



CENTER *for* PUBLIC POLICY PRIORITIES

A close-up photograph of a young boy with dark, wavy hair and large, expressive eyes. He is resting his chin on his hands, which are placed on an open book. He is wearing a pink, textured shirt. The background is a soft, out-of-focus yellow wall.

THE GUIDE

TO TEXAS CHILD
PROTECTIVE
SERVICES

.....
DECEMBER 2010

CPPP

For 25 years, the Center for Public Policy Priorities has been a nonpartisan, nonprofit policy institute committed to improving public policies to better the economic and social conditions of low- and moderate-income Texans. The center pursues this mission through independent research, policy analysis and development, public education, advocacy, coalition-building, and technical assistance.

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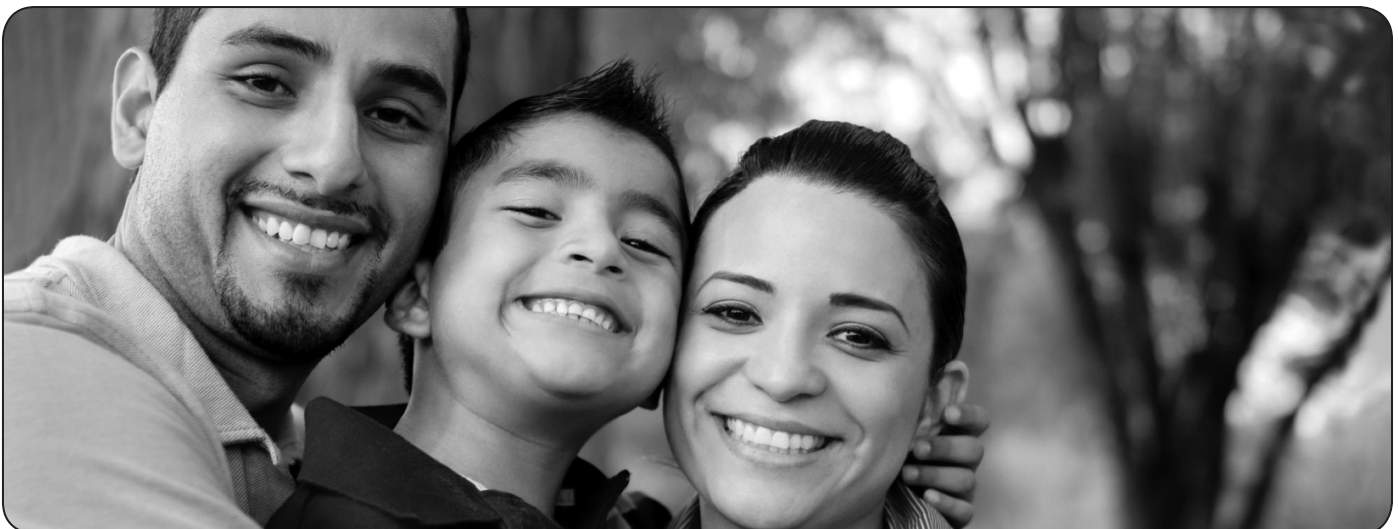
INTRODUCTION

The goal of a child welfare system is to ensure that children are protected from abuse and neglect, preferably by helping families safely care for children in their own homes. When that's not possible, the system looks for other alternatives, so that all children grow up in a loving, permanent home. Many different individuals and groups help make this happen in Texas.

The Texas Department of Family and Protective Services (DFPS) is the state agency charged with protecting children from abuse and neglect.¹ DFPS fulfills this mandate through its Child Protective Services (CPS) Division. Courts also play a critical role. If the abuse or neglect is serious enough to warrant removing children from their home, courts become the ultimate arbiter of what happens to them. The federal government and Texas Governor and Legislature are involved as well, creating laws that govern how CPS operates and establishing policy priorities for the system through what is funded in the CPS budget. Finally, advocates, organizations that work with children and families and the families themselves play a crucial role in ensuring that the system works in supporting families and communities to keep children safe and protected.

In recent years, there have been significant efforts to improve the CPS system in Texas. CPPP has participated in many of these efforts and this guide is a continuation of our work. Chapter 1 discusses how Texas fits into a national context and recent state reform efforts. Chapter 2 describes how the system is structured based on a review of federal and state law, the Texas administrative code and CPS internal policy. It also uses data to describe how children and families are actually moving through the system.²

This guide is primarily designed as a resource for researchers, advocates, policymakers, and those who work in and with the CPS system. This overview should make it easier to identify and address problem areas and policy gaps so the system can better support families and their communities in providing safe and permanent homes for all the children of Texas.



CHAPTER 1

THE TEXAS CPS STORY

This chapter discusses how Texas CPS fits into a national context and recent state reform efforts.



Texas CPS in a National Context³

There is wide variation among the states as to how their child welfare system is structured and operates.

Texas CPS is a centralized, state-administered system. This means that, although there are numerous CPS offices around the state, they are all governed by one set of internal policies and procedures. Although most child welfare systems in the country operate with a similar structure, there are some that have a decentralized, county-administered system where each county child welfare office has its own set of policies and procedures for administering the system.⁴

With respect to child abuse and neglect prevention, compared to other states, Texas has the lowest coverage rate. In Texas, about five of every 1,000 children receive prevention services. The national average is almost nine times higher at about 44 of every 1,000 children.

There is no federal law defining child abuse or neglect so each state has its own statutory standards and practice. Putting the definition into practice, there is wide variation among the states. The percentage of completed investigations that a state agency confirms as involving abuse or neglect ranges from 7 percent (Kansas) to 58 percent (Massachusetts), with a national average of 23 percent. Texas falls in the middle with a confirmation rate of 25 percent.

