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# **SB 758 Implementation Progress Report**

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A Report from  
**The Texas Department of Family  
and Protective Services**

September 1, 2008

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## Executive Summary

Senate Bill (SB) 758 is the continuation of the Texas Department of Family and Protective Services' (DFPS) reform, focused primarily on the Child Protective Services (CPS) program. The resources provided by the 80<sup>th</sup> Legislature and increased accountability of SB 758 are already yielding results that positively impact the clients of DFPS and show an extraordinary return on the investment made in the agency's continued reform.

Among early indicators of programmatic successes are:

- The successful Family Group Decision-Making (FGDM) model has tripled the number of families served in the last fiscal year. In FGDM, family and other support persons to a child in an open CPS case engage in problem-solving resulting in diversion from foster care and quicker reunification.
- The practice of FGDM has now been made available to families during an abuse/neglect investigation (a process called Family Team Meetings) to help prevent the removal of children. There have been 4,902 meetings held through June 2008 and 1483 follow-up meetings when families needed further assistance.
- Family-Based Safety Services (FBSS), which works to reduce risk in families and prevent removal, has been strengthened with additional staff.
- A pilot project has expanded the current FBSS model by using Temporary Assistance for Needy Families (TANF) funding to help offset certain poverty-related factors. Providing this assistance has helped 400 families working with CPS to avoid removal of over 1,300 children and sped the process of reunification of children with their families.
- All of these factors have led to lower rates of removal, despite a growing Texas population. In FY 2007 the average number of children removed per month was 1,327; for FY 2008 the average is 1,185 per month, as of June 2008.
- An Intensive Psychiatric Transition Program (IPTP) has been created to serve children transitioning from psychiatric hospitals into less restrictive settings and increase the stability of their placements.
- To increase the role of families in solving abuse and neglect-related crises, staff and funding for services were added to strengthen the CPS kinship program resulting in more children being diverted from foster care to kinship placements.

- Face-to-face contacts with children in CPS cases that are timely and documented have increased from 74.9% in FY 2007 to 79.3% in FY 2008, as of July.
- Quarterly visits with children in their residence (which contributes to child safety) are being completed timely in 81.6% of cases in the FY2008 to date, up from 75.6% in FY 2007.
- Additional resources have led to increased oversight of residential child care operations through more thorough, objective and specialized monitoring and investigations of foster care providers.
- After full implementation of process improvements, it is expected that CPS will be able to approve new foster/adoptive homes in 4 months from the date of application. Previously, CPS took from 6 to 9 months to verify a home.
- New performance measures have been added to the Residential Child Care Contract to help ensure the safety and well-being of children in residential care.

## **SB 758 Implementation Plan**

### **Introduction**

Senate Bill (SB) 758, by Senator Jane Nelson and Representative Patrick Rose, passed by the 80<sup>th</sup> Texas Legislature, was developed as the continuation of the Texas Department of Family and Protective Services' (DFPS) reform, focused primarily on the Child Protective Services (CPS) program.

Specifically, Section 51 of SB 758 required DFPS to develop a child protective services improvement plan designed to build on the reform efforts added by Chapter 268, Acts of the 79<sup>th</sup> Legislature, Regular Session 2005, and outlined in SB 6 of the 79<sup>th</sup> Texas Legislative Session.

The first phase of CPS reform (SB 6) focused more on the investigation stage of the protective services system. SB 758 addresses other parts of the system that will help keep families together, reduce the length of time children are in foster care, and improve the quality and accountability of the foster care system.

As per Section 52 (a) of SB 758, DFPS submitted a detailed plan for implementation in December of 2007. The plan focused on the elements of the child protective services improvement plan and the continued implementation of all child protective services reform activities required by the 79<sup>th</sup> Legislature, Regular Session, 2005. Further following the requirements of Section 52, this is the first annual report on the progress made in implementing that plan as well as other significant provisions in SB 758 that are not included in the improvement plan.

### **Overview of the CPS Improvement Plan**

The CPS Improvement Plan, as outlined in SB 758, Section 51, is designed to enhance services for children and families after an investigation indicates risk factors. The plan expands and modifies initiatives that have resulted in demonstrable improvements and that serve the four primary goals of:

- keeping families together while ensuring child safety in the home;
- reducing the length of time children remain in state care;
- improving the quality and accountability of foster care; and
- achieving cost savings by reducing the rate of growth in foster care.

SB 758 directed that the improvement plan must include:

- expanding the use of family group decision-making;
- reducing caseloads for caseworkers providing family-based safety services and ongoing substitute care services;
- implementing an enhanced in-home support program, as enacted by Section 264.2011, Family Code, as added by this Act, to provide enhanced in-home supports to certain families;
- providing additional purchased client services designed to keep families together and to reunite families more quickly while ensuring child safety;
- enhancing support of kinship placements by hiring or contracting to provide additional kinship workers to provide additional support and education to relative placements and purchasing additional support services for relative placements;
- enhancing services needed to support court services and preparation of records for adoptive placement;
- improving the quality and accountability of child-care licensing monitoring and investigations by assigning those functions to separate staff, providing specialized training to staff who perform each function, performing additional investigations of certain reports involving young children, and providing additional support and oversight to both functions;
- expanding substitute and adoptive placement quality and capacity in local communities through the procurement of a statewide needs assessment and through implementation of recommendations for expanding and improving provider capabilities;
- streamlining criminal history background checks to increase the efficiency and effectiveness of those checks;
- improving the quality of services delivered by the Department of Family and Protective Services through expanded use of mobile technology and enhancements to the department's CLASS and IMPACT database systems and operations;
- expanding implementation of the remediation plan required under Section 1.54, Chapter 268, Acts of the 79<sup>th</sup> Legislature, Regular Session, 2005, to address racial or ethnic disparities in foster care; and
- implementing a statewide pilot program for a time-limited, post-hospitalization "step-down" rate, approved by the executive commissioner of the Health and Human Services Commission, to support the successful transition of children who have experienced or are likely to experience multiple inpatient admissions in a psychiatric hospital to an appropriate level of care.

## **Goal One: Keeping Families Together While Ensuring Child Safety in the Home**

In order to help keep families together, the 80<sup>th</sup> Texas Legislature provided DFPS with the resources to ensure that more children can remain safely in their own homes through the provision of family preservation services and additional purchased services for children and families prior to removal. This goal includes the following components of the CPS Improvement Plan, as outlined in SB 758, Section 51:

- expanding the use of Family Group Decision-Making [Section 51, Subsection (b), Subdivision (1) in part];
- reducing caseloads for caseworkers providing family-based safety services [Section 51, Subsection (b), Subdivision (2) in part];
- implementing an enhanced in-home support program to provide enhanced in-home supports to certain families [Section 51, Subsection (b), Subdivision (3)]; and
- providing additional purchased client services designed to keep families together while ensuring child safety [Section 51, Subsection (b), Subdivision (4) in part].

### **o Family Group Decision-Making During an Investigation**

Family Group Decision-Making (FGDM) is a model in which DFPS staff facilitate interactions with family and other support persons to the child and engage families in problem-solving. DFPS has been using FGDM in the CPS substitute care stage (after a child is removed from the home) since December 2003.

Additional resources were provided to allow DFPS to expand FGDM to families *during an investigation* to help *prevent* the removal of children. The Family Team Meeting (FTM) is the application of FGDM *before* a child enters substitute care and is used to achieve positive outcomes for children in the earliest stages of DFPS interactions. This is part of larger “family-focused” efforts to enhance safety, permanency, and well-being for children through the direct involvement of their family.

Family Team Meetings engage family, community members, and other caregivers to strive for a consensus in critical decisions related to child protection, safety, placement and permanence. In FTM planning, facilitators work to get family participants to agree that the child will be safe in a placement: the child’s own home, a relative’s or friend’s home, foster care, or other arrangement. This process promotes respect for the family’s culture, bonds, and strengths and reflects the desire to keep the child in his/her own community. By

utilizing the FTM process, CPS partners with families for a more positive and secure outcome for their children.

The 80<sup>th</sup> Legislature funded 31 new positions, including 25 new facilitators, to hold FTMs during an investigation. The goal over the next biennium is to conduct FTMs in 11-12% of confirmed investigations. CPS began offering FTMs in November 2007.

There have been 5768 initial FTMs held through July 2008, and 1768 follow-up FTMs when families needed further assistance. FTMs have been held in 8.8% of confirmed investigations, below the target percentage of 11-12%. More accurate recording in the IMPACT system may raise the percentage. Also, in April, investigation activities associated with the Yearning for Zion Ranch diverted some investigative staff from routine activities and affected the number of FTMs offered.

CPS has been diligently working to shift to a more family-centered casework practice. Most investigators have readily embraced the family involvement philosophy and have incorporated FTMs into daily work. As the processes and resources dedicated to FTMs are further refined, it is anticipated that CPS will be able to meet the target goal of 11% for FY 2009.

*Implementation Plan Details:*

|   |   |
|---|---|
| • Determine regional allocation of 31 new positions and create the positions  | Completed July 2007                           |
| • Establish eligibility criteria for families   | Completed September 2007                      |
| • Train existing FGDM staff   | Completed September 2007                      |
| • Hold a stakeholder meeting to provide information on the FTM model as well as other components of the family focus initiative | Completed September 2007                      |
| • Begin incorporating FTMs into the investigative stage of service  | Completed October 2007                        |
| • Develop policy for the use of FTMs, approve through Legal, and publish in the CPS handbook                                    | Completed November 2007                       |
| • Hire and train new staff  | Began September 2007 – Completed January 2008 |

○ **Reducing Caseloads for Family-Based Safety Services Caseworkers**

National data shows that regular, meaningful contact in Family-Based Safety Services (FBSS) cases is directly related to positive outcomes for children in these cases. DFPS policy requires monthly contacts with children for three levels of intensity for FBSS cases: regular, moderate, and intense.

Funding was provided for 236 additional FBSS staff, including 144 caseworkers, in FY 2008 and an additional 112 staff, including 68 caseworkers, in FY 2009, so that caseloads could be lowered and policy standards could be met. Lower caseloads will improve safety for children, improve child and family well-being, and divert children from entering the foster care system.

| <b>CPS Family Based Safety Services (FBSS)<br/>Average Daily Caseloads</b> |  |                         |
|--|--|-------------------------|
|  | <b>Total Average Daily Cases carried by FBSS Caseworkers</b> | <b>Average Caseload</b> |
| FY 2006  | <b>7,514</b>   | <b>20.3</b>             |
| FY 2007  | <b>8,775</b>   | <b>20.4</b>             |
| FY 2008 YTD  | <b>9,352</b>   | <b>20.4</b>             |

As of July 2008, there were 484 filled FBSS positions resulting in an average caseload of 20.4. This has remained level with FY 2007 caseloads despite an overall statewide increase of 7% in the average number of open FBSS cases.

*Implementation Plan Details:*

|  |  |
|--|--|
| <ul style="list-style-type: none"> <li>Determine regional allocation of 236 new positions for FY 2008</li> </ul> | Completed July 2007  |
| <ul style="list-style-type: none"> <li>Create positions according to the phase-in schedule</li> </ul>            | Began September 2007 –<br><i>Estimated Completion Date February 2009</i> |
| <ul style="list-style-type: none"> <li>Hire and train new staff for FY 2008</li> </ul>                           | Began September 2007 –<br><i>Estimated Completion Date December 2008</i> |
| <ul style="list-style-type: none"> <li>Determine regional allocation of 112 new positions for FY 2009</li> </ul> | Completed August 2008  |
| <ul style="list-style-type: none"> <li>Hire and train new staff for FY 2009</li> </ul>                           | <i>Estimated Implementation Dates September 2008 – June 2009</i>         |

○ **Strengthening Families through Enhanced In-Home Support Program**

The “Strengthening Families through Enhanced In-Home Support” pilot project expands on the current Family-Based Safety Services (FBSS) model by using Temporary Assistance for Needy Families (TANF) funding to help offset certain poverty-related factors. Providing this assistance will help families working with CPS to avoid removal of children and speed the process of reunification of children with their families.

