



Opportunities to Protect Children During the 2019 Legislative Session

Strategies to Move Texas Forward in the Changing Landscape of Foster Care and CPS

A FIVE-PART POLICY BRIEF

KATE MURPHY
Senior Child Welfare Policy Associate
kmurphy@txchildren.org

February 2019

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Introduction

When Child Protective Services (CPS) gets a call that a child may be in an unsafe situation, the best outcome is to find a way to keep that child safely with her family. Unfortunately, that isn't always possible, and sometimes children must be removed from their families to keep them safe. If children enter foster care, Texas leaders must make sure that kids' lives get better, not worse. In foster care, children should not only be safe but also thrive and heal after experiencing abuse, neglect, and the trauma of removal from their families.

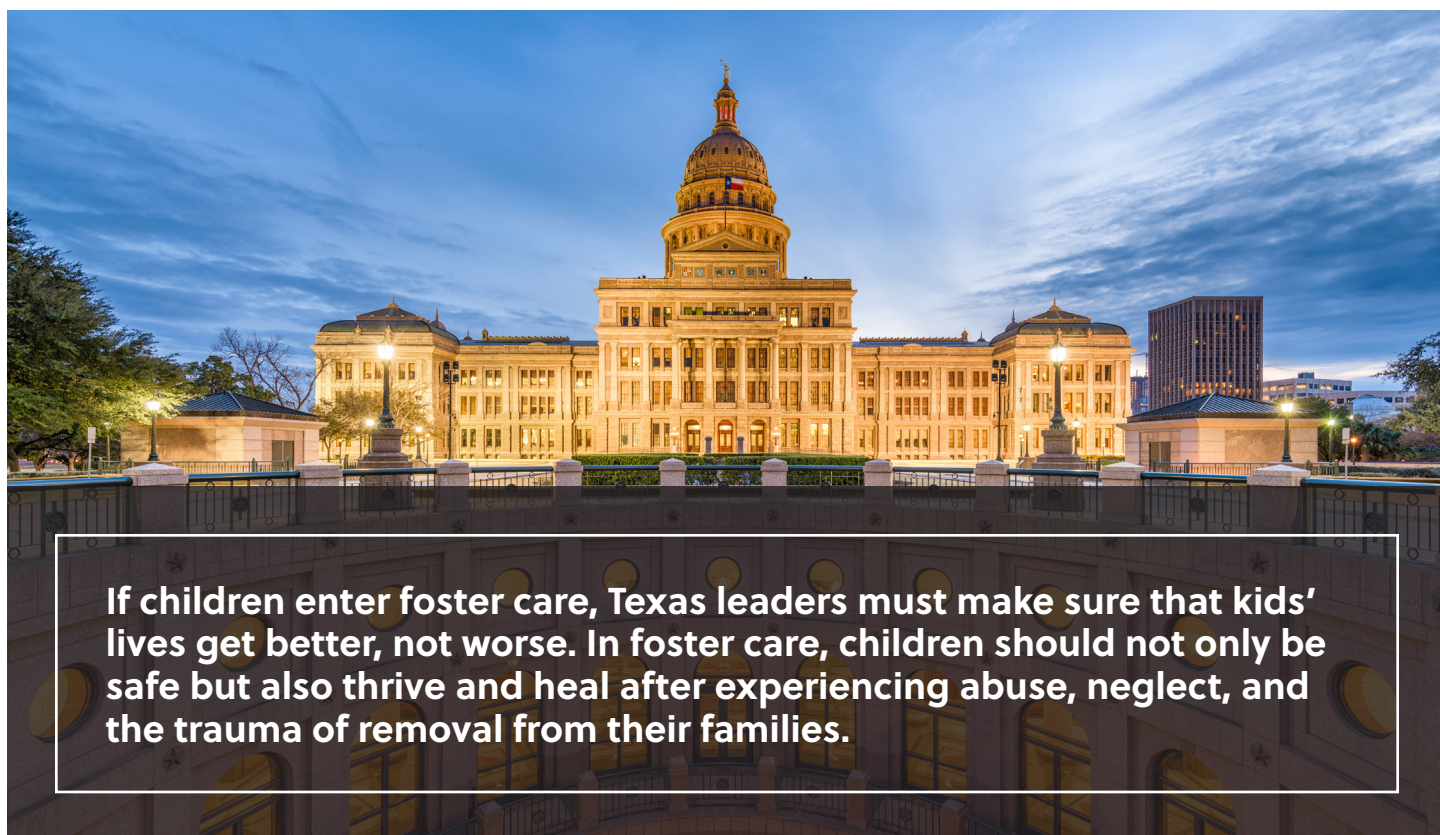
Texas has made real progress over the last two years in reforming child welfare policies and CPS. Now, a convergence of factors present Texas with meaningful opportunities to build on this progress during the 2019 legislative session. This brief begins by summarizing the legal and federal policy developments that should inform the 2019 session:

