# **CPS 101:** an Overview of the Texas Child Welfare System

Click Here: <u>CPS 101</u> An internet connection is required to view this 26-minute educational webinar.

The state manages child welfare under the <u>Texas Department of Family Protective Services</u> (DFPS), which investigates allegations of child abuse and neglect through <u>Child Protective Services</u> (CPS).

<u>TexProtects</u> generously produced this presentation for the benefit of the <u>Texas Child Welfare Funders</u> (TCWF) peer group of <u>Philanthropy Southwest</u> (PSW). Slides from the webinar begin on page 2 of this document.

# provided by Texas Child Welfare Funders in partnership with TexProtects





### TexProtects Presents

# CPS 101



Texas Child Welfare Funders is a peer group of Philanthropy Southwest. It is a community of funders that collaboratively aligns the work of members and keeps them engaged in and informed about child welfare matters across Texas.

Texas Child Welfare Funders exists to optimize the child welfare system from initial report to permanency, ensuring the best outcome for the child.

For more information, funders can go to: https://www.philanthropysouthwest.org/texas-child-welfare-funders



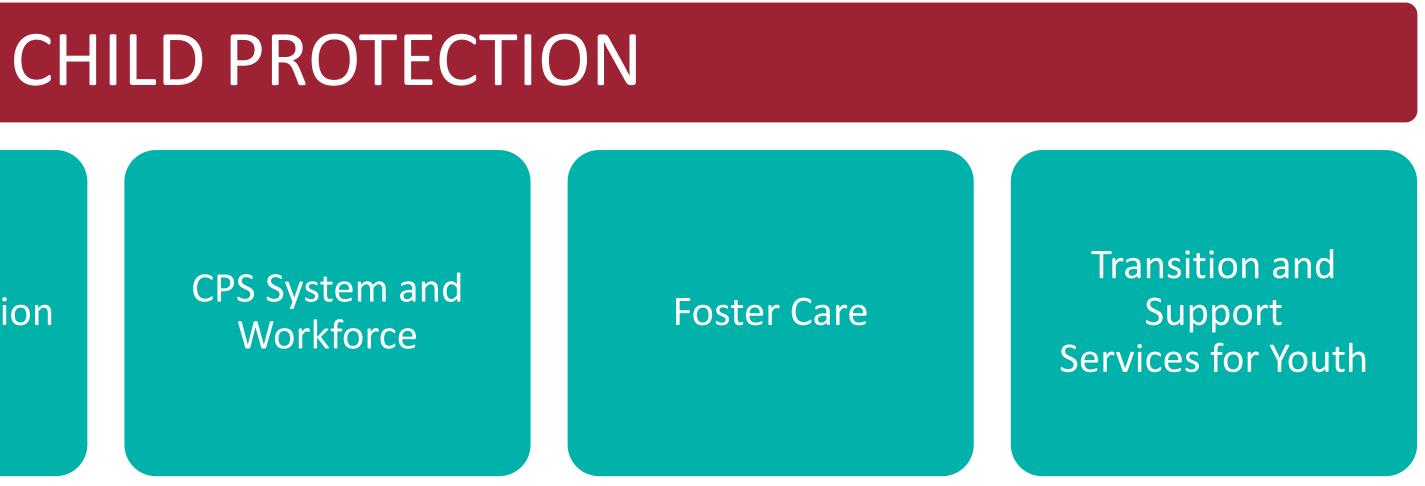
# **Mission and Focus**

TexProtects protects Texas children from the trauma of abuse and neglect and empowers families to thrive through education, research, and advocacy.

