



Commission to Eliminate Child Abuse and Neglect Fatalities

Monday, June 2, 2014

**University of Texas at San Antonio
Downtown Campus
Durango Room (1.124)**

**Judge John J. Specia, DFPS
Commissioner**

Introduction

- Good afternoon, Chairman Sanders and members of the commission.
- I am John Specia, Commissioner of the Texas Department of Family and Protective Services.
- I appreciate the opportunity to testify before you today.
- On behalf of our agency and the State of Texas, I support the goal of the Commission to develop recommendations for a national strategy to reduce child abuse and neglect fatalities.
- Among other duties, I oversee Child Protective Services, our state child welfare agency, and Child Care Licensing, which investigates alleged child abuse and neglect in licensed facilities, including foster care.
- Collectively, the two divisions are responsible for investigating all reported child fatalities in Texas where abuse or neglect is alleged.
- You heard from Congressman Lloyd Doggett, state senator Carlos Uresti, and Texas Representative Dawnna Dukes.
- I cannot thank them enough for their work in addressing child abuse and neglect.
- In selecting San Antonio for this meeting, you are coming to a community that must be recognized for its dedication to addressing child abuse and neglect head on.

- This city and Bexar County provide a model for other cities and states on what it takes to address child fatalities collaboratively and as a public health issue.
- Through a variety of prevention and intervention services, Bexar County has focused on meeting the needs of families who are involved with Child Protective Services system and those who are struggling to keep their children safe.
- Bexar County is currently launching the Be On the Lookout Campaign, which includes a rollout of public awareness information on water safety, the danger of leaving children in hot cars, as well as a domestic violence initiative.
- Like this Commission and every other state in the nation, we struggle with how to best address child fatalities due to abuse and neglect.
- In Texas, we have a number of initiatives underway to tackle this issue head on.
- From my first day at the helm of DFPS, child safety has been my top priority.
- One of my first actions was to request an audit on child fatality investigations and reporting.
- I wanted to make sure that when a child dies of abuse or neglect, DFPS has a strong, objective review process in place to look at the circumstances of the case.
- The audit found that the agency needs to strengthen how we respond to and review child fatalities.

- Where the agency has been unable to prevent a child death, we have an obligation to learn from the events surrounding the death.
- I'd like to talk with you today about our work here in Texas that may be helpful in your national efforts.
- First, I'm going to give you some background on my agency and talk about what we've learned from the data on abuse and neglect fatalities in Texas.
- Second, I'm going to highlight some of the practices we've found that are particularly helpful.
- Finally, I'd like to speak about the importance of having a nationwide standard for counting and identifying when a child death is from abuse or neglect.

About DFPS

- At DFPS, we fulfill our mission through a variety of programs that work together to prevent and address child abuse and neglect.
- I'd like to provide you with some information about how our child welfare agency is structured to give you some context for my testimony today.
- First of all, Texas has a state-based child welfare system.
- With the support of our health and human services enterprise, our goal is to operate as one state with one focus.
- That focus is on child safety, permanency and well-being.

Prevention & Early Intervention

- The best outcome is to prevent abuse and neglect before it happens.
- With that in mind, the Texas Legislature funds and supports the Prevention and Early Intervention division within CPS, which focuses on stopping abuse, neglect and juvenile delinquency before it happens.
- PEI does this by:
 - Supporting community-based programs that prevent child abuse and juvenile delinquency.
 - Helping communities identify their prevention needs and enhance local services.
 - Helping communities create new programs and improve existing ones that improve outcomes for children, youth, and their families.

Statewide Intake

- When families come to the attention of DFPS, Statewide Intake is the front door.
- SWI processes all intakes of reports of abuse, neglect, or exploitation and then routes reports to the appropriate local program office.
- SWI also manages our Texas Youth and Runaway Hotline, which allows children and teens to call, text, or have an online chat with trained volunteers who offer crisis counseling and referrals for troubled youth and families.¹

¹ The Youth Runaway hotline received 7,462 calls in FY13. More detailed info is in the Background section of your binder.

