



Texas Department of
Family and Protective Services
Office of Data & Systems Improvement

EXPANSION OF PERMANENCY CARE ASSISTANCE

As Required by
Senate Bill 1896, 87th Legislature,
Regular Session, 2021, SECTION 30

Analytics and Evaluation
Office of Data and Systems Improvement
December 1, 2022

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Introduction

Senate Bill (S.B.) 1896, 87th Legislature, Regular Session, 2021, SECTION 30 requires the Department of Family and Protective Services (DFPS) to study extending Permanency Care Assistance (PCA) benefits to people who are not relatives of a foster child and who do not have a longstanding and significant relationship with the foster child before the child enters foster care; and assess the potential impact and favorable permanency outcomes for children who might otherwise remain in foster care for long periods or have managing conservatorship of the child transferred without any benefits to the caregiver.

Not later than December 31, 2022, DFPS must submit a report to the Legislature on the results of the study and assessment conducted under this section and recommendations for further action based on the study and assessment.

The DFPS Division of Systems Improvement determined the best way to gather this information was by talking directly with caregivers of children in DFPS permanent managing conservatorship (PMC) and stable placement for a year or more using a semi-structured interview tool, which included questions to understand non-relative caregiver thoughts regarding PCA.

These dedicated caregivers provide an exclusive perspective about the challenges they may face when making decisions about providing legal permanency or trying to get to the end of the CPS case for a child or youth. Caregivers who have provided a safe and stable home over time are an important part of Texas' child welfare system. Their knowledge, expertise, and experiences are vitally important to understand resources needed to ensure caregivers feel supported to provide care to children during and after a child's time in out-of-home care and how DFPS can help children/youth find permanency.

Summary

Currently PCA is a financial resource only available for relatives or fictive kin who complete the licensing process, also known as verification. Once verified, the relative or fictive kin must maintain placement for six consecutive months prior to being awarded PMC with PCA. When specifically focusing on the population of 151 non-relative caregivers interviewed, only 39 percent had knowledge of PCA before the interview. This is not surprising since all respondents were non-relatives, and many may not currently be eligible for PCA if they are not fictive kin.

When asking whether caregivers would be willing to change their legal status to PMC, only 31 percent of respondents said "yes." However, caregivers' willingness to consider PMC increased to 42 percent when adding in financial benefits and additional supports provided by the state (PCA). Overall, 16 percent thought PCA would make a difference and 20 percent

thought it would maybe make a difference in their decision to provide permanency for the child.

Safety, permanency, and well-being are the three primary goals of the child welfare system in Texas. Once a child is in out of home care, the goal of Child Protective Services is to help children find the place where they can have a permanent and stable home without the legal involvement of the agency. Permanency is often achieved in a timely manner for children who enter out-of-home care. The average time to permanency for children in Texas in fiscal year 2021 was 18.8 months¹, less than two years. In fiscal year 2021, for children who exited from out-of-home care to a non-relative adoptive placement, the average time to permanency was 30 months or 2.5 years².

In fiscal year 2021, there were a total of 17,337 children who exited from DFPS conservatorship. Of those children, 26 percent had custody given to relatives or fictive kin with no PCA, 14 percent were adopted by non-relatives, 12 percent were adopted by relatives, and 5 percent exited with custody given to relatives or fictive kin with PCA. Fiscal year 2021 shows similar outcomes to the previous two fiscal years³.

Permanency Care Assistance

As part of S.B. 1896, SECTION 30, the Legislature asked DFPS to explore “extending permanency care assistance benefits to people who are not relatives of a foster child and who do not have a longstanding and significant relationship with the foster child before the child enters foster care.” A child is usually not eligible for adoption because parental rights have not been terminated or the child does not wish to be adopted.

In these cases, DFPS can ask the court to give PMC (guardianship) to another person who is willing to be a permanent caregiver for the child. If caregivers qualify, they may also receive PCA benefits when they become the legal guardian. PCA is similar to the adoption subsidy and other benefits children may qualify for if they are adopted, but right now PCA benefits are currently only available to relatives and fictive kin. Over the last three fiscal years, 4 percent-5 percent of children exit conservatorship when custody is given to a relative or fictive kin with PCA benefits. Both relative and non-relative adoptions account for about 30 percent of exits from care each year⁴.