- Court rulings on the foster care lawsuit, and
- The new federal Family First Prevention Services Act (FFPSA).

Then, this brief explores the following foster care policy issues that will need to be addressed in the 2019 session in light of court rulings, the FFPSA, or key actions that the Legislature and state agencies took over the last two years:

- Keeping families safely together and preventing entries into foster care, including policies to address parental substance use as well as pregnant and parenting youth in foster care.
- Children's safety in foster care, with a focus on policies related to caseloads, standards for and oversight of licensed foster homes and facilities, and the state's data systems;
- Children's health and well-being in foster care, particularly policies related to kinship care, the number and kind of placements available in foster care (known as the "placement array"), and support for youth aging out of care.

This brief includes legislative recommendations for each of those policy areas.



If children enter foster care, Texas leaders must make sure that kids' lives get better, not worse. In foster care, children should not only be safe but also thrive and heal after experiencing abuse, neglect, and the trauma of removal from their families.

Part I: Federal Foster Care Lawsuit and the 5th Circuit Opinion

Background

In 2011, children in long-term foster care (Permanent Managing Conservatorship or PMC) brought a class action lawsuit against the state of Texas alleging the state had violated their constitutional rights by subjecting them to an unreasonable risk of harm while in the state's care.¹ In 2015, a U.S. District Court judge found the state liable for violating the rights of thousands of Texas children.² In 2018, the District Court ordered a permanent injunction against the state with detailed steps Texas must take to remedy the constitutional violations.³

The state appealed, and in October 2018, a panel of three judges on the Fifth Circuit Court of Appeals, all appointed by Republican presidents, held that Texas had violated the constitutional rights of children in foster care. The Fifth Circuit findings include:

1. Texas' repeated failure to reduce caseloads and address caseworker turnover meant that children waited unreasonably long periods of time to see their caseworkers or children lacked a stable relationship with a consistent caseworker;⁴
2. Poor record keeping exacerbated the situation as new caseworkers had difficulty accessing complete information about their cases;⁵ and
3. Unchecked systemic deficiencies in the monitoring and oversight of licensed caregivers or foster care facilities put too many children at unreasonable risk of harm.⁶

On questions of inadequate placement array and a number of broader issues relevant to transition-aged youth and access to health care, the Fifth Circuit did not find a constitutional violation and cited steps Texas was taking to address these challenges, including the rollout of Community Based Care to more communities.⁷

Despite affirming the majority of the District Court's findings on liability, the Fifth Circuit panel found some of the District Court remedies went too far and remanded the case back to the District Court with specific instructions on the remedies necessary to achieve constitutional compliance.

