



Comments on the Sunset Advisory Commission Staff Report:

Health and Human Services Commission

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Texans Care for Children is a statewide nonpartisan, nonprofit advocacy organization dedicated exclusively to improving the wellbeing of Texas children. We look to our broad base of community-based experts—our partners and members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We also co-convene various stakeholder groups which bring together a wide range of organizations, families, and advocates around our areas of focus: early opportunity; infant, child, and maternal health; children’s mental well-being; child welfare; and juvenile justice.

Texans Care for Children acknowledges the Sunset Commission Staff Report has accurately identified many gaps in services and many areas where there is insufficient accountability, oversight and transparency. Many of the issues identified are longstanding and must be addressed without further delay or distraction. Burying existing agencies within another layer of bureaucracy at this point only stands to further delay many lingering challenges. **Texans Care for Children therefore opposes the consolidation of the agencies underneath a super-structure as proposed by the Sunset Commission Staff and instead calls for the implementation of a variety of solutions correctly identified by the Sunset Commission Staff Report as having potential for greatly increasing the effectiveness of our social service agencies.** Only once these immediate challenges are addressed should the Legislature consider overhauling the organization of these agencies.

As it relates to child protection, Residential Child Care Licensing (RCCL) should not be separated from other CPS functions under the Department of Family and Protective Services (DFPS). The proposed change in the organizational structure and staffing of RCCL would impact the safety and overall well-being of our state’s most vulnerable children.

At this time, we urge the committee to support stronger regulatory standards of licensed foster care providers, through strengthened monitoring and oversight activities by RCCL, including enhanced training, development of best practice standards, and guidance of direct RCCL staff under the direction of DFPS.

Listed below are concerns and needed improvements:

- **The oversight and regulatory duties of RCCL go far beyond ensuring children are safe from physical hazards and should remain under DFPS.** The proposed structure of the “Regulatory Division”, under a consolidated agency would put Residential Child Care Licensing with such dissimilar areas of focus as emergency services, radiation use, and food and drug safety. While all these areas broadly have in

common concerns of physical safety, this proposed reorganization reflects only a limited aspect of the components RCCL oversees. Current duties of RCCL staff include monitoring quality service delivery of contracted providers and ensuring overall child well-being. Given that RCCL is responsible for ensuring the safety, security, and well-being of children in foster care, which includes protecting children from further maltreatment in foster care, supporting placement stability, and addressing a child's overall social and emotional well-being, RCCL should not be housed within a division that addresses the safety regulation of consumer services in a more limited sense.

- **Residential Child-Care Licensing (RCCL) staff should be more closely tied to direct CPS caseworkers, including the use of cross-training and joint monitoring activities of licensed providers.** If moved outside the Department, RCCL staff will be further removed from CPS caseworkers, a key resource in ensuring a child's safety, stability, and overall well-being while in foster care. In an investigation of abuse and neglect in a licensed facility, the caseworker may be more effective in gathering information needed for the investigation, including information directly from the child. Any effort to move RCCL outside of DFPS will be inefficient, further disrupt the needed collaborative efforts and team approach between RCCL and CPS staff, and will impact the safety and security of children in foster care.
- **The same standards for screening and investigating reports of maltreatment of children living in their own home should be applied to reports of abuse and neglect in a licensed facility.** If moved to a "Regulatory Division" outside of DFPS, best practice standards for investigating allegations of child maltreatment in foster care and opportunities for improvements will not be achieved. At this time, RCCL is best positioned to implement and comply with best practice standards if housed within the agency responsible for investigating abuse and neglect of a child's biological parents or other caregivers. Given the recent increase in child deaths in foster care, there is great concern that this organizational move would only leave children in foster care at further risk for maltreatment. Having these two functions within the same agency helps ensure removals are made based on an assessment of risks that will indeed not be equally present within the out of home placement a child might be moved to.
- **The Department should implement previous recommendations related to the enforcement of stronger regulatory standards of licensed providers, as outlined in the DFPS Sunset Staff Report.** As noted in the DFPS Sunset report, the Department has taken a "cautious approach" to the enforcement of licensing standards in part due to statutory guidance and possible concerns that a "stronger enforcement approach" could harm provider capacity. Despite the report's criticism, Sunset staff note that the Department is well positioned and should strengthen regulatory standards of licensed providers. Given the current efforts of the Department to strengthen child safety throughout all divisions of DFPS, the Department should have time to respond to the concerns raised by Sunset staff prior to moving forward on any transfer of RCCL outside DFPS. While improvements to regulatory standards and practice is needed, a division shift will not necessarily result in improvements if current process and standards do not improve.

Respectfully,

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