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# An Overview of the Department of Family and Protective Services

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Carey D. Cockerell, Commissioner

February 20, 2007

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# DFPS Overview

## *Section 1*

# DFPS Overview – Mission

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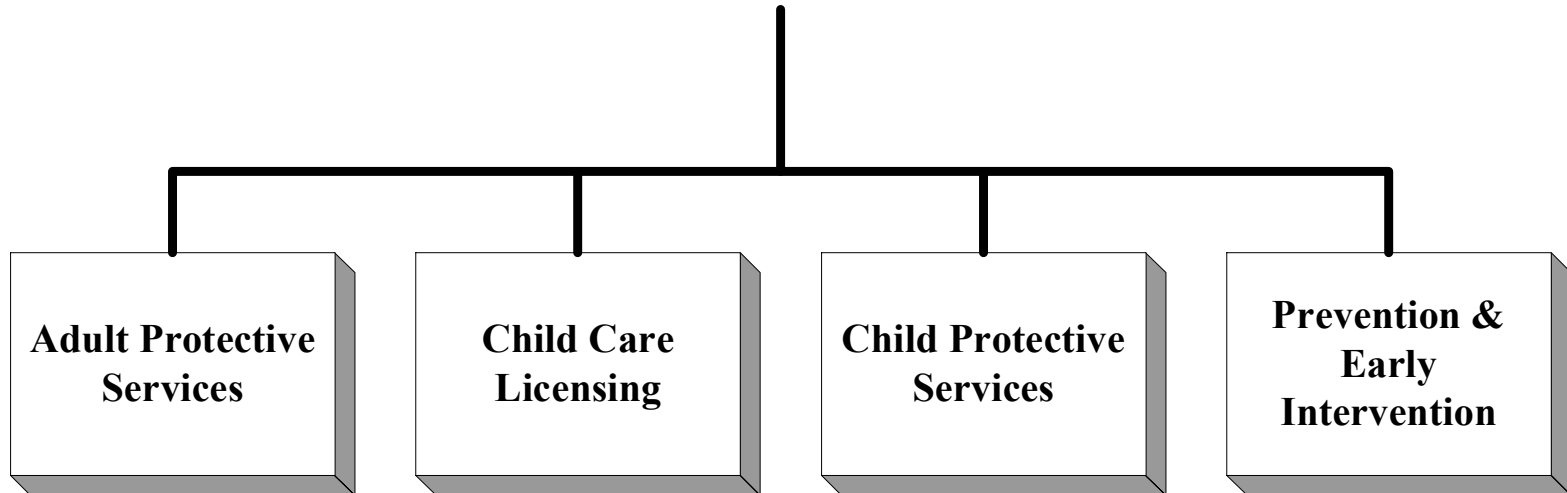
*The mission of DFPS is to protect children, the elderly, and people with disabilities from abuse, neglect and exploitation by involving clients, families and communities.*

