

2021 LEGISLATIVE REPORT



TexProtects
Champions for Safe Children



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TexProtects
Champions for Safe Children

TexProtects is the only nonprofit and nonpartisan advocacy organization with a singular focus: smart solutions to child abuse and neglect for the state of Texas.



Letter from TexProtects CEO Sophie Phillips

The 87th legislative session was one for the record books. It was undoubtedly the most challenging and unique session our team has experienced in the past decade. While every legislative session brings hot button topics and competing interests, we all navigated new unprecedented challenges this year, like limited access to the dome and tighter timelines. Like so many others, we had to pivot and zoom all our efforts into key priorities that kept the dialogue directed at what matters most — protecting children and promoting families. If there was ever a time our advocacy was needed to be the voice for children and families, this was the session.

A Foster Care System in Crisis

Our child welfare system was already facing many challenges and pressures to change when legislative session kicked off in January. Based on sweeping child protection reforms in prior sessions, the state continued its transition to a privatized foster care system (known as Community-Based Care) in which responsibilities and oversight shifted quite dramatically from the state to localized private providers that are already embedded within communities where children and families are experiencing abuse or neglect.

Despite the Legislature's fervent push to rollout a reimagined foster care system, the pace has been slower than many legislators would like. And this session, we saw growing apprehension about the timeline, cost, feasibility and, most importantly, outcomes.

The dynamics surrounding foster care this session were further emphasized as a decade-long federal lawsuit against the state revealed how Texas continues to place and expose children to significant harm and trauma. Regulations for foster care were rightfully increased, but it only further pushed an existing crisis for capacity in the

system. One of the most alarming issues at hand during this session — and one that is growing by the day — are the hundreds of foster children in the state's custody who do not have a placement and are often in dire and dangerous circumstances.

Progress in the Face of Overwhelming Challenges

COVID-19 added another layer of challenges, dramatically impacted our already vulnerable child protection system, putting unimaginable strain on families with young children and exacerbating root causes of child maltreatment like substance abuse and behavioral health concerns. The legal processes were often stalled or delayed, causing children to linger in care for longer.

Fortunately, the Family First Prevention Services Act (FFPSA), which encourages states to use federal dollars on prevention services, provides new opportunities to re-think how Texas approaches care for children and families. However, Texas lawmakers went into session with \$33.9 million of federal funds in hand and instead

of investing dollars strategically within the existing infrastructure, they split the funding amongst several other options, which only left us with more decisions to make next session about how best to support families and prevent children from getting removed from their homes in the first place.

Lawmakers were called to address these challenges and take advantage of federal monies and opportunities in front of them while continuing to move forward with what was and is supposed to be a transformed system. This session, we saw lawmakers focusing on:

- Putting more safeguards in place to protect parents, including ensuring parents are aware of their rights and directing Courts on what can and cannot be considered when deciding on removal or termination of parental rights.
- How to spend FFPSA prevention dollars and passed several measures aimed at keeping families together and preventing removals.
- Investing funds to ensure that the state comes into compliance with the federal foster care lawsuit and address payments for relative caregivers, worker turnover rates, and caseload sizes.
- Expanding Community-Based Care (CBC). Lawmakers showed that they have more faith in CBC than in the current system. Despite the issues popping up in the different catchment areas, including Region 8A terminating its contract early during this legislative session, Texas lawmakers invested even more in the rollout of CBC. They also made it clear through legislation passed this session that they want better oversight of the CBC rollout and want the implementation to no longer be in the hands of DFPS.
- Passing legislation to ensure the system is more efficient, effective, and safe for children in care.

While these efforts were needed and appreciated, they will likely result in more of the status quo.



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Too Many Missed Opportunities

Texas missed the mark on investing upstream. The Legislature continued its trend of investing 95 percent of the state's \$2.3 billion annual child protection budget to make improvements only after a family becomes involved with Child Protective Services (CPS). Despite significant rhetoric around wanting a system where fewer families come to the attention of CPS, the Legislature once again missed the opportunity to invest in preventing children from entering the system in the first place. While maintenance for the foster care system is critical, our state has a long history of investing billions into a child protection system that yields little to no meaningful reduction in child maltreatment cases.

The Texas DFPS is known across the country for its innovative work and leadership in prevention and early intervention work to keep kids out of the CPS and foster care systems and remain with their families. Despite a \$2.3 billion budget, this year's \$10 million price tag proved to be too much to ask to fund proven and effective child abuse prevention programs.

At TexProtects, we envision a world where no child ever experiences the trauma of abuse or neglect. We know that child maltreatment is preventable. But we must make a dramatic shift. Population-level reductions of child maltreatment and entry into the child protective services system will not be realized until our policies, practices, programs and funding shift from helping families after a crisis to broadly supporting the **prevention of crises in the first place**. By doing so, we can improve child and family outcomes, and the state will save money in the lifetime cost of abuse and neglect.

Additional missed opportunities by lawmakers to meaningfully transform the system include:

- Addressing the root causes of child abuse and neglect by ensuring there is a

strategic, cross-agency and coordinated approach to preventing and mitigating the effects of childhood adversity.

- Establishing an administrative home and grant process to fund a universal nurse home visiting strategy, such as Family Connects, to prevent child abuse.
- Fully addressing the placement capacity crisis in a more permanent, sustainable way.
- Investing in a better data system overall that truly considers information that can capture outcomes. If we can't measure it — we can't change it.

The coming months and years will be telling as to how decisions made in the 2021 Legislative session will impact our child protection community.

Prevention is the Path to Meaningful Transformation

This report lays out in detail the state of child welfare this session and how TexProtects made a significant contribution, including 52 bills and \$200 million to invest in home visiting services. More importantly, though, this report lays out a roadmap for where we must all set our sights for the future of Texas children and families.

