



Response to Sunset Advisory Commission Staff Report on the Department of Family and Protective Services

One Voice Texas extends its appreciation to the Sunset staff who were responsible for evaluating the Department of Family and Protective Services (DFPS). One Voice Texas offers this response to the Sunset staff recommendations to strengthen the opportunity for positive change in the child welfare system. We are ready to work with the Legislature and DFPS in order to improve outcomes for the children and families who are impacted by both Child Protective Services (CPS) and Child Care Licensing (CCL).

Issue Area: Input From Outside Stakeholders

Critical to ensuring better outcomes related to prevention and the foster care system is acknowledging the actual resources necessary for implementation. There will be little progress if DFPS continues the practice of primarily handling issues internally rather than partnering with private stakeholders in the private sector. Although the Sunset report highlights the need for greater community input, it does not place enough emphasis on this critical resource. The fact is that DFPS cannot take a "timeout" as suggested in the staff report; therefore, the capacity of DFPS must be increased through human capital available in the private sector as well as consistent engagement on the part of DFPS. There are several opportunities for private sector support that are connected to Sunset recommendations regarding the development of a business plan, strategic planning and better use of the Public Private Partnership, DFPS Council and the Committee for Advancing Residential Practice.

Recommendations:

- Follow the Sunset staff report recommendations regarding: clarification of the roles and responsibilities of the Public Private Partnership, the DFPS Council and the Committee for Advancing Residential Practice; and requiring DFPS to establish clear and consistent mechanisms for including outside stakeholder input at the state, regional and local level.
- Require that stakeholders from the private sector (including individuals and organizations who are not currently contracting with or employed by DFPS) be added to each group based on the skills and expertise that are needed to accomplish the goals with which the groups have been tasked.

Issue Area: Prevention

One Voice Texas strongly disagrees with the Sunset staff recommendation that prevention programs from HHSC and DSHS be transferred to the Prevention and Early Intervention Division (PEI). Sunset staff clearly indicate in their report that PEI has been chronically underfunded, without strategic direction and lacking clear outcomes by which impact can be measured. The report states, DFPS has “not yet demonstrated the level of commitment needed.” History also supports this fact as DFPS has consistently placed prevention on the bottom of their exceptional item list. Therefore, at this time it does not appear prudent to add to the responsibilities of PEI when it has numerous current statutory responsibilities, many of which have gone unmet (see below).

- 1) **plan, develop**, and administer a comprehensive and unified delivery system of prevention and early intervention services to children and their families in at-risk situations;
- 2) improve the responsiveness of services for at-risk children and their families by facilitating **greater coordination and flexibility in the use of funds** by state and local service providers;
- 3) **provide greater accountability** for prevention and early intervention services in order to demonstrate the impact or public benefit of a program by adopting **outcome measures**; and
- 4) **assist local communities in the coordination and development** of prevention and early intervention services in order to maximize federal, state, and local resources.
- 5) **set policy**, offer resources for community primary prevention programs, and provide information and education on prevention of child abuse and neglect;
- 6) **develop a state plan** for expending funds for child abuse and neglect primary prevention programs that includes an annual schedule of transfers of trust fund money to the operating fund;
- 7) **develop eligibility criteria** for applicants requesting funding for child abuse and neglect primary prevention programs; and **establish funding priorities** for child abuse and neglect primary prevention programs

At a minimum, the legislature should support the strategic planning recommendation contained in the report. However, the Commission is presented with an opportunity to structure prevention at the state level so that efficient and effective coordination, highlighted as important goals by the 1998 Commission and the creation of the HHSC Enterprise, can be realized.

In 1998, the Sunset Commission reviewed the structure of child abuse prevention at the state level and recommended consolidation of prevention functions. Consolidation of policy and planning was also the main driver behind the creation of the HHSC Enterprise. However, neither of these recommendations have been fully realized. Particularly in the area of prevention, efforts across state agencies still remain fragmented in ways that lead to inefficient funding structures, fragmented services and communication gaps on shared issues.

Given that more than once the Sunset report highlights child maltreatment as a symptom of larger social issues, it is necessary to recognize that prevention and early intervention efforts are not “clearly the responsibility of PEI,” but rather span several state agencies including the Department of Assistive and Rehabilitative Services (Early Childhood Intervention), the Department of State Health Services (mental health and substance abuse) and HHSC (domestic violence and health care). Therefore, One Voice Texas recommends that the Sunset Commission consider restructuring prevention at the state level so it is an agency under HHSC rather than one of several contract divisions.