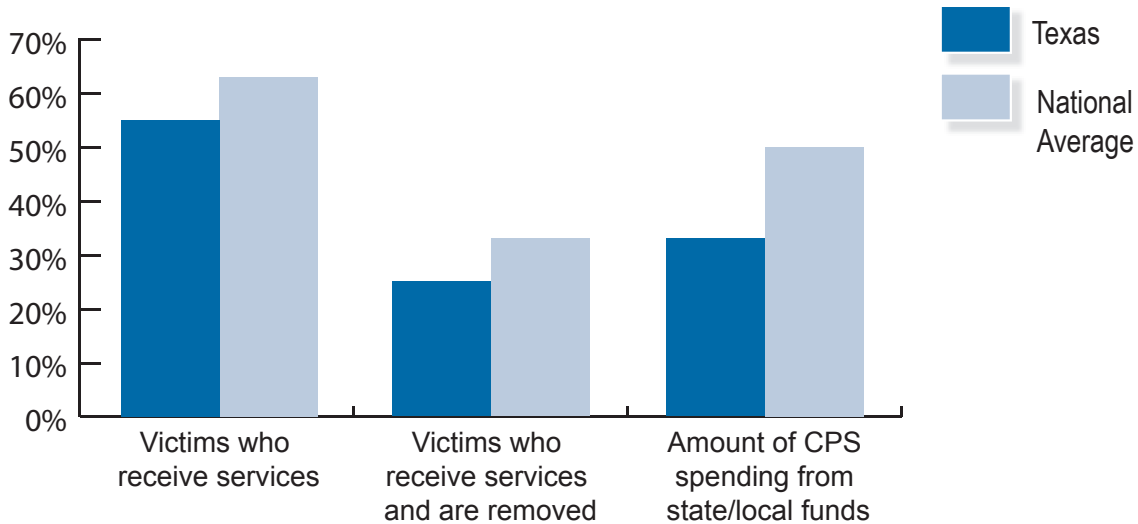
There also is no federal law about what to do once a state has determined child abuse or neglect has occurred. There are generally three options: do nothing, provide services to the family with the child in the home, or provide services to the family but remove the child from the home. There are differences among the states with respect to which options they pursue. The percentage of confirmed victims who receive some type of post-investigation service ranges from 25 percent (Tennessee) to 100 percent (Iowa and New Hampshire), with a national average of 63 percent. Texas is lower than the national average with 55 percent of confirmed victims receiving some type of post-investigative service.

With respect to how services are provided, the percentage of confirmed victims who are provided services and removed from their home ranges from 6 percent (Florida) to 100 percent (South Dakota), with a national average of 33 percent.⁵ As with services, Texas is lower than the national average: 25 percent of victims in Texas who receive services are removed.

There are also differences among the states as to how the child welfare system is funded. According to the Urban Institute's 2005 Child Welfare Survey, Texas' CPS system ranks fifth highest nationally, below Mississippi, North Dakota, Connecticut, and Oregon, in its reliance on federal funds. The survey found that only 33 percent of Texas' child welfare spending comes from state or local sources with the remaining 67 percent coming from federal funds. Nationally, on average, the split was more

- equitable with state or local funds accounting for 50 percent of child welfare spending and 50 percent funded through federal sources. A full discussion of how federal funds are used to support Texas' CPS system is in our report, *Federal Funds for CPS*.
- In sum, Texas is a low-service, low-removal state that spends little of its own money to pay for its CPS system.

How Texas Compares to the National Average for Providing Services, Removals and State Spending on CPS



Recent Efforts to Improve the Texas CPS System

STATE LEGISLATIVE AND CPS REFORMS⁶

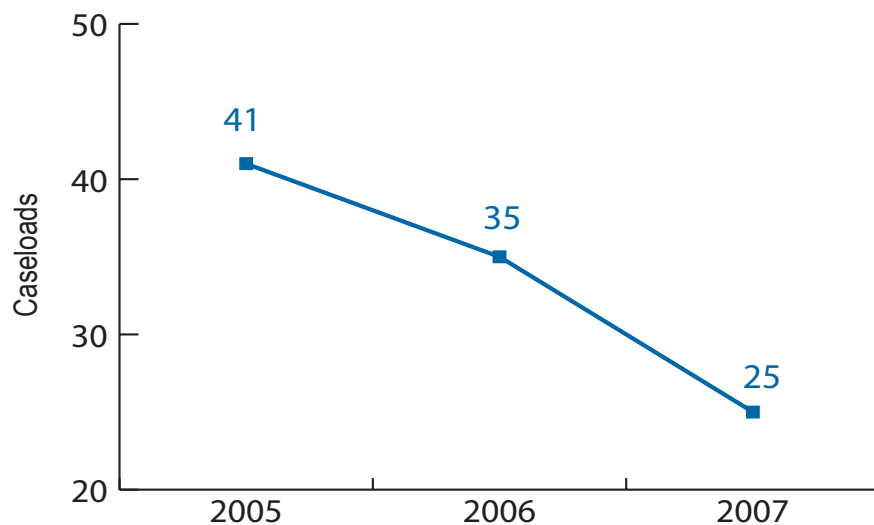
In 2004, there were several high profile tragedies regarding children involved with the Texas CPS, prompting a special report by the Texas Comptroller.⁷ The report garnered significant attention and eventually resulted in the Office of the Investigator General (OIG) conducting a review of CPS. The OIG review found that CPS had difficulty with its investigations as caseworkers were overwhelmed with work, with some handling more than 100 cases at a time. The review also found that caseworkers did not have the necessary resources and supervisor support to make good decisions. In response, in January 2005, the Governor issued an executive order creating a special division within CPS for investigations.