To learn more about whether or not the expansion of PCA benefits to caregivers who do not currently qualify under the current federal and state law may impact permanency outcomes for children who would otherwise stay in care, non-relative foster parents were asked to answer several questions about PCA. DFPS Federal and Program Improvement Review

¹ DFPS data warehouse report Executive Dashboard (exd1_03)

² DFPS data warehouse report (PP_20)

³ DFPS data warehouse report (PP_20)

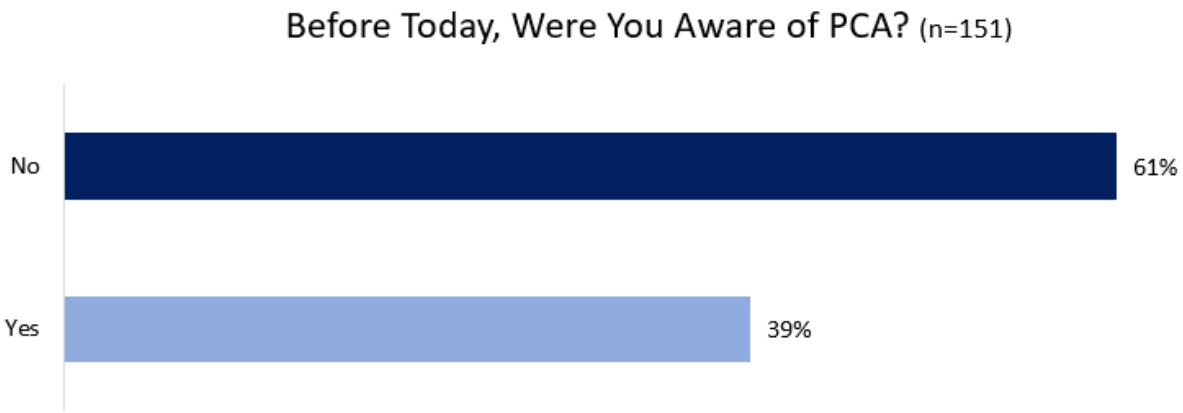
⁴ DFPS data warehouse report (PP_20)

staff were enlisted to conduct telephone interviews using a semi-structured interview tool to conduct full interviews with **151 non-relative caregivers, who are currently licensed foster parents** and agreed to answer questions about PCA. The interviews were conducted between February and March 2022.

Survey Findings

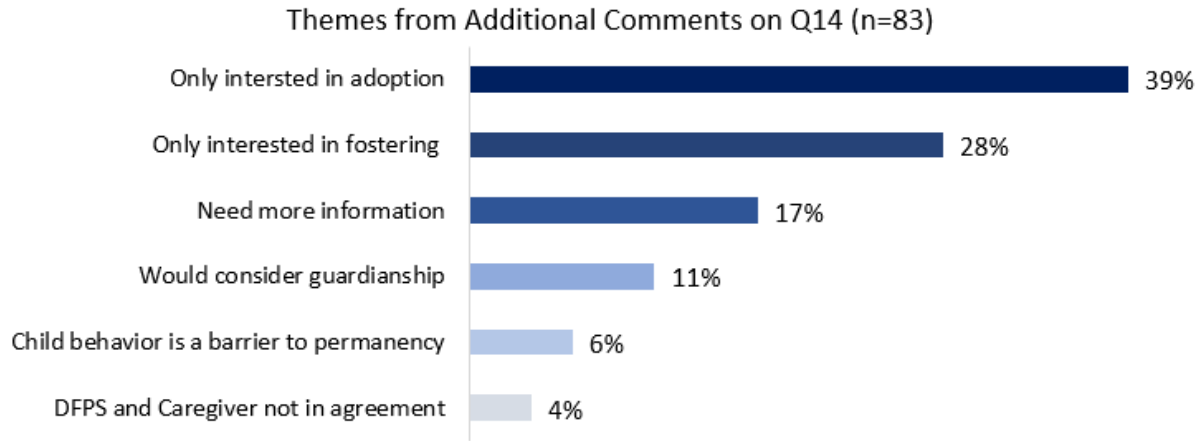
Before the day of the interview, 61 percent of the caregivers had never heard of PCA and 39 percent of the caregivers had knowledge of PCA before the interview. See Figure 1.