Recommendations:

- Prevention at the state level should be restructured to more accurately reflect the problems it is trying to address. One possible model is detailed below.
- If the legislature chooses to wait to restructure prevention, then at a minimum they should not follow the recommendations of Sunset Staff that more responsibility be delegated to PEI. Instead, the legislature should require that the strategic planning recommendation of Sunset include an implementation plan, timelines, outcomes (not just outputs such as number of families served) and collaboration with other state agencies so that the money the legislature invests is actually used to prevent child maltreatment.

Sample Model for State Level Prevention Efforts:

One possible model is to house all prevention under one roof, which aligns with long-standing desires to avoid duplication and increase efficiency. One state in particular that has found success with this model is Colorado. The Prevention Services Division in Denver is responsible for health promotion and disease and injury prevention. It is housed under Public Health Programs and contains a structure known as the Prevention Leadership Council (PLC), which is responsible for coordinating all prevention and early intervention efforts at the state level. Coordination is done through a memorandum of understanding between the various departments that include: early childhood, behavioral health, juvenile delinquency, and health. Prevention is seen as an issue of child and family well-being versus an effort that can be divided into categories of child abuse prevention, juvenile delinquency prevention, etc. Stakeholders in Colorado have reported that this has allowed for more efficient collaborative planning, data sharing, and standardized outcomes. In addition, it has protected funding for prevention through proven outcomes and integrated funding streams.

Issue Area: DFPS Needs to Focus More on Strategic Planning

CPS is a crisis oriented system and therefore state office staff are frequently drawn into dealing with “the latest problem” as opposed to engaging in strategic planning. Although One Voice Texas agrees with the strategic planning recommendation made in the Sunset report, it needs greater specificity. This type of planning requires consistent attention, which means that it cannot become the responsibility of DFPS staff who are already pulled in too many different directions.

Recommendations:

- Any strategic plan submitted to the Sunset Commission or the legislature should be required to include a logic model. A logic model requires detailed outcomes and goals, timelines, necessary resources, activities and who will be responsible for the completion of these activities.
- To fully benefit from this Sunset staff recommendation, DFPS should be required to form a public-private stakeholder group that is responsible for:
 - integration of various evaluations of the system as opposed to acting on each report that is produced
 - analysis of the problem source and the best solution
 - gathering input from community stakeholders who have expertise in the issues under consideration

- promoting actual collaboration and communication with other state agencies as well as community stakeholders
- obtaining input from and supporting innovative practice at the regional level

Issue Area: Staff Turnover

The Sunset report highlights an important fact - the primary reason that CPS caseworkers leave is lack of support within their work environment. For too long, the legislature has been told that DFPS needs more CPS caseworkers and more money to pay them. However, these two resources alone have not had a positive impact on caseloads or turnover. Sunset recommendations regarding changes to management and Basic Skills Development (BSD) training are essential to address the high number of caseworkers who leave the agency. However, the key to the latter producing positive outcomes is not just more on the job training. Caseworkers regularly report that BSD teaches CPS policy and how to use IMPACT, but does not train workers to interact with families, detect safety issues or understand how to perform the specifics of their job if they are working in an area other than conservatorship. Given that there are no current requirements for new hires to have any previous experience in the social services or interaction with children and families, appropriate training is essential to ensuring caseworkers can do their jobs. Three months of training not focused on essential skills that caseworkers need is a waste of time and money and puts workers and families at risk.

Recommendations:

- Establish basic requirements for potential DFPS employees including having a human services degree (currently a preference, but not a requirement) or previous volunteer or paid work related to the job for which they are applying. If DFPS hires individuals who do not meet these requirements, then require that those individuals receive additional training or more supervised field time before being responsible for their own cases.
- Compile a list of basic skills that caseworkers need generally and for particular functions (i.e. kinship workers, adoption preparation etc.). Enlist experts in the field to determine the basic time frame required for the average person to attain competency in each area and determine the appropriate total length for BSD training.
- Require on the job training in the area in which the employee will be working. Caseworkers have reported that they will shadow a conservatorship worker in the field despite the fact that they are going to be in adoption preparation.

Issue Area: Policy Revisions:

One Voice Texas fully supports the Sunset staff recommendation regarding a review of the CPS Handbook. However, the handbook does not operate in isolation and is in fact often guided by the Family Code.

Recommendations:

- Initiate the process of reviewing the Texas Family Code in the same way that the Mental Health Code was recently reviewed and updated.
- Require that the review of the CPS Handbook and the Family Code include external stakeholders who are selected based on their skills and expertise.