# DFPS Overview – Programs

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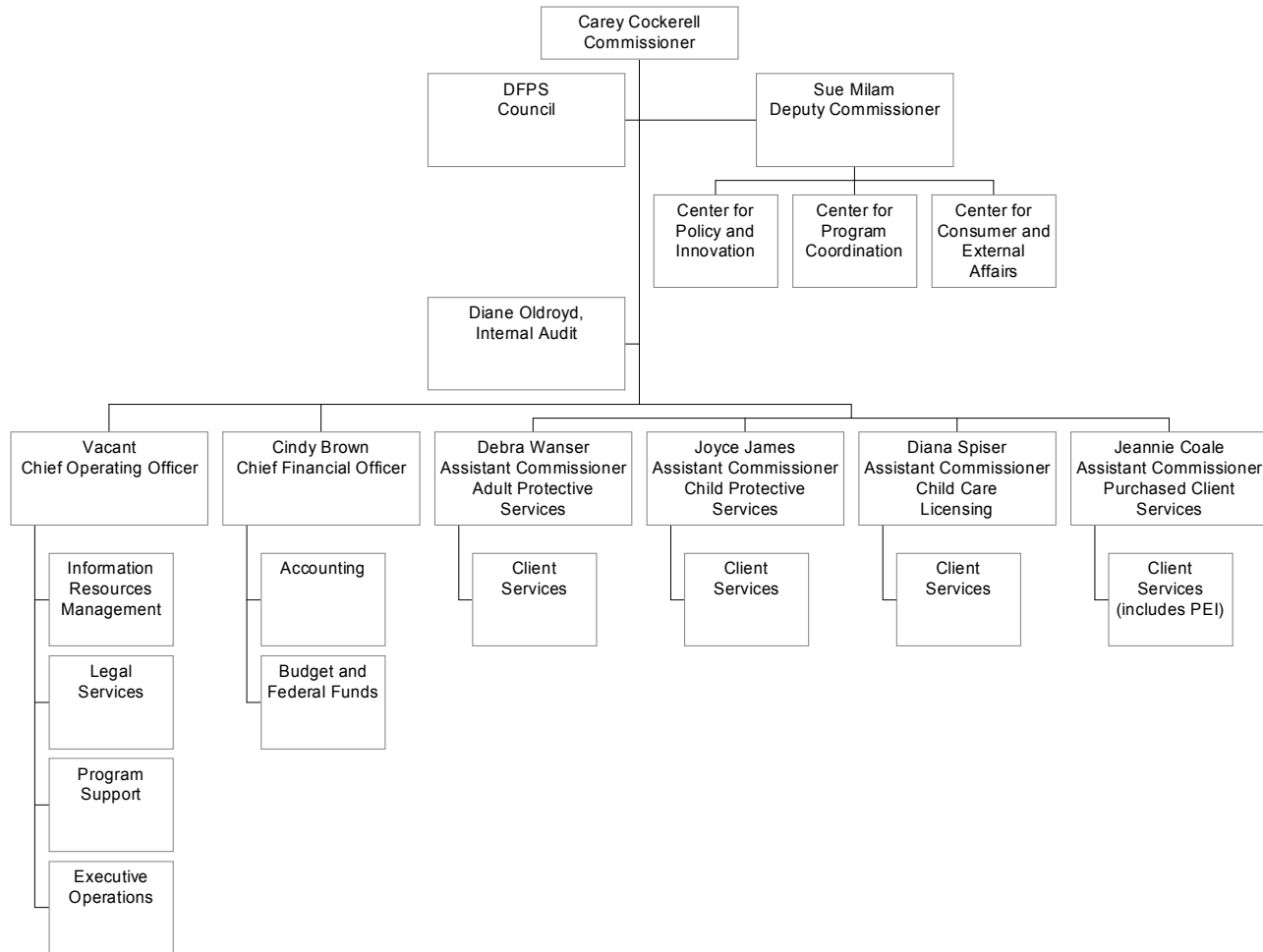
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## DFPS

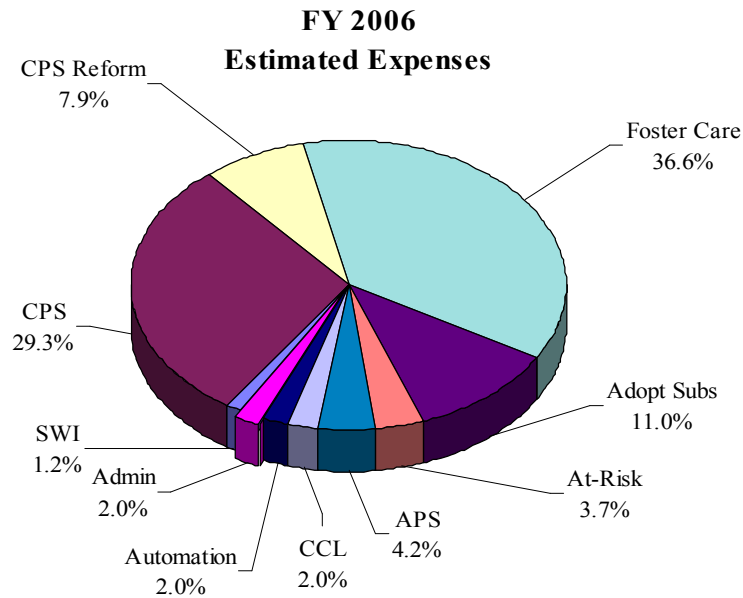




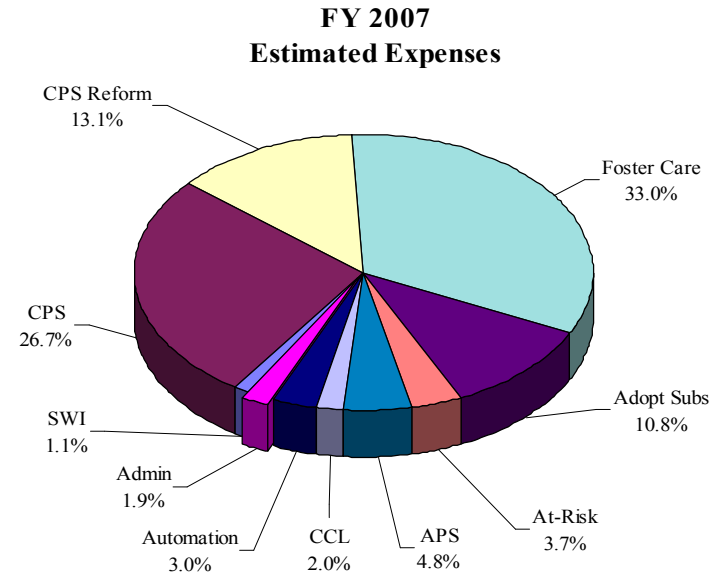
# DFPS Overview – Organizational Structure