Figure 1. Outcome of PCA Awareness Survey Question



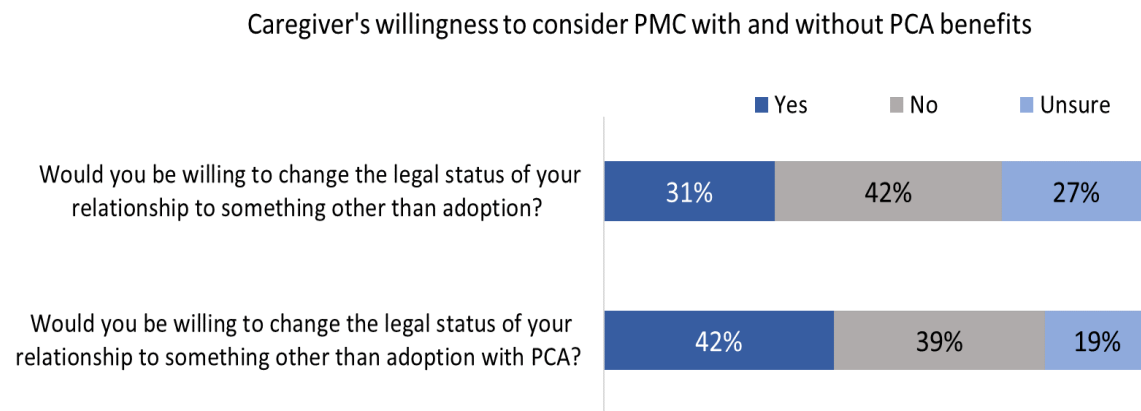
When the interviewer asked if caregivers were open to changing their legal relationship to the child in their home to something other than adoption, in this case legal guardianship, **31 percent of the caregivers said “yes.”** Caregivers were asked to elaborate on their response regarding their willingness to create a legal relationship other than adoption with the child in their care. There were 83 additional comments in this section and most expressed an interest in only adoption or fostering categorized in Figure 2.

Figure 2. Response Themes from Survey Question on Changing the Child’s Legal Relationship



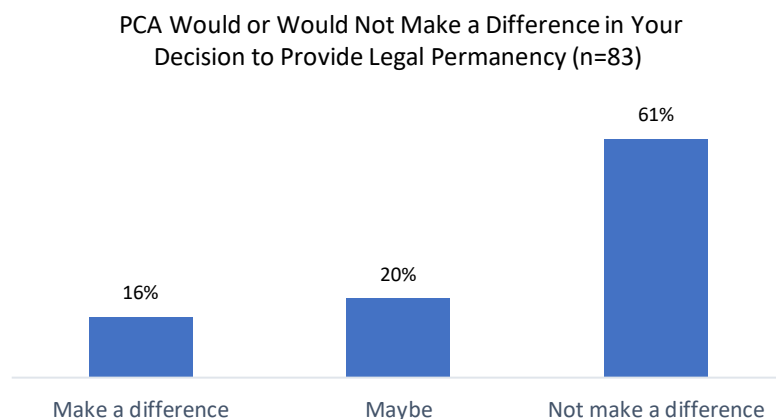
When the interviewer asked if the caregiver would consider becoming a legal guardian (not adoption) if they were eligible for financial benefits and additional supports provided by the state when you qualify for PCA in Texas, **42 percent of caregivers said “yes.”** Adding some financial assistance into the equation did move some caregivers to consider saying “yes” to legal permanency and left space for some caregivers to change from “no” to “unsure.” See Figure 3 below. There were 60 additional comments that reiterated and supported the themes caregivers shared.

Figure 3. Willingness of Caregiver to Consider PMC with or without PCA Benefits



There was a final question which asked caregivers to reflect on the reasons why PCA eligibility would or would not influence their decision to provide legal permanency. There were 83 additional comments, and the information shared was much like the comments in the previous PCA questions. The most common sentiment is that PCA would not make a difference in the decision they would make regarding permanency. (See Figure 4.) They either have no intention of providing legal permanency or prefer to adopt the child; however, there was a small number of caregivers who indicated PMC with PCA might be a good option for them or other caregivers if it were available in the future.

Figure 4. PCA Eligibility Influence on Providing Legal Permanency



Expansion of Permanency Care Assistance

The expansion of PCA eligibility in Texas has the potential to provide an additional avenue for legal permanency with financial support for children awaiting legal permanency. There was a 35 percent increase in caregivers who indicated they may be willing to consider a legal relationship with a child other than adoption if they were eligible for ongoing financial assistance and additional supports.

Even when caregivers did not feel PMC with PCA was a good option for them and the child in their care at this time, they felt this might be a pathway to permanency for other families in the future. For foster parents who did not feel PCA would influence the decision about legal permanency for the child in their care, they most often cited it was because they

felt strongly that adoption is the best pathway for their family and the child, or the caregiver felt strongly that while they would continue to care for the child, they have no intention to provide legal permanency for the child.

There is a substantial gap in the financial support received when a caregiver is a licensed foster parent and when the caregiver becomes the legal guardian through adoption or PMC with PCA. When a child is placed in a licensed foster home, the recurring monthly payment is at least \$812.10 per month⁵. For a caregiver who receives a recurring monthly payment through an adoption subsidy or PCA, the monthly payment is \$400-\$545.00 per month. This is a 69 percent difference between the two monthly payments, and this amount does not consider additional supports the caregivers receive based on the child's legal status.