The funding has two components: Family Enhancement (a cash assistance component with a maximum cumulative amount of \$250) and Family Empowerment and/or Purchased Goods and Services (a component for activities and/or purchased goods and services with a maximum cumulative amount of

\$3,000). The program was developed with strong input from finance and audit areas of the agency to ensure accountability for the use of public funds.

Families utilize the funding at various times in the life of the case with the objectives of maintaining the safety of the child and meeting the child's needs; relieving stress in the family; and enhancing family strengths, stability and functioning.

The pilot began in January 2008. Because this is a pilot program, it is not widely available, but is offered at targeted locations and families. Seventy-three caseworkers statewide participate in this program, and the caseload size is limited to 8-10 families. The target was to serve approximately 1,500 families and to prevent 500 children from being removed from their family.

Staff were provided training and assistance with technical issues and all other facets of the initiative. Phone lines and email boxes were set up to handle staff questions and referrals. Casey Family Programs assisted by bringing in an expert to deliver an abbreviated Chronic Neglect training for regional management.

An evaluation plan for the pilot has been developed using qualitative and quantitative measures and is scheduled for completion by December 2009.

Early indicators show that Strengthening Families is having a positive impact on both preventing removals and shortening the length of time children spend in foster care. As of July 2008, 1,414 of the 1,559 children served through Strengthening Families have been maintained in their own home thus far.

An additional 145 children were returned home from foster care sooner than anticipated as a result of Strengthening Families.

*Implementation Plan Details:*

|  |                           |
|--|---------------------------|
| <ul style="list-style-type: none"> <li>• Work with the Health and Human Services Commission (HHSC) to determine how to administer TANF monetary funds</li> </ul> | Completed September 2007  |
| <ul style="list-style-type: none"> <li>• Discuss implementation of the Strengthening Families program with internal and external stakeholders</li> </ul>         | Completed September 2007  |
| <ul style="list-style-type: none"> <li>• Develop draft rules and present to the DFPS Advisory Council</li> </ul>   | Completed October 5, 2007 |
| <ul style="list-style-type: none"> <li>• Identify the 73 staff statewide who will work cases in this pilot program</li> </ul>                                    | Completed November 2007   |
| <ul style="list-style-type: none"> <li>• Develop referral process from the various stages: Investigation, FBSS and substitute care</li> </ul>                    | Completed December 2007   |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Draft and approve Strengthening Families program policy</li> </ul>   | Completed December 2007                            |
| <ul style="list-style-type: none"> <li>• Develop policies and procedures for ensuring funds are spent in accordance with the family plan</li> </ul>                     | Completed December 2007                            |
| <ul style="list-style-type: none"> <li>• Devise evaluation plan of the program</li> </ul>   | Completed December 2007                            |
| <ul style="list-style-type: none"> <li>• Hold an external stakeholder meeting</li> </ul>  | Completed December 2007                            |
| <ul style="list-style-type: none"> <li>• Develop IMPACT (case management system) changes to meet the needs of the program and evaluation for data collection</li> </ul> | Completed February 2008                            |
| <ul style="list-style-type: none"> <li>• Complete evaluation plan of the program</li> </ul>   | <i>Estimated Completion Date<br/>December 2009</i> |

○ **Additional Purchased Client Services Designed to Keep Families Together**

Purchased client services are an integral part of CPS service delivery. Through contracts, CPS purchases a variety of services from local providers to help families maintain children in their own home such as parent and caregiver training, and substance abuse services. Approximately \$4.4 million was provided for the biennium to keep pace with caseload growth.

*Implementation Plan Details:*

|  |                        |
|--|------------------------|
| <ul style="list-style-type: none"> <li>• Incorporate additional funding into baseline funding for purchased client services and allocate all purchased client services dollars to the regions for designated purposes</li> </ul> | Completed October 2007 |
|--|------------------------|

## **Goal Two: Reducing the Length of Time Children Remain in State Care**

In order to reduce the length of time children remain in the foster care system, the 80<sup>th</sup> Legislature provided DFPS with additional resources to offer services that are realistic, accessible and available to children and families; to lower substitute care caseloads to meet federal requirements; and to achieve permanency in a timely manner. This goal includes the following components of the CPS Improvement Plan, as outlined in SB 758, Section 51:

- expanding the use of Family Group Decision-Making [Section 51, Subsection (b), Subdivision (1) in part];
- reducing caseloads for caseworkers providing ongoing substitute care services [Section 51, Subsection (b), Subdivision (2) in part];
- providing additional purchased client services designed to reunite families more quickly while ensuring child safety [Section 51, Subsection (b), Subdivision (4) in part];
- enhancing support of kinship placements by hiring or contracting to provide additional kinship workers to provide additional support and education to relative placements and purchasing additional support services for relative placements [Section 51, Subsection (b), Subdivision (5)]; and
- enhancing services needed to support court services and preparation of records for adoptive placement [Section 51, Subsection (b), Subdivision (6)].

### **○ Expanding Family Group Decision-Making After Removal**

Since its inception in December 2003, Family Group Decision-Making (FGDM) *after* removal has resulted in more children being placed with relatives, children having shorter stays in care, and more children being reunited with their families, compared to more traditional services. It began as a pilot program in five cities and has spread to where it is now offered to families experiencing a removal in at least one major population center in each region. Over 7,000 Texas families have participated as partners with CPS and their communities in securing the protection and safety of their children through FGDM in the substitute care stage (after children are removed from their families and placed in alternate care), specifically using Family Group Conferences and Circles of Support, which serves older youth leaving foster care.

The 80<sup>th</sup> Legislature funded 53 additional positions, including 42 facilitators, to provide FGDM to more families experiencing a removal. Each FGDM facilitator conducts on average 10 conferences per month.

As of June 2008, 3,163 initial Family Group Conferences were held for families experiencing removal, with an additional 516 subsequent conferences held for families whose children remained in substitute care.

There were 1,276 Circles of Support (COS) conducted for youth 16 and older who were likely to remain in substitute care until they turned 18 or graduated from high school, and an additional 380 subsequent COS held to help youth plan for their future and connect to a caring adult prior to leaving substitute care.

In total, FGDM facilitators held 5,335 conferences from September through June 2008, a significant increase over the total of 2,948 conferences conducted in FY 2007.

*Implementation Plan Details:*

|  |                       |
|--|-----------------------|
| <ul style="list-style-type: none"> <li>Determine regional allocation of 53 new positions and create the positions</li> </ul> | Completed July 2007   |
| <ul style="list-style-type: none"> <li>Hire and train new staff</li> </ul>   | Completed August 2008 |

o **Reducing Caseloads for Substitute Care Caseworkers**

National data has shown that regular, meaningful contact with children in the substitute care system is directly related to positive case outcomes. Recent federal legislation requires caseworkers to visit at least once a month with each child in substitute care, when appropriate, according to the permanency goal. Regular visits allow the caseworker to ensure the safety of the child and continue progress on the service plan and permanency goal for the child. The federal legislation allows a phase-in approach by requiring states to implement a plan that will result in the achievement of these monthly face-to-face contacts with 90% of children in substitute care by 2011.

Funding was provided for 321 additional substitute care staff, including 252 caseworkers, in FY 2008 and an additional 180 staff, including 120 caseworkers, in FY 2009, to meet the 90% requirement.

Benefits include increased child safety and quicker permanency for children.

For year-to-date FY 2008, the statewide average daily substitute care caseload was 37.6, down 13% from the FY 2007 average of 43.3.

| <b>CPS Substitute Care Average Daily Caseloads</b> |             |
|--|-------------|
| FY 2006  | <b>44.5</b> |
| FY 2007  | <b>43.3</b> |
| FY 2008 YTD  | <b>37.6</b> |

As of June 2008 outcomes indicate that children in foster care are being seen more frequently by their caseworkers. Face-to-face contacts that are timely and documented have increased from 74.9% in FY 2007 to 79.3% in FY 2008. As

staff are fully trained, it is expected that DFPS will make the 90% goal in the second half of the biennium.

Additionally, 80.9% of children are being visited at least quarterly in their own residence (which contributes to child safety), up from 73.6% in FY 2007.

Additionally, removals of children from their own homes have decreased. In FY 2007 the average number of children removed per month was 1327; for FY 2008 the average as of June 2008 is 1185 children per month. A contributing factor in the reduction of children entering care appears to be the implementation of Family Team Meetings during investigations. Families are encouraged to work out a safety plan for helping children remain at home or in a time-limited placement through informal methods.

One hundred twenty new substitute care caseworker positions will be phased in during FY 2009 which should have even more positive effects for children in care.

*Implementation Plan Details:*

|  |   |
|--|---|
| <ul style="list-style-type: none"> <li>Determine regional allocation of 252 new positions for FY 2008</li> </ul> | Completed July 2007   |
| <ul style="list-style-type: none"> <li>Create positions according to the phase-in schedule</li> </ul>            | Began July 2007 – <i>Estimated Completion Date December 2008</i>      |
| <ul style="list-style-type: none"> <li>Hire and train new staff for FY 2008</li> </ul>                           | Began September 2007 – <i>Estimated Completion Date December 2008</i> |
| <ul style="list-style-type: none"> <li>Determine regional allocation of 180 new positions for FY 2009</li> </ul> | Completed August 2008   |
| <ul style="list-style-type: none"> <li>Hire and train new staff for FY 2009</li> </ul>                           | <i>Estimated Implementation Dates September 2008 – April 2009</i>     |

○ **Additional Purchased Client Services to Reunite Families More Quickly**

Through contracts, CPS purchases a variety of services from local providers to reunify children with their families more quickly such as parent and caregiver training, counseling, psychological and psychiatric evaluations and testing, diagnostic consultation, and substance abuse services. These services are an integral part of providing support to CPS clients. Approximately \$5.7 million was provided to strengthen reunification efforts.

*Implementation Plan Details:*

|  |                               |
|--|-------------------------------|
| <ul style="list-style-type: none"> <li>• Incorporate additional funding into baseline funding for purchased client services and allocate all purchased client services dollars to the regions for designated purposes</li> </ul> | <p>Completed October 2007</p> |
|--|-------------------------------|

○ **Enhancing Support of Kinship Placements**

Kinship placements meet children’s needs for safety, cultural relevance, and permanency in an environment in which they are familiar. Children in kinship placements have shorter stays in care and better outcomes compared to children in paid foster care.

Senate Bill 6, 79<sup>th</sup> Legislative Session, established the Relative and Other Designated Caregiver Placement Program to promote continuity and stability for children in state care by placing them with relative or other designated caregivers and providing assistance and services to those caregivers. Designated kinship staff are trained to work with kinship providers to meet new resource needs, teach caregivers parenting and coping strategies, and serve to help resolve conflicts that may affect the placement. The number of kinship development workers had not kept pace with the increase in kinship placements, resulting in the inability to provide the full range of support services for kinship placements in all areas of the state. The success of a child’s kinship placement is often directly related to the support CPS provides to the kinship caregivers.

Services to kinship caregivers through this program include a one-time integration payment of \$1,000 to a qualified caregiver upon placement of a child in DFPS conservatorship to be used to purchase things such as beds, bedding, furniture, clothing and other items needed to support the placement. Supportive services to the qualified caregiver may also be provided such as training and case management services, supportive family counseling services not covered by Medicaid, daycare services to qualified children and kinship caregiving families, referral/coordination to determine eligibility for additional public assistance, and reimbursement for flexible expenses incurred by the kinship family up to a maximum of \$500 per year per child.