Where It Stands

On November 20, 2018, the District Court issued a new injunction against the state⁸ requiring DFPS to reduce caseloads, strengthen monitoring and oversight of licensed foster care, and improve its data system. The stay pending appeal from the original injunction is still in place, so the state does not have to comply with these changes yet. The Fifth Circuit has expedited the appeal schedule, and briefs are due February 19, 2018. Leaders for DFPS have stated that the department has spent around \$7 million on the lawsuit to date. In addition, DFPS has requested \$46 million from the state to assist with lawsuit compliance.⁹



Part II: Family First Prevention Services Act (FFPSA) and Next Steps for Texas

Background

The Family First Prevention Services Act (FFPSA), approved on a bipartisan basis by Congress in February 2018, represents a major reform in how the federal government structures federal financing of child welfare. The new law is accompanied by a possible new infusion of federal funds, if certain criteria are met. The FFPSA, often referred to as the Family First Act, includes many components, but the main goals behind the law are helping families in crisis safely stay together and reducing the foster care population by:

- Diverting children from foster care, and
- Increasing the number of children successfully exiting foster care by reducing reliance on congregate (or group) care, which evidence suggests may reduce a child's future ability to find a stable, family-based placement.

Under FFPSA, if states meet certain criteria, they may use federal Title IV-E funding to expand behavioral health and in-home parenting skill-building services for parents at risk of having their children removed by CPS. However, the law only allows the use of federal dollars for certain types of foster care placements and severely restricts funding for group care. The FFPSA

only allows federal funding to be used for foster family homes, family-based residential treatment, specialized care for pregnant and parenting youth, specialized care for children who were victims of or at risk for human trafficking, and Qualified Residential Treatment Programs (QRTPs, a new term for institutional care settings that meet heightened standards set out in the law). After the first two weeks in a placement, states will no longer be able to use federal IV-E funding for any other types of group settings.

Where It Stands

Under the FFPSA, states were given the option to delay implementation for up to two years to prepare for the changes necessary to comply with the new funding parameters. The Texas Department of Family and Protective Services (DFPS) announced on November 14, 2018, its decision to delay implementation. While DFPS has not asked for resources to ramp up for FFPSA implementation, the Legislature should work now to ensure Texas can take full advantage of the new funding for prevention services and reduce reliance on the types of congregate care that federal funding will no longer support when Texas begins implementation of the law in the fall of 2021.¹⁰



Part III: Keep More Families Safely Together and Prevent Entries into Foster Care

In addition to continuing to reform the foster care system, Texas should take stronger steps to keep more children out of foster care in the first place. Removing kids from their families has significant consequences, including trauma for children and parents and added stress on an overburdened foster care system. Key opportunities for Texas to reduce entries into foster care include strengthening parental access to substance use treatment and better supporting pregnant and parenting youth in foster care.

To Keep More Families Safely Together, Texas Must Reduce Entries into Foster Care by Increasing Access to Treatment for Parents with Substance Use Disorders

BACKGROUND ON PARENTS' SUBSTANCE USE DISORDERS AND FOSTER CARE

One area that is particularly ripe for change when it comes to preventing entries into foster care is parental substance use. In 2017, sixty-eight percent of children entering foster care were removed, at least in part, due to parental substance use.¹¹

Under the Family First Prevention Services Act, states will be able to use federal Title IV-E funding for substance use treatment services for parents at risk of losing their children to CPS custody. Although Texas does not have immediate access to that funding due to its decision to delay implementation of the FFPSA until 2021, Texas should take advantage of opportunities presented through (1) the package of bills passed on a bipartisan basis by Congress in October 2017¹² to address the opioid crisis and (2) recommendations¹³ from the Texas House Select Committee on Opioids and Substance Abuse to boost access to substance use treatment for families in need.¹⁴

There is also a way that the state could potentially draw down new funding under the FFPSA to address parental substance use during the two year period before full implementation of FFPSA in Texas. The FFPSA currently allows IV-E funds to pay for children in DFPS conservatorship who are placed with their parents in family-based residential treatment. However, to take full advantage of this funding opportunity, Texas should think about way to increase the number of children placed with their parents in residential treatment while the children are in state conservatorship.

The state should leverage other federal funds now that will help keep the family unit together. These include Regional Partnership Grants, which were reauthorized and expanded through the FFPSA, and other grants made available through the federal package of opioid bills. These opportunities would help Texas develop a recovery coach program, expand family-based residential treatment, and strengthen implementation of Plans of Safe Care to ensure the safety, permanency, and well-being of infants affected by parental substance use.