Child Abuse Prevention

Family Preservation



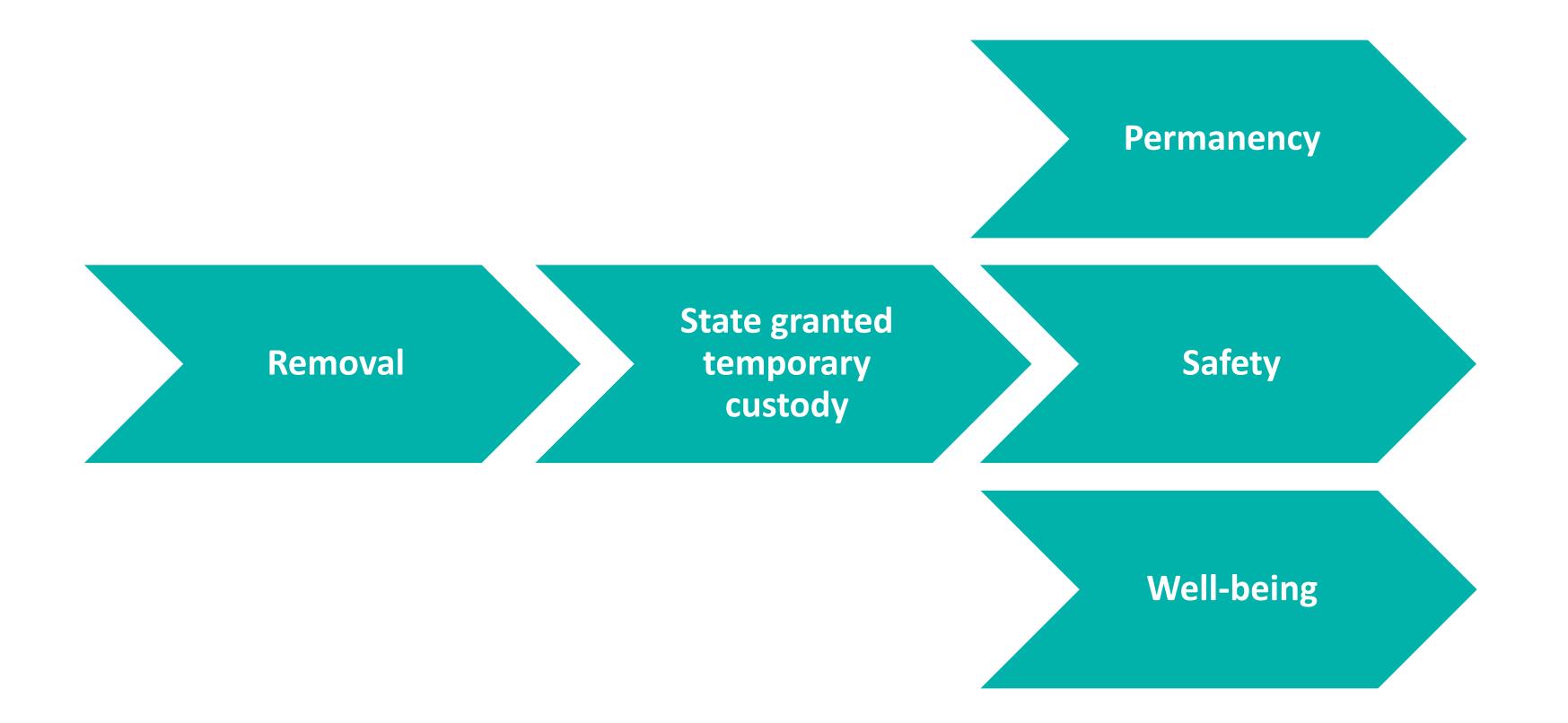


### Healing and Trauma-Informed Care



What Are We Talking About?

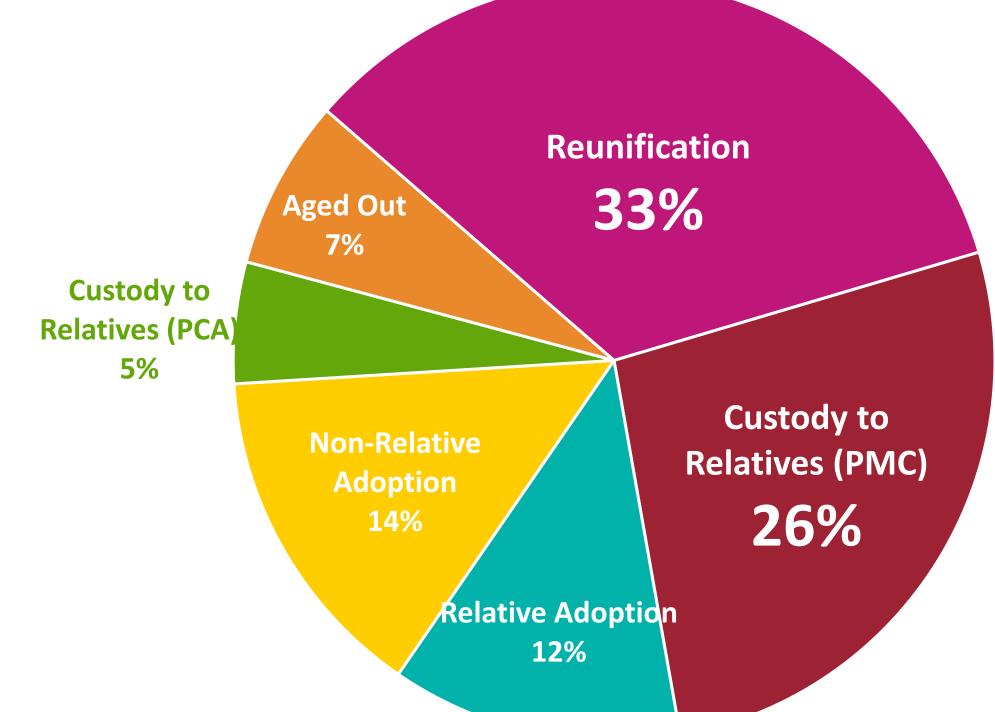
# From Removal to Permanency





## **Achieving Permanency**

#### PERCENT OF CHILDREN EXITING DFPS LEGAL CUSTODY IN 2021, STATEWIDE



Source: Department of Family and Protective Services Data Book, Child Protective Services (CPS): Children Exiting DFPS Legal Custody