As a follow up to the Governor's order, the 2005 Texas Legislature initiated a comprehensive reform of CPS, culminating in Senate Bill 6 (SB 6). The initial plan was for CPS to focus on investigations and whether a child could safely stay in their home or needed to be removed into state custody. For the case management functions that happen after an investigation, including supervising and providing services to families and handling the legal case should a child be removed, the plan was to privatize them.

. To strengthen investigations, SB 6 required CPS to hire caseworkers with forensic
 . investigation experience and build partnerships with law enforcement. The
 . Legislature also funded a significant number of new investigators to reduce caseloads,
 . along with administrative and support staff. As part of its focus on the front-end of
 . the CPS system, SB 6 also created new funding streams to support child abuse and
 . neglect prevention.

. During the legislative interim in 2005 and 2006, CPS worked to implement SB
 . 6.⁸ It hired new caseworkers for investigations, growing its investigations front line
 . staff by 37 percent from 2005 to 2007. The new staff helped reduce investigation
 . caseloads, which fell from an average of 41 cases in 2005 to 25 cases in 2007, a 40
 . percent decline.⁹

Average Daily Caseloads for CPS Investigators, 2005 to 2007



. CPS also changed its internal operations. Up to this point, CPS had workers who
 . specialized in investigations as well as those who specialized in managing families
 . already receiving CPS services and supervision. But the caseworkers were not
 . necessarily part of a functional unit. To keep as many front-line staff as possible
 . after the budget reduction in 2003, CPS significantly cut and consolidated its
 . administration. Investigators and caseworkers supervising families had to share
 . support services and staff. Supervisors were each given more caseworkers to manage
 . and often one supervisor would be handling both investigators as well as those who
 . supervised families already receiving CPS services.

. With the new resources the Legislature provided as part of the reform effort, CPS
 . expanded on the Governor's executive order. In addition to creating a specialized
 . investigations unit, it created a unit of caseworkers to work with families under CPS
 . supervision while the child stayed at home, referred to as family based safety services
 . (FBSS). It also created a unit of caseworkers to specialize in working with families
 . when the children had been removed from the home and taken into state custody,

referred to as conservatorship. Each functional unit had its own support staff and supervisors who, along with the caseworker, specialized in managing a particular aspect of the CPS system. CPS reduced the number of caseworkers assigned to a supervisor. With fewer caseworkers to manage, supervisors could spend more time training and supporting them. CPS also made efforts to improve recruitment and retention of caseworkers including improved training, assignment of mentors for new caseworkers, introducing mobile technology for workers, and leadership and training programs for supervisors.¹⁰

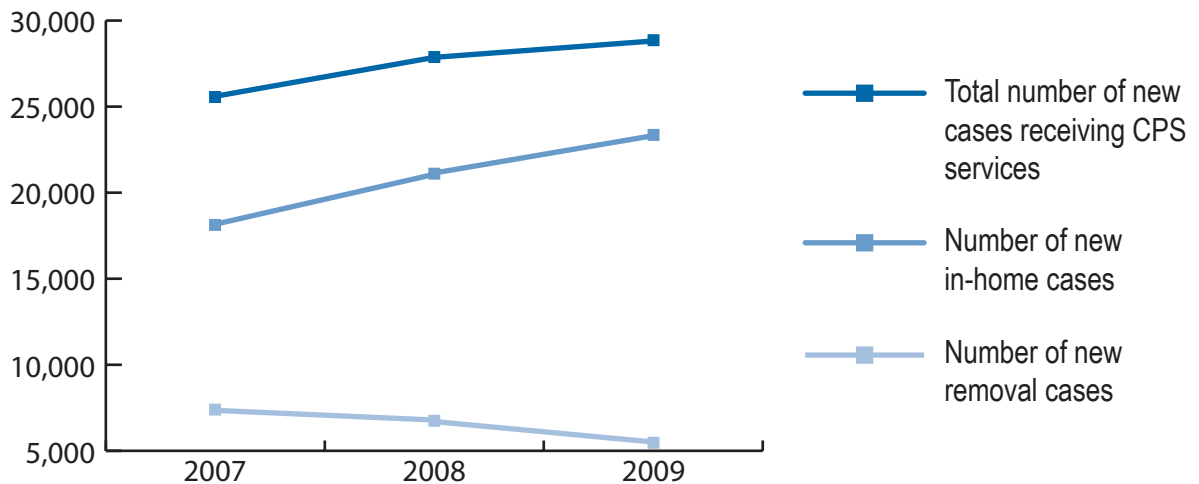
In 2007, the Legislature continued the reform efforts through Senate Bill 758 (SB 758), which focused on strengthening the case management functions that happen after an investigation is concluded and CPS becomes actively involved with the family.¹¹ Although the plan in SB 6 had been to privatize these functions, for a myriad of reasons, SB 758 shifted to keeping those functions within CPS, scaling back the privatization mandate to a 5 percent pilot, which was ultimately not funded.¹² A full discussion of privatization efforts for CPS in Texas is in our report, *Drawing the Line between Public and Private Responsibility in Child Welfare: The Texas Debate*.

The primary focus of SB 758 was to keep more children involved with CPS safely in their homes. As with SB 6, this involved making sure CPS had the resources to do the job right. The legislature funded a significant number of new FBSS and conservatorship caseworker positions to reduce overall caseloads. With caseloads at a manageable level, caseworkers could visit with children and families more often and ensure the children were safe and families were getting needed services. SB 758 required CPS to better engage families in the service planning and decision making process through collaborative meetings involving not only the family, but their relatives, friends and others who could provide support. It also provided additional funds to support services to help keep children safe in their homes from the outset, or to return them home faster in the case of a removal. But SB 758 recognized that not every child could go home, and so focused on improving foster care as well. It required CPS to concentrate on developing more and better homes and to work on eliminating disparate outcomes for certain races and ethnicities.