- Operating 24 hours per day and 7 days a week, SWI fields calls on the abuse or neglect of children; the abuse, neglect or exploitation of the elderly or adults with disabilities, including those in licensed facilities throughout the state.
- To put it in perspective, our Statewide Intake took more than 730,000 calls last year.
- Of these, more than 229,000 met the statutory definition of child abuse or neglect and were sent to Child Protective Services for investigation.²

Child Protective Services

- The goal of Child Protective Services is to keep children safe.
- When their safety cannot be maintained at home, DFPS can petition the court to take conservatorship³ of the child.
- If evidence support removal, children can be placed with relatives, in a kinship placement, in foster care or in an adoptive placement.
- Services are designed to address the child's safety, permanency and well-being regardless of placement type.

Child Care Licensing

- To protect the health, safety, and well-being of children being cared for outside of their homes, Child Care Licensing (CCL)

² 87,527 - referred to APS In Home

11,663 - referred to APS Facility

2,283 - referred to day care (Child Care Licensing/CCL)

3,531 referred to RCCL

³ As of August 31, 2013, there were 27,924 children in the state's conservatorship. Of these:

- 16,676 were in Foster Care
- 10,059 were in Kinship Care
- 1,189 were in other settings

regulates all child-care operations and child-placing agencies where more than one million children in Texas receive care⁴.

- Unlike in other states, Texas licensing information is available to the public on txchildcaresearch.org.
- One of my biggest concerns related to child safety is illegal child care operations.
- Parents are attracted to them because they charge less, but we've seen some terrifying practices at unlicensed operations.
- We're taking steps to more proactively address these operations.

Background on Texas

- Texas is the second largest state in the nation with over 27 million people residing in 254 counties.
- Our child population is over 7 million and growing, with more than 1 million children added in the past decade.
- To put it in perspective, the child population in Texas exceeds the entire population of the State of Tennessee (*6.4 million*).
- I believe that some of the things we've put in place here in Texas have made a difference in addressing child fatalities related to abuse and neglect.
- For instance, Texas law requires that everyone is a mandated reporter of suspected abuse and neglect.

⁴ In FY13, Child Day Care regulated 21,980 daycare operations/homes with the capacity to serve 1,085,366 children. The division conducted 1,669 abuse/neglect investigations, 16,760 other investigations, and performed 37,128 inspections.

- Also, all deaths of children under the age of 6 must be reported to the county medical examiner.
- All child fatalities where abuse or neglect is suspected must be investigated, and being a state-run system, we have one set of standards and policies that apply to all of our investigations.
- Texas reports all confirmed abuse or neglect related fatalities⁵ while other states either do not report or only report confirmed child abuse/neglect fatalities when certain circumstances exist

For instance, some states only report when the medical examiner has determined that abuse or neglect has occurred (*New Mexico, North Carolina, Kansas*)

- Others only report when the child was in the conservatorship of the state (*Montana*)
- Other states wait for the Child Fatality Review Team to complete their reviews, often occurring 2 to 3 years after the fatality (*Nebraska, Ohio, Vermont*)
- The first step in addressing the problem of child abuse and neglect fatalities is to understand the magnitude of the problem.

⁵ DFPS is the final investigator and official reporter for child abuse/neglect fatality data statewide. DFPS is the primary agency required by law to investigate and report on child maltreatment fatalities in the state when the perpetrator is a person responsible for the care of the child.

DFPS uses information gathered by law enforcement and medical examiners' offices to reach dispositions in the child fatalities investigated by DFPS. Other agencies, however, have different criteria for assessing and evaluating causes of death that may not be consistent with the child abuse/neglect definitions in the state Family Code and/or may not be interpreted or applied in the same manner as within DFPS.

- In order to identify patterns and trends that lead to abuse and neglect fatalities, we need a complete picture of the problem.

Child Fatality Data

- Every child abuse and neglect fatality represents an immeasurable loss to the family, the community and our state.
- We mourn the death of each child and examine the circumstances of each child death individually and in the aggregate to understand what led to these tragedies.
- I'd like to talk with you now about what we've learned from our data analysis of child abuse and neglect fatalities in our state.
- Despite our growing child population, in recent years, the number of child abuse and neglect related fatalities have dropped in Texas.
- In the past fiscal year, the number of child abuse and neglect fatalities has dropped by more than 25 percent, and in the last 5 years, it has declined by 40 percent.
- We cannot isolate one definitive reason as to why fatalities have declined.
- We believe it likely is a combination of factors including increased community awareness and more access to community services.⁶

⁶ Examples of factors that could contribute to reduction in abuse & neglect fatalities:

- Community awareness of abuse/neglect
- Reduction in number of reports overall about abuse/neglect
- Economic growth/stability in Texas
- Access to community services
- Increased medical community knowledge about abuse/neglect and treatment centers

- DFPS is not the only entity working to address this problem.
- Just by looking at the agenda for this event, you can see that law enforcement, nonprofit organizations and policymakers are working to address this issue.
- While the reductions in child fatalities represent a multitude of factors at play, it also shows us that there is more work to be done to protect children in Texas.
- We perform data analysis, but rather than focusing on any particular statistic, we identify the underlying patterns and trends so we can better target our prevention efforts.

