



HB 2140: Child Protective Services Reform

House Human Services Committee

April 12, 2007

Thank you, Chairman Rose and members, for taking testimony today from Texans Care For Children. We are a non-profit organization composed of over 120 organizations and individuals working to improve the well-being of Texas' children. Texans Care For Children's Board is composed of leaders from across the state representing various sectors including business, church, professional, volunteer and non-profit organizations. We advocate for state and local policy that brings about a better quality of life for the children of our state. Each session, in concert with our membership, we develop a legislative agenda that supports efforts to improve the lives of Texas' children in six areas: child poverty, child health care, child mental health, early care and education, child welfare, and juvenile justice.

Thank you for addressing the deep needs in foster care in 2005. The system still needs your attention; the most crucial problems have simply shifted from investigations to children in care. Please continue the investment that you made last session to keep kids in the state's care safe.

What Does the House Need to do for Successful CPS Reform?

As the House considers its approach to CPS reform, four actions are needed in order to protect and better serve children in the CPS system:

1. Reverse Privatization of Substitute Care (Foster and Adoption Services)

The House is already leading the Senate in this area: the House version of the budget omits the Department of Family and Protective Service's (DFPS) funding request (\$24.5 million in All Funds, \$17.6 million in General Revenue) to transfer state foster homes to the private sector while the Senate budget includes the funds. The House should hold its course on this issue. Foster families who work directly with the Department have chosen to do so even though they could go through a private child placing agency, instead. It is certain that some foster families would not transfer from the state to a private agency, which is a problem because Texas lacks enough foster families to place all foster children in appropriate placements. As a result, children are living temporarily in Child Protective Services offices, and staying in hotels and in emergency shelters. Reducing the pool of qualified foster parents for any reason means less capacity to care for children. Further, DFPS substitute care services accounted for 64% of all adoptions

last year. Losing DFPS' adoption capacity would decrease the state's ability to move children to permanency in a timely way.

2. Minimize Case Management Privatization

Texans Care For Children views privatization of Child Protective Services as the transfer of essential state functions to the private sector, which is subject to conflicts of interest not present in the public sector. The children of Texas need both the public and private components of today's child welfare system since every resource makes a difference in the under-resourced system that we have today. Public-private partnership is different than outsourcing, however, and it is the former that serves children's interests most clearly. The committee substitute of SB 758 (Nelson) is an improvement over current law in both the 10% pilot project and the definitions of case management (see below), but HB 1361 (Naishtat) takes a more optimal approach to privatization. HB 1361 would clarify DFPS' authority to contract for quality services at a good cost without requiring it to privatize any service on a set timeline.

3. Define Case Management Roles Carefully

The state stands in place of the parent for a foster child and it should retain decision-making authority concerning children in its charge. By giving a private provider authority to develop and revise case plans and coordinate a child and family's services, the strengths of the private sector can be well utilized, while not compromising the state's necessary responsibility for approving a child's placements and service plans, for carrying out court-related duties, or for taking any other actions necessary to provide for a child's safety and well-being. This is a very complex component of the privatization discussion, and if the House embraces any level of case management privatization, it should adopt the careful division of labor the Senate has developed in the committee substitute of SB 758. The language in that bill strikes a delicate balance in crafting the role of the private provider and the public CPS caseworker for cases in which the case management function is privatized.

4. Reduce Conservatorship Caseloads

Texas CPS conservatorship caseloads average 45, though the Child Welfare League of America recommends caseloads of 12-15 and the national average is 24. Because of caseload burdens, caseworkers burn out; turnover was 40% for new caseworkers in 2005. High turnover translates into a less experienced workforce and greater stress on remaining workers. Overburdened caseworkers sometimes fail to make appropriate decisions, compromising children's safety. In 2004, 38 foster children died under the state's watch, and in 2005 that number increased to 48. If we do not provide resources to devote more attention to all children in the system, we can expect that children will continue to die in the state's care. DFPS has requested funds, currently in the House and Senate budgets, to lower conservatorship caseloads to 41 by FY 2009. That is a positive step, but it does not go far enough to keep kids safe. Language from HB 3108 (Bolton), HB 3756 (Naishtat), or SB 1410 (West) and sufficient funding should be adopted to lower caseloads closer to the national average of 24 cases.

Would HB 2140 achieve what is needed in CPS Reform?

Like its Senate companion SB 758 (Nelson), HB 2140 has many provisions that work well and it is a much-needed improvement over SB 6 from the 79th Legislature. However, the following provisions of HB 2140 should be amended:

- **Privatization of Substitute Care (Foster and Adoption Services)**
The bill currently retains requirements for DFPS to privatize all substitute care services (foster and adoption services) and moves the deadline up two years to September 2009.
Action: Amend the bill to remove the mandate to privatize all substitute care services.
- **Privatization of Case Management**
HB 2140 would repeal the privatization of case management services in 100% of cases and, instead, require a pilot project where DFPS would have to contract for case management for a goal of 10% of CPS cases.
Action: Amend the bill so that it clarifies DFPS' authority to contract for quality services at a good cost without requiring it to privatize any service on a set timeline.
- **Definition of Case Management**
The committee substitute of HB 2140 would redefine "case management" and add a definition of "conservatorship services" to the Family Code so that DFPS would retain, even in the pilot project area(s), the decision-making authority concerning a child's placements and service plans and a responsibility for court-related duties.
Action: If the House embraces any level of case management privatization, it should preserve the definitions in the committee substitute of the bill.
- **Caseload Reduction**
Currently, HB 2140 would require DFPS to develop a plan for reducing caseloads as part of a larger improvement plan that it would implement "only to the extent funds are available."
Action: The bill should be amended to put caseload reductions in statute and should be accompanied by funding sufficient to implement the lower caseload levels over time.

If you have any questions, please feel free to contact us at 512.473.2274 or visit our website at www.texanscareforchildren.org.

Respectfully,
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