There is also a difference in whether the child has access to health insurance and what kind. When a child remains in paid foster care, they continue to be eligible for Medicaid through STAR Health through the age of 21 if they remain in extended foster care. For children who are adopted and eligible for adoption subsidies, they may continue to receive Medicaid through the Adoption Subsidy Agreement. If the caregiver can qualify for PCA benefits, the child can continue to receive Medicaid through the PCA Agreement. When permanency is achieved through custody given to a relative without PCA, then the child may receive Medicaid, if they are financially eligible. Children receive Medicaid through a different funding stream if they receive Supplemental Security Income (SSI) or disability services when they exit from DFPS conservatorship to adoption or PMC with or without PCA. Daycare assistance is only available to families when the child is in DFPS conservatorship and access to these funds for working foster parents is lost when they adopt the child or take PMC of the child with or without PCA. (See chart in Appendix A for all available benefits by exit type⁶)

If expanded, PCA is a potential additional option that provides both financial assistance and access to additional supports like healthcare benefits. A common barrier relative and kinship caregivers experience includes cumbersome agency and system processes like licensing and paperwork associated with permanency. PCA requires verification or licensing of the home and is accompanied with additional applications and paperwork. The PCA process requires a specific order of events that must be adhered to in order to secure the benefits. In that regard, families agreeing to PMC with PCA may experience more barriers. However, foster parents have cleared the licensing hurdle, and this positions them to more easily obtain clearance for PCA. Education about PCA and the process along with clear communication and support from the caseworker to ensure the caregiver is successful are critical.

⁵ Tables 2 and 3. Benefits and Requirements for Kinship/Fictive Kin Caregivers

⁶ Tables 2 and 3. Benefits and Requirements for Kinship/Fictive Kin Caregivers

Recommendation

Based on the responses to the caregiver survey, DFPS recommends modifying the definition of a non-relative who could qualify for PCA to include foster parents in order to help support permanency for some children. This will require a multi-step process which includes:

1. Reviewing the current eligibility requirements for PCA and how federal standards pose barriers to families going through this process, such as:
 - a. Families have to become verified by a licensed child-placing agency or DFPS.
 - b. The child must reside for at least six consecutive months after the person becomes verified by a licensed child-placing agency or DFPS.
2. Amending Family Code, Section 264.851 to include foster parents as a non-relative who could qualify for PCA. Currently, the statute defines kinship provider as “a relative of a foster child, or another adult with a longstanding and significant relationship with a foster child *before the child was placed with the person by the department* with whom the child resides for at least six consecutive months after the person becomes licensed by the department or verified by a licensed child-placing agency or the department to provide foster care.” Eliminating the six consecutive month residency requirement barrier for foster parents to qualify for PCA will allow them to more easily obtain PCA.
3. Amending the Title IV-E State Plan and secure approval by Administration for Children and Families, as the statute is referenced in the state plan.

Conclusion

Expanding PCA to non-relatives may help support permanency for some children, though it is unclear the size of the population of caregivers who are not relatives or fictive kin. Better clarification of the differences in access to financial and health resources between fostering, adoption, and PMC with PCA to caregivers may support caregivers in making informed decisions. Further, improving communication with caregivers and helping complete the paperwork and licensing requirements may help improve permanency for children.

List of Acronyms

Acronym	Full Name
AA	Adoption Assistance
DFPS	Department of Family and Protective Services
HHSC	Health and Human Services Commission
PCA	Permanency Care Assistance
PMC	Permanent Managing Conservatorship
S.B.	Senate Bill
SSI	Supplemental Security Income
TANF	Temporary Assistance for Needy Families

Appendix A

Additional Child Demographic Data from Foster Caregiver Interview Sample

Between February and March 2022, DFPS conducted interviews about PCA with 151 non-relative caregivers currently licensed as foster parents. Figures 5-10 and Tables 1-3 provide demographic data on the children in relation to the non-relative foster caregiver interviewees.