The 80<sup>th</sup> Legislature funded the kinship program with an additional 73 staff positions, including 54 kinship caseworkers, for FY 2008, and an additional 20 staff, including 15 caseworkers, for FY 2009. With these new positions, CPS anticipates being able to handle all projected kinship placements with an average caseload of 45 cases per caseworker.

| <b>Month/ Year</b> | <b>Number of Kinship Placements</b> |
|--------------------|-------------------------------------|
| July 2006          | <b>7,632</b>                        |
| July 2007          | <b>8,782</b>                        |
| July 2008          | <b>8,396</b>                        |

The addition of the new positions has enabled CPS to serve more kinship families and ensure that kinship placements will be successful. Currently kinship development workers are carrying an average of 42.8 cases. CPS continues to dedicate significant efforts to the kinship program. As a result, there has been an increase in kinship placements for children removed from their homes since 2006.

Although there is a slight decrease in children in kinship placements for FY 2008, there was also a decrease in the number of children that came into care compared to the previous year. The overall percentage of children in substitute care who are placed into kinship care continues to rise, now at 30.7%

Services to kinship caregivers include a one-time integration payment of \$1,000 to a qualified caregiver upon placement of a child in DFPS conservatorship to be used to purchase things such as beds, bedding, furniture, clothing and other items needed to support the placement. Supportive services to the qualified caregiver may also be provided such as training and case management services, supportive family counseling services not covered by Medicaid, daycare services to qualified children and kinship caregiving families, referral/coordination to determine eligibility for additional public assistance, and reimbursement for flexible expenses incurred by the kinship family up to a maximum of \$500 per year per child.

To date there have been 3,137 families served in this new program including 5,689 children.

*Implementation Plan Details:*

|   |   |
|---|---|
| <ul style="list-style-type: none"> <li>Determine regional allocation of 73 new positions for FY 2008</li> </ul> | Completed July 2007   |
| <ul style="list-style-type: none"> <li>Create positions according to the phase-in schedule</li> </ul>           | Began July 2007 – <i>Estimated Completion Date August 2009</i>        |
| <ul style="list-style-type: none"> <li>Hire and train new staff for FY 2008</li> </ul>                          | Began September 2007 – <i>Estimated Completion Date December 2008</i> |
| <ul style="list-style-type: none"> <li>Determine regional allocation of 20 new positions for FY 2009</li> </ul> | Completed July 2008   |
| <ul style="list-style-type: none"> <li>Hire and train new staff for FY 2009</li> </ul>                          | <i>Estimated Implementation Dates September 2008 – December 2009</i>  |

○ **Enhancing Support of Court Services and Preparation of Records**

When a family or individual is interested in adopting a child, they have the right to review the child's CPS record in its entirety. However, certain information is

confidential by law and must be “redacted”, or de-identified, and photocopied before the record can be provided to the prospective adoptive parent. CPS files are hundreds of pages long. Delays in completing redaction of records for adoption directly affect permanency for children, because they ultimately delay the identification of prospective adoptive parents and consummation of adoptions.

In order to reduce the length of time children remain in state care and achieve permanency in a more timely manner, DFPS identified two areas related to legal services that required additional resources: redaction and court personnel. As a result, the 80<sup>th</sup> Legislature funded 33 new legal staff (ten redactor positions and 23 attorney/support staff positions).

The additional ten redactor positions will enable DFPS to eliminate the backlog of adoption cases needing redaction and will ensure that new adoption cases are de-identified efficiently. The 23 additional court personnel positions will enhance the provision of legal services around the state. Additional support staff and attorneys will have a direct and immediate impact on the representation of CPS, considering the large workloads and travel demands.

Two additional attorney positions were allocated to Region 8 to provide immediate relief to a heavy workload. Nine legal assistant positions were added to regional legal offices to enable the attorneys to handle a greater caseload. In addition, 12 legal secretary positions were assigned to various offices of District and County Attorneys who represent CPS in court and have requested additional support to be able to continue representing CPS.

*Implementation Plan Details:*

|   |                         |
|---|-------------------------|
| <ul style="list-style-type: none"> <li>Hold a statewide work session for redactors to train them on standard guidelines for redaction of adoption files and a reporting system that indicates where backlogs may be developing so that resources can be shifted to address the problem</li> </ul> | Completed December 2006 |
| <ul style="list-style-type: none"> <li>Standardize the referral form used by DFPS to request de-identification of any file, thereby ensuring better tracking of files</li> </ul>  | Completed January 2007  |
| <ul style="list-style-type: none"> <li>Determine regional allocation of 33 new positions and create the positions</li> </ul>  | Completed June 2007     |
| <ul style="list-style-type: none"> <li>Implement a system that will permit attorneys from one region to serve as special litigators in another region to assist regions that have the greatest number of court cases as needed on a temporary basis</li> </ul>                                    | Completed June 2007     |
| <ul style="list-style-type: none"> <li>Reduce the turnaround time on all adoption redactions to one week</li> </ul>   | Completed July 2007     |

|  |                         |
|--|-------------------------|
| • Hire and train new staff   | Completed October 2007  |
| • Devise a statewide solution to the problem of the adoption cases backlog while staying current with new adoption files | Completed October 2007  |
| • Eliminate the backlog on redaction of adoption files   | Completed November 2007 |

## **Goal Three: Improving the Quality and Accountability of Foster Care**

As part of the CPS Improvement Plan, the 80<sup>th</sup> Legislature also gave DFPS the resources to improve the quality and accountability in regulatory services delivered by DFPS and services delivered by contracted providers, as well as to expand substitute care quality and capacity in local communities. This goal includes the following components of the CPS Improvement Plan, as outlined in SB 758, Section 51:

- improving the quality and accountability of child-care licensing monitoring and investigations by:
  - assigning those functions to separate staff,
  - providing specialized training to staff who perform each function,
  - performing additional investigations of certain reports involving young children, and
  - providing additional support and oversight to both functions [Section 51, Subsection (b), Subdivision (7)];
- expanding substitute and adoptive placement quality and capacity in local communities through the procurement of a statewide needs assessment and through implementation of recommendations for expanding and improving provider capabilities [Section 51, Subsection (b), Subdivision (8)];
- streamlining criminal history background checks to increase the efficiency and effectiveness of those checks [Section 51, Subsection (b), Subdivision (9)];
- improving the quality of services delivered by DFPS through expanded use of mobile technology and enhancements to the department's CLASS and IMPACT database systems and operations [Section 51, Subsection (b), Subdivision (10)];
- expanding implementation of the remediation plan required under Section 1.54, Chapter 268, Acts of the 79<sup>th</sup> Legislature, Regular Session, 2005, to address racial or ethnic disparities in foster care [Section 51, Subsection (b), Subdivision (11)]; and
- implementing a statewide pilot program for a time-limited, post-hospitalization "step-down" rate, approved by the executive commissioner of HHSC, to support the successful transition of children who have experienced or are likely to experience multiple inpatient admissions in a psychiatric hospital to an appropriate level of care [Section 51, Subsection (b), Subdivision (12)].

### **○ Improving Child Care Licensing Monitoring and Investigations**

SB 758 strengthened Child Care Licensing (CCL) oversight of residential child care operations through more thorough, objective and specialized monitoring and

investigations of foster care providers. Funding was provided for 84 additional staff, most of which are based in the field. The majority of the Senate Bill 758 Implementation Plan designed to strengthen Child Care Licensing (CCL) monitoring and investigations has been completed since the legislation's passage. In the first year since Senate Bill 758 came into effect, CCL has improved the quality and accountability of regulatory services by:

- assuming responsibility for investigations of serious incidents or higher-risk standards violations in child placing agencies (CPAs) involving children under age 6;
- conducting annual enforcement team conferences and annual team inspections;
- restructuring field staff into functional units for monitoring and investigations; and
- implementing the CCL Investigation Division and Performance Management Division.

Prior to Senate Bill 758, Licensing staff investigated all allegations of abuse, neglect, or exploitation and all child deaths in foster homes verified or approved by CPAs, including private CPAs and Child Protective Services. When Senate Bill 758 became effective on September 1, 2007, Licensing staff expanded their responsibilities to also include investigations of *any* reportable serious incident or any reported violation of a minimum standard posing a high degree of risk in CPAs involving a child under the age of six. This includes minimum standards deficiencies weighted as *high*, or that present a high degree of risk, and any minimum standards deficiency regarding discipline, restraints, children's rights, supervision, or a combination of these deficiencies for children under the age of six.

Investigations of serious incidents or higher-risk minimum standards violations often involve increased risks to children under the age of 6, given their age and corresponding vulnerability. Increased oversight and additional protections for children is accomplished by having Licensing staff, with specialized training and expertise, perform this function. Automation changes were also made to track the number of investigations involving children under the age of 6 in CPA foster homes or foster group homes.

Beginning September 1, 2007, CCL implemented annual enforcement team conferences for each CPA and annual team inspections for each residential child care facility. The enforcement team conference has provided Licensing staff with a structured opportunity to make a comprehensive assessment of a CPA based on information from inspections, investigations, and agency home monitoring. Each CPA is notified of any licensing actions or decisions which result from an enforcement team conference, such as a change to the monitoring frequency (the number of times in a year in which CCL inspects the facility). Additionally, CCL inspects residential child care facilities at a minimum of once every 12

months and at least one of the unannounced annual inspections is conducted by two staff from different monitoring units.

Senate Bill 758 provided CCL with additional staff and the opportunity to reorganize staff by function. The additional staff and creation of functional units for monitoring and investigations has generated positive results by improving staff response time, especially in more rural areas, and increasing staff skills in their functional area. By having staff responsible for either monitoring or investigations, each can focus entirely on their functional area, improve specific skill sets, develop expertise, and establish good working relationships both internally and with external stakeholders. This is especially important for investigators who work with law enforcement, Child Advocacy Centers, District Attorneys, and others.

The CCL Investigation Division, created by Senate Bill 758, contributes to improving the safety, quality and accountability of the foster care system by overseeing all licensing investigation policy and training and providing consultation and technical assistance to field staff on investigations where children are at the greatest risk. The CCL Investigation Division has an investigation trainer to develop specialized training for new and tenured staff and an investigation policy specialist to ensure policies and procedures for investigations in regulated operations are well-grounded and effective. The CCL Investigation Division also has investigation analysts who review all abuse/neglect investigations conducted by CCL with confirmed or unable to determine findings as well as a percentage of investigations with a finding that rules out the occurrence of abuse or neglect. In addition, the investigation analysts review investigations of the highest priority to determine if appropriate initiation occurred and that plans are in place to ensure the child's safety. As a result of these analyses, several training needs of staff and needed changes to policy and procedure have been identified and additional improvements are underway.

Passage of Senate Bill 758 also created the CCL Performance Management Division to strengthen the level of protection for children in out-of-home care through enhanced quality assurance activities, focused both on providers and internal staff processes. Included in the CCL Performance Management Division are risk analysts who focus on the performance of facilities and agencies and who provide second-level reviews of facilities and CPAs whose compliance history indicates risk of harm to children. The CCL Performance Management Division also has case analysts who provide a stronger review of the monitoring and investigation work of Licensing staff.

Procedures and standardized reporting tools have been developed by the CCL Performance Management Division to ensure consistency in analysis and timely reporting of findings and recommendations. Assessments have already resulted in early identification of operations with compliance histories that present risk to

children and field staff being provided with objective information and recommendations for action. Information from case reviews and risk analyses is also used to analyze trends in CCL and make recommendations for training, program structure, policy and practice. CCL quality standards are currently being developed and will incorporate quality indicators such as addressing risk to children in a timely and appropriate manner, objective and shared decision-making, and compliance with licensing policy and procedures.