Issue Area: Licensing

Although the Sunset Report makes several recommendations to improve child care licensing (CCL) there are two critical factors that are missing. The first is that providers across the state, as well as staff from within CCL, have consistently reported that licensing regulations are not consistently enforced around the state of Texas. A licensing representative in one region of the state will interpret and enforce the regulations one way while a licensing representative in another region will have different requirements. CCL has indicated that they know this is an issue; however, it is unclear what plan is in place to address this problem. Whatever changes the Sunset Commission proposes for CCL will be wasted if the issues of inconsistency and lack of clarity regarding regulations is not addressed.

The second issue is that the majority of Sunset staff recommendations related to CCL are on the back end, which leaves too much room for children in the state's custody to be hurt in the first place. Although DFPS recently adopted a few rules to improve the safety of children in foster care, these rules do not go far enough.

Recommendations:

- Regardless of what DFPS believes the legislature will be willing or able to fund, the agency needs to provide the legislature with an accurate request for FTE's in order to staff CCL so that caseloads across the board are manageable and facilities can be regularly inspected.
- CCL state office needs to develop a time limited action plan to address inconsistency among licensing representatives across the state.
- A separate entity, such as an external Ombudsman's office, should be established to ensure a safe and developmentally appropriate process by which children and youth in foster care can report maltreatment. A current model already exists in the office that was established to examine complaints made about the juvenile justice system. The legislature could also consider establishing one Ombudsman's office for the whole HHSC Enterprise.
- RCCL staff should be provided the same initial and ongoing training that CPS investigators receive to be able to adequately investigate cases. CPS and Residential Child Care Licensing should establish a protocol for collaboration on the investigation of all reports of abuse/neglect in a licensed facility or home.
- Select a best practice assessment tool that is mandated for all licensed facilities across the state in order to ensure a minimum standard in determining the appropriateness of applicants who want to be foster parents and kinship placements.
- Select a best practice assessment tool that is utilized in the interview stage for individuals who want to work at residential treatment facilities to determine their fitness to care for children and youth.
- Once a year, foster parents, kinship caregivers and staff in licensed facilities should be assessed for their current needs, strengths and areas of improvement.
- DFPS should convene a panel of experts in the training areas of most importance including child development, trauma, behavioral interventions etc. These experts should determine the minimum number of training hours

required to master the skills and knowledge in each area and ultimately determine the total number of pre-service training hours required for caregivers and staff.

Issue Area: Redesign

It is essential that the Texas Legislature support the Sunset staff recommendation that Redesign not move forward until DFPS has conducted a thorough evaluation of current efforts and established a clear plan for future implementation. There are several areas of concern addressed in the report, but four should take **priority for legislative action**:

- **Financial burden to the Single Source Continuum Contractor** – Providence Service Corporation was approximately 2 million dollars over budget before advocates and the media uncovered this fact. Neither Providence nor DFPS initially reported this significant problem in their testimony to the Human Services Committee of the House at an Interim Hearing on Redesign. A detailed plan for how Providence’s current deficit will be addressed as well as how future financial stability will be secured should be developed before efforts move forward.
- **Process evaluation** – A party separate from DFPS needs to be responsible for evaluating the day to day process of Redesign implementation so that positive and negative outcomes can be addressed in a timely manner. This should take place over the entire implementation of Redesign; however, DFPS currently only has two months of a process evaluation due to the fact that the contractor did not have enough financial resources to complete the job.
- **Accountability and planning** – There are competing interests within the Public Private Partnership (PPP) in addition to an unclear mandate of responsibilities. The PPP developed the original guiding principles for Redesign; however, the group was not directly involved in the development of the RFP or final contract – both of which contained details that were not connected to principles such as the goal of keeping children in their home communities. The PPP needs to be charged with strong monitoring and planning authority and it needs to be infused with experts in privatization, safety etc. not just entities such as Child Placing Agencies that have a direct interest in contracts and service provision.
- **Improving the current Legacy System** – DFPS and other stakeholders have often responded to poor child welfare outcomes by indicating that Redesign will address the problems. However, research has shown that privatization efforts are only as strong as the state agency which implements and monitors them. In addition, the majority of children in foster care are currently, and will be for the foreseeable future, in the Legacy system. Therefore, children cannot wait to realize the intentions of Redesign. The legislature must require DFPS to make the systemic changes necessary to ensure better outcomes for children now.

Conclusion:

With over 100 individuals and organizations in the public, private and non-profit sector as well as decades of experience in the field of child welfare, the staff and membership of One Voice Texas looks forward to working with the Texas Legislature and DFPS in order to improve outcomes for children and families in the state of Texas.