# DFPS Overview – Budget



Statewide Intake	\$ 12.1
Child Protective Services	307.2
CPS Reform	83.0
Foster Care Payments	383.7
Adoption Subsidy Payments	115.4
Prevention & Early Intervention	38.6
Adult Protective Services	44.2
Child Care Regulation	21.4
Automation/Capital Budget	20.5
Indirect Administration	<u>21.0</u>
<b>FY 2006 TOTAL</b>	<b>\$1,047.1</b>



Statewide Intake	\$ 12.6
Child Protective Services	310.9
CPS Reform	152.1
Foster Care Payments	384.6
Adoption Subsidy Payments	125.5
Prevention & Early Intervention	43.4
Adult Protective Services	56.4
Child Care Regulation	22.9
Automation/Capital Budget	35.3
Indirect Administration	<u>21.6</u>
<b>FY 2007 TOTAL</b>	<b>\$1,165.3</b>

# Statewide Intake (SWI)

## *Section 2*



# Statewide Intake Services

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## History

- In the past, information regarding abuse, neglect and exploitation of vulnerable Texans was received at local offices and regional hotlines.
- Centralization began in 1996 and was completed July 1999.
- Benefits of centralization include:
  - Consistent application of Texas Family Code's definition of abuse, neglect and exploitation
  - Single point of contact to report abuse; neglect and exploitation; twenty-four hours per day, 365 days a year
  - More efficient use of field staff
  - Partnerships with other state agencies
  - Maximize use of resources including equipment and space
- State Law: Texas Family Code Chapter 261, Human Resources Code Chapters 40 and 48, Administrative Code Title 40
- Federal Law: Title XX, Social Security Act

# Statewide Intake Services

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## Overview

- Protecting children and adults begins with the report of alleged abuse or neglect. Intake is the first step in the casework process.
- Statewide Intake is DFPS' centralized point of intake for child abuse and neglect, elderly or adults with disabilities, neglect or exploitation, clients served by DSHS or DADS employees in State Hospitals or State Schools, and children in licensed child-care facilities or treatment centers for the entire State of Texas.
- Open 365 days a week, twenty-four hours a day, seven days a week.
- Able to receive information via phone, Internet reporting system, fax or mailed correspondence.
- Intake Protective Service Specialists make the first critical decisions in program service delivery.

# Statewide Intake Services

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## Volume

- Handle approximately 68,000 calls per month and 6,900 reports from the Internet
- Approximately 41% of calls result in intakes sent to field staff for investigation
- Approximately 71% of reports of abuse/neglect are CPS-related and 27% APS/MHMR-related, remaining 2% related to CCL
- Approximately 58% of calls are information and referral related and do not meet the statutory definition of abuse/neglect/exploitation
- Handling time is around 30 minutes per call

# Statewide Intake Services

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## Intake Functions

- Determine if reports meet statutory definition of abuse, neglect or exploitation
- Referral to other agencies, provide resources, share information/educate
- Interview reporter about alleged abuse, neglect or exploitation
- Assess risk to alleged victim
- Match with previous DFPS history
- Prioritize case for further action
- Notify law enforcement
- Determine field jurisdiction, pass to field
- Act as resource to field staff

# Statewide Intake Services

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## Technology at SWI

- Recent hardware and software upgrades to phone and computer systems to reduce hold times and improve efficiency.
- Use of a Workforce Management System, IEX, to schedule shifts, breaks and meal times for intake workers in order to maximize efficiency.
- Telstrat Call Parrot utilized to record phone calls for Quality Assurance and legal requirements.

# Adult Protective Services (APS)

## *Section 3*

# APS Overview

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- **History**

- In 1981, Chapter 48 of the Human Resources Code was enacted by the Legislature, establishing the state's authority and responsibility for protecting vulnerable adults age 65 and older from maltreatment.
- In 1983, the Legislature amended Chapter 48 to include protection of adults with disabilities age 18 to 64.
- In 1992, the responsibility for investigating abuse and neglect in Mental Health/Mental Retardation (MHMR) facilities was transferred to the agency and placed within APS.
- In 2004, APS Reform began as a result of the Governor's Executive Order and the Health and Human Services Commission report relating to reforming APS.
- In 2005, APS Reform continued and the guardianship program transferred to the Department of Aging and Disability Services (DADS), per SB 6.

# APS Services – Intake

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- **Intake**

- All reports dealing with adults which meet the statutory definition of abuse, neglect, or financial exploitation are assigned to APS for investigation.

Reports referred to APS for investigation involve:

- Elderly persons (age 65 and older);
- Adults with disabilities; and
- Persons with disabilities (children and adults) receiving services in state-operated and/or contracted settings that serve adults and children with mental illness or mental retardation.