Figure 5. Living Arrangement of Children

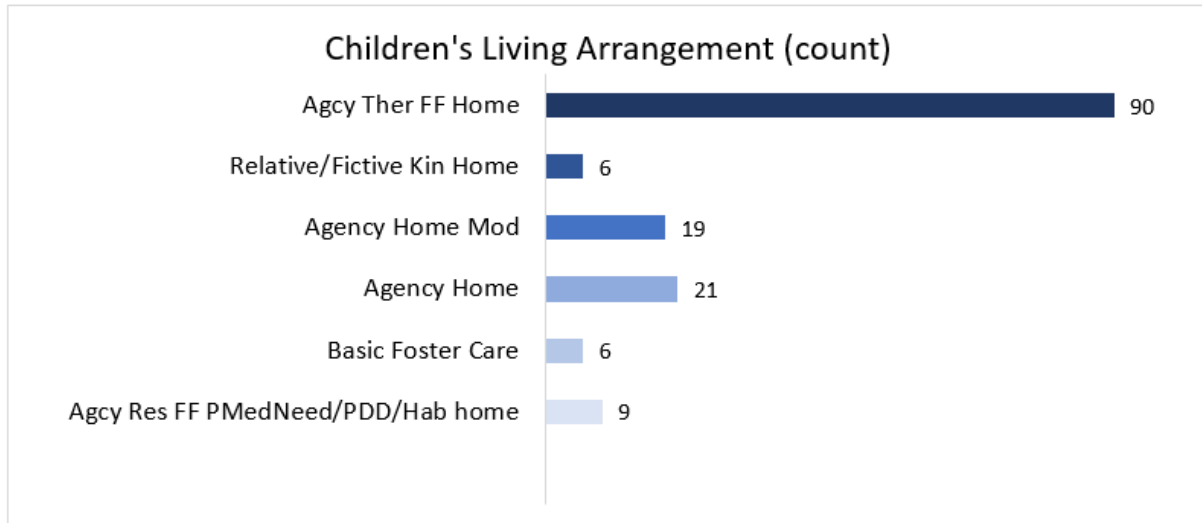
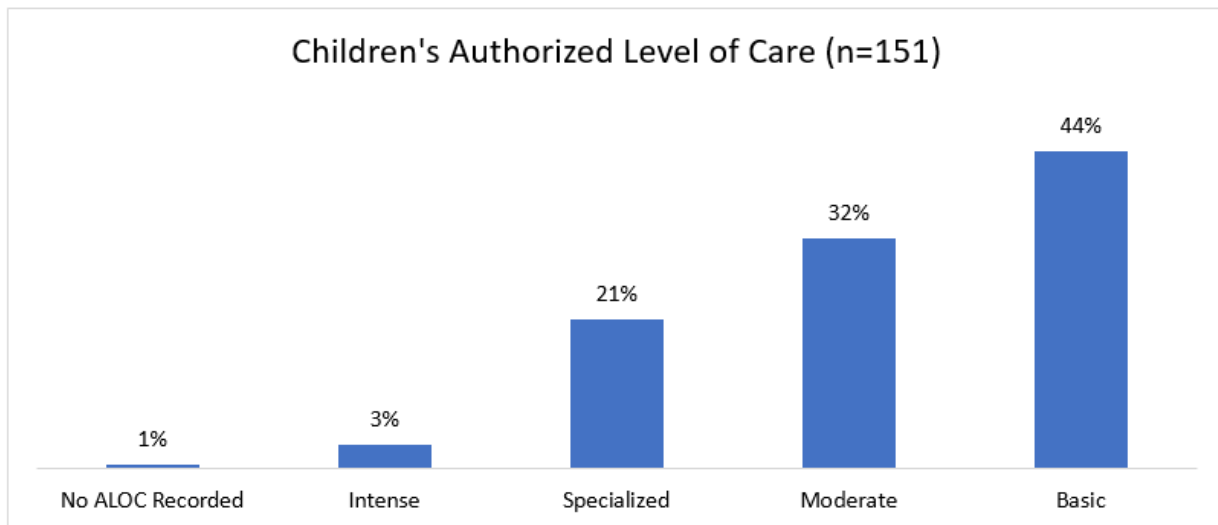