As the only nonprofit and nonpartisan advocacy organization in Texas focused exclusively on the issues of child abuse and neglect prevention and driving smart solutions, TexProtects knows prevention works, and we will continue to tirelessly advocate for a future where no child ever experiences abuse or neglect.

Sincerely,



Sophie Phillips, LMSW
CEO, TexProtects

2021 LEGISLATIVE SESSION GOALS

Our Agenda Focused on Addressing Child Abuse at Every Level

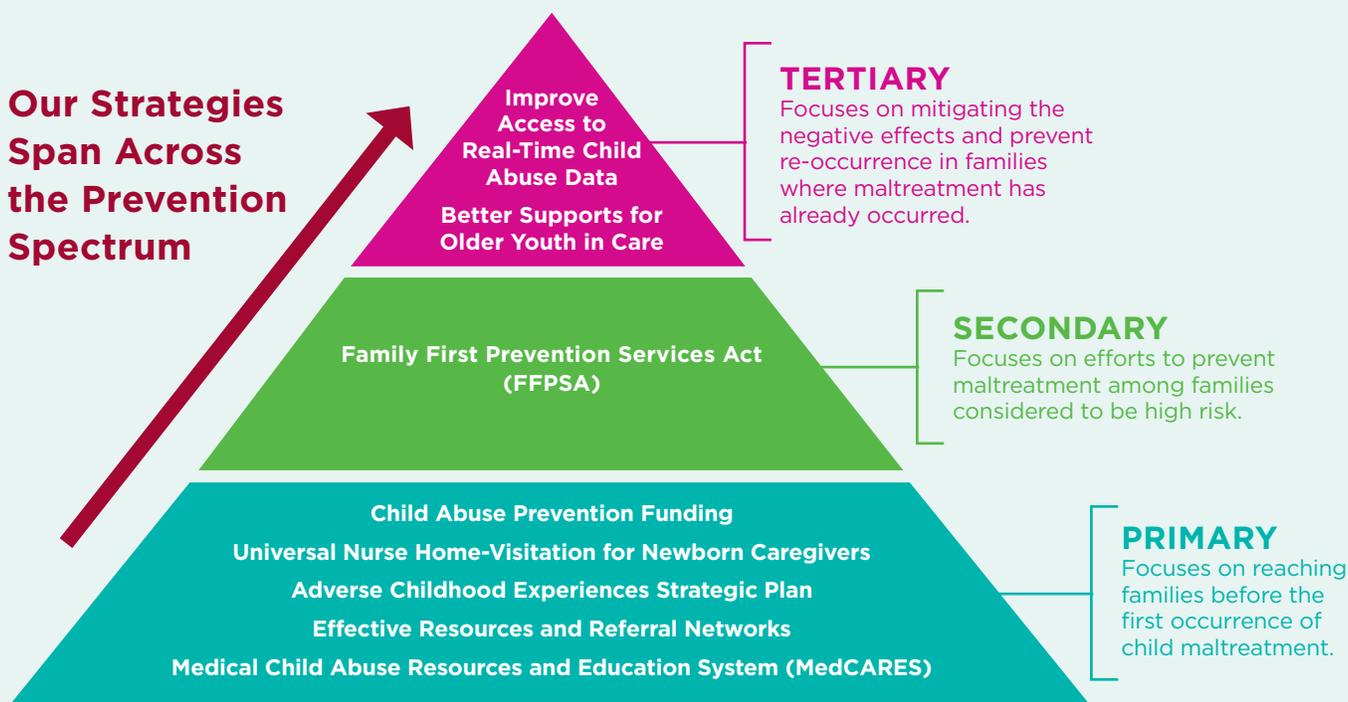
- At the **PRIMARY LEVEL**, we support community-based child abuse prevention programs that partner with children and families before entering the CPS system.
- At the **SECONDARY LEVEL**, we support community-based programs that partner with children and families who have been involved with CPS to prevent initial incidents or subsequent child maltreatment.
- At the **TERTIARY LEVEL**, we support the need for real-time data to ensure timely support is provided for children to get access to services and support that helps them heal from trauma experienced from abuse, and perhaps the further trauma from the foster care system.

Our Goals Aligned with Our Mission

✓ Support proven strategies for preventing child abuse and keeping families together.

✓ Enhance the Department of Family and Protective Services' transparency and efficacy.

Our Strategies Span Across the Prevention Spectrum



EXECUTIVE OVERVIEW

Shifting the Paradigm

Child maltreatment is both predictable and preventable, yet we saw the child welfare crisis in Texas continue to snowball this year. Every year our state spends billions of dollars on reacting to the crisis rather than getting to the root cause. We cannot achieve population-level child maltreatment prevention and significantly reduce entries into CPS until we shift from investing in reaction to investing in proactive measures, preventing families from experiencing crises in the first place.

Abuse and Neglect Come at a High Cost

Texas continues to allocate the majority of its child protection budget to supporting the CPS infrastructure, without any substantial reduction in child maltreatment cases.

This year, **Texas will spend \$4.4 billion over the next two years to care for more than 30,000 children in foster care**, an issue only exacerbated by the effects of COVID-19.

Centers for Disease Control estimates:

- Child maltreatment costs our state **\$830,000** in lifetime costs per survivor and **\$16.6 million** per child abuse and neglect fatality.
- Texas paid at least **\$60 billion** in 2019 alone due to costs associated with confirmed child abuse cases.

Research indicates that for every dollar Texas invests in abuse and neglect prevention programs, we save \$1.26-\$8.08.