RECOMMENDATIONS ON PARENTS' SUBSTANCE USE DISORDERS AND CPS

- Invest in, support, or expand policies that maximize opportunities for children to stay connected to their biological parent during treatment, such as:
 - Family-specialized residential treatment, and
 - Family Based Safety Services
- Encourage state agencies to apply for new federal grants that support children and families affected by substance use disorders and prenatal substance exposure, including the following:
 - Recovery Coach program replication grants,
 - Plans of Safe Care implementation grants, and
 - Regional Partnership Grants.

To Keep More Families Safely Together, Texas Must Ensure Pregnant and Parenting Youth in Foster Care Have the Support They Need to Keep their Children Safe

BACKGROUND ON PREGNANT AND PARENTING YOUTH IN FOSTER CARE

As our 2018 report on the subject highlighted, too many children in Texas foster care become young parents.¹⁵ There are approximately 330 expectant youth and 220 minor parents in Texas foster care each year.¹⁶ They face a greater risk of poor health and education outcomes and having their own children removed by CPS.

Texas should take steps to address the needs of these youth and babies, starting with better data. Although Texas collects and reports some data on this population, improving data collection would help Texas better understand the prevalence of pregnant and parenting youth in foster care and what kinds of supports most effectively address their needs.

Additionally, Texas should boost funding for programs to support pregnant and parenting youth in foster care. The FFPSA will allow federal IV-E reimbursement for services and supports provided to pregnant and parenting youth in foster care once Texas implements the law, but Texas should not wait to act. Helping through Intervention and Prevention (HIP) is a successful DFPS Prevention and Early Intervention (PEI) program targeted toward youth currently and formerly in foster care who are pregnant, have recently given birth, or are parenting a child up to two years old, including single teen fathers. Although HIP has expanded over the last two years, it is unavailable in many parts of northwest Texas and the Rio Grande Valley, leaving some youth without access to critical parenting supports. DFPS has requested an 11.4 percent increase in funding for HIP in the base budget, which will sustain the program. However, HIP was excluded from DFPS' \$30.8 million exceptional item budget request to expand prevention services to new areas.

RECOMMENDATIONS ON PREGNANT AND PARENTING YOUTH IN FOSTER CARE

- Improve data collection and reporting on pregnant and parenting youth in foster care to inform decisions about expanding services and supports.
- Improve training and support for professionals working with pregnant and parenting youth including caseworkers, caregivers, attorneys, guardians ad litem, CASAs, and judges.
- Ensure all pregnant and parenting youth have access to supports and services that will help preserve their young families by further investing in the HIP program and passing legislation that ensures all pregnant and parenting youth receive basic parenting education.

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Part IV: Ensure Children are Safe in Foster Care

Below are recommendations for how the state could enhance child safety in foster care. These recommendations focus on reducing caseloads for foster care caseworkers, elevating standards for residential treatment centers and foster family homes, strengthening oversight of licensed foster homes and facilities, and improving the DFPS data system.

To Improve Safety, Texas Must Reduce Caseloads for Foster Care Caseworkers

BACKGROUND ON CASELOADS

Caseworkers make life and death decisions about the children in their care every day. However, if caseworkers are responsible for too many cases at once, the children under their care are at greater risk of harm. In fact, the Fifth Circuit judges highlighted this risk by finding that:

“The evidence in the record establishes that the State is deliberately indifferent to the risks posed by its policies and practices toward caseload management. The State is well-aware that caseworkers have unmanageable workloads. It also knows that high caseloads — which are a direct cause of high turnover rates — have a negative impact on . . . children’s welfare.”¹⁷