# APS Services – In-Home

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- **In-Home Investigations and Services**

- DFPS staff conduct in-home investigations of abuse, neglect and exploitation for persons who are elderly or adults with disabilities when they live in:
  - private residences;
  - room and board homes not subject to licensure; and,
  - adult foster care homes with 3 or fewer residents.
- A risk assessment tool is used during the investigation to assess clients along five domains:
  - Living Conditions, Physical/Medical Status, Mental Status, Financial Status, and Social Interaction and Support.
- Referrals to law enforcement are made when a caseworker suspects that abuse, neglect or exploitation constitutes a criminal offense. Law enforcement is provided with a copy of the completed investigation.

# APS Services – In-Home

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## ➤ Service Delivery

- If allegations are confirmed, staff provide or arrange for services for their clients through other state and community agencies and contracted short-term purchased services.
  - Types of services may include, but are not limited to emergency shelter, food and medication, cleaning, minor home repairs, restoration of utilities, referrals for guardianship and mental health assessments.

# APS Services – Facilities

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- **Mental Health and Mental Retardation Investigations**
  - DFPS staff investigate allegations of abuse, neglect and exploitation of adults and children receiving services in state- operated and/or contracted settings that serve adults and children with mental illness or mental retardation.
  - These settings include state schools, state hospitals, state centers, community MH and MR centers, home and community-based services and Texas Home Living Waiver programs, and contractors.
  - DFPS conducts an investigation when the alleged perpetrator is an employee, agency, or contractor in one of these programs.
  - DFPS provides investigation reports to mental health and mental retardation facilities for action as appropriate.
  - APS reports findings of reportable conduct of certain employees of a Home and Community Support Service Agency (HCSSA) into the Employee Misconduct Registry (EMR), maintained by DADS.

# APS Reform Successes

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- Completed 100% of the 252 corrective actions, as of September 1, 2006
- Improved client outcomes with new assessment tools, clinical expertise, and quality assurance provisions
- Established a performance management system
- Increased community engagement efforts to boost public awareness
- Distributed tablet PCs to all direct-delivery staff
- Transferred guardianship to the Department of Aging and Disability Services
- Expanded staffing to support manageable caseloads
- Expanded training to improve caseworker knowledge and skills

# APS Issues

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- **Additional Emergency Client Services (ECS) funding-** APS uses ECS funds to pay for medical and psychiatric assessments, personal care services, utilities and many other goods and services when clients do not have the resources.
- **Reform Evaluation-** Planning is underway to evaluate many aspects of APS Reform, including assessing the impact on client outcomes.

# Child Protective Services (CPS)

## *Section 4*

# CPS Overview

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## History:

### ➤ Federal Statute

- In 1974, Child Abuse Prevention and Treatment Act (CAPTA) was enacted to fund state grants for improvement of child protective services projects
- In 1978, Child Abuse Prevention and Treatment and Adoption Reform Act was enacted and amended to eliminate barriers to adoption
- In 1980, the Adoption Assistance and Child Welfare Act was enacted as part of Title IV-E of the Social Security Act
- The Multiethnic Placement Act of 1994, then amended in 1996 addresses adverse impact of discrimination on children in foster and adoptive placements
- In 1999, the Foster Care Independence Act was enacted creating the John H. Chafee Foster Care Independence Program
- In 2000, the Infant Adoption Awareness Training Program was created to train staff to provide information and referrals to pregnant women on an equal basis.