Over the legislative interim in 2007 and 2008, CPS worked to implement the SB 758 requirements.¹³ Focusing on keeping more children in their home, CPS started family team meetings (FTM) during the investigation stage. In an FTM, CPS gets the parents and extended family together and helps them develop a plan to keep the child safe in the short-term to prevent the need for removal. Through these and other efforts, CPS was able to reduce removals. On the cases it opened for services, CPS removed fewer children, keeping more of them in their homes from the outset. In 2007, the removal rate on new cases was 29 percent.¹⁴ This declined to 19 percent by 2009. This seems to represent a real shift in practice. Even though the removal rate subsequently increased to 23 percent in 2010¹⁵, most likely due to the recent economic downturn, it is still lower than it's been in the last 15 years.

Although the removal rate went down, the total number of new families CPS supervised and served increased from 2007 to 2009 by 13 percent. As a result, the number of children in state custody declined while the number of children receiving FBSS, or in-home services, increased.

How Cases Were Opened for Services in 2007 to 2009



CPS hired additional conservatorship and FBSS caseworkers. From 2007 to 2009, CPS increased the number of conservatorship caseworkers by 30 percent. The influx of new caseworkers, along with the decline in removals, helped reduce conservatorship caseloads from an average of 43 cases in 2007 to 28 cases in 2009, a 35 percent decline. The 35 percent increase in FBSS caseworkers, however, was largely offset by the number of new families coming into FBSS. As a result, FBSS caseloads remained relatively constant, declining from a little over 20 cases in 2007 to 19 cases in 2009.

CPS also addressed the SB 758 requirement to improve foster care. It contracted for an independent needs assessment to look at gaps in the quality and quantity of placements and recommend ways to improve services. CPS streamlined the process for approving foster and adoptive homes and established specialists in three regions of the state to help eliminate disparate outcomes for children of color.

A full discussion of CPS' internal reform efforts from 2005 to 2008 and the impact on CPS internal operations is in our report, *A Better Understanding of Caseworker Turnover in Child Protective Services*.

In 2009, the Legislature continued the emphasis on supporting families and relative caregivers through increased funding for caseworkers and services. It continued the work on improving foster care by increasing payments to foster parents and the agencies that manage them. But it also focused on improving outcomes for children

in CPS care. Instead of one comprehensive bill, however, there were a several bills focusing on different issues, including:

- Improving coordination among the various state agencies that provide services to children and families in CPS.
- Improving the permanency planning process so that all children get a meaningful chance at finding a permanent, safe home to grow up in.
- Creating procedures to deal with youth in CPS custody who are also involved in the juvenile justice system.
- Helping youth who will age out of the system to get the preparation and documentation they need before leaving care so they can successfully transition into living on their own.

A full discussion of the CPS related legislation from the 2009 Legislature is in our report, *Child Protective Services and the 81st Legislature*.

Efforts to improve the system have continued since 2009, through several different task forces or workgroups. The Senate Bill 2080 task force is working on improving child abuse and neglect prevention. The House Bill 2225 task force is studying how to eliminate barriers to permanency. And the House Bill 1912 work group is looking at ways to improve outcomes for emancipating youth. They will all submit a report and make recommendations to the next Legislature, which convenes in January 2011.

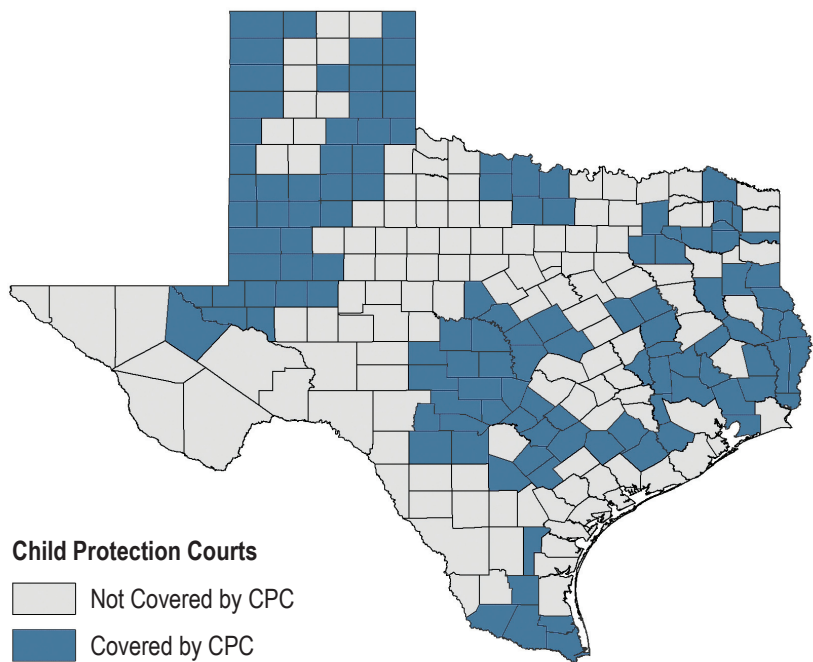
CPS has also continued its internal reform efforts, starting a project to redesign the foster care system to reduce how often a child is moved and place children closer to home.¹⁶ Foster family homes are recruited, trained, and managed by a private child placing agency (CPA) or CPS. For children in foster family homes at the end of 2009, 85 percent lived in a CPA managed home. When a CPA manages a foster home, it provides ongoing support and training to the foster families and daily on-going support for each child in the home. Through its redesign project, CPS is exploring ways to better align its payment structure so CPAs and other providers of care have flexibility in how they provide services to the child while, at the same time, CPS has a way to measure their performance. CPS is also looking to expand the CPAs' role, allowing them to provide services to not only the child, but to the parents, as well. CPS, however, will maintain control over case management including the legal aspects of the case and making recommendations to the judge about what should ultimately happen with the family. CPS is limiting the redesign to what it can pay for within its current budget.

