November 19, 2026

Eric Beverly, Executive Director
Sunset Advisory Commission
PO Box 13066
Austin, TX 78711

Submitted via email to sunset@sunset.texas.gov

Re: Sunset Advisory Commission Staff Report on the Department of Family and Protective Services

Dear Mr. Beverly:

The Sunset Advisory Commission's November 2026 staff report identifies key opportunities to improve accountability, expand access to services, and ensure fair, consistent treatment of children and families. The proposed recommendations form a solid basis for improving Community-Based Care (CBC) oversight, closing service gaps, and improving the investigation process. However, a clear gap remains in improving access to family preservation services and strengthening due process protections for families in DFPS. For example, families who would benefit from interventions like Texas Family First are often unable to access these services until their situation reaches crisis levels, leading to unnecessary removals. Likewise, parents facing CPS investigations may be asked to agree to safety plans or placements without legal advice or a true understanding of their rights, resulting in decisions that can have long-lasting consequences for children and families.

We support Sunset staff recommendations under Issue 1 to strengthen implementation of Community-Based Care.

As DFPS shifts from providing foster care to overseeing CBC, it needs effective oversight of contractors serving children in state conservatorship. The Sunset staff report identifies deficiencies in monitoring staffing, financial stability, and case management. Legislative priorities should include payment structures, aligned incentives, and transparency so DFPS can identify problems before they affect children.

We support Sunset staff recommendations under Issue 3, but encourage the Commission to add family preservation services, especially Texas Family First, to the charge.

Family preservation services, including Alternative Response, Family-Based Safety Services, and Texas Family First, keep children safe while limiting unnecessary DFPS involvement. Texas Family First offers evidence-based

support, but access is limited by the narrow definition of a foster-care candidate, court-ordered requirements, and geographic barriers. Expanding access would support families before a crisis and better use existing capacity and federal funds.

Proposed Changes:

Expand the key capacity-building and service coordination recommendations in Issue 3 to include family preservation services by making four changes. First, require DFPS to broaden the definition of a candidate for foster care and to develop a statewide implementation strategy for Texas Family First. Second, improve access and referrals by prioritizing referrals to pregnant and parenting youth in foster care, eliminating unnecessary court-ordered requirements to access certain services, and coordinating referrals to qualified providers. Third, address regional capacity gaps for family preservation services and assess provider capacity. Finally, track outcomes and improve transparency by establishing public performance measures on referrals, utilization, wait times, capacity, expenditures, and family outcomes, with annual reporting.

We support Sunset staff recommendations under Issue 4, but encourage the Commission to strengthen due process and access to legal representation during CPS investigations.

CPS investigations can affect parental rights, but parents often go through this process without the benefit of independent legal representation. The Sunset staff report makes it clear that parents may agree to Parental Child Safety Placements without any legal advice or without a full understanding of what they're agreeing to. They may also find it very difficult to appeal the findings of an investigation. Getting legal advice earlier — during the investigation — would help parents understand their rights before DFPS involves a court or makes irreversible decisions. Legal representation during an investigation also adds an external check on DFPS, ensuring more accountability throughout the investigation process.

Proposed Change: Strengthen Issue 4 by directing DFPS, in coordination with the Texas Indigent Defense Commission and the Supreme Court of Texas Children's Commission, to review access to independent legal representation during CPS investigations. The review should be publicly reported and assess legal services, geographic gaps, barriers to access, and opportunities to connect families with counsel before court involvement.

We appreciate your consideration. For additional information, you can contact me at kmurphy@txchildren.org.

Sincerely,

Kate Murphy
Director of Child Protection