# CPS Overview

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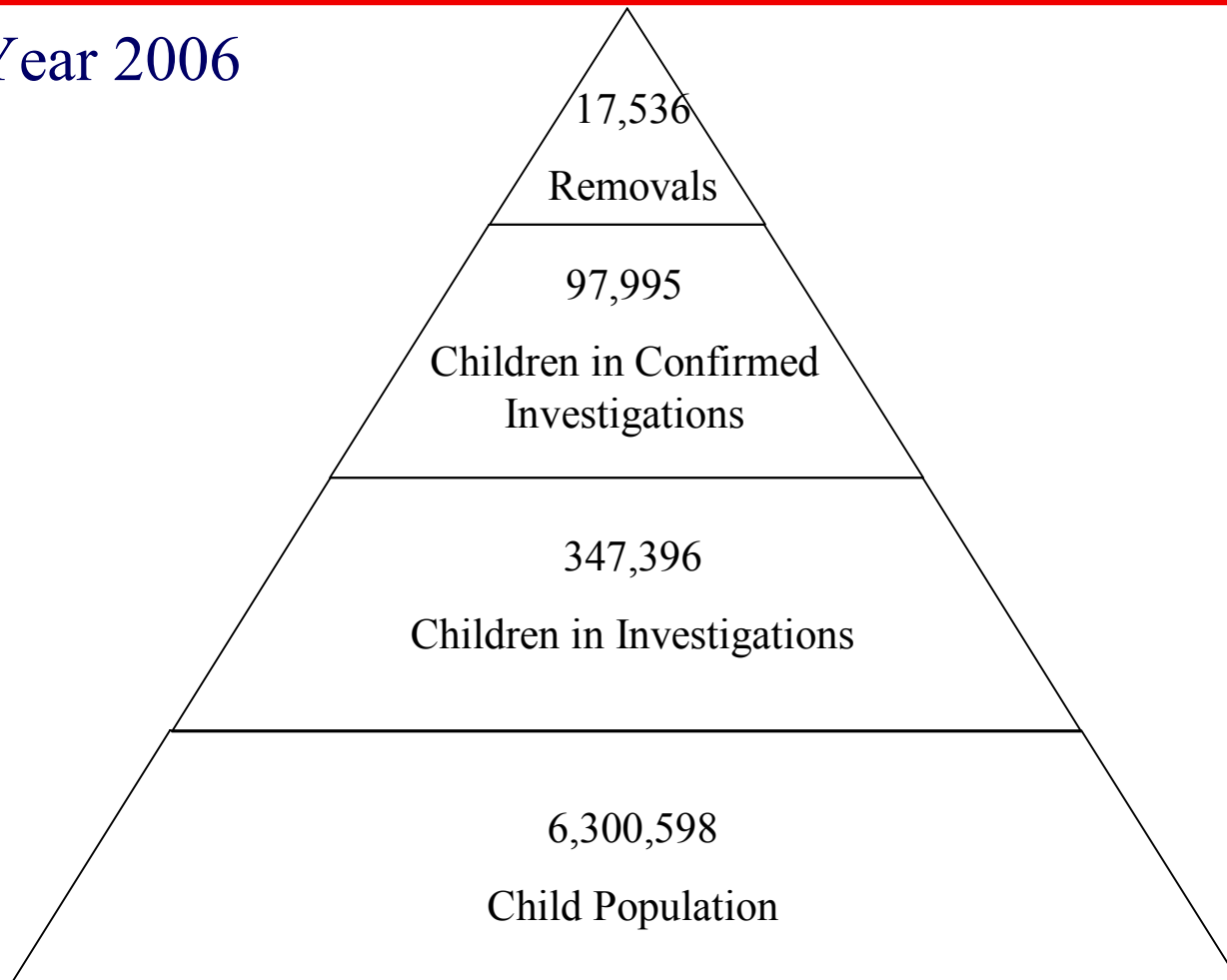
## ➤ State Statute

- Human Resources Code § 40.002 (b) gives DFPS primary responsibility for child protective services
  - Enabling legislation (Human Resources Code, Chapter 40) gives DFPS responsibility to operate the state child welfare program.
  - Requires compliance with federal mandates to ensure continued receipt and maximization of federal funds.
- Texas Family Code
  - Contains detailed statutory provisions for operation of the state child welfare system.
  - Section 261.101 requires an individual to report abuse or neglect



# CPS Overview

Fiscal Year 2006



# CPS Services – Intake

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- **Intake**

- DFPS staff operate Statewide Intake, a toll-free, statewide telephone reporting system to assist individuals in reporting abuse and neglect. Hotline Number: 1-800-252-5400.
- Individuals can report non-emergency reports through the Internet.
- All reports dealing with children which meet the statutory definition of abuse or neglect are assigned to CPS for investigation.

# CPS Services – Investigations

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- **Investigations**

- Investigate the reported incident.
  - It may be necessary to develop a plan to ensure the child's safety. This safety plan could stipulate a temporary placement outside the home.
- Determine whether child abuse or neglect has occurred.
- Assess the risk of occurrence in the future.
- May refer families to services in the community, such as individual or family therapy, parenting classes, or programs offering financial assistance for utilities/rent and childcare.

# CPS Services – FBSS

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- **Family Based Safety Services (FBSS)**
  - Services designed to reduce the risk of future abuse or neglect while the child remains in the home.
  - Assessments are conducted; a plan identifying services needed to ensure the long-term safety and well-being of the child and family is developed.
  - Services are authorized by caseworkers and provided through contracts with community agencies.
    - Services may include essential home repairs, parenting classes, and homemaker services.
  - Caseworkers and families work together on specific goals for 3-9 months.

# CPS Services – Out-of-Home Care

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- **Out-of-Home Care**

- When children can't be maintained safely in their own homes, CPS may petition the court to remove children from their home.
- Children may be placed in the following types of placements:
  - kinship homes, with approved home studies and background checks
  - family or group foster homes
  - residential treatment centers
  - emergency shelters

# CPS Services – Kinship Care

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- **Relative and Designated Caregiver Program**
  - “Kinship” Caregiver Support began in March 2006. This program:
    - Provides support to kinship caregivers who accept placement of related children in DFPS custody due to abuse and neglect.
    - Includes relatives and close family friends or others who have long-standing relationship with the children
    - Provides caregiver training and support, referral services, child care to eligible families, limited financial assistance for eligible caregivers.