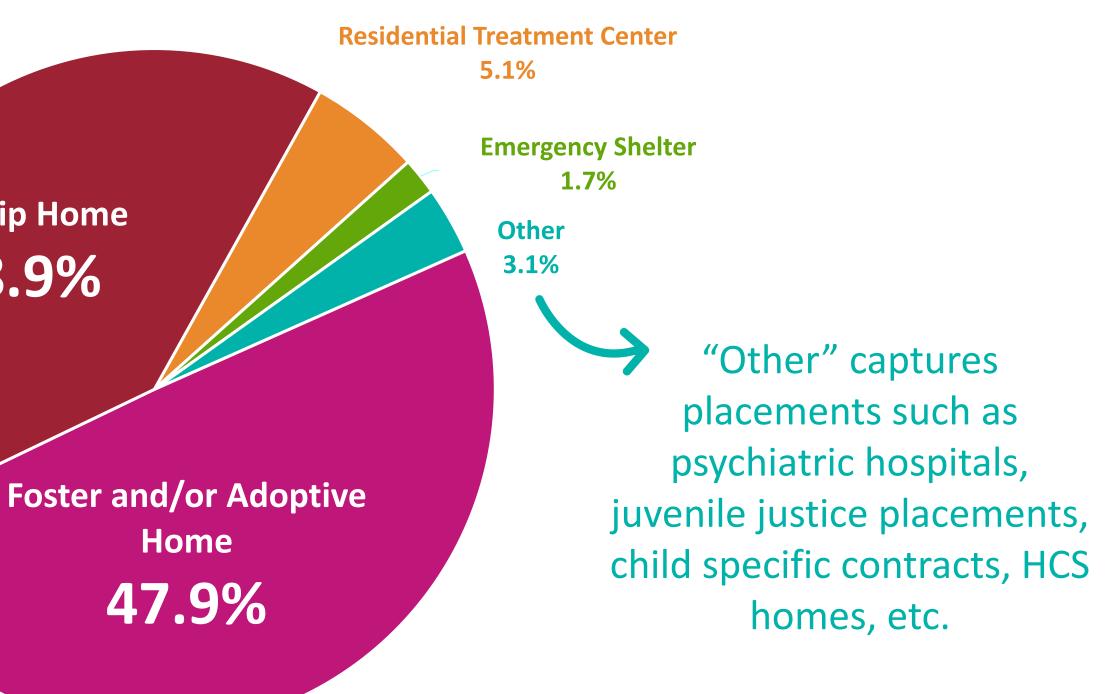
# Types of Placements

### **PERCENT OF CHILDREN IN SUBSTITUTE CARE BY PLACEMENT TYPE** AS OF 8/31/2021

Kinship Home 38.9%

Source: Department of Family and Protective Services Data Book, Child Protective Services (CPS): Children in DFPS Legal Responsibility during the Fiscal Year; CPS Placements: Children in Substitute Care on August 31





# Levels of Care

Level of Care	Type of Placement	Daily Reimbursement R
Basic	DFPS Foster Home	\$27.07
	Child Placing Agency Foster Home	\$49.54
	General Residential Operations*	\$45.19
Moderate	DFPS Foster Home	\$47.37
	Child Placing Agency Foster Home	\$97.41
	General Residential Operations*	\$120.62
Specialized	DFPS Foster Home	\$57.86
	Child Placing Agency Foster Home	\$122.76
	General Residential Operations*	\$220.42
Intense	DFPS Foster Home	\$92.43
	Child Placing Agency Foster Home	\$207.86
	General Residential Operations*	\$309.27
Intense Plus	General Residential Operation/Residential Treatment Center	\$446.80
Other	Emergency Shelter	\$153.09
	Intensive Psychiatric Transition Program (IPTP)	\$417.38
	Treatment Foster Family Care - Agency	\$309.27

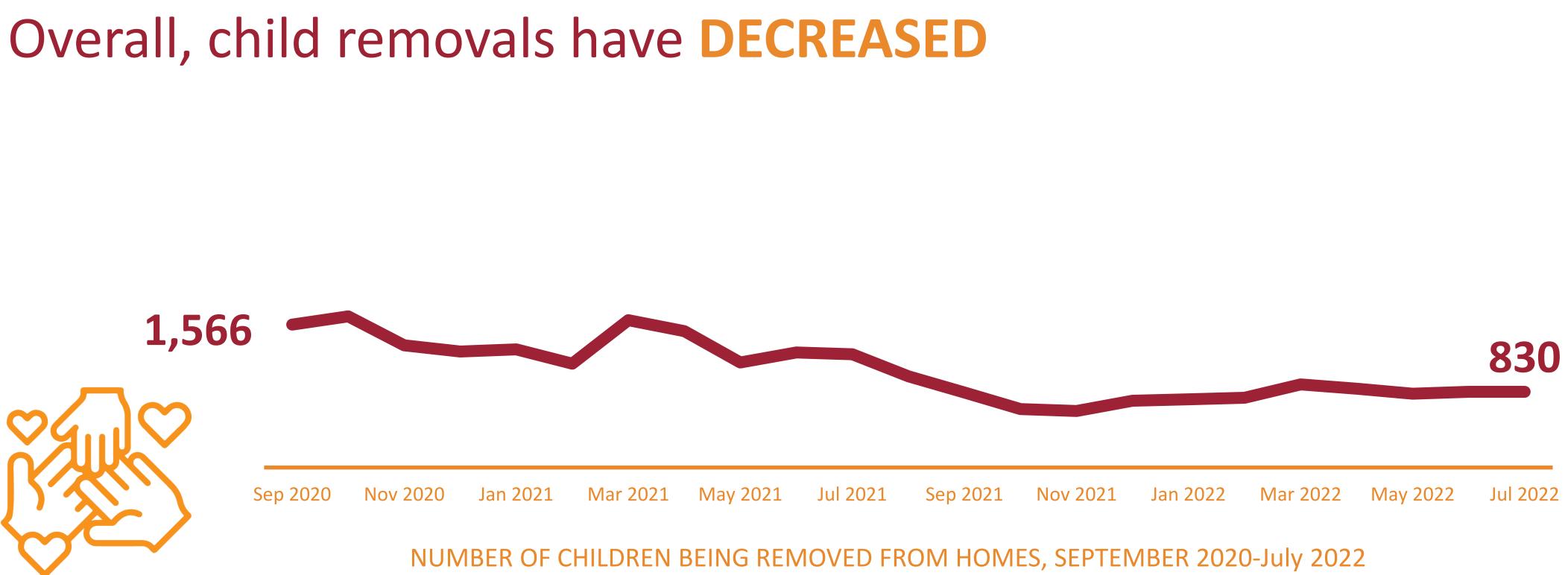
Source: Department of Family and Protective Services <u>24-Hour Residential Child Care Reimbursement Rates;</u> <u>Presentation to the House Committee on Appropriations, September 8, 2022</u>