To inform its efforts, CPS has contracted with outside organizations to provide data analysis and conduct surveys, interviews, and focus groups to get stakeholder input. DFPS also formed the Public Private Partnership (PPP), which consists of foster care providers, judges, child advocates, and former foster care youth, along with agency staff. The PPP provides input about the redesign and will ultimately make recommendations to the DFPS commissioner about how it should be structured. Using all of this input, DFPS intends to present a comprehensive plan to the Legislature in January 2011. Although it does not intend to ask for additional funding, DFPS does anticipate the need for greater flexibility in how it spends the foster care and services funding in its budget.

EFFORTS TO IMPROVE THE JUDICIAL PROCESS FOR CPS CASES

During the past 5 or 6 years that the Legislature and CPS have been working to improve how CPS operates, there have also been efforts to improve the way the courts handle CPS cases. Legal cases involving CPS are complicated and often require more judicial resources and expertise than a typical criminal or civil case. This can be especially difficult in rural counties where judicial resources are stretched thin. To address this problem, Texas created courts that specialize in CPS cases for rural areas, referred to as Child Protection Courts (CPCs).¹⁷ For a CPC, a senior judge or an associate judge specially trained in CPS issues is appointed and travels to designated rural counties to hear all their CPS cases. Currently, there are 17 CPCs in Texas.

Counties Covered by Child Protection Courts



Source: Texas Office of Court Administration

Other than the CPC's, which are administered by the Office of Court Administration, Texas courts are decentralized. Although all courts in Texas must comply with the Texas Family Code provisions governing CPS cases, the individual jurisdictions decide how to administer the cases. In some areas, one or more judges are designated to hear CPS cases. In others, CPS cases are assigned on a rotating basis to all the family or juvenile court judges. In some cases, the judge is an elected district court judge and, in others, it is an appointed associate judge. Some jurisdictions have one judge hear all aspects of a case, while in others, multiple judges hear various parts of the same case. Given this structure, historically, there has been no way for the judiciary to identify broad systemic issues or to implement statewide improvements related to CPS. To address this gap, in 2007, the Texas Supreme Court created the Permanent Commission for Children, Youth and Families (the Children's Commission) to

coordinate statewide efforts to enhance the understanding of judges and attorneys about the CPS system and ensure that they have the resources they need to make good decisions.

Since its inception, the Children's Commission has conducted and supported training and education for judges and attorneys working on CPS cases, both statewide and in individual jurisdictions. Annually, the Commission provides over \$500,000 to the Texas Center for the Judiciary for state and national training programs for judges who hear CPS cases. In 2009, it created *The Child Abuse and Neglect Case: A Practitioner's Guide*,¹⁸ which provides a comprehensive overview of what attorneys need to know to effectively handle CPS cases, including practice tips and resources, and it has developed a CPS bench book for judges to use. The Children's Commission also provides technical assistance to judges to help them identify systemic barriers to achieving optimal outcomes for children and families. It provides data analysis to individual courts about permanency outcomes for children in their jurisdictions. Through Texas Appleseed, a non-profit organization aimed at promoting social and economic justice for all Texans, the Children's Commission also formed a partnership to take a comprehensive look at children in the long-term care of the state and how courts can work to improve their outcomes. The work culminated in a recent report: *Improving the Lives of Children in Long-Term Foster Care: The Role of Texas' Courts & Legal System*. Finally, the Children's Commission has been instrumental in facilitating collaboration among all the parties involved in the system, including judges, attorneys, CPS, advocacy groups, and private providers.

FEDERAL EFFORTS TO IMPROVE THE CPS SYSTEM

The federal government has also had a hand in effecting change to the Texas CPS system. In return for the financial support it provides, the federal government requires a state to conform to certain standards and achieve certain outcomes.¹⁹ The process by which the federal government reviews a state's performance is called the Child and Family Services Review (CFSR). The Children's Bureau, which is part of the U.S. Department of Health and Human Services, conducts the review. For the CFSR, the Children's Bureau looks at data, reviews individual cases and conducts interviews and focus groups with a wide range of stakeholders. Through the CFSR, the Children's Bureau assesses a state's performance based on how its overall system is working and the outcomes it achieves for children and families, comparing the state to specified goals.

The performance goals for the CFSR are set very high and the Children's Bureau does not expect states to actually meet all of them. Instead, the objective is to focus each state on continuous improvement so that they are always striving to achieve better outcomes for children and families. Not a single state met all of the specified goals during the first or second CFSR round.

When a state does not meet the specified goals, it must develop a program improvement plan (PIP) which outlines steps it will take to improve its performance. Through the PIP, however, the state does not have to meet the original CFSR goals. Instead, the state and the Children's Bureau negotiate how much improvement the state has to make during a specified time period. If the state does not complete the PIP as agreed, it is subject to financial penalties.

