

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Thursday, June 19, 2014 5:07:25 PM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Thursday, June 19, 2014 4:33 PM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Thursday, June 19, 2014 - 16:33

Agency: DEPARTMENT FAMILY AND PROTECTIVE SERVICES DFPS

First Name: Carole

Last Name: Clark

Title: Judge

Organization you are affiliated with: 321st District court

City: Tyler

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:

I have been on the bench for 15 1/2 years and over the years have tried many things to get the legislature to overhaul CPS. When I wasn't very successful, I decided to do as much as I could to strengthen Smith County and I believe I have done a good job of that.

The DFPS agency has more problems than I can name. Your report does a good job of identifying most of them; however they have been identified, to no avail, for years. Nothing changes and I don't think any thing can ever be done successfully to fix the issues.

There are several basic systemic problems that until fixed will not change the culture or the problems of CPS. The agency resists them and generally can outlast the attempts to change it.

Problems:

1. A number of years ago, the agency gave its workers a vested interest in their jobs. I didn't believe it because there are no unions and no contracts. Apparently it was written into the personnel handbook based on conversations I had a number of years ago with Ed Davis, the general counsel.
For that reason, firing anybody requires much effort.

Texas is a right to work state and no state agency employee has a vested interest absent being given the right which has been done. As a result, ineffective management is now rampant and embedded. There is no way to improve management which fosters the culture described in your report. There are exceptions to this rule and I have seen a few and currently have a few.

They impart the cultural attitudes you found.

Secondly, until the chain of command is more local, there will be no change.

When I tried, the idea was attacked all the way up to the head of HHS who at the time was Albert Hawkins. His comment was concern about "losing control."

That has never changed. I don't know why control is such an issue at this agency when everyone agrees they don't do a good job of parenting. However, that is the cultural attitude.

As to foster care redesign, the University of Kentucky School of Social Work has done studies on privatization.

They held a symposium a few years ago of all the states who had done it or were in the process. I was the only judge there with all the upper management of CPS from all the states. Those who had implemented it said that it cost more money. It was eye opening. Texas was there and paid no attention to the research presented.

The lead contractor in Texas is a "for profit." They owe a fiduciary duty to their stock holders and not to the kids.

That is a concern. I plan to be ready when they invade my region with licensed providers who perhaps I can insist they be included as sub-contractors. I don't have a good feeling about someone who is in the business and can't put the kids interests first.

I am also concerned if my region is in one of the last to roll out. Our foster homes are always full of Dallas kids and my kids are in Dallas. If the Dallas homes are closed to us and our homes are full of Dallas kids where will we go. Once rolled out, that region's foster homes are out of bounds for nonregion kids. I don't mind helping recruit homes but if they aren't for Smith County kids, why bother.

Any Alternative or New Recommendations on This Agency:

1. Revise the personnel handbook of DFPS to eliminate the vested interest in the job.
2. Break up CPS or break up the CPS regions. In counties of 200,000 or more make them their own region and assign them a specific budget with some authority to move the money around. Combine counties of 200,000 or less with other counties until they reach 200,000. Make the judges who hear CPS cases a mandatory board over the region and the director jointly responsible to CPS and the mandatory board.

My Comment Will Be Made Public: I agree