\* Does not include emergency shelters

Rate					

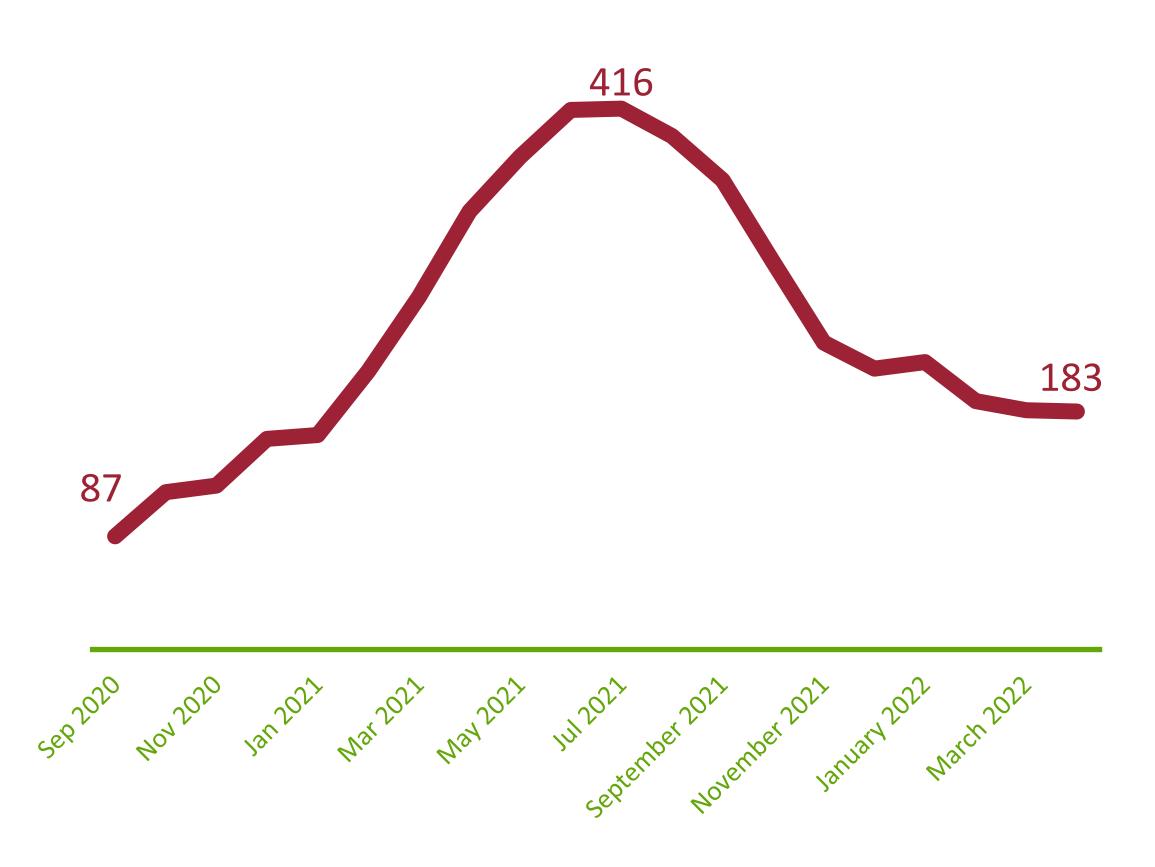
How's the System Performing?