Texas recently completed its second CFSR in 2008, which identified several underlying barriers to achieving optimal outcomes for children and families. Some of the barriers the CFSR identified include:

- Failure to sufficiently visit and engage families and children because of high caseworker turnover and caseloads.
- Children spending too long in care because it takes too long to get a final order and too many children are going into long-term care without being freed for adoption.
- Failure to provide appropriate services to meet the needs of children and parents because the service plans are not tailored to the families' specific needs and a lack of available services, especially in rural areas.
- Children move around too much while in foster care.

A detailed description of the most recent CFSR results for Texas is available online.

To address the barriers identified in the CFSR, CPS developed a PIP²⁰ with four overarching goals of: 1) strengthening critical decision making skills of CPS staff; 2) removing barriers to permanency; 3) enhancing placement capacity through a redesign the Texas foster care system; and 4) strengthening in-home services.

Some of the specific tasks CPS has agreed to do in the PIP include:

- Reviewing caseworker training and developing a strategic plan to address any gaps.
- Collaborating with the Children's Commission to get judges and other stakeholders to use data to improve permanency outcomes.
- Developing policies to work with incarcerated parents.
- Providing trauma informed training to caseworkers and caregivers.
- Revising policy on safety planning for drug exposed infants.

A full description of the PIP is available online.

CONCLUSION

Texas is a low-services, low-removal state that relies heavily on federal funding to support its child welfare system. But within this context, there have been extensive efforts on multiple levels in recent years to improve how the CPS system operates.

CHAPTER 2

THE TEXAS CHILD WELFARE SYSTEM: HOW IT WORKS

This chapter describes how the Texas child welfare system is structured based on a review of federal law, Texas law and the administrative code, and CPS internal policy. It starts with child abuse and neglect prevention and then moves through each step in the CPS process for handling abuse and neglect cases. This includes reporting child abuse and neglect, assessing a report, investigating a report, opening a case for services and how families and children receive services and supervision. In each section, we use DFPS data from 2009 to show how children and families are actually moving through the system.



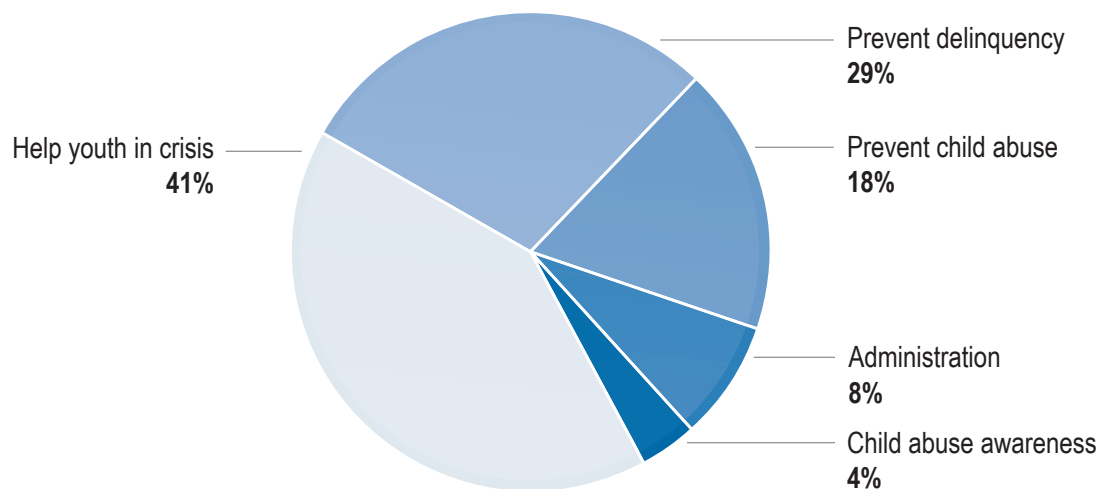
Child Abuse and Neglect Prevention

CPS provides prevention services through the Prevention and Early Intervention (PEI) division. The Legislature created PEI in 1999 to coordinate prevention and early intervention programs. PEI has a very small annual budget of \$46 million, representing only about 4 percent of CPS' overall budget.

With this small budget, PEI is required to address a broad range of negative outcomes for children including child abuse, delinquency, running away, truancy, and dropping out of school.²¹ As a result, PEI has to split its limited resources among three different areas, all of which provide important services to vulnerable constituencies: (1) delinquency prevention; (2) helping youth in crisis; and (3) child abuse and neglect prevention.²²

Other than its Youth and Runaway Hotlines to help youth in crisis, which are primarily manned by volunteers, PEI provides no direct services. Instead, it contracts with community organizations to provide services, passing through about 92 percent of its budget directly to the community organizations.²³ Only 8 percent of the PEI budget is spent on full time PEI employees and administration to monitor and enforce contracts and run the Hotlines.²⁴

Prevention and Early Intervention Annual Budget for 2010 (Total of \$46 million)



There are three primary PEI programs to prevent child abuse and neglect in at-risk families before a crisis occurs or a family becomes involved with (CPS).²⁵ They are: (1) Texas Families Together and Safe (TFTS); (2) Family Strengthening Services (FSS); and (3) Community Based Child Abuse Prevention (CBCAP).

In 2009, the University of Houston evaluated TFTS, FSS, and CBCAP, finding that families in all three programs experienced a statistically significant increase in protective factors and resiliency after completing the services.²⁶ It also found that only about 5 percent of the participating families had a confirmed child abuse or neglect allegation while receiving services or in the 12 months thereafter.²⁷ Finally, families were very satisfied with the services they received. The average score on the post-service survey was 6.4 out of seven.

Because of its limited resources, however, PEI can only reach a fraction of the families that need services. In 2009, more than 4,900 families participated in one of the three child abuse and neglect prevention programs.²⁸ That same year, there were more than 40,000 confirmed cases of abuse or neglect.²⁹ That means that even if PEI could have identified those families that were actually going to abuse or neglect their children, it could have only provided services to prevent the abuse or neglect to about one in eight.