# CPS Services – Legal

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- **Legal Resolution**

- Courts have 12 months to issue a final order for children in DFPS conservatorship. A 6-month extension is available in special circumstances.
- The final order may accomplish the following:
  - Return the child to the parents;
  - Name a relative or another person as the managing conservator;
  - Appoint the department or other party as the managing conservator;  
or
  - Terminate the parent-child relationship.

# CPS Services – Reunification

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- **Reunification Safety Services**
  - CPS provides services to families whose children are returning home at the end of court-ordered placements in substitute care.
  - CPS will provide or arrange for services to:
    - reduce the risk of abuse/neglect; and
    - enable the family to function effectively without CPS assistance in the future.



# CPS Services – PAL

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- **Preparation for Adult Living (PAL)**
  - DFPS helps prepare adolescents in out-of-home care for adulthood.
  - DFPS contracts with community organizations to provide Life Skill training classes to equip adolescents with:
    - Basic living skills
    - Money management skills
    - Vocational education
  - A Youth Leadership Committee meets to review policy and practice related to children in foster care.

# CPS Services – PAL

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- Services available to youth who have aged out of care:
  - Education and Training Voucher (ETV) Program
    - Youth up to age 23 attend postsecondary educational/vocational training
    - Assistance of up to \$5000 per eligible youth per academic year
    - Residential housing, transportation, books, supplies, child care, etc.
  - Transitional Living Allowance (TLA)
    - Up to \$1000 for PAL youth participants who age out of foster care
  - Aftercare Room and Board Assistance
    - Based on need
    - Not to exceed \$3000 per youth
  - Case Management
    - To help youth with transition planning and resource connections
  - Medicaid
    - Up to age 21 with a single application

# CPS Services – Adoption

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- **Adoption**

- The Department seeks adoptive homes for children who have had parental rights terminated.
  - DFPS provides adoption services directly and DFPS contracts with child placing agencies to provide adoption placement and consummation in some cases.
- Initiatives to promote adoption:
  - Adoption Subsidies
  - Texas Adoption Research Exchange
  - Foster/Adopt Verification
  - Recruitment Efforts
  - Collaborations with Private and Non-profit Agencies

# CPS Services – Adoption

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- Adoption Assistance is available to eligible children to help cover the costs of their care until their 18<sup>th</sup> birthday. The assistance can include:
  - Monthly stipend and/or
  - Non-recurring adoption expenses
- To qualify for an adoption subsidy, a child must meet one of the following criteria at the time of adoptive placement:
  - a) Be six years old or older;
  - b) Be two years old or older and a member of a racial or ethnic minority;
  - c) Have a verifiable, professionally diagnosed physical, mental, or emotional handicapping condition; or
  - d) Belong to a sibling group needing placement in the same home.

# CPS Reform Successes

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- Strengthened investigations through additional staffing, the use of forensic techniques, and additional joint investigations with law enforcement
- Improved client outcomes through innovative services such as the Kinship Program, Family Group Decision Making, the Transitional Living Services and Disproportionality Initiatives
- Expanded staffing to lower caseloads and improve outcomes for children
- Improved training to better equip CPS staff with the knowledge and skills required for their positions

# CPS Reform Successes

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- Distributed educational passports to better capture the educational needs of children in our care
- Currently implementing medical services to ensure that each child in foster care receives accessible, coordinated, comprehensive and continuous health care
- Increased access to services through professional collaborations, civic and volunteer support for priority needs

# CPS Challenges

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- Conservatorship Caseloads
  - Per the Legislature's approval, 100 additional caseworkers are being added in FY 07. However, caseloads remain high.
  - Conservatorship caseloads in FY05 were 40.4; in FY06 they were 44.5.
- Foster Parent Recruitment
  - Foster home capacity does not currently meet the needs and numbers of all Texas children in foster care. Needs include:
    - More available homes in the child's home community
    - More available homes to take sibling groups and older youth
    - More available homes to meet specialized needs of children

# Child Care Licensing (CCL)

*Section 5*



# CCL Overview

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- **History**

- In 1921, licensing of childcare began in Texas when the Department of Health was assigned responsibility for regulating maternity homes for mothers and infants. In 1929 the Texas licensing law was amended to include all children placed with families not related to children. In 1939, Child Care Licensing became a part of the Department of Public Welfare.
- In 1975, The Texas Child Care Licensing Act was passed and later codified as Chapter 42 of the Human Resources Code in response to public outcry over the death of an adolescent at a licensed residential license operation.
- In 1985, all standards for licensed operations were revised. Criminal history checks were required by the Legislature.
- In 2003, the minimum standards for day care centers were revised, and in 2006 the minimum standards for residential child care operations were revised.
- In 2006, the Federal Adam Walsh Child Protection Act expanded the scope of criminal background checks and began requiring FBI fingerprint checks on all prospective foster and adoptive parents for children in CPS conservatorship.