Source: Department of Family and Protective Services Data Book, Demographics of Children New in Substitute Care for Children Age 0-17

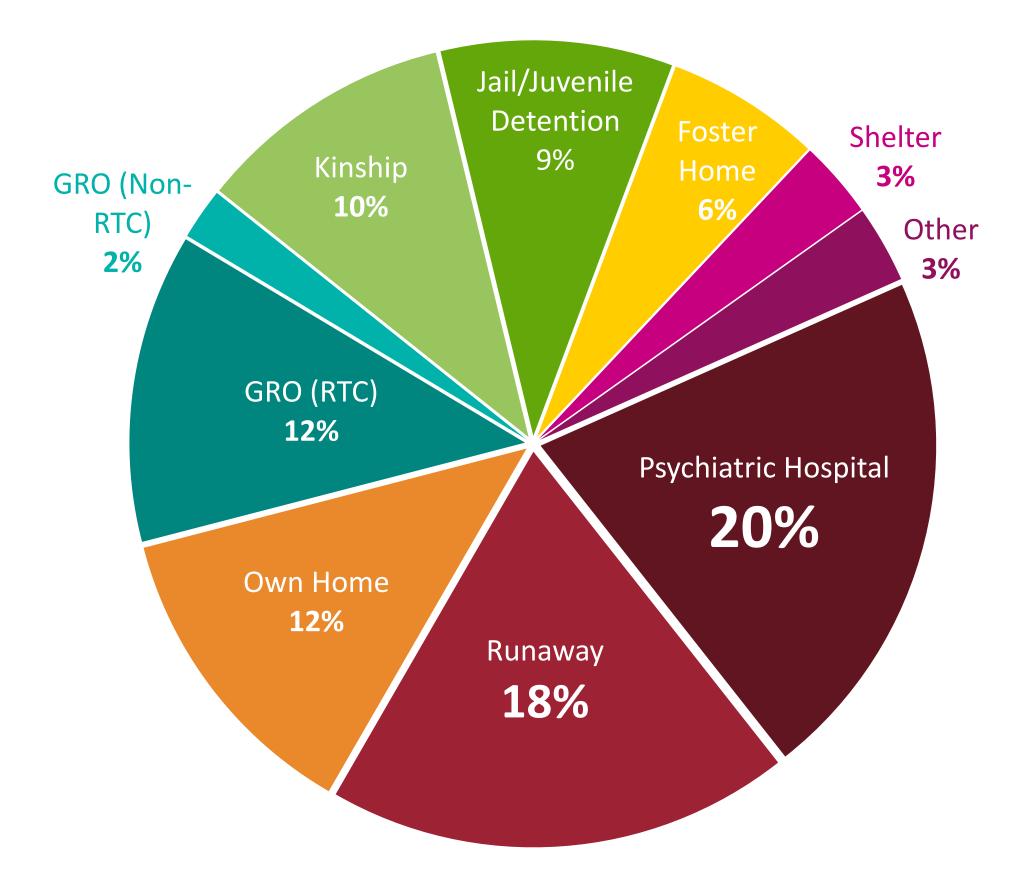


# Children Without Placement (CWOP)



Source: Department of Family and Protective Services Data Book, Children Without Placement Report Presentation to the Senate Special Committee on Child Protective Services