Data Analysis

- Here's what we've discovered through data analysis.
- Children who die from abuse and neglect are younger and more likely to be male compared to abuse and neglect victims overall.
- In 2013, 81 percent of child abuse and neglect fatalities were 3 years old or younger and 58 percent were male.
- The majority of confirmed fatalities (59 percent) are due to some form of neglect rather than abuse (41 percent)⁷.

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- Access to community health care, mental health services, substance abuse services
 - Community programs and media campaigns such as Water safety Month and child safety programs (like car seat use, safety around water, safe sleep)
 - DFPS' focus on enhanced child safety practices

⁷ Abuse related fatalities due to blunt force trauma, stabbing, intentional suffocation, homicides.

- Some of the most common circumstances of neglect involve unsupervised access to a swimming pool or firearm and unsafe sleeping arrangements.⁸
- In the majority of child abuse and neglect-related fatalities, the child or the perpetrator had no prior history with CPS.
- In the cases where CPS was involved with the family at the time of the death, most fatalities were caused by unintentional acts involving inadequate supervision.
- It is important to note that Texas includes being under the influence as part of the definition of abuse/neglect⁹.
- As a result, these deaths are counted as child abuse and neglect fatalities.
- Additionally, Texas includes medical neglect, which is defined as failing to seek, obtain, or follow through with medical care for a child.
- These are also counted as child abuse and neglect fatalities.
- In the past 4 years, the number of intentional, physical abuse fatalities has dropped by over 30%.
- While progress has been made, there is more work to be done to ensure that this number continues to trend downward.

⁸ In child fatality cases, factors that presented safety threats to the child included:

- Lack of protective capacity of the caregiver
- Repeat maltreatment of the child
- Access to a swimming pool
- Access to a firearm
- Inappropriate sleeping arrangements
- Children age 3 and under represent 80% of all child abuse and neglect fatalities

⁹ Texas Family Code, Section 261

Initiatives and Improvements

- Now I'd like to talk about how we've learned from our data analysis and translated it into action, highlighting some of our recent efforts to prevent abuse and neglect fatalities.
- DFPS developed a strategy to review and strengthen safety-related practices across Child Care Licensing, Residential Contracts, and Child Protective Services.
- After reviewing child fatalities in 2013, we found that the lack of protective capacity of the caregiver is a major factor in child fatalities¹⁰.
- In order to provide more protection for children age 3 and under, who represent 80 percent of child fatalities, we are increasing the number of safety checks and unannounced visits for children in foster care and kinship care placements.
- When we perform safety checks, we're looking for safety threats to the child, including access to a swimming pool or firearm.
- Particularly in the summer months, we have to be more vigilant than ever about water safety.
- We now provide more prevention resources to caregivers, and we also have a public awareness campaign called [Watch Kids Around Water](#), to encourage water safety.
- We lose far too many children in Texas due to unsafe sleep, and this is something that we carefully monitor during safety

¹⁰ Protective capacity: Whether or not the parent/caregiver can and will protect their child -- the skills, ability, understanding, and willingness to protect

checks and unannounced visits in daycare centers, foster settings, and kinship placements.

- Texas also launched the [Room to Breathe](#) campaign, which encourages safe sleeping practices for infants.
- In an effort to prevent intentional trauma to a child, we must closely examine what is going on with the caregiver.
- In our investigations, we determine if there is a paramour or others in the picture who may be living there or may be taking care of the child occasionally.
- If so, we need to evaluate that individual and look for any risk factors that may impact child safety.
- Recognizing that children with primary medical needs have specific, individualized requirements to address their safety, permanency, and wellbeing, DFPS worked to enhance staff and caregiver's knowledge, skills, and training.¹¹

Review of Child Fatalities

- In Texas, we recently completed an overhaul of our child fatality review process.
- This overhaul shed some light on several areas to strengthen and enhance our practice, with the ultimate goal of reducing and preventing child fatalities.