The Legislature and DFPS recognize the need for a robust child protection workforce, but the efforts to reduce caseloads and turnover at DFPS during the 2017 legislative session primarily concentrated on DFPS staff tasked with investigating allegations of abuse and neglect, rather than caseworkers caring for children already in foster care. In late 2016, legislative leaders urged DFPS Commissioner Hank Whitman to ask for the support he needed, and the Commissioner boldly asked for critical funding to ensure investigators were able to quickly respond to allegations of abuse and neglect. The Legislature approved funding to hire 829 new caseworkers and

increase salaries for existing ones.¹⁸ Then, during the 2017 legislative session, the Legislature sustained this critical investment and increased support for even more new caseworker positions.¹⁹ Although average investigations caseloads dropped from 17.1 per caseworker in fiscal year 2016²⁰ to 14.5 in fiscal year 2017 and an estimated 13.5 in 2018,²¹ foster care or “conservatorship” caseloads remain high. In 2016, the average foster care caseload in Texas was 29.7 per caseworker.²² In 2017, it dropped to 27.8 and DFPS estimated a 2018 average caseload of 26.5.²³ National standards suggest a safe conservatorship caseload range is 8-15*, indicating that Texas caseloads may be at dangerously high levels.²⁴

The Fifth Circuit judges asserted that Texas’ reliance on high-volume hiring has not effectively reduced caseloads²⁵ and the state should set a target caseload range to ensure child safety. In response, the District Court’s latest order requires DFPS to conduct a workload study to help the state establish caseload ranges that ensure primary caseworkers maintain monthly face-to-face visits with the children in their care.²⁶

Although Texas has more work ahead to reduce caseloads, it is worth highlighting two bright spots that have helped reduce turnover and improve workload management. Prior to the 2017 legislative session, DFPS developed and implemented a new training for caseworkers called CPS Professional Development. Statewide implementation of this training is required by the District Court’s new order, but Texas is already compliant.²⁷ DFPS also developed a tool called Insight to assist caseworkers with critical tasks related to cases and to help supervisors determine the complexity of cases to assist them in assigning caseloads to caseworkers. The case complexity function may assist in the assignment of cases after the completion of a caseload work study and the establishment of appropriate guidelines.

* DFPS calculates caseloads in “stages” that may include the parent and child. The National standard is based on a child-only sized caseload. DFPS has not provided a directly comparable caseload.

RECOMMENDATIONS ON CASELOADS

- Support the DFPS LAR Exceptional Item #1 (\$116.7 million in All Funds) to maintain current caseloads and projected caseload growth.
- Invest in a workload study that will set target caseloads that ensure child safety in the Texas foster care system and support DFPS compliance with the District Court order.

To Improve Safety, Texas Must Strengthen Standards for Licensed Foster Care and Oversight and Enforcement of Those Standards

BACKGROUND ON STANDARDS

Although Texas has many wonderful foster care placements, Texas could reduce safety concerns by elevating the quality of care required in licensed foster care facilities and licensed foster family homes. The FFPSA, or Family First Act, presents Texas with an opportunity to do just that.

Texas should reevaluate its standards for RTCs, which are operations that exclusively provide treatment services for children with emotional disorders. RTCs are often used to stabilize children with complex needs. While a necessary and important component of the foster care system, this type of out-of-home placement should be short-term.

Under the FFPSA, the federal government wanted to ensure it was only paying for high-quality foster care. For the type of care provided in RTCs, the federal government set out new standards that most residential facilities will have to meet to qualify for reimbursement. The FFPSA refers to these higher quality providers as Qualified Residential Treatment Programs (QRTPs). The new standards require trauma-informed treatment, onsite nursing and other clinical staff, improved family engagement in treatment, enhanced discharge services, and accreditation. The FFPSA also requires regular, ongoing assessment of the need for residential services to ensure only children who are in need of this restrictive level of service are placed in these more institutional settings as opposed to foster family homes. Texas currently

has very few providers that meet the new standards and therefore is not only at risk of losing federal funding for foster care but also failing to consistently provide the highest quality of care. The FFPSA does not require RTCs to become QRTPs, but federal funding will only reimburse those that are. If RTCs are not all held to the same high standards following implementation of the FFPSA, Texas risks creating a two-tiered system in which only some children with complex emotional needs would be able to access high-quality treatment.