And PEI's budget may be getting even smaller. To fulfill its mandate to cut 10 percent of its overall budget for the upcoming biennium, DFPS has proposed to reduce PEI's budget by 84 percent. That would leave PEI with an annual overall budget of about \$9 million and ten full time staff to administer its ten different programs.³⁰ As the proposed cuts are generally across the board³¹, the annual combined budget for TFTS, FSS, and CBCAP would be about \$2.8 million.

Were the legislature to make the proposed cuts, PEI's budget would be so small that it would effectively lose its ability to support any meaningful level of direct services. Based on the projected number of confirmed child abuse and neglect cases for 2012, even if PEI could identify who these families would be, TFTS, FSS and CBCAP collectively could only provide services to about 3 percent of them.³² At this point, PEI would cease to exist as a statewide services program and may be required to completely restructure the way it does business.

A full discussion of PEI's operations and the impact of the proposed budget cuts are in our report, *Child Abuse and Neglect Prevention: How to Do It Better*.



Reporting Child Abuse and Neglect

Reporting child abuse and neglect is primarily governed by the Texas Family Code (Family Code). Under the Family Code, everyone in Texas is required to report suspected abuse or neglect.³³ Anyone making a report in good faith is protected from criminal or civil liability even if it turns out no abuse or neglect occurred.³⁴ Reports can be made anonymously, and even if a reporter identifies himself, his identity is kept confidential.³⁵

Child abuse and neglect can be reported over the telephone, in-person, by mail or fax or through the internet. Despite the multiple avenues available, however, the vast majority of reports are still made over the telephone.

The chart below details the source of child abuse and neglect reports on completed investigations in 2009. Professionals such as teachers, doctors and law enforcement were the most common source of child abuse and neglect reports, followed by family, friends and parents and then other sources. Only about 5 percent of the reports were from an anonymous source.

Source of Reports on Completed Investigations in 2009

Source	Number	Percent
School	36,494	19%
Medical Personnel	31,811	16%
Law Enforcement	30,351	16%
Other	24,380	13%
Relative	23,392	12%
Parent	16,004	8%
Friend/Neighbor	13,386	7%
Anonymous	9,212	5%
DFPS Staff	5,686	3%
Child Care Facility	1,794	1%
Victim	633	<1%
Total Reports	193,143	



Assessing a Child Abuse or Neglect Report

All reports about child abuse and neglect are routed through statewide intake (SWI), a division within DFPS that does an initial assessment. SWI also receives reports for adult protective services and child care licensing and fields numerous requests for information or referrals. SWI has internal policies and procedures about how to classify an intake (e.g., as a request for a referral or a report of abuse).³⁶ In 2009, SWI had more than 690,000 intakes. Of those, more than 300,000 were general requests for information and referrals. Of the remaining intakes, the vast majority related to CPS. A small number of the CPS calls were case related special requests, with over 250,000 calls identified as a child abuse or neglect report.³⁷

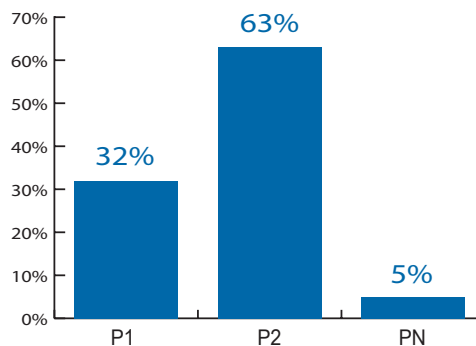
The Family Code sets forth the statutory definitions of child abuse and neglect.³⁸ As the statute cannot delineate every type of inappropriate behavior or situation, the definitions are fairly broad. CPS has operationalized these definitions in its internal policy, identifying specific factors for SWI to consider in whether a report meets the statutory definition.³⁹

After getting as much information as possible about the allegations, SWI assigns the report a priority based on the type and seriousness of the alleged abuse or neglect. How SWI assigns priorities is primarily governed by the Texas Administrative Code (Administrative Code) and CPS internal policy.⁴⁰

In its assessment, SWI assigns a case as a “priority none,” or a PN if it does not appear the child will be abused or neglected in the near future, or the allegations

