

Our Recommendations for the DFPS Legislative Appropriations Request for FY 2028-29

Safely prevent kids from entering foster care by investing in programs that support families referred to DFPS.

Thank you for the opportunity to provide input into developing the Fiscal Year 2028-2029 Legislative Appropriations Request (LAR) for the Department of Family and Protective Services (DFPS). As DFPS prepares its LAR, we respectfully offer the following recommendations regarding family preservation and legal representation for families.

Recommendation 1: Request funding needed for the current Texas Family First Programs to connect clients to approved services that they do not provide but are available in their region.

Rationale: When lawmakers made the Texas Family First pilots permanent during the 2025 legislative session, they strengthened the state's commitment to helping children stay safely with their families instead of entering foster care. We applaud their commitment — and we urge state leaders to remove unintended technical obstacles that undermine efforts to reach that goal.

The state's five Family First contractors serve families who face a high risk of having their children removed and placed in foster care. The contractors may provide these families with mental health services, substance use services, and parent skill building to help prevent removals. The services can support the parents or children. All the services are well-researched, highly effective, and must be designated as "evidence-based" by the Federal Title IV-E Prevention Services Clearinghouse.¹ This means any service families receive has been shown, through rigorous evaluation, to effectively address substance use, mental health, or parenting challenges that often contribute to safety issues and potential entry into foster care.

Currently, the contractors essentially perform three different functions: providing the services to families, coordinating services through case management, and billing for the services. (Currently, contractors are billing the state, and eventually will bill for federal match funding once a state plan is submitted and approved.) This arrangement often works well, but it also creates gaps. If a family in the program needs a particular Family First-approved service, and that service is available in their community, the Family First contractor cannot connect the family with the service unless they provide it themselves.

For example, in San Antonio, the Family First contractor, Belong, does not provide Multisystemic Therapy (MST), a highly effective mental health service. However, another organization in the community, Clarity Child

Guidance Center, does provide MST. There are similar examples in other regions as well. We believe that if Belong has a client who needs MST in order to keep a child from entering foster care, Belong should be able to connect the family with Clarity's MST program while still playing the role of case management and billing Family First for the service.

We urge DFPS to request the funding needed to allow Family First contractors to connect their clients with approved services from other nearby providers and bill Family First for those services.

Expected outcome: Fewer children will enter foster care. Families with high needs will face fewer obstacles seeking effective services. The distribution of services will be more efficient, connecting providers who have capacity with the clients who need their services.

Recommendation 2: Request funding to add additional regions to the Texas Family First Program.

Rationale: As noted above, the Family First Program provides critical services to help keep kids safely with their families and out of foster care. However, the Program only operates in five regions of the state. Only about 40 percent of Child Protective Investigations and foster care entries occur in counties that offer the Family First Program.^{2,3} This means 60 percent of kids and families involved with CPS are geographically excluded from these programs in Texas.

We urge state leaders to add additional regions to the Texas Family First Program in order to serve families in other parts of the state.

Expected outcome: More Texas families will receive the services they need, and fewer children will enter foster care.

Recommendation 3: Partner with TIDC in requesting \$47.5 million for Family Protection Representation so parents in CPS cases can access early legal counsel — an effective strategy for resolving safety concerns early and keeping families safely together when possible.

Rationale: Texas legislators have already agreed that families need stronger legal representation in CPS cases. In 2023, lawmakers passed SB 2120 to improve the quality of legal representation and expand access to legal counsel for parents, providing representation as early as the beginning of a CPS investigation through a new Family Protection Representation program. But without program funding, TIDC is limited in fulfilling the bill's purpose, and families continue to face investigations alone.

Evidence shows early legal help keeps families safely together. In McLennan County's pilot to provide legal representation to families as soon as DFPS initiated an investigation, 98% of at-risk families avoided having their children removed from their homes and placed in foster care when counsel was available during the investigation stage.⁴ States like Iowa and Oklahoma report similar outcomes.⁵ When parents understand expectations and have support in navigating services and the court system, safety concerns are addressed more quickly and effectively.

The scale of the need is large: DFPS investigated over 140,000 families last year.⁶ Most parents never receive legal help until after DFPS seeks removal. Attorney shortages worsen the problem: 51% of Texas counties

report declining availability, and one in four counties has six or fewer attorneys handling all CPS appointments.⁷ Currently, counties foot 100% of the bill for legal representation, and without state investment, they cannot sustain, recruit, or retain enough qualified attorneys to meet the needs of families.

TIDC requested \$47.5 million during the 2025 session to support the Family Protection Representation program. The funding would have allowed them to launch 7–12 pilot sites in high-need areas to reduce shortages or provide early legal representation during investigations. It also would have supported counties in drawing down federal reimbursement for legal services and offered grants, technical assistance, and quality oversight.

While TIDC's request was not funded, a joint DFPS-TIDC request would signal a shared commitment to fairness, safety, and problem-solving and align with DFPS's goal of improving due process protections for families.

Expected outcome of funding: Funding the Family Protection Representation program would give parents timely access to legal help, reduce unnecessary removals, improve communication and clarity during investigations, and help DFPS resolve safety concerns earlier and more effectively, keeping children safely at home when possible and appropriate.

Endnotes

1. Administration for Children and Families, U.S. Department of Health & Human Services. (n.d.). *Who we are*. Prevention Services Clearinghouse. Retrieved November 21, 2025, from <https://preventionservices.acf.hhs.gov/about./who-we-are>
2. Texas Department of Family and Protective Services. (FY 2024). *CPI Completed Investigations: Activity*. DFPS Data Book. Retrieved December 1, 2025, from [https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Investigations/Investigations/Activity.asp\(dfps.texas.gov\)](https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Investigations/Investigations/Activity.asp(dfps.texas.gov))
3. Texas Department of Family and Protective Services. (FY 2024). *CPS Conservatorship: Removals*. DFPS Data Book. Retrieved December 1, 2025, from [https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Services/Conservatorship/Removals.asp\(dfps.texas.gov\)](https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Services/Conservatorship/Removals.asp(dfps.texas.gov))
4. Barton Child Law & Policy Center. (2024). *Parent advocacy program report*. Retrieved from https://bartoncenter.net/wp-content/uploads/2024/07/Revised-Parent-Advocacy-Program-Report_REVISED-FINAL.pdf.
5. Casey Family Programs. (2024). *Preventative legal support: An essential tool to strengthen families and keep children safe*. Retrieved from <https://www.casey.org/media/24.07-QFF-SF-Preventative-legal-support.pdf>.
6. Department of Family and Protective Services (FY 2024). *CPI Completed Investigations: Activity*. https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Investigations/Investigations/Activity.asp.
7. Texas Indigent Defense Commission. (2024). *Legislative Appropriations Request for Fiscal Years 2026 and 2027*. Submitted to the Office of the Governor, Budget Division, and the Legislative Budget Board, August 16, 2024. https://www.tidc.texas.gov/media/2lmd5v3j/tidc-2026-7_lar-final.pdf.