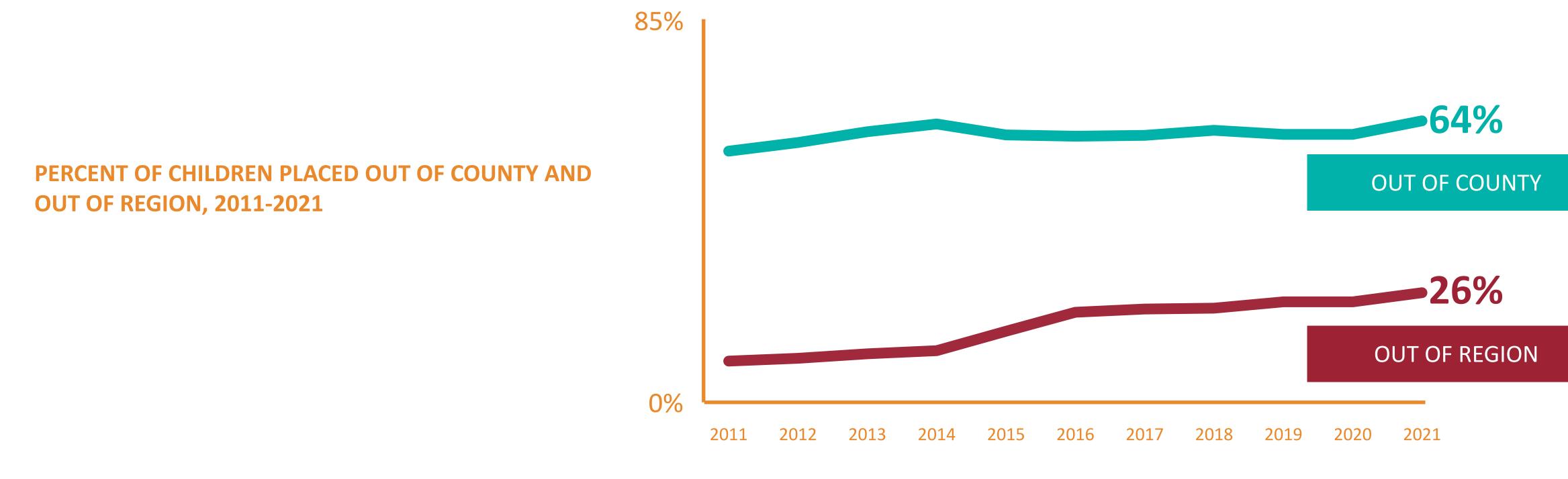




PERCENT OF CHILDREN IN CUSTODY BY PLACEMENT PRIOR TO **CWOP STATUS IN 2021** 



# More than 6 IN 10 kids are not placed in their home county

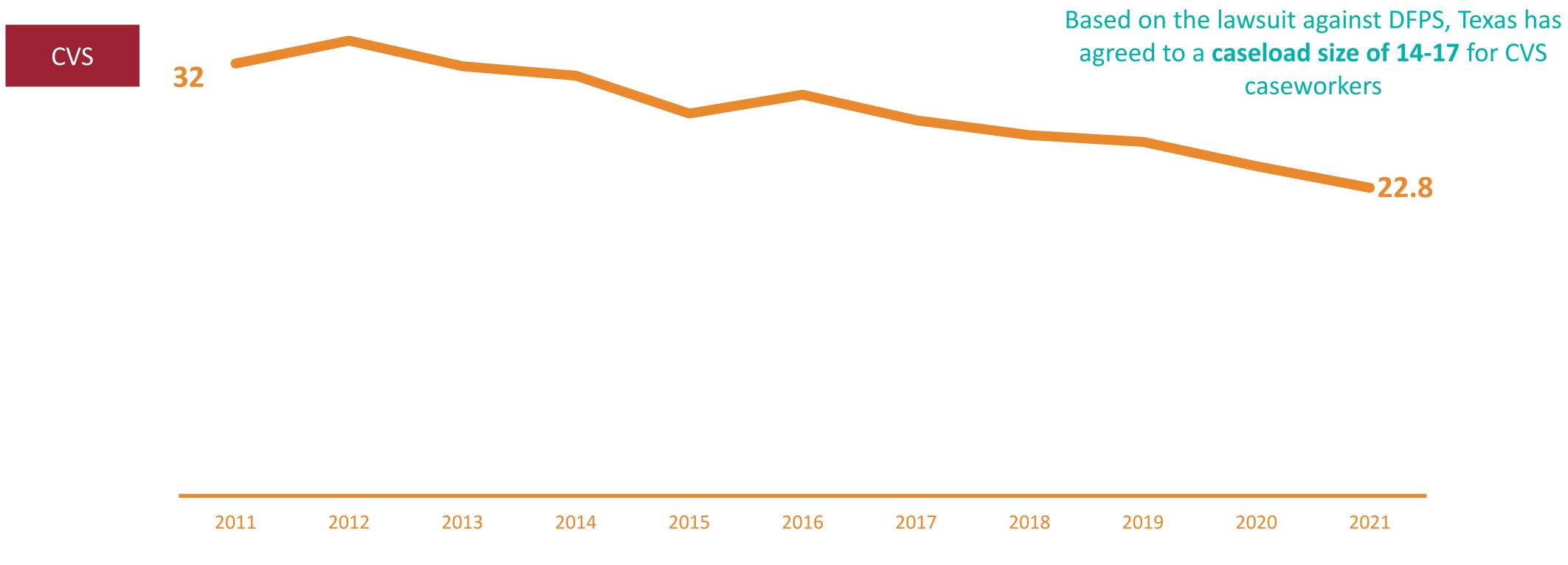


Source: Department of Family and Protective Services Data Book, CPS Foster Care Placements: Children (0-17) Placed in Originating County/Region on August 31