Figure 6. Level of Care of Children



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Figure 7. Ages of Children

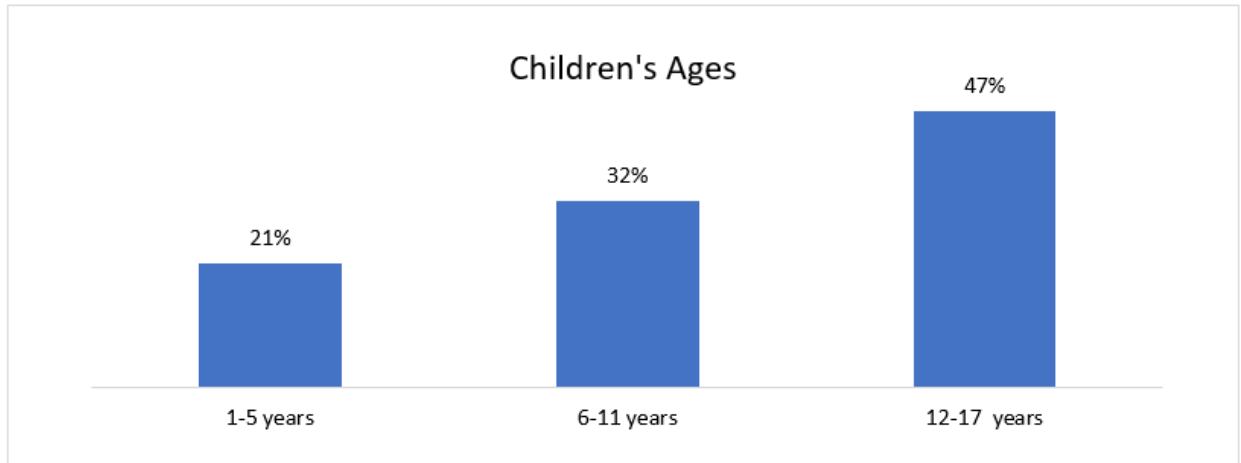


Figure 8. Race/Ethnicity of Children

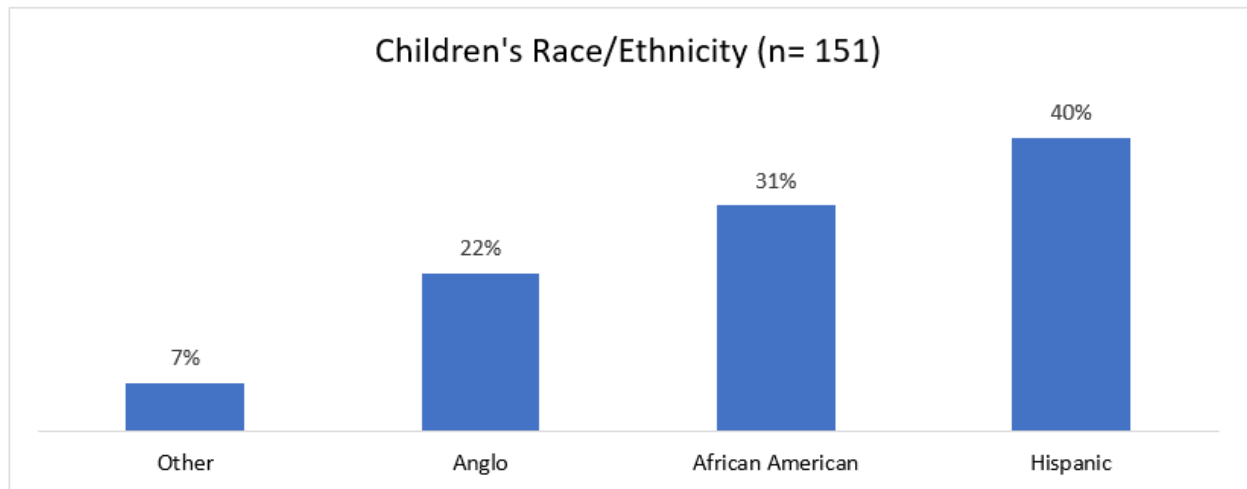


Figure 9. Children's Time in Care by Years

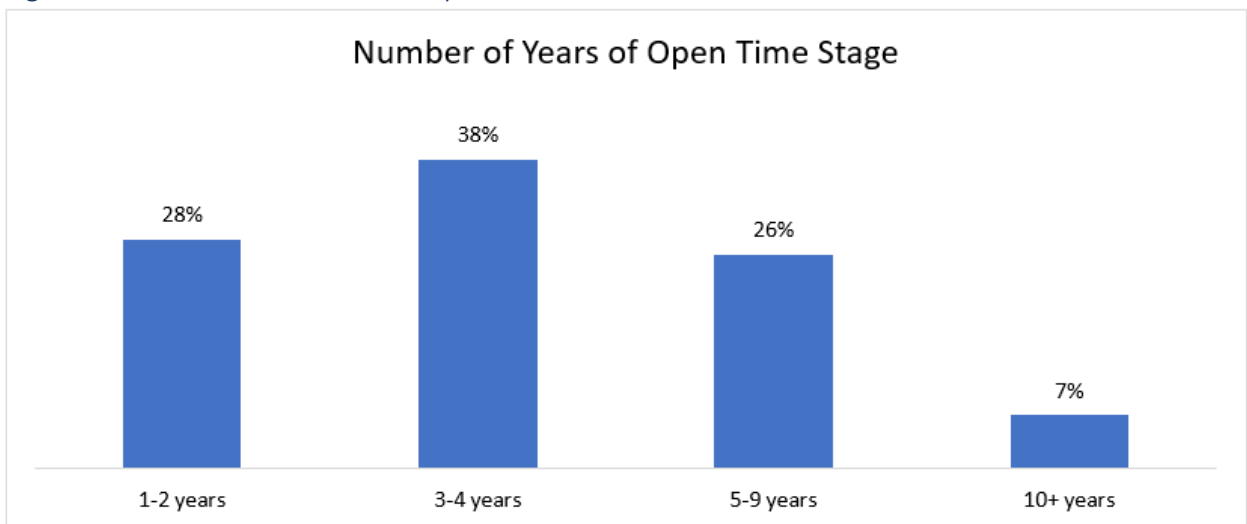


Figure 10. Children’s Time in Placement by Living Arrangement

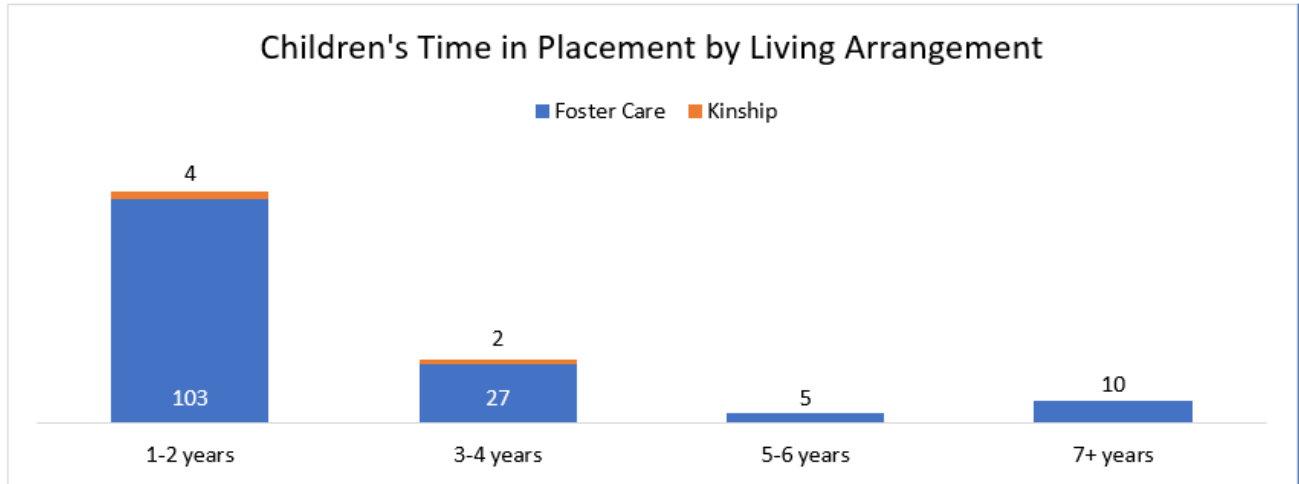


Table 1. Permanency Goal as Reported by the Caregiver

Plan for Permanency	Number of Caregivers Reporting	Percentage of Caregivers Reporting
Adoption	92	61%
Emancipation	17	11%
Reunification	11	7%
Other	8	5%
Caregiver did not know	7	5%
Relative Placement	6	4%
Extended Foster Care	5	3%
PMC	5	3%

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Table 2. Financial Supports for Kinship/Fictive Kin Caregivers

Benefits	After the Child Exits DFPS Conservatorship			When the Child Remains in DFPS Conservatorship		
	Adoption	PMC with PCA	PMC without PCA	Kinship Placement	Kinship Placement with Relative or Other Designated Caregiver Assistance	Kinship Foster Home Placement
Recurring Payment	If eligible and approved for adoption assistance, up to \$400 - \$545/month.	Upon eligibility, up to \$400 - \$545/month.	Upon eligibility, up to \$500/year reimbursement per child for child related expenses, up to 3 years post-PMC or until the child turns 18, whichever comes first.	No. Relative caregivers may be eligible for a Temporary Assistance for Needy Families (TANF) monthly benefit payment, if qualified.	Upon eligibility, up to 50 percent of the DFPS Basic Foster Care rate. Currently, \$12.67 per day per child for up to 12 months. May be extended for an additional six months upon existence of good cause as determined by DFPS.	Based on service level need; average monthly Basic rate for fiscal year 2023 is \$812.10 for a 30 day month or \$27.07 per day.
One-time Payment	Up to \$1,200 reimbursable adoption related expenses with federal limit.	Up to \$1,200 reimbursable legal costs or costs related to foster home verification with federal limit.	No.	Relative caregivers may be eligible for the Temporary Assistance for Needy Families (TANF) One Time TANF for Relatives payment by	Relative caregivers may be eligible for the One Time TANF for Relatives payment by applying through HHSC.	No.