Our state has an opportunity to be proactive and to substantially increase funding for prevention programs. Not only would these investments improve child and family outcomes, but they would also save money for the state and lower downstream costs to Texas' healthcare, education and criminal justice systems. Most importantly, investing in prevention can save money in the lifetime cost of abuse and neglect, which



research shows impacts a child's biological and emotional development, especially during their formative years.

Advocate to Inspire Others

At TexProtects, we advocate for policies, curate data, build strategies and share what we know with the public in hopes of accelerating this long-overdue child welfare paradigm shift from being reactive to being proactive. This legislative session, we remained laser-focused on strategies at the state level that would accelerate smart investments in child abuse and neglect prevention programs and increase child welfare transparency. Our hope is that we can continue to advocate and inspire others to advocate because we know with certainty that there can be a future where far fewer or no children and families have to experience the trauma of abuse and neglect.

2021 LEGISLATIVE STRATEGIES

Child Abuse Prevention Funding

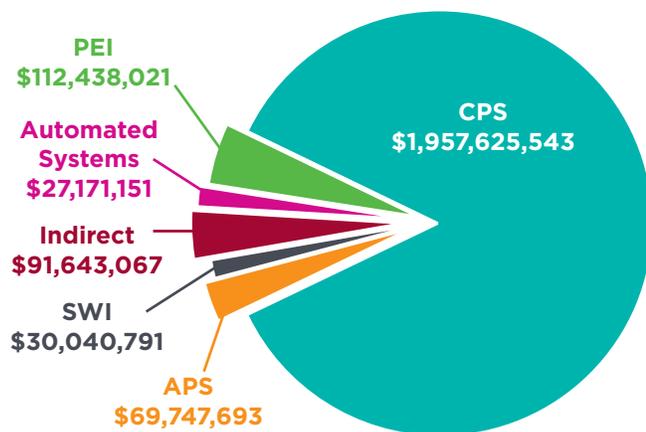
TexProtects advocated to protect existing state funding and increase investments in proven effective, community-based child abuse prevention programs for children prenatal to age five. Notably, this age range is when development matters most, and the highest return on investment is realized. Specifically, we supported the Prevention and Early Intervention Division (PEI) at DFPS' request for an Exceptional Item (EI) in the budget to expand prevention services with an increase of \$10 million and a second EI request to increase funding to cover an expected shortfall of funds in the Child Abuse Trust Fund of \$4.77 million, which is used to support prevention programs.

WHAT HAPPENED?

While the first EI request was not funded, the second request was partially funded at **\$2.8 million**. Two specific Prevention and Early Intervention-supported programs received an increase in funding over the next two years:

- 1 The Community Youth Development program received an additional \$1 million in funding.
- 2 Nurse-Family Partnership received an additional \$2.6 million through the Family First Transition Act and another \$2.6 million in federal Community-Based Child Abuse Prevention funds.

Texas Prevention vs. Child Protection Budget (2022)



WHY DOES THIS MATTER?

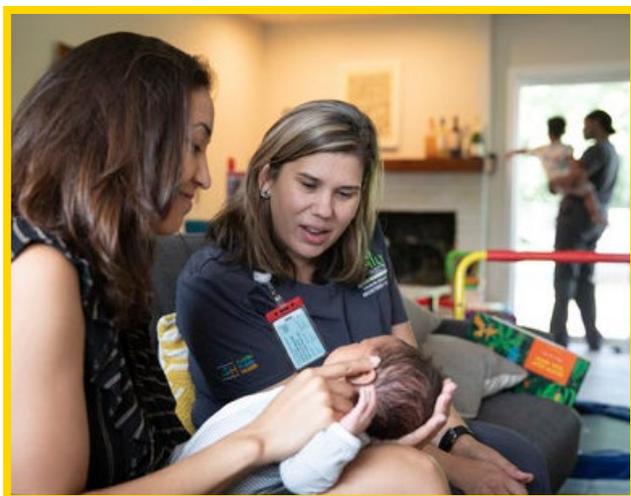
Programs funded by Healthy Outcomes through Prevention and Early Support (Project HOPES), Texas Home Visiting (THV), Family Youth and Success Program (STAR), the Veterans and Military Initiative and Nurse-Family Partnership (NFP) are proven to keep children safe and have demonstrated a two-generational positive impact on child and maternal health, school readiness and family economic self-sufficiency. We see a **\$1.26-\$8.08 in savings per \$1 spent** in programs to connect families with supports that exists within their communities before CPS is ever involved. Collectively, these programs serve more than 19,000 families in Texas annually.

Universal Nurse Home Visiting

Family Connects is a universal nurse home visitation program that has effectively reduced pediatric emergency department visits by 33 percent and CPS investigations by 39 percent through the first five years of the child's life.

There are six counties in Texas currently operating Family Connects programs that have collectively served 1,800 families in 2020 alone. TexProtects supports the widespread adoption of Family Connects throughout the state of Texas.

House Bill 2333 and Senate Bill 1520, championed by Representative Howard and Senator Seliger, were designed to establish a competitive grants process that would expand programs like Family Connects. Additionally, two budget riders were requested to 1) establish a Health Services Initiative (HSI) utilizing unexpended Medicaid Children's Health Insurance Program (CHIP) funding to support universal nurse home visitation programming and 2) obtain clarity on the amount of unexpended CHIP funding that could be utilized to establish an HSI.



WHAT HAPPENED?

House Bill 2333 was successfully voted out of the House; however, it was stalled in the Senate and was not referred to a committee for a hearing. The second budget rider that will require the Health and Human Services Commission (HHSC) to determine the amount of unexpended CHIP funding that can be utilized to establish an HSI was included in the final budget.