*Implementation Plan Details:*

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|--|--|
| <ul style="list-style-type: none"> <li>Identify the activities that could be assigned to the risk analysts, the investigation analysts, and the performance management analysts</li> </ul>     | Completed August 2007  |
| <ul style="list-style-type: none"> <li>Communicate these policy changes to child-placing agencies and post on the DFPS website</li> </ul>  | Completed September 2007   |
| <ul style="list-style-type: none"> <li>Hire and train new staff</li> </ul>   | Completed July 2008  |
| <ul style="list-style-type: none"> <li>Phase-in annual team inspections and team conferences</li> </ul>  | Completed August 2008  |
| <ul style="list-style-type: none"> <li>Reorganize RCCL into functional units and create new divisions</li> </ul>   | Completed October 2007   |
| <ul style="list-style-type: none"> <li>Develop and propose draft rules regarding RCCL's investigations of allegations involving children under age six to the DFPS Advisory Council</li> </ul> | Completed October 2007   |
| <ul style="list-style-type: none"> <li>Publish the draft rules in the Texas Register for public comment</li> </ul>   | Completed November 2007  |
| <ul style="list-style-type: none"> <li>Create new positions and develop job descriptions for newly created investigative and performance management functions</li> </ul>                       | Completed December 2007  |
| <ul style="list-style-type: none"> <li>Develop the performance management policy, procedures, and reports</li> </ul>   | Began January 2008-<br><i>Estimated Implementation Date September 2008</i> |

○ **Expanding Substitute and Adoptive Placement Quality and Capacity**

Finding appropriate placements for children who come into foster care remains difficult because the needs of the children do not always match with the number, type, and location of placements available. DFPS received resources to increase substitute care capacity so that all children are quickly matched with placements that meet their individual needs.

In order to begin addressing this issue, DFPS received funding and has contracted for an independent needs assessment that will include an analysis of gaps in residential service quality and capacity, prioritization of regional service

needs, objective identification of barriers to meeting priority needs, and recommendations for DFPS and the provider community to improve services. The needs analysis will be used to identify service strengths, gaps, and barriers to capacity building and will lead to the development of a strategic plan to enhance substitute care capacity. The needs assessment contract was executed July 2008 and the analysis report should be completed by September 2008. The final draft of a strategic plan is due for completion in November 2008. Data reports needed for the contract have already been delivered.

DFPS also received funding for four new positions that will be responsible for capacity building and provider development. These new functions include reaching out to potential providers for services, educating them about the complexity of the system, and providing training to both potential and existing providers. The goal is to create more placement options for children in foster care and to improve services for children by working with providers on the service gaps in their area. DFPS has encountered difficulty in finding appropriate applicants for the four new capacity building positions and is therefore reevaluating the job description.

Beginning in October 2007 and ending in February 2008, CPS participated in business process mapping sessions for the FAD (Foster/Adoptive Home Development) program. Sponsored by Casey Family Programs, this business process mapping of the FAD program was designed to improve FAD processes and initiate a more family-friendly approach to verifying foster and adoptive homes, thus streamlining and improving foster/adoptive home capacity. Staff training began in May 2008 and concluded July 2008 with full implementation of the new process to begin in September 2008.

After implementation, it is expected that CPS will be able to approve a home in 120 days (4 months). Previously CPS took from 6 to 9 months to verify a foster/adoptive home. This 120-day timeframe is applicable to circumstances where there are no background check issues (including having to obtain results from other states), the family completes all requirements timely and as outlined, and the home study is completed according to the contract and Minimum Standards.

In this new process, customer service will be emphasized and staff will regularly follow up with applicants to help them

*Below are the steps applicants must take when seeking to be verified as a foster home or approved as an adoptive home by CPS:*

- Step 1: Attend an Information Meeting
- Step 2: Complete a Parenting Application
- Step 3: Initial Background Checks
- Step 4: PRIDE Training (35 hours)
- Step 5: Family Submits Required Paperwork
- Step 6: Household Member Background Checks
- Step 7: Home and Family Assessment Visit
- Step 8: Fingerprint-Based FBI Background Checks
- Step 9: Home Screening (formerly called home study)
- Step 10: Home Approval

complete the approval process. At every foster parent training class, prospective foster/adoptive families will be reminded of the paperwork that is needed and staff will be more actively involved with helping families complete the paperwork after the sessions and at home visits.

DFPS is beginning to re-structure the FAD Program into regional functional units much like the other stages of service. This structure will provide increased consistency and continuity of services across the state and increased oversight by State Office is intended to ensure that the regional programs provide quality FAD services to families.

To coordinate all agency effort around capacity issues, an executive level project was chartered with a part-time dedicated project manager. This structure ensures cross-division coordination and the elevation of relevant issues to the DFPS Executive Team on a monthly basis.

*Implementation Plan Details:*

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|--|--|
| <ul style="list-style-type: none"> <li>Gather information from a Casey Family Programs Peer Technical Assistance meeting that will be used to streamline and improve the placement process for children in need of out-of-home care</li> </ul> | Completed November 12-13, 2007   |
| <ul style="list-style-type: none"> <li>Create new positions and develop job descriptions for newly created functions</li> </ul>  | Completed November 2007  |
| <ul style="list-style-type: none"> <li>Develop the scope of work for the procurement of the needs assessment</li> </ul>  | Began November 2007 –<br><i>Estimated Completion Date<br/>January 2008</i> |
| <ul style="list-style-type: none"> <li>Hire and train new staff</li> </ul>   | Began December 2007 –<br><i>Estimated Completion Date<br/>October 2008</i> |
| <ul style="list-style-type: none"> <li>Procurement of needs assessment</li> </ul>  | Completed July 2008  |
| <ul style="list-style-type: none"> <li>Statewide needs analysis completed</li> </ul>   | <i>Estimated Completion Date<br/>September 2008</i>                        |
| <ul style="list-style-type: none"> <li>Develop a strategic plan from needs analysis</li> </ul>   | <i>Estimated Completion Date<br/>December 2008</i>                         |
| <ul style="list-style-type: none"> <li>Business Process Mapping with agency staff workgroup led by Casey Family Programs</li> </ul>  | Completed February 2008  |
| <ul style="list-style-type: none"> <li>Train all FAD staff in new processes</li> </ul>   | Completed August 2008  |
| <ul style="list-style-type: none"> <li>Begin implementation of new processes</li> </ul>  | Completed August 2008  |
| <ul style="list-style-type: none"> <li>Full implementation of all new FAD processes</li> </ul>   | <i>Estimated Completion Date<br/>September 2008</i>                        |
| <ul style="list-style-type: none"> <li>Implementation of FAD structural units</li> </ul>   | <i>Estimated Completion Date<br/>September 2008</i>                        |

o **Streamlining Criminal History Background Checks**

DFPS is required and/or authorized to perform background checks for a wide range of persons and activities. These include Department of Public Safety (DPS) criminal history checks, Federal Bureau of Investigation (FBI) fingerprint-based checks, DFPS History Checks, and DFPS Central Registry Checks, with all authority based in Texas Government Code Ch. 411, Sections 114 and 087 and Adam Walsh Child Protection and Safety Act 2006.

Criminal background checks have become increasingly complex, particularly the work involved in reviewing and interpreting criminal history records, positively identifying individuals and matching identities to criminal and central registry (abuse/neglect) histories, and offering due process to designated perpetrators of child abuse and neglect.

Background checks were performed in the various program areas of the agency, but due to the complexity and volume of background checks conducted, SB 758 directed DFPS to create a centralized background check unit to expedite results and enhance agency consistency and expertise. The 80<sup>th</sup> Legislature funded 31 new positions for this purpose.

All new staff allocated to the Centralized Background Check Unit (CBCU) have been hired and trained. All background checks have been consolidated into one centralized function and one location. The CBCU is working closely with two of their primary internal stakeholders, Licensing and Purchased Client Services (PCS), to develop strategies for

improvements in process, clarifications in policy and expectations related to timeframes and service levels for background checks. Procedures to enhance consistency and expertise have already begun to be implemented for Licensing background checks, and the CBCU continues to troubleshoot areas of needed consistency for PCS background checks.

| <b>DFPS Background Check Requests<br/>Conducted for Licensed Child-Care Centers</b> |                                 |                    |
|---|---------------------------------|--------------------|
| <i>from September 2007 to July 2008</i>   |                                 |                    |
| DPS Check Requests  | Central Registry Check Requests | FBI Check Requests |
| <b>162,08</b>   | <b>160,979</b>                  | <b>41,369</b>      |

The CBCU will begin conducting analysis of CPS policy related to background check requirements for casework-related activities beginning in September, 2008. After the analysis is complete, the CBCU will initiate discussions with CPS in order to determine whether background checks conducted by CPS for casework-related activities should be centralized into the CBCU or remain the responsibility of CPS caseworkers.

*Implementation Plan Details:*

|                            |                        |
|----------------------------|------------------------|
| • Hire and train new staff | Completed January 2008 |
|----------------------------|------------------------|

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Consolidate Centralized Background Check Unit staff into one location</li> </ul>   | Completed January 2008   |
| <ul style="list-style-type: none"> <li>• Reorganize and create new positions</li> <li>• Develop a quality assurance plan</li> </ul>   | Completed December 2007  |
| <ul style="list-style-type: none"> <li>• Consolidate existing policies and procedures to enhance consistency and expertise</li> </ul>   | Began January 2008 –<br><i>Estimated Completion Date September 2008</i>  |
| <ul style="list-style-type: none"> <li>• Centrally facilitate required background checks, including FBI checks, for Child Care Licensing, Purchased Client Services, and CPS</li> </ul> | Began January 2008 –<br><i>Estimated Completion Date August 31, 2009</i> |

○ **Expanding the Use of Mobile Technology and Enhancements to the CLASS and IMPACT Database Systems and Operations**

An important aspect of the CPS Improvement Plan is the expansion of the use of tablet personal computers (PCs) and portable accessories to Child Care Licensing (CCL) monitoring and investigative staff and to half of CPS substitute care caseworkers. These resources will facilitate increased timeliness of necessary documentation and improve the quality of assessments and decision-making by providing a mechanism for quick communication and information reference.

The CCL residential and day care staff will use tablet PCs and portable printers during inspections and will be able to leave a copy of their findings with providers. This immediate turnaround will reduce confusion for child care providers and allow them to address problems quickly by eliminating a ten-day wait for a finalized letter to be sent. Likewise, CPS substitute care staff will be able to enter their case notes from the field and automatically incorporate them into the IMPACT (case management) system without requiring field network or wireless connectivity.

In March, April and May 2008, tablets were deployed to 31 percent (418) of the CPS substitute care caseworkers in Regions 3 (Dallas County only), 6 (Houston), and 10 (El Paso). At the time of deployment, tablet training was provided to these caseworkers and their supervisors, including general mobile working tips, mapping, and the use of on-line signature, journaling, and importing forms and other documents for hands-on use with clients while in the field. Training also highlighted Microsoft Outlook options that would lend to more efficient time management.

Throughout March and April 2008, DFPS deployed over 380 tablet PCs, digital cameras, portable printers and other accessories to Licensing staff. CCL staff received two days of specific tablet hardware training and subsequent support through technical assistance and weekly best usage tips. Staff will use the summer and early fall of 2008 to become comfortable with the critical features of the tablet PC hardware and software functions in preparation for the release of the mobile application known as CLASSMate. Some of the equipment and related functions staff will be using during this time include the following:

- tablet PCs to input data at the facility site rather than returning to the office to enter documentation,
- portable printers to print documents in the field, and
- digital cameras in conjunction with the tablet PCs to email pictures to supervisors for consultation.

DFPS conducted Phase 1 of a Mobile Caseworker Pilot that identified policy, training and resource modifications for a new mobile business model designed to increase caseworkers' time spent in the field and, thus, with clients. Participants were from Regions 2/9 (San Angelo) and 8 (San Antonio). Phase 1 of the Mobile Caseworker Pilot results showed staff reported a 70.6 percent increase in time spent with clients, a reported 44 percent decrease in the use of a phone-based transcription service, and an increased field use of the tablet. Morale and retention increases were observed, with a majority of participants reporting that they will maintain their employment due to this new mobile way of working. Some supervisors reported better management of staff activities as a result of the mobile management model.

