



Representative

Desk

**LSG Floor Report For Emergency Calendar-Wednesday, March 1, 2017**

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 4	Relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.	Human Services	<p>HB 4 moves to establish a monthly monetary assistance for kinship caregivers to children in the care of the Department of Family and Protective Services (DFPS).</p> <p>Currently, relatives who take in a child who has an open CPS case only receive a yearly monetary assistance payment of \$1,000 for the first child and less than \$500 for each additional child they take in. This bill would change this process to a monthly stipend for families who qualify based on their income. Those families with incomes less than or equal to 300% of the federal poverty level would qualify for a monthly stipend of 50% of what non-relative foster care families receive or \$347/month.</p> <p><b><u>Monthly payments for kinship care are good because they can result in more relatives taking in children currently involved in the CPS system.</u></b> This is beneficial for the child and more cost effective for the state. When a child is a ward of the state they lack the necessary family support, structure, and comfort that is pertinent to their overall development. Children placed in kinship care are less likely to have disrupted care, and less likely to be removed from their schools. Likewise, these children are more likely to achieve permanent guardianship and be placed with their siblings, hopefully reducing the trauma experienced by being placed with a family unknown to them. The main goal of removal and intervention in CPS cases is eventual family reunification. Kinship care encourages families to work for reunification at a faster time.</p> <p>HB 4 does have a fiscal note as it is an increase from the \$1,000 yearly assistance that kinship caregivers receive, but in the long run it will save taxpayers from the hefty cost of placing children in foster care as not all kinship families will be eligible for the entire kinship assistance fund. Those families who do receive the assistance will only be receiving half of what is allotted to foster care families.</p>	<b><u>Favorable</u></b>

For those children who are met with the traumas of entering the child welfare system, being with relatives is their best chance to counteract the pain of being taken from their home and community. Children deserve to have the consistency and love of family. This bill allows more families who wish to take on this important responsibility the chance to give them just that. HB4 is a crucial first step in addressing the significant gaps our state must fill in order to protect our state’s most vulnerable children.

**How House Bill 4 Could Be Better**

Protecting children is a critical aspect of a state's responsibility. Yet death of children due to abuse and neglect continue to increase. In 2016 there were 202 child fatalities related to abuse and neglect. This is compared to 173 in 2015. Statistically, about 50% of these deaths were known to CPS. With the already reported 202 deaths in 2016, there is an estimated 120 deaths in 2016 that have yet to have been fully investigated.

To that end, there are ways that House Bill 4 could be improved to better protect Texas children:

1. At this time, it can take up to 120 days for families to receive initial payment for upfront costs such as clothing and school supplies. HB 4, as it comes to the floor, does not address the long wait time for families to receive the necessary financial assistance for committing to the responsibility of care for a child.
2. A major concern for relatives taking a child into Permanent Managing Conservatorship (PMC) is the long term financial stability and needs of the child. Most relatives who take a child into their home lose monthly payments once the child’s case is closed with CPS. Cases can be closed even while the child is still living in the household beyond DFPS involvement. This assistance could very well become a significant part of their income, and the notion of financial struggle could deter some relatives from taking on a child.
3. Informal kinship care is when a child is voluntarily taken in or placed with kin by CPS before a formal case is opened. HB 4 does not provide support to informal and voluntary kinship placements, even though roughly 268,000 children live in such a situation. Of families in this situation, almost half of them live in low-income households. Providing financial assistance to those families and children would further improve this bill.



<p>HB 5</p>	<p>Relating to the powers and duties of the Department of Family and Protective Services and the transfer of certain powers and duties from the Health and Human Services Commission.</p>	<p>Human Services</p>	<p>HB 5 proposes to allow the Department of Family and Protective Services to exist as a standalone agency and codify its separation from the Health and Human Services Commission (HHSC) system. Rather than have DFPS be reviewed in 2023 along with the rest of HHSC, HB 5 allows for DFPS to have its own Sunset Review.</p> <p>In the 84th Texas Legislature, lawmakers voted to consolidate state agencies that provide services to specific population needs into one umbrellaed system. Two agencies were not fully involved in the consolidation of state agencies -- the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS). Within those two agencies, only some of their programs and administrative processes were transferred to HHSC while most services were left to the agencies. Services provided by DFPS include:</p> <ul style="list-style-type: none"> <li>• Child Protective Services</li> <li>• Prevention Services</li> <li>• Adult Protective Services</li> <li>• Child Care Licensing</li> <li>• Adoption and Foster Care</li> </ul> <p>HB 5 allows services from DFPS to be streamlined in an attempt to avoid the bureaucratic setbacks to critical services the agency provides. The bill also gives managerial control of CPS to DFPS.</p> <p>Currently, five state departments follow a chain of command that is meant to culminate with the HHSC executive commissioner overseeing the whole operation. HB 5 would remove DFPS from this equation. Instead of being under one executive commissioner who oversees 5 agencies, the department would have its own commissioner accounting for a single agency, and all of their particular functions. Accordingly, HB 5 lays out the divisions of the department to be implemented by the DFPS commissioner.</p> <p>The bill allows for all investigations of incidences of child abuse and neglect within child care facilities to be completed by CPS and not child care licensing programs. The bill also sets out to finish the sunset improvements suggested in the previous legislative session. Were the department to exist as its own entity, the commissioner of the DFPS would be appointed by the governor and responsibility of the department would remain solely with DFPS. The bill does include the utilization of the Family and Protective Services Council to advise the commissioner on management and operations.</p>	<p><b><u>Favorable</u></b></p>
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Without any statutory carve outs, this council would be included in the next DFPS Sunset Review in 2023. Functions that have remained under the oversight of HHSC. These functions include:

- Adoption evaluation, documentation and implementation.
- Provide the manner in which adoption or substitute care subsidies are disbursed.
- Determine the amount of subsidy received.
- Holding permanency managing meeting for children in temporary conservatorship.
- Adopting standards for partnership programs and grants.
- Implement a medical services delivery model for child victims of abuse and neglect.
- Administering contracts for medical care of children in foster care.
- Investigations of abuse and neglect within a child care agency.
- Prevention and early intervention

While DFPS will be responsible for investigations of abuse and neglect within child care facilities, Child Care Licensing (CCL) will remain with HHSC as licensing and regulation and a large function of what HHSC does and the function aligns with its current program. The bill would also allow DFPS to enter contracts with HHSC agencies.

**Potential Benefits and Consequences of Streamlining the Agency**

This bill shows a good faith effort in streamlining protective services for children from abuse and neglect. Despite its intention, the broad sweeping nature of the bill allows some crucial points to address the department’s issues that have led to the devastation in CPS and foster care.

**However, the success or failure of any attempt to streamline the governance structure of DFPS could largely depend on the financial support given to the agency in the budget process.** Changes in governance structure can result in uncertainties and gaps in service, which ultimately could only deepen the crisis at CPS. Legislators should carefully consider these potential consequences now, and in the budget process.

Ultimately, the quicker children in need of protection have access to safety the better. Allowing DFPS to have autonomy over the specific services they provide to children and at risk adults alike may be a first step in fixing a broken system, if DFPS is properly funded.