# CCL Services – Permits

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- **Permit Issuance**

- DFPS staff regulate privately owned child care and child-placing operations including those that provide:
  - Day care services for pre-school age children or after-school care for school age children;
  - 24-hour residential care for medically fragile children;
  - Therapeutic foster care, treatment and case management; or
  - Adoption services.

# CCL Services – Permits

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- Child care operations subject to Department regulation apply for a permit to operate.
- Some child care operations are not subject to regulation, such as food bank programs which only provide meals for children or families who employ live-in child caregivers or other operations specifically exempted by law.
  - Operations that do not require a permit include:
    - Homes where an individual is caring for children related to them, or where 3 or fewer children are being cared for without compensation.
    - Certain programs and facilities operated or regulated by other government entities, such as a Texas Youth Commission facility.
    - Programs of limited duration including child care facilities at a health club where parents remain on the premises.
    - Educational facilities and programs.

# CCL Services – Permits

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- DFPS staff determine whether each child care operation complies with minimum standards before issuing a permit to operate. These standards include:
  - Provider qualifications and training
  - Child/Caregiver ratios
  - Health and Safety Standards, including food preparation and building and equipment safety
  - Administration and record keeping

# CCL Services – Monitoring

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- **Monitoring**

- **Regular inspections are conducted by DFPS staff.**

- Inspections occur at least once every 12 months for every licensed child care facility and child-placing agency, and a minimum of one inspection per year must be unannounced.
- Agency foster homes are inspected on a random basis with at least one-third of the homes inspected annually.
- Registered child care homes are inspected at least once every three years.

# CCL Services – Monitoring

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- Monitoring plans set intervals for inspections based on an assessment of the operation's compliance history and other pertinent factors.
- If deficiencies are noted:
  - Operations are given an opportunity to correct them.
  - When an operation fails to make corrections in a timely manner or places children at risk, action against the operation can result in evaluation, probation, suspension, administrative penalties, or revocation of the license or registration certificate.

# CCL Services – Investigations

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- **Investigations**

- Reports alleging violation of the minimum standards or abuse, neglect or exploitation of children in care are investigated.
- The goal of all investigations is to assess risk to children and prevent further harm.
- Investigations are conducted by DFPS staff trained to conduct investigations in child care operations.

# CCL Services – Background Checks

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- **Background Checks**
  - DFPS Licensing staff conduct background checks of all employees and anyone who may have regular or frequent contact with the children in regulated operations.
  - Background checks includes a check of the central registry for history of abuse/neglect and a check of the Department of Public Safety database for criminal history.
  - FBI fingerprint checks are required if a person lives outside of the state of Texas and is working or engaging in child care activity in Texas or if there is a reason to believe that the person has a criminal history in another state. The Adam Walsh Child Protection Act requires an FBI and an out-of-state central registry check for each state that the person lived in, in the previous five years on all new foster and/or adoptive homes, who will provide care for children in the conservatorship of CPS or receive federal funding.



# CCL Services – Education

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- **Consumer and Provider Education**

- DFPS provides information to parents and consumers regarding child care services.
  - Available on the DFPS website ([www.dfps.state.tx.us](http://www.dfps.state.tx.us)) is a search mechanism providing information about child care operations and child-placing agencies and information about public awareness campaigns.
- DFPS provides technical assistance and training to child care operators to assist and encourage the improvement of child care programs.
- DFPS provides public awareness campaigns, such as “Look Before You Leave” to prevent children from being left in cars during hot weather and “See and Save” to prevent drownings.

# CCL Reform Successes

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- Expanded residential staffing, leading to reduced risk to children in out-of-home care
- Distributed tablet PCs to residential child care investigative staff
- Expanded community engagement activities to promote public awareness of critical child safety issues
- Completed major revision of the minimum standards for residential child care
- Currently developing weighted standards

# CCL Challenges

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- Monitoring of foster homes
  - Recent incidents in foster homes verified by certain child placing agencies have raised concerns about the quality of the training, services and monitoring of foster homes.
  - The regulation of child placing agencies needs to be enhanced and restructured to provide more thorough and objective oversight.

# Prevention and Early Intervention (PEI)

## *Section 6*

# PEI Services – History

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## History:

- The Division of Prevention and Early Intervention (PEI) was created by Senate Bill 1574, 76th Legislature to consolidate prevention and early intervention programs within the jurisdiction of a single state agency and to eliminate fragmentation and duplication of contracted prevention and early intervention services for at-risk children, youth, and families.
- Funding for the Community Youth Development and Services to At-Risk youth programs was restored to fiscal year 2003 levels for the FY06-07 biennium.
- In addition, two new programs were implemented in fiscal year 2006, the Family Strengthening Program and the Youth Resiliency Program.
- PEI began moving programs to evidence-based services as is required by the Texas Family Code §265.004.