Phase 2 of the Mobile Caseworker Pilot will increase staffing participation in Regions 2/9 and 8, as well as include units in Region 3 (Dallas/Fort Worth) and Region 11 (Corpus Christi and the Rio Grande Valley). Planning meetings began in July 2008. This phase of the pilot also will include an evaluation and comparison of the use of voice recognition software. Based on the pilot's early outcomes in the areas of maintaining caseworker performance, increased time spent with clients, and increased caseworker retention and job satisfaction, the pilot is being expanded to include more staff from Licensing and other DFPS programs.

The CLASS application, used by DFPS to document all licensing activities, will be expanded to provide possible recommended actions based on an operation's history and weighted standards. This is intended to ensure Texas child care providers meet a consistent level of performance and are evaluated equally across the state. Further CLASS enhancements to the system's method of tracking foster homes and their movement among child-placing agencies will also be incorporated.

In September 2008, DFPS will conduct a pilot of CLASSMate, a mobile version of the CLASS system. During this time, staff will evaluate the CLASSMate application and associated training to determine whether any changes are needed prior to its anticipated full release on October 31, 2008. Some of the expected benefits include the following:

- improved timeliness and quality of output left with providers and to the public by allowing the inspection results to be printed and left with the provider upon completion of inspections,
- increased staff accountability by automating certain events such as the end time and date of an inspection,
- increased staff efficiency by allowing staff to be more mobile,
- reduced lag time between performing an inspection and making the data available to parents, providers, and DFPS staff, and
- improved accuracy of information by enabling staff to electronically record information while it is fresh in their minds rather than having to translate their handwritten notes later when entering data in CLASS.

In addition to deployment of tablet PCs and development of a new mobile application (CLASSMate), CCL's upcoming technology expansion also encompasses:

- weighted standards and weighted standards enforcement incorporated into CLASS,
- agency home movement tracking in CLASS, and
- enhancements to the provider and public website.

The regulatory weighting system will enable Licensing staff to focus resources where they are needed most to standardize the decision-making process, facilitate consistent and equitable enforcement of standards, and communicate a richer portrait of standards compliance to parents and other consumers. With input from residential and child day care providers, members from the former State Licensing Advisory Committee, other external stakeholders, and Licensing staff, weights were assigned to residential and child day care minimum standards and are being incorporated into CLASS.

In May 2008, CCL was awarded the *Rising Star Award for Public Innovation* from the American Society for Public Administration for the weighted standards enforcement concept and work on the project to date.

Senate Bill 758 further provided an opportunity for DFPS to create a searchable database, accessible to child placement agencies (CPAs), to track closed foster homes and the reasons for closure. A searchable spreadsheet was posted on the DFPS public site beginning in September 2007, which is used by CPA staff to view foster home closure information. Functionality is now being expanded to:

- offer enhanced search functions for CPAs to find existing foster homes,
- allow CPAs to view the closure reason for existing foster homes that plan to move to a new CPA,
- automate and predefine naming methods which will promote easier searches, and
- use caregiver information submitted for the purposes of performing background checks to link a person's demographic information to the agency home.

DFPS has designed several enhancements to the Child Care Licensing public and provider website estimated for release in November 2008. Some of these enhancements include new options for providers to complete certain tasks or updates online as well as providing additional context related to a provider's compliance history posted on the public website.

*Implementation Plan Details:*

|  |   |
|--|---|
| • Conduct a Mobile Caseworker pilot with 40 participants in regions 2, 8 and 9                                 | Completed February 2008   |
| • Incorporate weighted standards into CLASS to create the Weighted Enforcement System                          | Began September 2007 –<br><i>Estimated Completion Date<br/>November 1, 2008</i>                               |
| • Develop application for enhancements to CLASS and create a mobile application for release                    | Began October 2007 –<br><i>Estimated Completion Date<br/>November 1, 2008</i>                                 |
| • Perform business process analysis for CCL monitoring and investigation and for CLASS automation enhancements | Began November 2007 –<br><i>Estimated Completion Date<br/>November 2008</i>                                   |
| • Develop and implement the Foster Home Tracking System  | <i>Began November 2007 –<br/>Estimated Completion Date<br/>November 2008</i>                                  |
| • Develop and implement the CCL Public Website Application   | Began November 2007 –<br><i>Estimated Completion Date<br/>November 2008</i>                                   |
| • Develop a plan for the roll-out of the new equipment to CCL and CPS conservatorship staff                    | CCL completed March 2008<br><i>Estimated Completion Date<br/>for Conservatorship Staff<br/>September 2008</i> |
| • Evaluate Phase 1 of the Mobile Caseworker pilot  | Began February 2008 –<br>Completed April 2008   |

○ **Expanding Implementation of the Remediation Plan to Address Disproportionality in Foster Care**

In Texas, African-American children are more likely to enter the child welfare system than those of other ethnicities. In FY 2007, African-American children

represented 12.6 percent of the state's child population, but accounted for 26 percent of children brought into the foster care system, and 34 percent of the children waiting for adoption. Section 1.54 of SB 6, passed by the 79<sup>th</sup> Legislature, required DFPS to mitigate the disproportionate representation of minority races and ethnicities in all phases of child welfare services delivery by:

- delivering cultural competency training to all service delivery staff;
- increasing targeted recruitment for foster and adoptive families;
- targeting hiring recruitment efforts to ensure diversity among DFPS staff; and
- developing partnerships with community groups to provide culturally competent services to children and families.

Disproportionality sites were established in three regions (Houston, Arlington/Fort Worth, Beaumont/Port Arthur) with disproportionality specialists to support the community's work on disproportionality and serve as resources to CPS staff.

Disproportionality Specialists are involved in all aspects of CPS.

Disproportionality Specialists coordinate training, workshops and needed follow-up with new and current staff. They facilitate informational meetings with internal staff and community stakeholders, families, youth, and other systems to inform them about disproportionality issues and work on solutions. These staff have also begun work on an initiative to review Permanent Managing Conservatorship without Termination of Parental Rights cases of children under 6 years of age and their siblings who will otherwise grow up in the Child Welfare system. The specialists will determine alternative permanency options such as return to family of origin, kinship care, or adoption.

The 80<sup>th</sup> Legislature provided the funding for eight additional disproportionality specialists so that DFPS could expand disproportionality sites to every region and expand staff training. This broad-based approach will allow DFPS to develop collaborative partnerships with community groups, agencies, faith-based organizations and other community organizations to provide culturally competent services to children and families of every race and ethnicity.

Multiple trainings have been and continue to be held statewide in each region and have included Judges, executive staff of the Health and Human Services Commission (HHSC) and HHSC Enterprise agencies, Texas Juvenile Probation Commission executive staff, Supreme Court Commission on Children, Office of Court Administration, Texas Education Agency, Hogg Foundation representatives and out-of-state participants. Post-training follow-up sessions have now been developed.

Community advisory work has increased. Churches and non-profit organizations are now hosting meetings and joining community advisory groups. National CASA has become involved to assist in enhancing Texas CASA collaboration.

Informational meetings are being held in different community venues. New Citizen Review Teams have been created as a result of Disproportionality Community Advisory Group recommendations. New partnerships and collaborations have begun and include Prairie View A & M University Juvenile Justice Center, Association of Black Social Workers, LINKS, YMCA, Amon Carter Foundation, and University of Texas Office of Diversity.

State-level work in addressing disproportionality has been formalized. The first annual Statewide Disproportionality Meeting was held in November 2007. Supported by Casey Family Programs, participants included CPS and Casey Family Program (CFP) leadership, national CFP managers, parents and youth, community representatives, the People’s Institute of New Orleans, and other stakeholders. Each region had CPS, family and community representatives in attendance. The meeting resulted in a recommitment to the statewide efforts to address disproportionality and provided the opportunity for new advisory group leadership to hear from more tenured members in other regions. The meeting was video-taped for future use.

Disproportionality efforts in Texas have been recognized nationally and internationally, with solicitation to present efforts to other states through technical assistance, conference presentations, and articles. In April, Senator Royce West hosted CPS and community leaders in a meeting designed to initiate new collaborative partnerships and bring new stakeholders to the table.

Currently, there are 12 Disproportionality Specialists across the state with at least one in each region. Regional disproportionality sites are being identified and community advisory committees are being formed to begin the work of addressing disproportionality statewide.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Create new positions</li> </ul>  | Completed July 2007  |
| <ul style="list-style-type: none"> <li>• Hire and train new staff</li> </ul>  | Began September 2007 – Completed February 2008                       |
| <ul style="list-style-type: none"> <li>• Identify regional disproportionality sites by analyzing data regarding zip codes and county areas having the highest disproportionate rates</li> </ul> | Began December 2007 – <i>Estimated Completion Date December 2008</i> |
| <ul style="list-style-type: none"> <li>• Provide training on undoing racism to staff and selected community members and service providers in designated sites</li> </ul>                        | Ongoing  |

- **Implementing a Statewide Pilot Program for an Intense Psychiatric Services “Step-Down” Rate**

The Intensive Psychiatric Transition Program (IPTP) provides a structured, therapeutic step-down environment to allow children and youth an opportunity to further stabilize following hospitalization and maximize the chances that their subsequent placement will be successful. DFPS proposed rules for eligibility so that qualifying children must have been in DFPS conservatorship for the last 90 days, have had at least three psychiatric hospitalizations in the preceding 12 months, and are either ready for discharge from a psychiatric hospital or are at imminent risk of a fourth psychiatric hospitalization.

Once admitted, the duration of the child's stay is up to 60 days, with the possibility of a one-time extension up to 120 days. The authorized daily payment rate to providers for this program is \$374.33.

The Intensive Psychiatric Transition Program currently has three contracted Residential Treatment Center providers, one each in Lubbock, New Ulm (about two hours southeast of Austin), and Boerne. Since the inception of the IPTP, there have been 79 referrals with 36 children having been served. A one-time extension has been approved for 14 of the 36 children placed in the IPTP.

One provider has served 34 of these children and another has served 2 children. The latter states their low acceptance rate is directly connected to challenges with operational costs for children who have high service needs. The most recent provider signed a contract and will begin accepting children when they reach an acceptable level of staffing.

When a child is stabilized sufficiently to move to a less restrictive placement, they are said to have “completed” the step-down program. Preliminary information shows that 17 children completed the step-down program and were moved to less restrictive placements. Of these 17, only 2 were hospitalized again. DFPS will be formally evaluating the program outcomes for IPTP by the end of December 2008.

The most active provider is planning to expand their IPTP program and open a new facility in the Dallas area. There are at least two other residential treatment centers that are interested in contracting for this initiative. The latest IPTP provider enrollment was posted on Electronic State Business Daily (ESBD) in July 2008.

Due to the small number of contractors who were procured to provide IPTP services under the two emergency procurements, DFPS opted to use an open enrollment process to procure additional providers under the non-emergency procurement that began in July 2008. To date, existing IPTP programs have not been able to accept the number of children referred for IPTP services.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>Engage in an emergency procurement for the IPTP</li> </ul>  | Completed November 8, 2007  |
| <ul style="list-style-type: none"> <li>Provide IPTP services through the two emergency procurement contractors</li> </ul>  | Began November 2007 –<br><i>Estimated Completion Date March 2009</i>    |
| <ul style="list-style-type: none"> <li>Develop and release a Request for Information and Request for Proposal to competitively procure IPTP services within FY 2008</li> </ul> | Began December 2007 –<br><i>Estimated Completion Date December 2008</i> |
| <ul style="list-style-type: none"> <li>Evaluate program outcomes of IPTP</li> </ul>  | <i>Estimated Completion Date December 2008</i>                          |
| <ul style="list-style-type: none"> <li>Develop satisfaction surveys for caseworkers and youth involved with IPTP</li> </ul>  | <i>Estimated Completion Date September 2008</i>                         |

## **Goal Four: Achieving Cost Savings by Reducing the Rate of Growth in Foster Care**

DFPS and state leadership entered into SB 758 with the premise that child welfare best practices are not inherently at odds with sound fiscal management of public resources. By placing additional resources towards family-centered practice and family based safety services, strengthening of kinship program, and increasing services to mitigate risk in order to prevent the removal of children, better client outcomes would result, as would significant cost savings.