In addition to addressing RTCs, Texas should also protect child safety in foster family homes while simultaneously reducing the bureaucratic challenges faced by foster parents. The FFPSA required the U.S. Department of Health and Human Service to establish model licensing standards for foster family homes.²⁸ These model standards are safety-focused and more flexible than Texas' current licensing standards.²⁹

BACKGROUND ON OVERSIGHT

Too often, after Texas places a child in foster care, Texas does not adequately investigate allegations of abuse and neglect in licensed foster homes and facilities and enforce standards designed to protect children. Both the federal foster care lawsuit³⁰ and a recent report from the Texas Foster Care Ombudsman³¹ reveal that, in some cases, divisions of state agencies charged with protecting children — including Child Protective Investigations (CPI), Child Care Licensing (CCL), and CPS — are falling short. Together, the Ombudsman report and the federal lawsuit highlight serious allegations of abuse and neglect that have been inadequately addressed, including the use of illegal restraints such as chokeholds, sexual abuse, and even multiple child deaths.

During the 2017 legislative session, lawmakers recognized that strong investigations and enforcement of safety standards are vital for protecting children under DFPS' care. The Legislature passed HB 249 to strengthen investigations of abuse and neglect in licensed foster homes and facilities. Similar and additional language was also included in HB 5 and SB 11. The intent of these bills was to put child safety first and apply the same standards to investigations of abuse and neglect regardless of whether maltreatment occurred in a biological home or a foster home or facility.

Child Care Licensing (CCL) subsequently moved from DFPS to the Texas Health and Human Services Commission (HHSC). CCL is responsible for regulating and overseeing child care providers; residential child care facilities such as cottage homes, residential treatment centers, and emergency shelters; and the child placing agencies which license foster homes. The Child Protective Investigations division of DFPS is responsible for investigating allegations of child abuse and neglect in foster care, child care, and biological families.

Despite the legislative effort to strengthen investigations in licensed foster care, the Fifth Circuit found in 2018 that inadequate state monitoring and oversight of licensed facilities remains a problem, noting that:

“DFPS is aware of the systemic deficiencies plaguing its monitoring and oversight practices. It also knows that these deficiencies pose a significant safety risk for foster children. Despite this knowledge, DFPS has not taken reasonable steps to cure the problems. Indeed, it is not clear that it has taken any steps at all.”³²

One step the state should take is to require Residential Child Care Licensing (RCCL) and CPI to report more information about their investigations of licensed foster homes and facilities. Currently, CPS publicly reports significantly more detailed information on investigations of abuse and neglect in biological family homes than in licensed foster homes and facilities.³³

RECOMMENDATIONS FOR STANDARDS AND OVERSIGHT

- Embrace new opportunities through the Family First Preservation Services Act (FFPSA) to elevate the quality of care provided in licensed foster homes and facilities by:
 - Phasing in new minimum standards for all Residential Treatment Centers (RTCs) that align with the new federal QRTP requirements;
 - Providing start-up grants to help offset the costs of accreditation or other structural changes required for an RTC to maintain its licensure; and
 - Reviewing minimum standards for foster family homes and aligning Texas minimum standards with new model licensing standards developed at the federal level.
- Ensure DFPS and HHSC are appropriately implementing HB 249, legislation passed in 2017 to strengthen investigations of abuse and neglect in licensed foster homes or facilities.
- Align reporting requirements for investigations of abuse and neglect in foster homes with those for Child Protective Investigations in biological family homes to improve accountability, transparency, and child safety.



To Improve Safety, Texas Must Make Data System Improvements

BACKGROUND ON DATA SYSTEMS

For caseworkers to ensure child safety, they have to be able to access information about a child's placement, history, health, education, any juvenile justice involvement,** and more. The Fifth Circuit panel noted DFPS' haphazard record-keeping makes it unreasonably difficult for caseworkers to navigate a child's case file and assure each child's safety.³⁴ Under the District's Court's order, DFPS is required to develop a new integrated computer system to keep all records in a centralized electronic database so caseworkers and others involved in a child's case can easily locate the information they need to ensure they are meeting the needs of each child.

The state has been in the process of modernizing IMPACT for years,³⁵ but the changes and investments to date do not resolve the issues. Furthermore, the deficiencies cited by the federal courts require changes that go far beyond existing efforts to improve the IMPACT system.

