

2021 Child Protection Legislative Priorities

March 2021



Keep More Children Safely with their Families and Out of Foster Care

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

BUDGET RECOMMENDATION: Continue investments in programs that prevent child abuse and neglect or CPS involvement, including Prevention and Early Intervention programs at DFPS and the MedCARES program at DSHS, and leverage federal funding available under the 2018 Family First Prevention Services Act (FFPSA) to reduce the number of children entering foster care. These recommendations were not included in the introduced budget.



Ensure Children in Foster Care Have Safe, Nurturing Homes

Before the pandemic, Texas faced a shortage of foster homes willing to serve teens, children with high needs, and kids in rural communities. The pandemic has further strained foster care capacity. In addition to this challenge of limited capacity, there is also a challenge with urgent, well-documented safety issues in foster care placements, especially those facilities serving large numbers of children.

POLICY RECOMMENDATION: Support **HB 607 by Rep. Howard/SB 2067 by Sen. Menendez**, which will improve access to specialized placements in foster care, such as maternity homes and homes for trafficking survivors, by adding them to the list of placement types DFPS studies in its foster care needs assessment.

POLICY RECOMMENDATION: Support **SB 1575 by Sen. Kolkhorst/HB 4476 by Rep. Oliverson**, which will ensure that children in foster care only remain in Residential Treatment Centers (RTCs) when necessary and that a plan is developed to move each child into a family-based setting when appropriate. These bills will also help Texas comply with new federal requirements under FFPSA.

BUDGET RECOMMENDATION: Improve safety and support for children in foster care facilities by helping facilities meet the 2018 FFPSA's heightened quality standards, including allowing RTCs to offer discharge planning and aftercare services. This recommendation was not included in the introduced budget bill.



Address Challenges Facing Older Youth and Young Adults in Foster Care

Before the coronavirus hit Texas, 18 to 21-year-olds who experienced foster care in Texas had worse outcomes compared to children who experienced foster care in other states and their peers in Texas' general population: over half were unemployed, over a quarter lacked a high school diploma or its equivalent, over a quarter lacked stable housing, and over a third became parents too early. For young adults exiting foster care, the pandemic has intensified challenges related to housing, health care, employment, education, child care, and more.

POLICY RECOMMENDATION: Support **HB 2632 by Rep. Minjarez/SB 1084 by Sen. Powell**, which will require CPS to begin transition planning earlier, remove barriers to extended care, and ensure older youth have more skills and resources to become independent.



Keep Children in Foster Care Out of the Juvenile Justice System

All children in the foster care system have experienced trauma. Children's responses to trauma can look like misbehavior or delinquency. As a result, an estimated 50 percent of youth referred to the juvenile justice system have been involved in the child welfare system at some point. Youth in foster care also tend to enter the juvenile justice system earlier than other youth and are more likely to reoffend. Compared to other youth in foster care, those in the justice system tend to experience more instability in foster care and are less likely to find a permanent home before age 18. In adulthood, youth who have been involved in both the foster care and juvenile justice systems are more likely to interact with the criminal justice system and remain unemployed with fewer earnings over the long-term.

POLICY RECOMMENDATION: Support **HB 2821 by Rep. White/SB 2085 by Sen. Menendez**, which will instruct juvenile boards to develop policies that divert youth in foster care facilities from the juvenile justice system.



Reduce Racial Disproportionality and Disparities in the CPS system

According to DFPS data, Black children face a much higher risk of being reported to CPS, investigated by CPS, and removed from their homes compared to other children. The reasons for disproportionality are difficult to untangle, but research in Texas suggests White families receive more leeway than Black families. More analysis is needed to identify and reduce racial disproportionality and disparities throughout the CPS system and track the state's progress.

POLICY RECOMMENDATION: Support **HB 155 by Rep. Rose/SB 75 by Sen. Miles**, which will reinstate a version of the Office of Minority Health Statistics at DFPS.

POLICY RECOMMENDATION: Support **HB 1237 by Rep. White**, which will require DFPS to take specific, intentional actions to address the disproportionality and disparities that the agency identifies and report the results of the steps taken to the Legislature.