There are two primary drivers behind both of these desired outcomes:

- First, fewer children enter the foster care system when cases are effectively diverted to alternative service delivery methods to address the impact of child abuse and neglect.
- Secondly, when a placement into the foster care system is the only viable option, the length of time in foster care is reduced.

The CPS improvement efforts made possible through SB 758 were directly linked to these two drivers. Many of the client service impacts are detailed in earlier parts of this report. The fiscal impacts are equally promising.

Removals are down for FY 2008 and the average monthly number of children in foster care is less than what it was just one year ago. In FY 2007, the average monthly number of children in foster care was 18,748, and that number has dropped to 17,316 in FY 2008. This is an average monthly reduction of 1,432. The forecast for FY 2009 continues this positive trend with only a 3 percent growth in the average monthly number of children bringing that projection to 17,856.

The agency's FY 2008-2009 appropriation for the continuation of CPS Reform contained a reduction that represented the assumed cost savings to foster care. For FY 2008, the assumed savings reduced from the agency's budget was \$5 million general revenue and \$3 million TANF. Due to the success of diversions from foster care and reducing the length of time children remain in foster care, the agency was able to achieve a higher cost savings - \$10.6 million general revenue and \$17.3 million TANF.

Likewise, FY 2009 is forecasted to see a higher cost savings than what was assumed. The amount reduced from the agency's budget was \$10.2 million general revenue and \$6.1 million TANF, whereas the projected savings is \$11.3 million general revenue and \$17.3 million TANF.

To summarize from other sections of this report, these cost savings are made possible by several positive trends:

- **The number of children entering the foster care system through removal is in decline.** Decreasing caseloads and a family focus during the investigative stage (Family Team Meetings) have led to lower rates of removal, despite a growing Texas population. In FY 2007 the average number of children removed per month was 1327; for FY 2008 the average is 1185 per month, as of June 2008. Strengthening Families is also having a positive impact on preventing removals by providing funding to offset poverty-related factors.
- **For children who cannot be maintained in their own home for safety reasons, kinship placement is increasingly possible, diverting them from possible entry into substitute care.** Even as the foster care population declined from FY 2007 to FY 2008, the number of kinship placements remained relatively constant at over 8,000 in FY 2007 and FY 2008. The expansion of the kinship program through additional staff and continued monetary assistance to kinship caregivers will further support kinship placements as an option for children.
- **Children are leaving the foster care system faster than they are entering.** At the end of July of 2008, there were 17,203 children in paid foster care, 1,069 less (or 6% fewer) than just 12 months earlier. Further, the number of children for whom DFPS is legally responsible (those in both paid foster care and non-paid forms of care such as kinship care) has declined by 1,379 in the same time period. Reform initiatives have contributed to this movement to permanency. For example, the Strengthening Families initiative has allowed 145 children to date to return home from foster care sooner than was anticipated. The expansion of Family Group Decision-Making for children in substitute care has resulted in shorter stays in care and increased family reunification.

The investments into the continued reform of child welfare in Texas have allowed DFPS to plan and manage the protective services system with greater efficiency. In turn, this has led to better outcomes for families and children.

## **Implementation of Other Elements of SB 758**

In addition to the child protective services improvement plan as described in Section 51, SB 758 contains many other provisions that improve services for

children in foster care, strengthen protections for children in licensed care, and support the department's efforts to recruit families, retain caseworkers, and monitor contract performance.

○ **Pre-K Eligibility for Former Foster Children**

SB 758 Section 1 mandates that foster children and former foster children are eligible for free pre-kindergarten. DFPS has been working to amend policy and inform eligible families of this new benefit.

SB 758, Section 1 amends §29.153 of the Texas Education Code to expand eligibility for free pre-kindergarten programs to include children who were ever in the conservatorship of DFPS following an adversary hearing.

This statewide initiative has been very successful. CPS Regional Education Specialists began including the information on expanded pre-kindergarten eligibility in presentations and trainings to internal and external stakeholders in August 2007. During August 2007, DFPS/CPS developed a Letter of Verification to support pre-kindergarten enrollment in Texas public schools which met the criteria for enrollment by the Texas Education Agency. The Letter of Verification also met both Family Education Rights and Privacy Act (FERPA) (20 USC §1232g) and protocol and procedures of both agencies for maintaining student confidentiality.

CPS used the Letter of Verification to notify by mail almost 9,000 parents, caregivers, and kin of children meeting the eligibility requirements for pre-kindergarten enrollment.

In August 2008, CPS sent an additional 3,600 Letters of Verification to parents and caregivers of children meeting eligibility criteria to enroll in the free pre-kindergarten programs offered at most Texas public schools. Plans are to mail Letters of Verification for pre-kindergarten enrollment quarterly to parents, caregivers, and kin.

In addition, the Division of School Readiness and Partnerships at the Texas Education Agency has prepared an informational letter addressed to over 1100 school administrators reminding them of the expanded eligibility for the pre-kindergarten program and enrollment procedures, including a copy of the CPS Letter of Verification.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"><li>• Include this initiative in local and statewide presentations by CPS Regional Education Specialists, and in their presentations to CPS staff in basic training and regional meetings</li></ul> | Began July 2007 –<br>Completed August 2008 |
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| <ul style="list-style-type: none"> <li>• Share this information in presentations, workgroups, and cross-functional meetings with external stakeholders such as CASA (Court-Appointed Special Advocates), child-placing agencies, and other state agencies and departments</li> </ul> | Began July 2007 – Ongoing |
| <ul style="list-style-type: none"> <li>• Work with internal and external stakeholders to announce this initiative in preparation for the beginning of the 2007-2008 school year</li> </ul>   | Completed August 2007     |
| <ul style="list-style-type: none"> <li>• Work with Early Childhood Education and Texas Education Agency staff to develop a letter of verification, training materials, and other information to send to CPS staff</li> </ul>   | Completed November 2007   |

○ **Adoption Subsidies for Children Who Might Remain in Foster Care**

SB 758 Section 4 will facilitate the adoption of a select group of children who would otherwise likely remain in foster care until age 18. Providing adoption assistance for children who are otherwise likely to age out of care will encourage families to provide a permanent home for these children and, if adopted, discontinue the state’s foster care payments for those children. DFPS will propose rules that set a new maximum amount for adoption assistance that will be equal to the minimum foster care payment for the service level of the child at the time the adoption assistance agreement is signed (after deducting any portion paid to a child-placing agency).

Internal and external stakeholders agreed upon eligibility criteria for enhanced adoption assistance. In July 2008, rules were proposed to the DFPS Advisory Council, which approved the proposed rules for publication in order to receive public comment on enhanced adoption assistance.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Communicate new subsidy information to CPS staff, who are already receiving inquiries from foster families about the higher adoption assistance rates</li> </ul> | Completed September 2007                       |
| <ul style="list-style-type: none"> <li>• Establish the criteria that will benefit those children the bill is targeting, without creating a disincentive for families to adopt quickly</li> </ul>          | Began September 2007 – Completed May 2008      |
| <ul style="list-style-type: none"> <li>• Identify a group of children that fits the legislation’s criteria</li> </ul>   | Began September 2007 – Completed May 2008      |
| <ul style="list-style-type: none"> <li>• Develop implementation plan</li> </ul>   | <i>Estimated Completion Date December 2008</i> |
| <ul style="list-style-type: none"> <li>• Submit rules to the DFPS Advisory Council</li> </ul>   | Completed July 2008                            |

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| <ul style="list-style-type: none"> <li>• Develop method to allow the increase subsidy rates to be paid through IMPACT</li> </ul> | <i>Estimated Completion Date<br/>           December 1, 2008</i> |
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○ **Case Management Pilot**

SB 758 Section 12 requires DFPS to develop a pilot program for the outsourcing of case management in up to 5 percent of CPS cases. Because no funding was received for this project, DFPS did not procure for this pilot. DFPS continues to research potential models for outsourcing case management services. An intra-agency workgroup was started to develop a tentative plan to procure contracts with child-placing agencies (CPAs) to provide case management services for approximately 5 percent of substitute care cases. With the current foster care population, this encompasses approximately 1500 children. DFPS has sought feedback from providers and stakeholders on how a successful model would be best structured and managed in anticipation of continued attention to this requirement in the next legislative session.

One proposed model offers residential childcare providers an opportunity to increase their work with biological families with better case coordination as the goal while retaining overall case management responsibility within DFPS. A second model focuses on privatizing case management for children in the permanent managing conservatorship of DFPS including children with and without termination of parental rights and youth aging out of foster care.

DFPS will continue to develop these models and begin to estimate costs in advance of the next legislative session.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Conduct extensive outreach to providers and other stakeholders around the state via public forums, individual meetings, focus groups and other avenues to obtain feedback that will provide DFPS with information about how a successful contracted case management model could function</li> </ul> | Completed June 2008   |
| <ul style="list-style-type: none"> <li>• Convene an internal workgroup to develop potential models based on stakeholder input and potential opportunities to utilize the pilot to meet recognized needs for system improvement</li> </ul>  | Began May 2008 –<br><i>Estimated Completion Date<br/>           Fall 2008</i> |
| <ul style="list-style-type: none"> <li>• Develop and release a survey instrument to gather stakeholder input on potential pilot models</li> </ul>  | <i>Estimated Implementation<br/>           Date Summer – Fall 2008</i>        |

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| <ul style="list-style-type: none"> <li>• Draft and cost a proposal that reflects an approach to contracting case management with the best possibility of success</li> </ul> | <i>Estimated Implementation Date Fall 2008</i> |
| <ul style="list-style-type: none"> <li>• Present the proposal to the Texas Legislature</li> </ul>   | <i>Estimated Completion Date Winter 2008</i>   |

○ **Monitoring Performance of Providers Through Data System**

SB 758 Sections 13 and 47 include provisions for implementing a data system to track quality assurance and other contracting tools to effectively manage, monitor, and evaluate contractors based on performance measures.

The Residential Contracts Management System, now named iMARC (Integrated Management and Reporting for Contracts), will provide residential contract managers and program staff with centralized, automated methods of monitoring and assessing contracts and collecting and reporting contract monitoring data. The system will allow staff to identify problems contractors are experiencing statewide and trends over time among individual contractors that will aid with earlier risk detection and mitigation.

The project has progressed from the planning phase, where recommendations for initial system requirements were gathered based on results from business analysis and independent technical assessment, and is currently in the detail design phase where requirements specific to the functionality and behavior of the system are being defined and prototyped. After finalizing the design, an intensive testing and user acceptance process will be conducted to ensure that the system meets the needs of users to facilitate improvement of managing, monitoring and evaluating contractor performance.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Initiate the development of the Residential Contracts Management System</li> </ul>       | Completed October 2007                        |
| <ul style="list-style-type: none"> <li>• Conduct business analysis to support system</li> </ul>                                   | Completed May 2008                            |
| <ul style="list-style-type: none"> <li>• Guide the development of the system through the assessment and planning phase</li> </ul> | Completed March 2008                          |
| <ul style="list-style-type: none"> <li>• Secure federal funds to aid in system development</li> </ul>                             | Completed February 2008                       |
| <ul style="list-style-type: none"> <li>• Finalize requirements and begin detail design of the system</li> </ul>                   | Completed Summer 2008                         |
| <ul style="list-style-type: none"> <li>• Begin development and testing of the system</li> </ul>                                   | <i>Estimated Implementation Fall 2008</i>     |
| <ul style="list-style-type: none"> <li>• Implement the system</li> </ul>  | <i>Estimated Implementation February 2008</i> |

## ○ Working with OneStar and DARS

SB 758 Section 16 includes a provision for OneStar Foundation to work with DFPS to assist with foster home recruitment. OneStar Foundation works on behalf of the State of Texas to strengthen the capacity of local communities to address their most pressing needs. The OneStar Foundation will be able to provide technical assistance and support DFPS' recruitment efforts within the faith-based community. There is also a provision that directs DFPS to work with the Department of Assistive and Rehabilitative Services (DARS) to recruit families for children who have hearing impairments.