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				applying through the Texas Health and Human Services Commission (HHSC).		
Daycare	Not after adoptive placement.	Not after DFPS conservatorship ends.	Not after DFPS conservatorship ends.	If eligible, Yes.	If eligible, Yes.	If eligible, Yes.
Children’s Medicaid	Yes, Medicaid, if eligible through an Adoption Assistance (AA) agreement. If no AA agreement, caregiver may qualify for other Medicaid programs, if eligible. Yes, STAR Kids if child has Supplemental SSI, Medicare, or disability services in a waiver program.	Yes, child is eligible for Medicaid or if child has SSI, STAR Kids, Medicare, or disability services through a waiver program.	Yes, Medicaid, if eligible. Yes, STAR Kids, if child has SSI, Medicare, or disability services in a waiver program.	Yes, STAR Health.	Yes, STAR Health.	Yes, STAR Health through age 21 (22 under certain conditions), if in extended foster care.
Caregiver Training	Not required.	Not required.	Not required.	Required.	Required.	Pre-service and annual training required.

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Eligibility Extensions up to Child's 21st Birthday	Yes, if placed in adoptive placement at age 16 or older.	Yes, if PCA granted at age 16 or older.	No.	No.	No.	Yes, with eligibility criteria.
Education and Training Voucher	Yes, if adopted at age 16 or older.	Yes, if PCA granted at age 16 or older.	No.	Yes, if the youth ages out of care.	Yes, if the youth ages out of care.	Yes, if the youth ages out of care.
Tuition and Fee Waiver	Yes, if adopted on or after September 1, 2009, or has an adoption agreement that provides both monthly payments and Medicaid.	Yes, if PMC was granted on or after September 1, 2009.	Yes, if PMC was granted on or after September 1, 2009.	Yes, if PMC was granted on or after September 1, 2009, or if the youth ages out of care.	Yes, if PMC was granted on or after September 1, 2009, or if the youth ages out of care.	Yes, if PMC was granted on or after September 1, 2009, or if the youth ages out of care.

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Table 3. F Requirements for Kinship Caregivers

Requirements	If Taking Permanent Responsibility			If Caring for a Child or Youth Continuing in DFPS Conservatorship		
	Adoption by Kinship Family	PMC with PCA for Kinship Family	PMC without PCA	Kinship Placement	Kinship Placement with Relative or Other Designated Caregiver Assistance	Kinship Foster Home Placement
Background Checks	DPS/CPS check and FBI check.	DPS/CPS check and FBI check.	DPS/CPS check; if less than 3 years as Texas resident need FBI check.	DPS/CPS check; if less than 3 years as Texas resident need FBI check.	DPS/CPS check; if less than 3 years as Texas resident need FBI check.	DPS/CPS check and FBI check.
Home Requirements	Home screening and approval for adoption.	Home screening and verification as a foster home.	Home assessment.	Kinship home assessment.	Kinship home assessment.	Home screening and verification as a foster home.
CPS Case Open	No.	No.	No.	Yes.	Yes.	Yes.
Court Case Open	No.	No.	No.	Yes.	Yes.	Yes.
Face-to-face Contacts by Caseworker	No.	No.	No.	Yes.	Yes.	Yes.
FAD/KIN Staff Visits	No.	No.	No.	Yes.	Yes.	Yes.
Retain Attorney	Yes during Adoption process	Rarely.	Rarely.	No.	No.	No.
Legal Status	Become parents.	Become conservator.	Become conservator.	DFPS is the conservator.	DFPS is the conservator.	DFPS is the conservator.
Income Eligibility Test	No.	No.	300 percent of federal poverty limit to receive	No.	300 percent of federal poverty guidelines.	No.

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Requirements	If Taking Permanent Responsibility			If Caring for a Child or Youth Continuing in DFPS Conservatorship		
	Adoption by Kinship Family	PMC with PCA for Kinship Family	PMC without PCA	Kinship Placement	Kinship Placement with Relative or Other Designated Caregiver Assistance	Kinship Foster Home Placement
			Flexible Support payments.			
Eligibility Recertification	Every 5 years until age 18; then annually, if extended.	Every 5 years until age 18; then annually, if extended.	No.	No.	No, however income changes must be reported to Kinship Caseworker.	Verification is non-expiring; reevaluation every two years.
Home Re-verification	No.	No.	No.	No.	No.	Yes, required every two years.
Annual Training	No.	No.	No.	No.	No.	Yes, 20+ hours/year required for verification.