This budget rider directs HHSC to evaluate current total expenditures of CHIP funding and provide information regarding any unexpended or carryover funds, as well as report on the number of clients served in the program, recent changes in the number of clients served, funding shortfalls in client services and method-of-finance used to fund client services. This is an important first step to understand how much funding is available to establish a CHIP HSI for Family Connects in the future.

WHY DOES THIS MATTER?

Texas currently lacks a streamlined system of care and services to support mothers and infants postpartum, resulting in families navigating multiple disconnected systems to access services including healthcare, childcare, early childhood intervention and developmental needs, parent education, behavioral health and access to basic needs support. This results in increased adverse child experiences, maternal mortality and morbidity, unnecessary emergency room visits, and inefficient use of available resources.

Mitigating Adverse Childhood Experiences

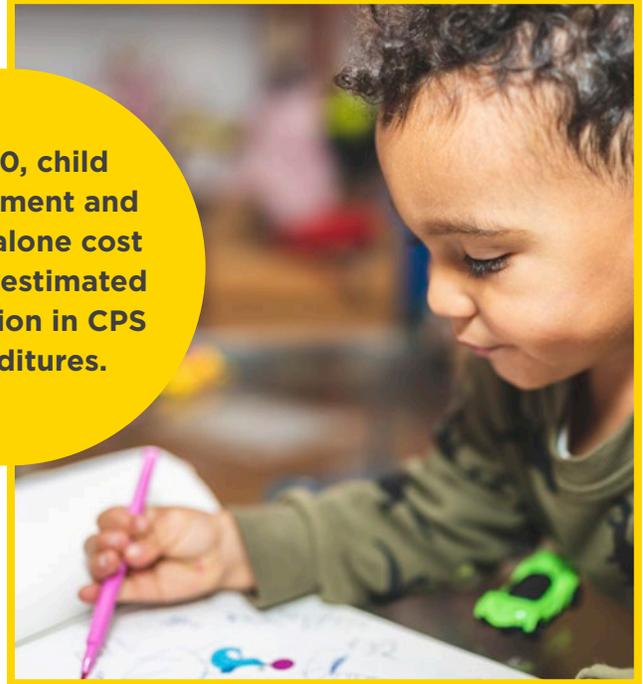
According to Centers for Disease Control and Prevention, preventing Adverse Childhood Experiences (ACEs), including child abuse and neglect, can significantly reduce healthcare costs, improve economic productivity, reduce crime and boost educational achievement. In 2020, child maltreatment and neglect alone cost Texas an estimated \$1.75 billion in CPS expenditures, not including the additional costs associated with the effects of other ACEs, like substance use, mental health treatment, incarceration and domestic violence.

Evidence-based prevention strategies can reduce the prevalence and impact of ACEs and increase a child's opportunity for cognitive, social and emotional development, health, productivity, and economic well-being. TexProtects supports multi-sector, systems-level shifts to reduce the likelihood of ACEs and improve child outcomes.

House Bill 3493 and Senate Bill 1528, championed by Representative Parker and Senator Paxton, would have implemented a community-based approach to improve the delivery of prevention and early intervention services (PEI) in Texas, empowering systems and communities to implement best practices to better prevent and mitigate the effects of adverse childhood experiences.

Additionally, these bills sought to identify existing services through several state agencies like the Department of Family and Protective Services, Texas Workforce Commission, Health and Human Services Commission and the Texas Education Agency to facilitate building community-level strategies that address the causes and consequences of ACEs.

In 2020, child maltreatment and neglect alone cost Texas an estimated \$1.75 billion in CPS expenditures.



WHAT HAPPENED?

The bill passed out of the House Human Services Committee but did not make it to the House floor for a vote in time. However, this bill lays the groundwork for future legislation. We will continue to educate our policymakers and work with DFPS in the interim on these issues.

WHY DOES THIS MATTER?

Texas lacks a strategic, coordinated, cross-agency approach to prevent and mitigate the effects of ACEs. As a result, state investments may be ineffective, inefficient and fail to address the root causes of ACEs. TexProtects will continue to champion legislation that will empower communities to leverage existing resources, partnerships and strategies to ensure every child can start with a strong foundation.

Improvements to the 2-1-1 Resources and Referral Network

2-1-1 Texas is a free, 24-hour information and resource service designed to connect families with statewide resources, including child care, emergency shelter and food pantries — services families needed more than ever during the pandemic. TexProtects worked in collaboration with partners statewide to advocate for improvements to the 2-1-1 Texas Resource and Referral Network. TexProtects supports a centralized, coordinated, community-aligned resource network to meet critical family needs.



United Ways of Texas



WHAT HAPPENED?

TexProtects supported a budget rider directing the Texas Health and Human Services Commission to implement various improvements, like technology and communication enhancements, to 2-1-1. However, this rider did not pass in the final budget.

WHY DOES THIS MATTER?

These technology and communication enhancements would have provided better support for families with young children, reduced duplication and increased innovation by connecting state and local resources while also ensuring 2-1-1 call centers have the flexibility to work with community partners. TexProtects will continue to work with our partners to leverage the state's resource and referral system and its ability to serve as a front door, connector and data resource to communities.



Medical Child Abuse Resources and Education System (MedCARES)

MedCARES, created in 2009 to prevent child abuse and neglect-related fatalities, is a critical program for children that provides grants to hospitals, academic health centers and healthcare facilities specializing in pediatric health to prevent, assess, diagnose and treat child abuse and neglect. MedCARES funding is essential to retain and compensate providers who address child abuse and neglect.

MedCARES funding is essential to retain and compensate providers who address child abuse and neglect.



WHAT HAPPENED?