### Average Daily Caseloads for Conservatorship Caseworkers



**AVERAGE DA** 

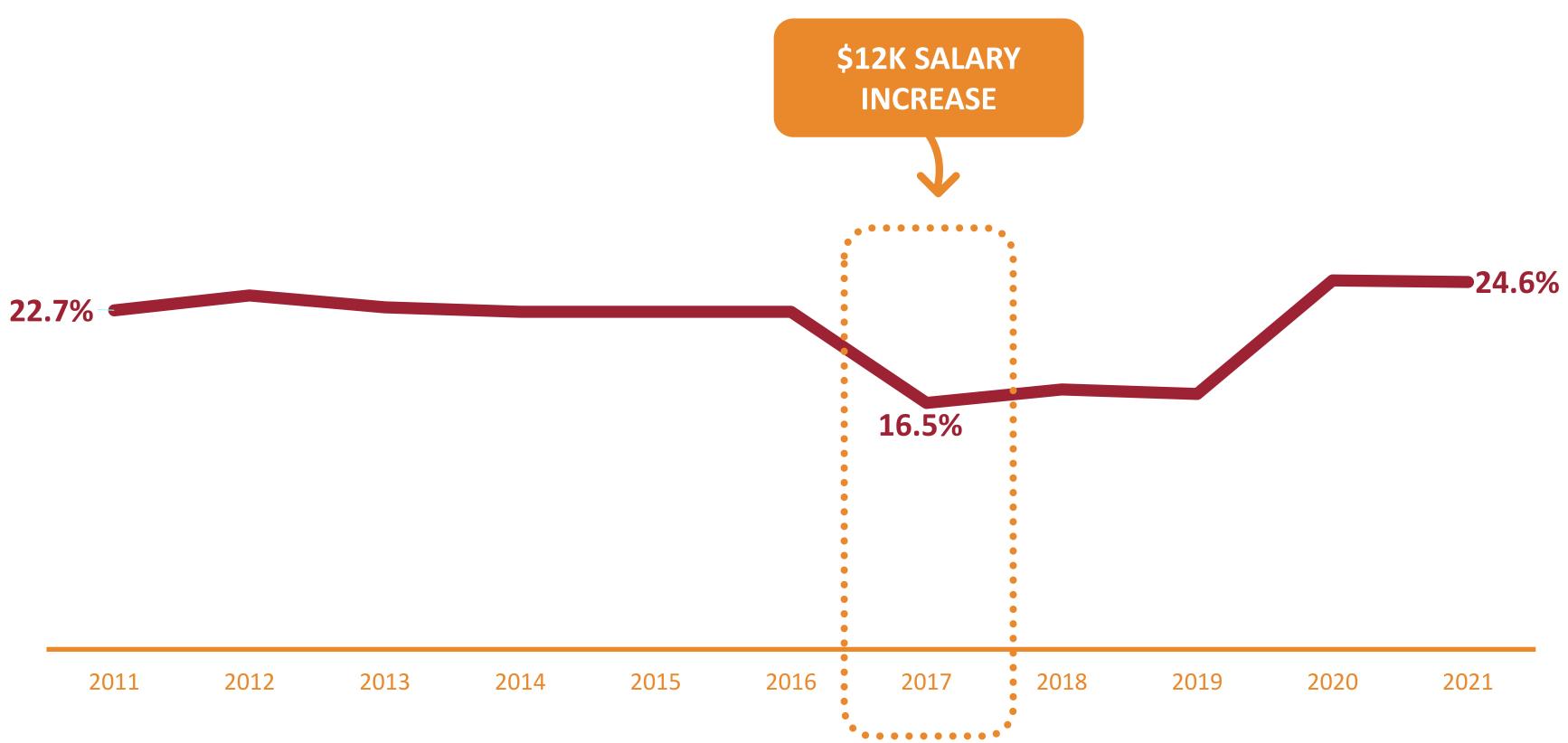
Source: Department of Family and Protective Services Data Book, Child Protective (CPI / CCI / CPS): Average Daily Caseload



2016	2017	2018	2019	2020	2021	
	OAD, 2011	-2021				

### Workforce turnover has **INCREASED** since 2017

CONSERVATORSHIP CASEWORKERS



2011	2012	2013	201

Source: Department of Family and Protective Services Data Book, Human Resources Management Plans



# **Response to System Performance**

### Federal Foster Care Lawsuit

2011 - Class action lawsuit by Children's Rights

2015 - Judge Jack found Texas liable for violating rights – kids aged out more damaged than entered

Texas opposed the lawsuit and appealed – saying mandates were expensive and unnecessary – 5th Circuit Court of Appeals

Nov 2018 - Judge Jack issues new injunction to strengthen oversight of licensed foster care and data system

July 2019 – 5th Circuit Court overturned several of Judge Jack's mandates but upheld that no children could be placed in group homes (more than 6 children) without 24-hour supervision

Oct 2019 - Plaintiffs in case ask Judge Jack to hold state in contempt of court because of false statements about overnight supervision

June 2020 - Special Monitors publish report: "the Texas child welfare system continues to expose children in permanent managing conservatorship to an unreasonable risk of serious harm." Heightened Monitoring begins

Sept 2020 - DFPS and HHSC are found to be in contempt and threatened with \$50,000/day fines

September 2021 – Judge Jack orders the parties of the lawsuit to come up with a definitive plan to address the placement capacity crisis; a 3person expert panel is created to propose recommendations

January 2022 – Expert panel makes recommendations to end the crisis of children without placement; state given 90 days to address the inadequate mental health service array

March 2022 – Judge Jack holds a hearing to discuss update on expert panel recommendations, status of the findings into the investigation of The Refuge, and vaccination rates

Jan 2018 - Judge Jack ordered permanent injunction against Texas with 100 actions that had to be taken – appointed 2 "special masters" to monitor for 3 years

Oct 2018 - 5th Circuit Court affirmed that CPS was violating kids' right to be free from unreasonable risk of harm and upheld some of Judge Jack's rulings but struck down cap on caseloads and many others

Dec 2019 - Texas agrees to caseload size of 14-17 for investigators and conservatorship caseworkers

Feb 2020 - Judge Jack expresses continued concern about overnight supervision and demands information from one facility about a child death and another regarding use of restraints

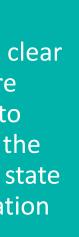
Dec 2020 - Judge Jack holds state in contempt over a dozen remedial orders and threatened a \$75,000/day fine if not addressed

Feb 2021 - Governor publicly announces that the state will cooperate

May 2021 – Special Monitors file report highlighting the placement capacity crisis, which has left a growing number of children without placement