OneStar will evaluate the effectiveness of faith-based recruitment efforts in Region 6 (Houston) and provide technical assistance to enhance their recruitment efforts. The findings of the evaluation by OneStar will assist DFPS and Region 6 staff in engaging the faith community to recruit foster and adoptive families. Information from the evaluation will also support other regions in their recruitment efforts. Based on this assessment, DFPS may be able to increase the number of presentations to the faith community and increase verified foster and adoptive families during this biennium.

OneStar will also assist CPS in evaluating the CPS role and the effectiveness of the State Advisory Committee for the Promotion of Adoptions of Minority Children. The State Advisory Committee for the Promotion of Adoptions of Minority Children was created through HB 1662 during the 74<sup>th</sup> Legislative session to:

- Study, develop, and evaluate programs and projects relating to community awareness and education, family support, counseling, parenting skills and education, and reform of the child welfare system;
- Consult with churches and other cultural and civic organizations; and
- Report to the department at least annually the committee's recommendations for department programs and projects that will promote the adoption of and provision of services to minority children.

This process may include training and technical assistance to CPS in evaluating and selecting board members as well as training new and existing board members.

DFPS has also been working with DARS to recruit potential foster/adoptive families for children in care. The partnership has created a new recruitment brochure for the deaf and hearing-impaired children in CPS conservatorship. The collaboration meets bi-monthly to come up with new ideas and tools to ensure CPS is adequately recruiting for families who will meet the needs of the children in care.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Meet with OneStar Foundation to establish initial plan for recruiting foster homes</li> </ul>  | Completed August 30, 2007 |
| <ul style="list-style-type: none"> <li>• Meet with DARS to develop family recruitment strategies for children with hearing impairments</li> </ul>   | Completed September 2007  |
| <ul style="list-style-type: none"> <li>• Draft a joint proposal with OneStar in assessing recruitment efforts in Region 6, a disproportionality site, where efforts are not yielding the anticipated results</li> </ul> | Completed October 2007    |
| <ul style="list-style-type: none"> <li>• Form a workgroup that will consist of DARS staff, DFPS staff, and community stakeholders</li> </ul>  | Completed December 2007   |
| <ul style="list-style-type: none"> <li>• Meet with OneStar to finalize plan and begin the work</li> </ul>   | Completed December 2007   |
| <ul style="list-style-type: none"> <li>• Develop a brochure with DARS that will be utilized in targeted recruitment activities</li> </ul>   | Completed December 2007   |
| <ul style="list-style-type: none"> <li>• Send brochure sent to all DFPS recruitment staff</li> </ul>  | Completed January 2008    |
| <ul style="list-style-type: none"> <li>• Meet with OneStar to continue to assess work plan for evaluation</li> </ul>  | Completed January 2008    |
| <ul style="list-style-type: none"> <li>• Draft updated OneStar proposal outlining Region 6 evaluation and Advisory Committee evaluation and timelines</li> </ul>  | Completed April 2008      |
| <ul style="list-style-type: none"> <li>• Sign final copy of OneStar evaluation contract</li> </ul>  | Completed May 2008        |
| <ul style="list-style-type: none"> <li>• Introduce DFPS staff and community partners who will participate in OneStar Evaluation</li> </ul>  | Completed July 2008       |

○ **Court-Ordered Participation of Parents in Services**

SB 758 Section 20 addresses court-ordered services in Texas Family Code 264.203. The bill adds an additional situation in which the department can request court-ordered services: to reduce the reasonable likelihood that the child may be abused or neglected in the immediate or foreseeable future. Previously, the court had to find that abuse or neglect was present before the department could request the court to order such services.

CPS staff must continue to show that the services to be offered are designed to either alleviate past abuse or neglect or reduce the likelihood of future abuse or neglect and that staff attempted to get the parent to participate in the services voluntarily before asking for a court order.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Send policy to CPS staff regarding this addition to the statute</li> </ul>                               | Completed November 2007                         |
| <ul style="list-style-type: none"> <li>• Add this policy to the CPS Handbook, Section 5214 Court-Ordered Participation in CPS Services</li> </ul> | <i>Estimated Completion Date September 2008</i> |

○ **Committee on Pediatric Centers of Excellence**

SB 758 Section 21 requires the executive commissioner of HHSC to appoint ten members to serve on a committee on Pediatric Centers of Excellence relating to abuse and neglect. Members shall include representatives from the Department of State Health Services (DSHS) (presiding); the Attorney General’s office; a child advocacy center, a medical school and a children’s hospital; three pediatricians specializing in the treatment of child abuse; and the DFPS medical director. The committee shall:

- develop guidelines for designating regional centers of pediatric excellence;
- develop recommended protocols and methods of finance for the regional centers of pediatric excellence; and
- report findings to the legislature no later than December 1, 2008.

Prior to the appointment of the committee by the executive commissioner, DFPS provided HHSC with information about its contract for the forensic assessment center network and recommended some possible candidates to serve on the committee. HHSC appointed the members and the first meeting was held in January 2008. CPS provided a presentation on the forensic assessment center network during the meeting and continues to coordinate with the DFPS medical director who represents DFPS on the committee.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Hire DFPS medical director</li> </ul>   | Completed December 3, 2007  |
| <ul style="list-style-type: none"> <li>• HHSC names committee members</li> </ul>   | Completed December 2007   |
| <ul style="list-style-type: none"> <li>• Present information about current and ongoing efforts involving forensic assessment at the first meeting of the Committee on Pediatric Centers of Excellence</li> </ul> | Completed January 2008  |
| <ul style="list-style-type: none"> <li>• Develop guidelines for designating regional centers of pediatric excellence</li> </ul>  | Began January 2008 –<br><i>Estimated Completion Date October 2008</i> |
| <ul style="list-style-type: none"> <li>• Develop recommended protocols and methods of finance for the regional centers of pediatric excellence</li> </ul>  | Began January 2008 –<br><i>Estimated Completion Date October 2008</i> |

- Produce a report of findings to the Texas Legislature

*Estimated Completion Date  
December 1, 2008*

- **Caseworker Education Reimbursement Study and Targeted Recruitment of Caseworkers**

SB 758 Section 24 requires DFPS to study the effect that providing reimbursement for certain educational expenses would have on recruiting and retaining CPS caseworkers. The report will include a comparative analysis of the cost of training new caseworkers and having an experienced caseworker staff with the cost of providing reimbursement for educational expenses. Section 24 also states that, when recruiting CPS caseworkers, DFPS shall target its recruitment efforts toward individuals who hold a bachelor's degree or advanced degree in at least one of the following academic areas:

- social work;
- counseling;
- early childhood education;
- psychology;
- criminal justice;
- elementary or secondary education;
- sociology; or
- human services.

DFPS secured a contract with an online provider that broadens recruitment efforts by expanding the reach of agency job postings and hiring managers. This contract enhances the agency's ability to recruit applicants holding targeted degrees by utilizing a searchable resume database. Searches using key words such as degree type, education, location, experience and other relevant fields produce a list of potential applicants meeting the desired criteria. Potential applicants are contacted using email invitations to view open CPS caseworker positions.

The new service has offered some promising initial results as evidenced by stronger applicant pools in locations like Odessa, where pools have historically been lower than desired.

One of the challenges is accurately measuring the true impact of this service when it comes time to renew the contract. Applicants completing a State of Texas job application are not required to complete the accompanying Equal Employment Opportunity form. This form is used to identify the referral source and education background, among other things, of agency applicants. Since this information is voluntary it is not always available, so an alternative approach of capturing it during the interview process is being explored.

DFPS continues to receive from an HHSC contractor an ad hoc report that provides additional detail about the educational background of applicants. Reports available to DFPS prior to the implementation of enhanced recruitment efforts will provide baseline information on the recruitment of individuals with targeted degrees.

In addition to the online recruitment contract, DFPS continues to track ongoing work of DFPS field staff that already attend job fairs, speak to college classes and at community events.

In July 2008, the School of Social Work, University of Texas at Austin practitioners met with DFPS to provide an update on the caseworker education reimbursement study required by SB 758. To date The University of Texas School of Social Work has reviewed the literature from national child welfare organization websites, academic journals, and government and other organizational reports as well as contacted IV-E representatives from other states.

The majority of the states interviewed offered one or more of the following incentives: continuing education, on-the-job training, orientation, paid ongoing training, paid time off to pursue education, stipend to obtain social work degree, and tuition reimbursement. However, little information is available about cost or cost benefit of retention and recruitment strategies. The research committee is expanding its scope to include information from the Administration for Children and Families and the National Child Welfare Resource Center.

*Implementation Plan Details:*

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| <p>Caseworker Educational Reimbursement Study</p> <ul style="list-style-type: none"> <li>Form a workgroup consisting of University of Texas School of Social Work researchers, Protective Services Training Institute administrators, and DFPS staff and hold preliminary discussions about the educational reimbursement study and the availability of appropriate data to answer the research questions posed by the bill</li> </ul> | <p>Completed August 2007</p>                                 |
| <ul style="list-style-type: none"> <li>Receive a preliminary proposal from the UT researchers regarding the study on educational reimbursement</li> </ul>  | <p>Completed October 2007</p>                                |
| <ul style="list-style-type: none"> <li>Review proposal and assess feasibility of conducting the study</li> </ul>   | <p>Completed February 2008</p>                               |
| <ul style="list-style-type: none"> <li>Report findings of the caseworker education reimbursement study to the Texas Legislature</li> </ul>   | <p><i>Estimated Completion Date<br/>December 1, 2008</i></p> |

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| <p>Targeted Caseworker Recruitment</p> <ul style="list-style-type: none"><li>• Develop regional recruitment plans targeting specific undergraduate degrees in coordination with HHSC Human Resources</li></ul> | <p><i>Estimated Completion Date</i><br/><i>September 30, 2008</i></p> |
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## **FBI Checks and Director Requirements for Daycare**

SB 758 Section 39 requires child daycare centers to submit a fingerprint background check on each person at the operation who is required to have a background check to the Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI). The daycare centers must have the results of the complete background checks back before employing a person or allowing the person to have direct access to a child in care unless the following occurs:

- the operation receives the name-based results from DFPS stating that the person does not have any record prohibiting them from working based on the initial background check; *and*
- the operation can show that they would not have been able to meet the minimum staff-to-child ratio if they had to wait for the federal fingerprint results.

Also, SB 758 Section 41 adds criminal penalties for an owner or operator of a daycare center that knowingly operates without a qualified director.

In August 2007, DFPS held meetings in multiple locations throughout the state to inform providers and stakeholders of the changes to background checks in child care centers required by Senate Bill 758. To assist with the transition, DFPS posted an online background check tutorial, provided ongoing technical assistance, and dedicated a section of the Child Care Licensing public website to background check resources and frequently asked questions.

DFPS developed a schedule for implementation of FBI fingerprint checks in child care centers beginning with directors and designees, followed by caregivers counted in the child/caregiver ratio, and lastly for others regularly or frequently staying or working at the facility. The phased-in implementation schedule required:

- New directors and designees to have an FBI fingerprint check as part of their initial background check beginning September 1, 2007, and existing directors and designees to have an FBI fingerprint check either at their 24-month background check renewal or by September 1, 2008, whichever is sooner.

- New caregivers counted in the child/caregiver ratio to have an FBI fingerprint check as part of their initial background check requirements beginning January 1, 2008, and existing caregivers counted in the child/caregiver ratio to have an FBI fingerprint check at their 24-month background check renewal due date or by September 1, 2009, whichever is sooner.
- All other persons requiring either an initial or 24-month renewal background check to also have an FBI fingerprint check starting March 1, 2008.