With increased media attention over several years on a few child abuse cases that were deemed misdiagnosed by the medical community, the Department of State Health Services (DSHS) chose to cut funding for the MedCARES program in its entirety (nearly \$6 million) in their Legislative Appropriations Request (LAR) prior to the legislative session, and use such funding to focus on improving maternal health, another critical priority to ensuring the safety of children. The House and Senate followed DSHS' lead and did not include funding in the budget despite significant efforts by the medical and child protection advocacy communities.

WHY DOES THIS MATTER?

Eliminating MedCARES funding negatively impacts the medical community's ability to improve diagnosis and treatment of child abuse and neglect, as well as its ability to prevent child abuse fatalities. Many providers partner with the local Child Fatality Review Teams to decrease the number of preventable child deaths. The programs that MedCARES funds provide education and training to professionals working with children at risk of maltreatment.

Additionally, programs work with community members to recognize the different forms of abuse and neglect, understand reporting requirements, differentiate medical conditions that can mimic signs of child maltreatment, and the importance of reviewing medical history. TexProtects will be monitoring the impact of this funding cut to the medical community and MedCARES program over the interim, but we predict that it will likely have devastating results, with an increase of child abuse cases that are missed, as well as fatalities.

Family First Prevention Services Act (FFPSA)

FFPSA is federal child welfare legislation that reforms financing streams to allow flexible investment in prevention and improve care for children in the foster care system. In 2019, Texas allocated \$50.3 million of Family First Transition Act (FFTA) funds to address FFPSA start-up challenges. DFPS proposed utilizing \$33.9 million of these funds to keep families together and prevent removals, leaving specific decisions to the Legislature. TexProtects advocated for funding to primarily be used to pilot strategies that will build upon the infrastructure already in place through the Prevention and Early Intervention division (PEI) of DFPS.

In 2019, Texas allocated \$50.3 million of Family First Transition Act (FFTA) funds to address FFPSA start-up challenges.



WHAT HAPPENED?

With the support of over 50+ members of the Child Protection Roundtable, a group founded by TexProtects that brought together child welfare organizations from across the state was successful in ensuring that a budget rider authored by Representatives Frank, Howard and Rose was adopted into the final budget.

WHY DOES THIS MATTER?

This directive allows for several FFPSA prevention strategies to keep children out of state custody, protect children from abuse, and save the state from downstream costs while ensuring that DFPS has some discretion on how funding can be spent. TexProtects will work closely with DFPS to ensure funding is invested in services already proven to keep children and families together.

Improve Access To Real-Time Abuse Data

If we can't measure it, we can't change it. One of the challenges that became increasingly evident during the pandemic was the lack of aggregated real-time data made available to providers and communities related to the impact on the child welfare system. TexProtects strongly believes that accurate data can help drive decisions. With a federal lawsuit, the rollout of Community-Based Care and a pandemic that continues to cause real concern for child protection issues, our second priority next to prevention strategies was to increase the transparency, accountability and effectiveness of DFPS with the use of data. While frequently collected, data in the child protection system significantly lags. Senate Bill 1079 by Senator Campbell and sponsored by Representative Noble was filed to codify the child abuse metrics DFPS would publish monthly. In addition, this bill would give DFPS the ability to work with a third-party entity, such as a Texas-based university, that can objectively carry some of the burdens in collecting, analyzing and reporting data.



WHAT HAPPENED?

While this bill passed the Senate unanimously and was voted out of the Health and Human Services committee with full support, it was not brought to the House floor before the chamber's deadline. Fortunately, a similar measure was passed as part of the budget, ensuring that DFPS will be required to update and publish critical child protection data monthly. Representative Julie Johnson was pivotal in ensuring that the directive was adopted, and we are thankful to the budget conferees for recognizing its significance.

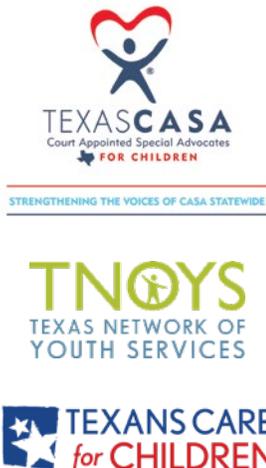
WHY DOES THIS MATTER?

With a shift away from a statewide approach toward community-led efforts, it is pivotal to ensure communities and providers have the information they need to plan, implement and evaluate programming. Without access to accurate and real-time information, providers can't make appropriate adjustments to ensure they provide families with necessary services and keep children in and out of the child welfare system safe. It is also important to note that this is just one step in the right direction towards a better data system. Texas would benefit from significant investment and a complete overhaul of the current data infrastructure.

Texas would benefit from significant investment and a complete overhaul of the current data infrastructure.

Collaborative Efforts on Behalf of Older Youth in Foster Care

TexProtects worked with our partners at Texas CASA, Texas Network of Youth Services (TNOYS) and Texans Care for Children to better foster youth outcomes. Senator Powell and Representative Minjarez filed Senate Bill 1084/ House Bill 2632 to ensure foster youth have all of their necessary documents, to improve transition planning into adulthood and to remove barriers that prevent youth from staying in extended foster care.



WHAT HAPPENED?

The Senate bill received unanimous support in the Senate, but it did not pass in the House. In response, TexProtects and our partners worked with Representative Jarvis Johnson and Senator Zaffirini to amend the provisions of this bill onto House Bill 700, which also targeted services for older foster youth. HB700 passed, and it is now required by law that the Texas Higher Education Coordinating Board develop a plan to ensure that foster youth who complete Preparation for Adult Living classes are eligible to receive college credit, helping them lock in their tuition and fee waiver.

WHY DOES THIS MATTER?