Beyond the basic record-keeping challenges highlighted in the lawsuit, a data system that can interact with other state and contractor data systems would ensure that information critical to child safety is consistently recorded and preserved. The FFPSA also requires some technological updates to all state data systems to allow interstate interoperability if a child is placed out of state. Texas has more work to do to improve data system effectiveness and comply with federal requirements under the FFPSA as well as the District Court order.

** The Juvenile Justice Committee for the Texas Judicial Council highlighted the need for improved data sharing. Juvenile Justice Committee Report and Recommendations 8-9 (Tex. Judicial Council 2018) available at <http://www.txcourts.gov/media/1441880/juvenile-justice-committee-report.pdf>.

RECOMMENDATIONS ON DATA SYSTEMS

- Invest in a new interoperable data system that contains each child's "complete records, including but not limited to a complete migration of all medical, dental, educational, placement recommendations, court records, mental health and caseworker records"³⁶ and ensure that the new system maximizes child safety by meeting the needs of providers and caseworkers in Texas' evolving child protection system.



Part V: Ensure Children are Healing and Thriving in Foster Care and Beyond

The lawsuit and many policy discussions focus on basic safety in foster care, but we must go beyond safety to ensure that children come out of foster care as successful students, professionals, citizens, and parents. Too often, children leave foster care and face challenges like homelessness, unemployment, low education attainment, criminal justice involvement, or untimely pregnancy. Below are recommendations for how the state can better ensure children in foster care are healing and thriving. These recommendations address supporting kinship caregivers, developing more high-quality foster care placements, and increasing support for older youth in foster care.

To Ensure Children are Healing and Thriving, Texas Must Make Sure More High-Quality Homes Are Available for Children in Foster Care

BACKGROUND ON KINSHIP CARE

When children cannot safely live with their birth parents, staying with extended family or close family friends can help children manage a challenging life transition and keep them connected to their existing support network and cultural identity.

Texas has long recognized the value of kinship care. In fact, in 2017 over half of children in foster care were living with a kinship caregiver.³⁷ During the 2017 legislative session, HB 4 increased payment for kinship caregivers. The improved support should encourage more family members to take care of children who would otherwise be placed in a foster home or other licensed facilities.

Building on that effort, Texas should expand other non-financial support for kinship caregivers such as peer support or behavioral health services. The Legislature should be aware that the FFPSA allows the state to leverage federal dollars to offer prevention services

for either the kinship caregiver or the child if not funded by other state sources. For example, if a child living with a grandparent needs behavioral health services to keep that child stable in that grandparent's home, IV-E funding could be used to reimburse those services. Or, in-home parenting skills training could be offered to caregivers to ensure they feel well-equipped to add a child to their household. Texas will be able to take advantage of federal funding for these services once the state begins implementation of the FFPSA in two years. In the meantime, DFPS is proactively working to increase support for kinship caregivers and has already applied for and received a grant from the U.S. Administration for Children and Families to explore and develop a kinship navigator program. These programs, which exist in New York, New Jersey, Washington, and Ohio, offer support groups or peer support programs designed to help relative caregivers manage stress, understand basic information about the child welfare system, and refer participants to useful resources or services.

BACKGROUND ON FOSTER CARE PLACEMENT ARRAY

Texas leaders should take key steps to ensure there are enough safe, high-quality homes for children in foster care in order to reduce trauma experienced by children through multiple foster care placements, keep siblings together, and ensure children are in the most family-like settings rather than group care.

One of the main strategies that the state has used to build foster care capacity is Community Based Care (CBC), which is a community-based approach to meeting the unique needs of children, youth, and families. CBC in its current form started in 2017 but is part of a longer reform effort that started nearly a decade ago.³⁸ Under CBC, a non-profit organization with a mission focused on child welfare, preferably with local ties, contracts with the state to recruit and identify quality foster homes or other living arrangements for children in state care and provide them a full continuum of services.³⁹ Currently there is one active CBC model in the Fort Worth area,

and new CBC contracts are in place in San Antonio and Northwest Texas around Abilene. There is a pending Request for Proposals to expand CBC to the Panhandle and the counties surrounding San Antonio. Following the passage of SB 11 in the 2017 session, the CBC contractor in the Fort Worth area, ACH Child and Family Services, was expected to take on case management services in addition to placement services. However, the transfer of case management services from the state to ACH has not yet occurred because of inadequate state funding to support a contract for these services.