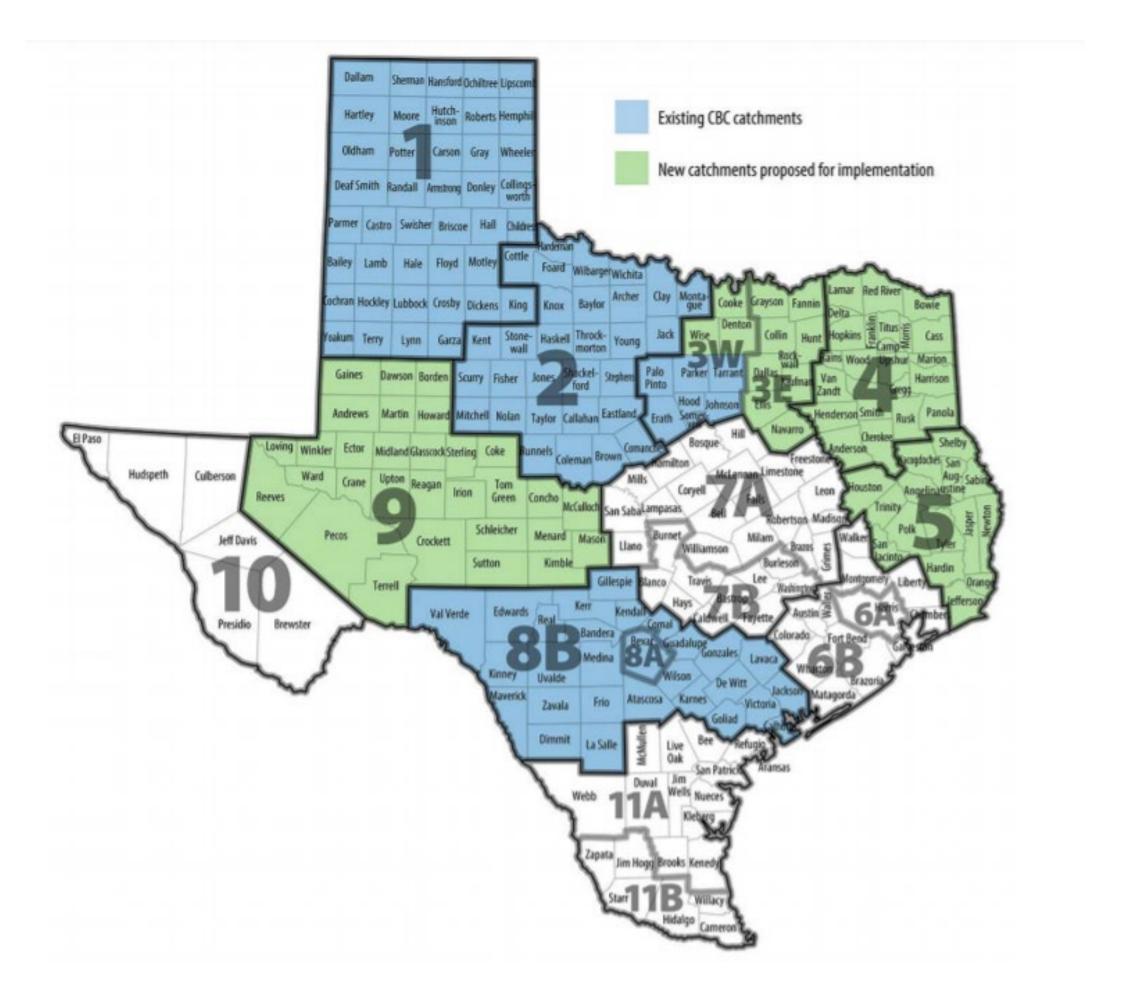
June 2022 – DFPS and HHSC have made progress on remedial orders but Judge Jack still displeased about children in care being in unsafe placements; children in TMC for 13+ months now part of remedial orders July 2022 – Judge Jack made it clear that the Court Monitors are necessary; DFPS will need to provide a written update on the status of 48 kids placed out of state in 11 facilities under investigation

#### REV 9/14/22





# **Community-Based Care**



DFPS: Community-Based Care Implementation Plan



Region 3W (formerly 3B)

- Contracted with OCOK
- Stage II (case management) implemented in March 2020

#### Region 2

- Contracted with 2INgage
- Stage II implemented in June 2020

#### Region 8A

- Family Tapestry withdrew contract in Summer 2021
- Re-procuring contract
- Stage I implementation began February 2018
- Legislatively approved to move into Stage II when ready

#### Region 1

- Contracted with Saint Francis Ministries
- Stage II implemented in March 2022

#### Region 8B

- Contracted with Belong
- Stage I implemented October 2021
- Stage II anticipated to begin October 2022

Legislatively approved to expand into Regions 3E, 4, 5, and 9. RFAs released in April 2022.

# Family First Prevention Services Act

### **Before FFPSA**

Title IV-E dollars could only be used for the child once a child came into CPS custody

Services funded by Title IV-E dollars could only serve those who met the income requirements

For children in care, Title IV-E dollars could be used on congregate care settings such as emergency shelters, group homes, and residential treatment centers (RTCs)



### **After FFPSA**

Title IV-E dollars can be used on prevention services for the child, parent, and/or kinship caregivers before removal.

States can receive Title **IV-E** reimbursement for approved prevention services regardless of family income

For children in care, FFPSA encourages movement away from congregate care by only allowing Title IV-E dollars to be used on family-like settings and high-quality placements

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