An estimated 1,200 youth in Texas age out of foster care each year. Many older youth who age out are not adequately prepared for adulthood and often face challenges with obtaining a driver's license, maintaining employment, securing consistent housing, following through on education and maintaining healthcare coverage. As a result, they are more likely to experience homelessness and have untreated mental or physical health issues. The passing of HB700 will help remove barriers and provide supports that can best ensure these young adults have every opportunity to succeed.

The passing of HB700 will help remove barriers and provide supports that can best ensure these young adults have every opportunity to succeed.

2021 SUPPORTED LEGISLATION

Through our partnerships and collaborative work, TexProtects supported other legislation throughout session that promotes the safety and well-being of children and contributes to the prevention of child abuse and neglect.

Addressing The Foster Care Crisis in Texas

The child protection system in Texas is facing many challenges and much scrutiny. The ongoing federal foster care lawsuit continues to shed light on issues within DFPS, including the lack of real-time data and communication, placement of children in unlicensed facilities or those with long histories of deficiencies, or the lack of adequate placement facilities. Additionally, the transition from a statewide-run system to Community-Based Care (CBC) is happening slower than many lawmakers anticipated. Lawmakers passed legislation to ensure the system is efficient, effective, and safe for children in care.

SB1896 SENATOR KOLKHORST AND REPRESENTATIVE FRANK

Improves the child protection system and promotes higher-quality placements for children in its custody. TexProtects worked to ensure that upstream momentum through the PEI division would not be hindered, and that the provisions promoted a trauma-informed system. This bill included provisions that address the placement capacity crisis by:

1. Expanding eligibility for treatment foster care.
2. Considering how to use temporary placements so that children are not placed out of county.
3. Developing capacity in higher-quality placements approved by FFPSA.
4. Ensuring kinship providers are aware of how they can receive better supports.
5. Establishing an early warning system to identify problematic providers so that children are not placed in unsafe conditions.
6. Ensuring the success of and continued rollout of CBC.

7. Establishes a joint legislative oversight committee on CBC and creating the Office of CBC Transition separate from DFPS.



SB1575 SENATOR KOLKHORST AND REPRESENTATIVE OLIVERSON

Requires the Court to review the youth placements in Qualified Residential Treatment Programs, evaluating their need for continuation of placement in this type of a setting or if they are ready to step down into a less restrictive environment.



HB2926 REPRESENTATIVE PARKER AND SENATOR BUCKINGHAM

Allows the Court to consider a petition of reinstatement of parental rights for parents whose rights were involuntarily terminated if certain conditions are met after two years.

**Conditions include if the child is not in permanent placement and if the parent's circumstances have improved.*

Older Youth in Foster Care

This session included wins for older youth and young adults in CPS care.

Alongside HB700, which included one of TexProtects strategic priorities, there were many efforts to ensure youth are better prepared for adulthood and set up to succeed.

HB1315 REPRESENTATIVE JARVIS JOHNSON AND SENATOR POWELL

Ensures that for the duration of their time in care, each child is appointed an attorney ad litem, a guardian ad litem or someone who can serve in a dual role.

**Children unable to be reunified with their parents can spend an average of almost two years in foster care. TexProtects testified to the importance of having someone on their side who can advocate on their behalf for permanency options in Court. We know there are better permanency outcomes when legal representation is appointed.*

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SB1059 SENATOR PAXTON AND REPRESENTATIVE KLICK

This bill creates an automatic Medicaid recertification process to ensure former foster youth do not lose critical healthcare coverage.

**Former foster youth are already eligible up to age 26 as long as they continue to recertify their coverage, but this often does not occur due to the transient nature of many young adults once they have aged out of care.*

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HB2058 REPRESENTATIVE KLICK AND SENATOR ZAFFIRINI

Requires the Court to check in at each permanency hearing on the efforts made to ensure children have access to normal, age-appropriate activities.

**Often, children in care may be left without being able to join typical extracurricular*



activities or spend time with their friends due to various obligations, like appointments and court hearings.

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SB2054 SENATOR MENENDEZ AND REPRESENTATIVE WHITE

Requires driver education fees to be waived for youth under age 26 who were in state custody before their 18th birthday and who likely cannot afford this expense.

**There was a provision last session that allowed individuals to donate money when renewing their driver's license. The response was overwhelming. Funds donated will now cover this expense for transitioning youth in need of a driver's license.*

Intervention To Prevent Removals

Lawmakers expressed concern that CPS is overstepping and funneling more families into the CPS system. Consequently, they put more safeguards to protect parents, including ensuring parents are aware of their rights and directing Courts on what can and cannot be considered when deciding on removal or termination of parental rights.

HB567 REPRESENTATIVE FRANK AND SENATOR HUGHES

Seeks to keep families together, avoid removals when possible and ensure timely permanency when families must be separated due to unsafe circumstances. One specific provision **targets approximately 75 percent of cases by changing the definition of neglect**, allowing for DFPS to only work with families whose children are at the highest risk.

TexProtects worked collaboratively with several organizations with different perspectives to discuss language. The proposed definition of neglect reflects a higher threshold for intervention and could leave some children in unsafe situations. TexProtects will continue to work with DFPS on how to interpret this language and change practices.

Family First Prevention Services Act (FFPSA)

This session, lawmakers considered how to implement the Family First Prevention Services Act (FFPSA). It included provisions to keep families together and prevent children from coming into state custody.

HB3041 REPRESENTATIVE FRANK AND SENATOR KOLKHORST

Requires DFPS to create FFPSA pilot prevention programs in two areas of the state focused on children at imminent risk of being removed from their home and placed into conservatorship of the department. Families who participate in these pilot programs will be monitored, and parameters will be in place to ensure that CPS is not involved any longer than necessary.