Collaborative efforts continue between DFPS and DPS to improve processes for individuals registering for and submitting fingerprints electronically. One such improvement was the online listing of available locations in nearest range to a person's address. This collaboration also resulted in a more efficient means of delivering fingerprint results and system changes that now generate automatic alerts of criminal activity once a fingerprint is on file electronically.

In the fiscal year to date, DFPS has conducted 41,369 FBI fingerprint checks in child care centers.

Another component of Senate Bill 758 requires Licensing staff to meet with each child care center director at least once per year during an unannounced inspection to determine whether the director meets the minimum standard qualifications for a director. On September 1, 2007, CCL staff began conducting these annual unannounced inspections with the director present. The CLASS application, used by DFPS to document all licensing activities, was modified to document the director's presence at inspection, when director qualifications are evaluated and how frequently or infrequently the director is present. Frequent inspections without the director present warrant an in-depth review of the compliance history and staffing with the supervisor to determine a course of action.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Hold meetings on these changes with providers in Houston, San Antonio, Dallas, Amarillo, Corpus Christi, and El Paso</li> </ul>  | Completed August 2007 |
| <ul style="list-style-type: none"> <li>• Develop a phased-in rollout schedule for directors, caregivers, and "others" to help providers in implementing this requirement</li> </ul>   | Completed August 2007 |
| <ul style="list-style-type: none"> <li>• Review and improve online tutorial and instructions for daycare providers on how to register and schedule an employee for an appointment to submit his/her fingerprints</li> </ul> | Completed August 2007 |

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| <ul style="list-style-type: none"> <li>• Send information to DFPS staff regarding the new requirement and how to regulate for it</li> </ul>   | Completed September 2007 |
| <ul style="list-style-type: none"> <li>• Begin requirement for new and renewing directors and designees to have FBI fingerprint background checks when hired or when due biennially</li> </ul>  | Completed September 2007 |
| <ul style="list-style-type: none"> <li>• Notify daycare providers about criminal penalties for operating without a qualified director</li> </ul>  | Completed September 2007 |
| <ul style="list-style-type: none"> <li>• Post a Frequently Asked Questions section (FAQ) about these changes on the DFPS website and continue to update it</li> </ul>   | Completed September 2007 |
| <ul style="list-style-type: none"> <li>• Send information to all daycare providers about the changes and how to access the web site and the FAQs</li> </ul>   | Completed October 2007   |
| <ul style="list-style-type: none"> <li>• Publish an article about criminal penalties for operating without a qualified director in <i>Texas Child Care</i>, a quarterly magazine for all child care providers</li> </ul>  | Completed Fall 2007      |
| <ul style="list-style-type: none"> <li>• Draft rules, incorporating review from providers, to be proposed at the DFPS Advisory Council meeting on January 18, 2008, for adoption on March 1, 2008</li> </ul>  | Completed November 2007  |
| <ul style="list-style-type: none"> <li>• Work with DPS to create a more efficient technological means of delivering the background check results</li> </ul>   | Completed January 2008   |
| <ul style="list-style-type: none"> <li>• Work with DFPS IT staff and develop a rule to make use of existing technology that will allow the CLASS automation system to automatically receive information on criminal activities on individuals who have been fingerprinted so that providers will not have to resubmit the fingerprints every 24 months, resulting in significant cost savings for child care providers</li> </ul> | Completed January 2008   |
| <ul style="list-style-type: none"> <li>• Begin requirement for new and renewing caregivers to have FBI fingerprint background checks when hired or when due biennially</li> </ul>   | Completed January 2008   |
| <ul style="list-style-type: none"> <li>• Work with daycare providers on rules regarding who should be fingerprinted in the "others" category to provide better direction and reduce risk to children in child care</li> </ul>   | Completed March 2008     |

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| <ul style="list-style-type: none"><li>• Begin requirement for those in the “others” category, such as certain volunteers, to have FBI fingerprint background checks when starting or when due biennially</li></ul> | Completed March 2008                                |
| <ul style="list-style-type: none"><li>• Work with IBT, DPS’ electronic fingerprint vendor, to discuss improved processes for registering for and submitting fingerprints electronically</li></ul>                  | Completed June 2008                                 |
| <ul style="list-style-type: none"><li>• Ensure there are FBI fingerprint background checks on all persons who require an FBI check as a result of this legislation</li></ul>                                       | <i>Estimated Completion Date<br/>September 2009</i> |

## Continued Implementation of Senate Bill 6 CPS Reform Activities

Though SB 758 as a whole is a continuation of the reform efforts begun as a result of the HHSC review and Senate Bill 6 passed during the 79<sup>th</sup> Legislative Session, SB 758 Section 52 requires the department to report specifically on the continued implementation of reform activities from the 79<sup>th</sup> session that were modified by SB 758.

### ○ Drug-Endangered Child Initiative

SB 758 Section 26 adds heroin and cocaine “or any of its forms” to the eligible drugs in DFPS’ drug-endangered child initiative that was initially aimed at protecting children exposed to methamphetamine. Section 1.89 of SB 6, passed by the 79<sup>th</sup> Legislature, required DFPS to:

- establish a drug-endangered child initiative for children exposed to methamphetamine or to the chemicals related to illicit drug manufacturing;
- accept referrals from the Department of Public Safety (DPS) reporting the presence of a child in a location where methamphetamines are manufactured; and
- maintain a record of such reports and actions taken to protect a child.

In late 2005, DFPS signed a Memorandum of Understanding with DPS establishing protocols and responsibilities for all involved parties following the identification of a drug-endangered child. Then, throughout FY 2006, DFPS incorporated training about methamphetamine and these protocols in the training for new caseworkers and conducted multidisciplinary regional trainings with the Texas Alliance for Drug Endangered Children. DFPS began assigning Priority 1 status to all reports that alleged a child was residing in an environment where methamphetamine was being manufactured, and modifications were made to IMPACT (DFPS’ automated case management system) to identify cases where the manufacture of methamphetamine was alleged at intake or discovered during the course of an investigation.

Recognizing the increasing needs of drug-endangered children, and the professionals who work with them, the Texas Legislature, in 2007, tasked DFPS as follows in Sec. 40.071 of the Human Resources Code: The department shall establish a drug endangered child initiative aimed at protecting children who are exposed to *heroin, cocaine or any of its forms*, as well as methamphetamine or to chemicals and other hazardous materials used in the illicit manufacture of methamphetamine.

In response, DFPS continued the partnership with The Texas Alliance for Drug Endangered Children (TADEC). TADEC is funded through a grant from the Texas Children’s Justice Act and provides communities with education to build

Drug Endangered Children (DEC) teams. These teams educate the multidisciplinary professionals involved in DEC cases which ultimately help to provide safe, supportive and drug-free environments for child victims. They include first responders, CPS, law enforcement, medical and mental health professionals, prosecutors and county attorneys, child advocates, substance abuse treatment providers, and other community leaders, as well as the general public.

The DEC curriculum was expanded to include information on heroin, cocaine, and other hazardous drugs, and their impact on child safety. The treatment component of the training was strengthened as well. Five regional trainings have been conducted across the state this year. To date, over 6,000 participants, representing relevant agencies/entities from across Texas, have participated in trainings and gained valuable information about drug endangered children and best practices to utilize when working with them both as first responders and in their long-term care. TADEC also provides case consultation and technical assistance for CPS caseworkers.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Revise curriculum for the Drug-Endangered Child Initiative to include heroin, cocaine, and their derivatives</li> </ul> | <p>Completed May 2007</p> |
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○ **Preparation for Adult Living (PAL) Information**

SB 758 Section 17 requires DFPS to provide an information booklet about the department’s Preparation for Adult Living (PAL) program to youth and foster parents when youth enter the program. The PAL program was enhanced by SB 6, Section 1.51, which required DFPS to improve discharge planning, increase the availability of transitional family group decision-making (also known as “Circles of Support”), extend Medicaid coverage to age 21 with a single application, and enter into agreements with the Texas Workforce Commission (TWC) and local workforce development boards that would benefit foster care youth. The booklets will describe the program and the benefits available to the child in the primary language spoken by that individual, including:

- extended Medicaid coverage until age 21;
- priority status with TWC; and
- the exemption from the payment of tuition and fees at institutions of higher education as defined by the Education Code.

The Texas Foster Care Handbook for Youth was first published in 2004, and designed by a group of young people representing youth in foster care and alumni of care. Youth members of the statewide Youth Leadership Council,

comprised of youth representing each of the 11 regional Youth Leadership Councils, have partnered with staff and community partners to revise and upgrade the handbook in accordance with SB 758.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Revise the PAL handbook, Texas Foster Care Handbook for Youth, to include the information required by SB 758, the Bill of Rights for Children in Foster Care, and other information important for children preparing to age out of foster care</li> </ul> | Completed June 2008                               |
| <ul style="list-style-type: none"> <li>• Publish the newly revised Texas Foster Care Handbook for Youth and post the handbook on the DFPS website and on <a href="http://www.texasyouthconnection.org">www.texasyouthconnection.org</a></li> </ul>   | <i>Estimated Implementation Date October 2008</i> |
| <ul style="list-style-type: none"> <li>• Distribute hardcopies to older youth in care statewide through caseworkers, PAL classes, Transition Plan Meetings, and Circles of Support and make it available at Transition Centers, youth conferences and other youth events</li> </ul>                | <i>Estimated Implementation Date October 2008</i> |

○ **Outsourcing**

SB 758 Section 54 repealed the outsourcing requirement that was established by SB 6 in the 79th Legislative Session. SB 6 directed DFPS to outsource all substitute care and case management services statewide by September 1, 2011. DFPS was directed to hire an independent administrator, who would in turn contract for services in designated geographic areas. DFPS moved forward to cancel the RFP for an Independent Administrator.

The Texas Legislature repealed the requirement that DFPS outsource substitute care and case management services. Senate Bill (SB) 758, Section 12, requires DFPS to develop a pilot program for the outsourcing of case management services in up to 5 percent of CPS cases. DFPS was directed to develop a pilot program for the competitive procurement in one or more geographic areas of the state on or before September 1, 2008. More detailed information regarding activity related to outsourcing 5 percent case management is referenced in the case management pilot section of this report.

*Implementation Plan Details:*

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| <ul style="list-style-type: none"> <li>• Review, secure, and organize all procurement-related files</li> </ul> | Completed August 2007 |
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| • Close the procurement for the Independent Administrator in Region 8  | Completed September 2007 |
| • Notify respondents via e-mail and certified mail of the cancellation | Completed September 2007 |
| • Post cancellation on Electronic State Business Daily (ESBD)          | Completed September 2007 |

## Conclusion

DFPS received an unprecedented amount of resources for the FY 2006–07 biennium leading to dramatic improvements, particularly on the front end of the child welfare system. The 80<sup>th</sup> Texas Legislature chose to invest in the continuation of this reform. They funded additional programs and resources so that the Department could continue making the systemic changes of reform and better serve children and families in crisis.

Though the continuation of CPS reform is just concluding its first year, this ambitious investment in the future of Texas children and families is showing considerable promise both in outcomes for families and for the effective use of state resources.

DFPS has a renewed emphasis on working with families to prevent removal and the number of children entering the foster care system has declined. Families are increasingly engaged as active participants in resolving their own challenges. Children unable to stay in their own homes are increasingly likely to be placed with extended family. Poverty-related factors have a decreasing role in children coming into state conservatorship. Providers of foster care services to Texas children now operate with greater state oversight to ensure safety and well being. Safety is increasingly assured through effective background checks and the weighting of licensing standards based on risk.

Technology, new management infrastructure, and effective partnerships with the courts and agency stakeholders continue to increase the efficiency, efficacy, responsiveness and accountability of services being delivered.

All of these practice reforms have led to a reduction in the rate of growth in paid foster care, generating significant savings.

DFPS, its staff, and the clients and the communities it serves, are all benefiting from the farsighted investment made towards systemic improvement. In the coming year, DFPS will continue to build on the foundations laid by state leadership in keeping Texas families together and safe.