One CBC tactic that can be replicated statewide is ACH's use of a "placement portal" to help them match children in foster care in Fort Worth to the best home available and identify gaps in foster care capacity.⁴⁰ During the 2017 legislative session, DFPS requested funds for a statewide placement portal, but the Legislature failed to support this request. Heading into the 2019 session, DFPS determined that a placement portal was so critical that DFPS began building the portal over the interim and included the portal into their budget request.⁴¹

To help communities across the state ensure there is an adequate array of foster homes and treatment services and prepare for expansion of Community Based Care, in 2017 the Legislature directed DFPS to conduct a foster care needs assessment. The assessment, prepared with provider input, aims to help communities understand the needs of local children, the historical number of children placed in foster homes or other licensed facilities, and assess capacity gaps. The most recent assessment DFPS completed in August 2018 has helped local providers and CASA programs develop more regional capacity plans and build local capacity.⁴² A more meaningful assessment would cover the various placements that federal funds will support under the FFPSA, which will not only help Texas prepare for implementation of the FFPSA in 2021 but will also provide a more detailed analysis of the specific types of capacity lacking in different communities across the state.

RECOMMENDATIONS ON KINSHIP CARE AND PLACEMENT ARRAY

- Maintain and expand support for kinship caregivers.
- Fully fund Community Based Care.

- Invest in the DFPS placement portal.
- Conduct a more comprehensive foster care needs assessment to determine children's needs and prepare for implementation for the FFPSA in 2021. The assessment should include placements for which the state will be able to continue receiving IV-E federal funding under FFPSA, including the following placements:
 - Foster family homes, including those that provide "treatment foster care" (a newly developed rate to allow more children with high needs to be served in a foster family home instead of an institution⁴³);
 - Qualified Residential Treatment Programs;
 - Providers specializing in prenatal, post-partum, or parenting supports for youth;
 - Supervised settings for youth ages 18 and older who are living independently; and
 - Providers specializing in supportive services for children and youth who have been found to be, or are at risk of becoming, sex trafficking victims.

To Ensure Children Who Age Out of Foster Care Will Thrive in Adulthood, Texas Must Improve Support for Transition-Aged Youth

BACKGROUND ON YOUTH AGING OUT OF FOSTER CARE

Youth who age out of Texas foster care tend to have worse outcomes compared to youth who exit care through adoption, permanent guardianship with a relative, or reunification. Poor outcomes may include criminal justice system involvement, lower reading and math skills, lower high school graduation rates, homelessness, unemployment and likelihood of long-term dependence on public assistance, and early pregnancy.⁴⁴

During the 2017 session, the Legislature recognized that transition-age youth in foster care needed special

attention and, through SB 1758, directed DFPS to work with stakeholders to develop recommendations to improve outcomes for children exiting care to adulthood. The SB 1758 workgroup recommendations focus on improving the Preparation for Adult Living (PAL) curriculum to teach youth skills needed for successful adulthood and enhancing other transitional living services related to housing, education and employment, health care, and more.⁴⁵

RECOMMENDATIONS ON YOUTH AGING OUT OF FOSTER CARE

- Support the SB 1758 Workgroup's recommendations aimed at ensuring more youth exit foster care with the skills and supports they need to be successful adults.

Conclusion

Texas must build on the progress that state leaders have made to improve the child welfare system during the last two years. During the 2019 legislative session, we will work with the Legislature on these important issues to make sure families have the support they need to stay safely together and fewer children enter

foster care in the first place. When children cannot safely stay with their families or kin and must enter foster care, Texas must not only continue to prioritize child safety, but must also ensure every child is able to heal and thrive.



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Texans Care for Children

1106 Clayton Lane, Ste. 111w, Austin, TX 78723

512-473-2274

txchildren.org

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