**To be eligible to participate in the FFPSA pilot prevention programs, you must be a candidate for foster care. The bill defines eligibility as a "child who is at imminent risk of being removed from the child's home and placed into the*

conservatorship of the department because of a continuing danger to the child's physical health or safety caused by an act or failure to act of a person entitled to possession of the child."

.....

SB1896 SENATOR KOLKHORST AND REPRESENTATIVE FRANK

One provision of this bill ensures that Family-Based Safety Services (FBSS) promotes family preservation through continued engagement in community services that are FFPSA-approved evidence-based services proven to be successful.

**Four out of 10 families were re-reported for abuse or neglect within five years of completing services currently offered through FBSS.*

Recognizing and Reporting Child Abuse and Neglect

It is important for individuals to be aware of the signs of abuse or neglect. It is also important to understand that some families are facing challenges that are not signs of child maltreatment, therefore not needing a referral to the child abuse and neglect hotline. Lawmakers passed several measures this session toward this goal.

SB1267 SENATOR WEST AND REPRESENTATIVE LOZANO

Consolidates and streamlines training for teachers. TexProtects was concerned that the original bill would remove the frequency requirements for trauma-informed training of teachers and training concerning the prevention and recognition of sexual abuse and maltreatment of children. We worked closely with the bill author, Representative Lozano, as well as Representative Gonzalez, Representative Parker, Representative Price and Representative Larson to adopt an amendment that would maintain the requirement that new teacher orientation includes training on trauma and grief, as well as recognizing and reporting sexual abuse, child maltreatment and trafficking.

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HB3379 REPRESENTATIVE LEMAN AND SENATOR KOLKHORST

Changes statute to require someone making a report to the hotline to have “reasonable” cause to believe that abuse or neglect occurred. The original bill would have required credible information, which meant that a reporter would need to corroborate evidence from a trustworthy source to make a report of abuse or neglect. TexProtects was concerned with how this might negatively play out if there are no witnesses or if someone does not believe the child who made an outcry. We worked with the bill author to address those concerns.



While that language was changed, a separate affirmative defense was added that would keep someone from being prosecuted who, in good faith, did not make a report of abuse or neglect. TexProtects continued to express concern that children could potentially be left in unsafe conditions if individual citizens are conducting their own investigations and/or potentially covering up information. Ultimately the version of the bill that passed no longer includes the affirmative defense.



Childcare and Early Education

The Early Childhood Caucus formed this session in the House with the vision and support of primarily Texans Care for Children, and other TexProtects partners focused on evidence-based policies for children 0-5 and their families. Transformational bills, championed by Children at Risk, focused on quality of care.

HB2607 REPRESENTATIVE TALARICO AND SENATOR LUCIO

Requires subsidy childcare providers to participate in the state's quality rating and improvement system, Texas Rising Star. This will help to improve the quality of childcare across the state.



SB1555 SENATOR ZAFFIRINI AND REPRESENTATIVE RANEY

Requires local childcare workforce development boards to establish graduated reimbursement rates for childcare providers, encouraging more providers to accept subsidies. This will incentivize higher-quality care by increasing state childcare reimbursement rates to providers.

HB619 REPRESENTATIVE SENFRONIA THOMPSON AND SENATOR ALVARADO

Requires Texas Workforce Commission to develop a strategic plan to support a sustainable childcare workforce.

HB1792 REPRESENTATIVE BUTTON AND SENATOR ZAFFIRINI

Strengthens monitoring and reliability of the childcare provider quality rating system, Texas Rising Star.

Healthy Families, Healthy Texas

H ealthy Families, Healthy Texas, supported by Speaker Phelan and a bipartisan group of lawmakers, was designed to increase healthcare access for Texans. Texans Care for Children, TexProtects Prenatal-to-Three (PN-3) Collaborative partner, championed two successful healthcare bills that directly impacted Texas children and families.

HB133 REPRESENTATIVE ROSE AND SENATOR KOLKHORST

Extends Medicaid coverage for new mothers from two to six months.

**Although Texans Care for Children and supporters advocated for 12 months coverage, six months of coverage is a huge win.*

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HB290 REPRESENTATIVE CORTEZ AND SENATOR KOLKHORST

Ensures children are not unnecessarily kicked off of their Medicaid insurance through the CHIP program. It passed as an amendment to HB2658.



Diverting Children and Families Away from CPS

Families in need of supports do not necessarily need the level of intervention DFPS provides.

Useful resources and community-based care would keep families who would historically enter CPS away from the system.

SB642 SENATOR WEST AND REPRESENTATIVE HINOJOSA

Keeps children from coming into CPS care who could better be served by receiving mental health services in the community.





CONTINUED CONVERSATIONS FOR INTERIM AND NEXT SESSION

While the 87th Legislative Session showed some promise and progress in preventing child abuse and neglect, much more of the focus was on intervention with families after a crisis. It was clear that lawmakers want to see the state come into compliance with the federal foster care lawsuit for the children in state custody and address payments for relative caregivers, worker turnover rates and caseload sizes with a cost of approximately \$88 million for DFPS and \$38 million for the Health and Human Services Commission (HHSC).

They Also Showed Their Commitment to Expanding Community-Based Care (CBC)

By investing \$79 million above the base budget and providing an additional \$34 million to build out capacity in regions across Texas, it was evident that lawmakers believe community providers can do better than the current legacy system at keeping children safe; placing children in least-restrictive settings; keeping children closer to home; placing siblings together; prioritizing relative placements; including children in their permanency plans; minimizing placement disruptions; ensuring older youth are prepared for adulthood; and maintaining a stable workforce. This funding will allow

CBC to expand into four new areas — Dallas, Tyler, Beaumont and Midland — and continue progressing towards case management responsibilities in three existing areas, the Panhandle, Bexar County and the counties surrounding Bexar County.

