establishing additional criteria to ensure more children can be referred to the pilots because criteria governing the pilots and populations who can be referred to the pilots is codified in Chapter 262, Subchapter F, of the Texas Family

Code. Federal law and the FFTA grant funding allow what the Rider proposes, but state law, unfortunately, does not. Additionally, Foster Care Rate Modernization, if adopted, will include a specific rate for QRTPs, making the need for the pilot obsolete. The Legislature should prioritize Foster Care Rate Modernization over time-limited funding to continue the QRTP pilot.

Support Kinship Care Funding to Ensure More Children in Foster Care May Live with Relatives or Close Family Friends

Support Rider 131 in the HHSC bill pattern of the Senate Budget Bill.

Both the Senate and House have highlighted the importance of supporting kinship caregivers – grandparents, aunts, uncles, or close family friends who step up to take care of a child in their life while their family is struggling and the child is in foster care. Children in kinship care experience less trauma, are less likely to move around while in foster care, and are more likely to return home or find a permanent home after their parents’ rights are terminated. Both the House and Senate adopted the DFPS exceptional item to increase support for kinship care. However, Rider 131 in the Senate Budget Bill, directs HHSC and DFPS to develop a new kin-specific license – available through newly-proposed federal rules – which will help Texas achieve pay parity for kinship caregivers in the future. We strongly support the Senate’s direction.