Federal Law: Title XX, Social Security Act, Title IV-B, Part 2, Social Security Act

State Law: Texas Family Code, 264.301, Human Resources Code, 40.0561



# PEI Services – Programs

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- Services To At Risk Youth (STAR)
- Community Youth Development (CYD)
- Texas Families: Together and Safe
- Community Based Child Abuse Prevention (CBCAP)
- Tertiary Child Abuse Prevention Program
- Family Strengthening
- Youth Resiliency
- Texas Youth and Runaway Hotlines

# PEI Services – Programs

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- Services to At-Risk Youth (STAR)
  - Provide contracted services in all Texas counties to:
    - Youth who are runaways, truants, and/or living in family conflict;
    - Youth who are age 9 and younger who have allegedly been involved in, or committed, delinquent offenses; and
    - 10 to 16 year olds who have allegedly committed misdemeanor or state jail felony offenses but have not been adjudicated delinquent by a court.
  - Services include family crisis intervention counseling, short-term emergency residential care, and individual and family counseling.
- Community Youth Development (CYD)
  - Provides contracted community-based delinquency prevention services to support positive youth development and prevent juvenile crime in 15 areas of the state known to have high incidence of juvenile crime.

# PEI Services – Programs

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- Texas Families: Together and Safe
  - Provides contracted family support services in some counties, designed to:
    - Alleviate stress, promote parental competencies, and increase the ability of families to successfully nurture their children and work toward family self-sufficiency.
- Community Based Child Abuse Prevention (CBCAP)
  - Provides increased community awareness of existing prevention services in some counties, strengthens community and parental involvement in child abuse prevention efforts, and encourages families to engage in services that are already available.



# PEI Services – Programs

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- Tertiary Child Abuse Prevention Program
  - Community-based, volunteer-driven prevention, intervention and aftercare services in some counties for the families of children who are no longer served by CPS, or who are at risk of child maltreatment.
- Family Strengthening Program
  - Provides contracted services in areas across the state that are designed to increase known protective factors to improve family resiliency while preventing child abuse and neglect. Programs must also foster strong community collaboration to provide for a continuum of family services.

# PEI Services – Programs

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- Youth Resiliency Program
  - Provides contracted services in areas across the state that are designed to increase known protective factors to improve youth resiliency while preventing juvenile delinquency. Programs must also foster strong community collaboration to provide for a continuum of services for youth participants.

# PEI Services – Programs

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- Texas Youth and Runaway Hotlines
  - Runaway Hotline number: 1-888-580-HELP
  - Texas Youth Hotline number: 1-800-98YOUTH
  - Hotline staff and volunteers provide:
    - Statewide 24-hour crisis intervention and telephone counseling;
    - Information and referrals to callers in need of food, shelter, or transportation to their homes;
    - Conference calls to parents and shelters; and
    - A confidential message relay service between runaways and parents.
  - Collectively, the hotlines respond to about 40,000 calls each year.

# PEI Reform Successes

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- Developed and implemented measurable outcome statements
- Defined and began implementation of evidence-based services, increasing accountability
- Centralized decision-making regarding background checks
- Held the Annual Partners in Prevention Conference

# DFPS Current Issues

## *Section 7*

# DFPS Current Issues

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- Hiring and Retention
  - The 79<sup>th</sup> Legislature authorized the hiring of almost 2,700 new DFPS staff.
  - Turnover remains high, however in the current fiscal year, turnover rates among all types of caseworkers within CPS are beginning to show slight improvement when comparing first quarter of FY 2006 to first quarter of FY 2007.
  - Early in 2006, DFPS formed a Recruitment, Retention and Recognition Workgroup to develop strategies that would recruit and select qualified applicants, properly prepare workers for their positions, provide appropriate supervision and support for new workers, and offer opportunities for professional development and advancement.

# DFPS Current Issues

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- Background Checks
  - Recent incidents in licensed child care operations and foster homes have highlighted the importance of thorough background checks, including FBI fingerprint checks.
  - FBI fingerprint checks are also required for prospective foster/adopt parents by the Federal Adam Walsh Act.
  - The cost, currently being passed on to providers, is \$48.95 per FBI check. The cost could be prohibitive to some day care and child care operations and prospective employees.

# DFPS Current Issues

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- CPS Reform Continued
  - CPS Reform improvements, thus far, have focused primarily on strengthening investigations so that we could identify and better protect children. This session, it will be important to focus on improving services to children found to be at risk.
  - We have developed a comprehensive package that will demonstrate that by providing better services and increasing the quality and accountability of those services, we can bring down the rate at which foster care caseloads are growing.