There is Still More Work To Do

Whether or not these efforts will yield positive outcomes, they will change the way the child protection system functions. As long as Texas continues to face a placement capacity crisis and until families are thriving and all children are safe, there will be more work to do. It will take everyone stepping up, along with a multi-faceted approach to meet and move beyond this crisis.

But there is more that needs to be done.

RECOMMENDATIONS

There needs to be a commitment to preventing child abuse and neglect before a crisis occurs. Legislators failed to invest critical dollars in proven programs that would prevent children and families from getting to the front door of CPS. Texas continues to invest in improvements for children and families already involved with the child welfare system while failing to invest meaningfully in transformational prevention strategies that keep children out of the child welfare system.

Switching Away from Reactive Posture Will Save Money

Texas has an opportunity to substantively increase funding to programs that prevent child abuse and neglect and support families before CPS involvement or a removal. By switching from a reactive posture, the state will save money in downstream costs of abuse and neglect and improve child and family outcomes. Voluntary prevention programs like home visiting have proven positive outcomes for families, yet only 5 percent of families at an elevated risk of entering the CPS system are participating.

For families that are receiving services, these programs have been critical lifelines during the pandemic, which depend on an infrastructure of community providers who work together to support families who voluntarily enroll. It is essential that we commit to a proactive approach to prevent child abuse and neglect by increasing funding and expanding access to prevention and early intervention programs.

Addressing Adverse Childhood Experiences

There needs to be a real coordinated effort to address Adverse Childhood Experiences (ACEs). Strides were made this legislative session in educating Texas legislators on

the importance of evidence-based, proven effective programs that address adverse childhood experiences, like child abuse and neglect. However, it was disappointing to see bills like HB3493 not move forward. This bill was designed to bring together state agencies and community partners to assess current investments and strategies, define prevention needs and best practices, and identify strategies to increase the effectiveness of state investments. In other words, do more of what works and less of what doesn't.

The facts are that over 24 percent of Texas children will experience two or more adverse ACEs before their 18th birthday, with potential consequences on neurobiology, behavior and health. In 2020, child maltreatment alone cost Texas an estimated \$1.75 billion in direct CPS expenditures, not including the additional cost of substance use and mental health treatment, incarceration, and domestic violence.

Our state lacks a strategic, cross-agency and coordinated approach to preventing and mitigating the effects of childhood adversity. As a result, state investments may be ineffective, inefficient, and fail to address the root causes in a transformative way — all contributing to the existing foster care crisis and challenges facing the system that is going to take a lot more leadership, resources, heart, and innovation to fix.

Expanded Access to Universal Nurse Home Visiting for Newborn Caregivers is Needed

Universal nurse home visitation programs for newborn caregivers like Family Connects have been demonstrated effective at bringing together families, healthcare providers and communities to improve maternal and child health and well-being. Research indicates programs like Family Connects can significantly reduce cases of child maltreatment, decrease ER visits for newborns and increase the likelihood of mothers attending their postpartum health checkups. The Legislature failed to take the initial steps needed this session to establish an administrative home and grant process to fund and expand these programs.

Family Connects is currently available in only five counties statewide. With a proven return on investment north of \$3 per \$1 invested and the ability to better utilize existing state investments, these strategies need a mechanism for expansion that can enable philanthropy, federal and state investments to enable access to more Texas families with newborns. TexProtects will continue to work with partners and HHSC to explore and identify funding mechanisms for the expansion of universal nurse home visiting programs.

There Needs to be a Better Approach to Addressing the Foster Care Capacity Crisis

There were many discussions about the foster care capacity crisis, including an awareness of the hundreds of children sleeping in offices, the growing number of beds that have been lost due to licensed placements being shut down, and the strain on providers during the pandemic.

Lawmakers passed measures that attempted to address some of the issues, but they did not treat this crisis like the

emergency that it is. Lawmakers did not fund a much-needed rate increase to support providers in their care for the children in their placements and to build out capacity for children with higher acuity needs, and they failed to establish a long-term plan not only to fill the loss of beds but also ensure that any capacity already built can be sustained. Additionally, lawmakers were not committed to investments further upstream that would lend to placing less of a burden on this already buckling system.

There Needs to be an Overhaul of the State's Data System

Much of the information that is needed to best serve children and families has historically not been made available frequently enough. This session, we argued that it is essential to ensure there is access to real-time child abuse data to know and analyze trends so that changes can be made accordingly and timely. Lawmakers made strides in this area, but we are far from where we need to be.

The current system tracks more inputs and outputs than it does true outcomes. If the result of not receiving the supports a family needs is involvement in a system that can result in the removal of a child and separation of a family, we must make sure that what we are doing is working. That requires making sure we are collecting the right information that will allow us to measure success and progress over time. Without gathering the necessary information, we are depriving families of the tools they need and possibly causing more harm than good.

We must overhaul the state's current data system, and cost can no longer be an excuse. Texas must have the kind of child protection system that delivers on its promises to ensure child safety, healthy families, permanency and well-being. The children and families of Texas depend on it.



WHERE DO WE GO FROM HERE?

As Texans, we must continue to amplify comprehensive, innovative and smart solutions to prevent and relieve child maltreatment across all of our communities.

Governor Abbott has now called two Special Legislative Sessions and indicated there might be more to come. We will continue to roll up our sleeves and educate our policymakers, giving them smart solutions to make transformative changes in child welfare.



TexProtects
Champions for Safe Children

JOIN US IN ADVOCATING FOR ALL TEXAS CHILDREN
Sign up for our advocacy alerts and follow us on social media — they are our future!

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