¹¹ Including:

- Distributing safety recognition cards for DFPS staff and CPAs
- Publishing a Reference Guide to Assess Safety and Proper Care of Children With Primary Medical Needs Placed in Foster Homes
- Surveying caregivers and providers to assess specific needs and services to inform policy changes

- Texas has a comprehensive approach to child abuse/neglect fatality reviews, which includes internal and external reviews.
 - The **internal process** includes an immediate, real time review of abuse/neglect fatalities to help inform prevention and intervention of abuse/neglect at the regional and state levels.¹²
 - The **external process** follows a public health approach where abuse/neglect fatalities are reviewed with other causes of child fatalities.
 - While these reviews happen later (more than a year after the fatality), it allows Texas to address child abuse/neglect fatalities in context with preventable, public health-related child fatalities.

New Initiatives

- I'd like to share some information about a couple of new initiatives in the pipeline.
- Our agency is working with the Department of State Health Services to carry out a collective project to look at child abuse and neglect fatalities from a public health perspective.
- This spring, our two agencies have embarked on sharing aggregate information to focus prevention and intervention efforts between our child protection services and public health services.

¹² Upon completion of the investigation, staff and a multidisciplinary group of professionals review specific cases to help identify any issues in our system. This helps to reduce the number of child fatalities, address child abuse and neglect overall, and strengthen policy and practice.

- Examples of professionals that participate include: law enforcement, medical professionals, school personnel, attorneys, first responders, service providers, CASA, staff from Child Advocacy Centers, and staff with Texas Department of State Health Services.

- This will allow us to leverage birth and death record information with census data and public health sector information.
- This will enable us to pinpoint particular geographic areas in need of specific services to reduce and prevent child maltreatment from a public health perspective.
- We expect to complete the data analysis in early fall.
- Based on recommendations from the State Child Fatality Review Team, Project HIP is a new effort that provides voluntary services to families that will increase protective factors and prevent child abuse.
- The program provides an extensive family assessment, home visiting programs that include parent education and basic needs support to targeted families.
- Eligible families are those who
 - Previously had their parental rights terminated due to child abuse and neglect who currently have a newborn child,
 - Families whose child died from child abuse or neglect and who have a newborn child, or
 - Current foster youth who are pregnant or who have given birth in the last four months.
- We are just embarking on this project, and we're tracking data and outcomes for analysis.

Recommendation

- In Texas, we support the work of the commission to reduce and ultimately eliminate child fatalities due to abuse and neglect.

- In the past year, we had the opportunity to learn some valuable lessons by taking a closer look at the circumstances and underlying causes of child fatalities.
- As a result, we believe that, although there is more work to be done, our state is better able to prevent and address child abuse and neglect fatalities.
- In Texas, we believe that the only way to address child fatalities is through as much disclosure and transparency as is allowed by law.
- As we've discussed, Texas has a broader definition of abuse and neglect, we have full disclosure when it comes to reporting child fatalities, and we're a mandatory reporter state.
- We'd like to recommend that the commission propose a uniform method for reporting child fatalities due to abuse and neglect.
- Having consistent data across jurisdictions would better help us to identify trends and take corrective action to eliminate child fatalities.
- If we want to prevent abuse and neglect fatalities, we need a full picture of the problem.

Conclusion

- The Texas Department of Family and Protective Services is committed to addressing child safety.

- During every hour of every day, thousands of our workers are protecting thousands of children, often in spite of threats of violence and unsafe conditions.
- Often this good work goes unnoticed and unrecognized.
- We must provide every child, every youth, every family we come into contact with the tools to grow as a family and keep their children safe.
- We do this through prevention and early intervention, through detailed investigations when child safety is in question, and through providing services to address safety, permanency, and well-being for the family we directly serve.
- By the time we get a report, it may be too late.
- A child has already been subjected to abuse or neglect.
- That's why I'd like to call upon members of the public to contact us if you see a child who is in need by calling 1-800-252-5400.
- Help us spread the word throughout your community, to your schools, your churches, to report it when a child may be in danger.
- It is only through a universal commitment to address child safety that, together, we can realize a future for our children where abuse and neglect does not claim the lives of the most innocent and precious among us.