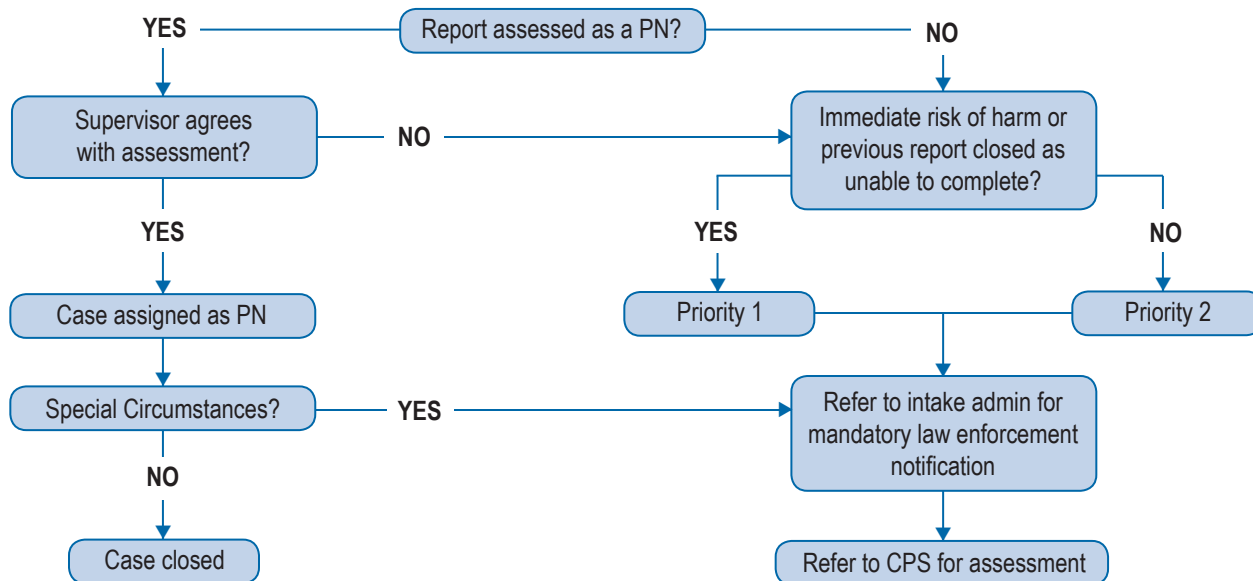
are too vague or general to determine whether a child has been or is likely to be abused or neglected. A report may also be assigned a PN when there is not enough information to locate the child or family or the intake is being sent to another state. Reports involving an immediate risk of abuse or neglect that could result in serious harm or death or a family with a case that was previously closed within the last year as unable to complete are assigned a priority 1 (P1). All others are assigned a priority 2 (P2). In 2009, SWI assigned the majority of reports a P2.

Priorities Assigned to Child Abuse and Neglect Reports in 2009



SWI refers certain PN reports⁴¹ and all P1 and P2 reports to the regional CPS offices for further assessment. SWI closes without further action PN reports that are not referred to a CPS regional office.

SWI Intake Process for a Child Abuse and Neglect Report





Investigating a Child Abuse or Neglect Report

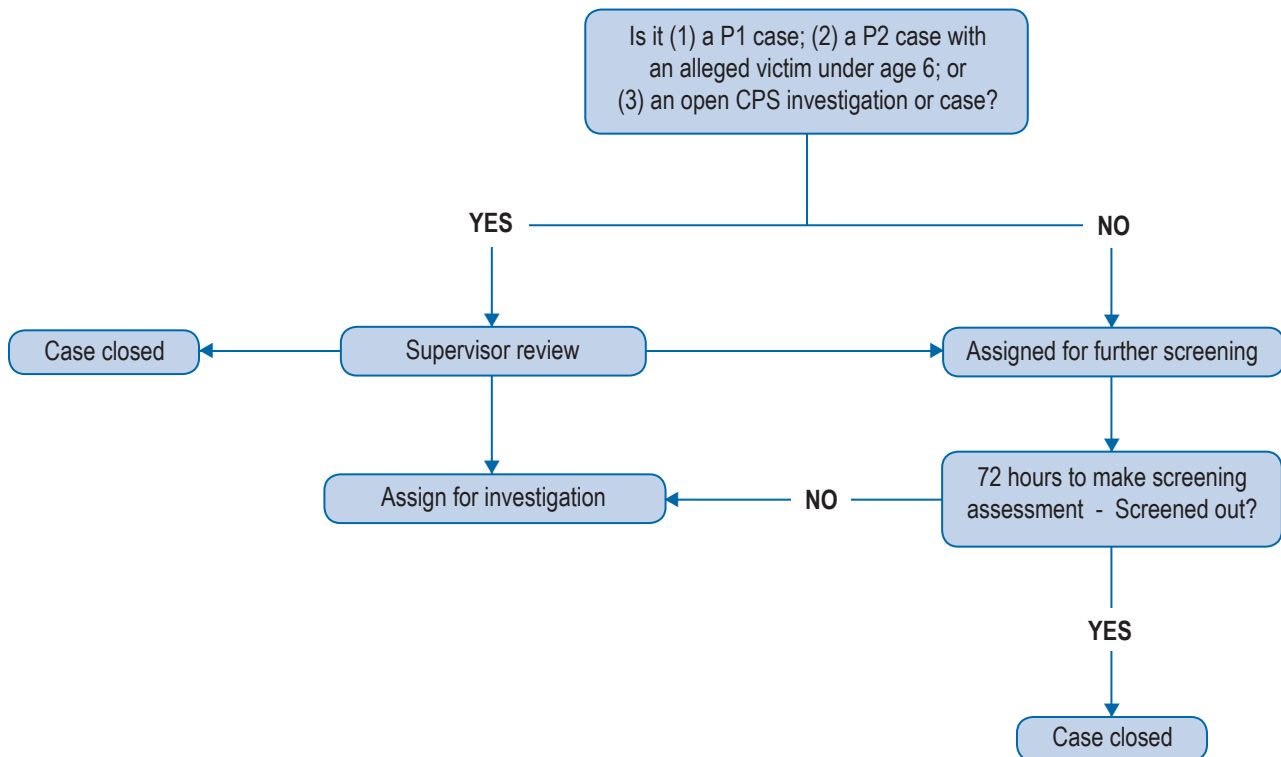
ASSIGNING A CASE FOR INVESTIGATION

The Family Code allows CPS flexibility in responding to cases SWI refers to its regional offices.⁴²

Under current CPS policy, a CPS supervisor reviews all P1 cases, all P2 cases where the victim is 5 years or younger, and all new reports on families that are already under investigation or receiving CPS services. After reviewing the case, the supervisor can close it without an investigation, refer it for further screening or refer it to be assigned for an investigation.⁴³ All P2 cases where the alleged victim is 6 years or older and all PN cases are referred to a formal screening. In 2009, more than one in five of the reports SWI referred to CPS went through the formal screening process.

In the formal screening process, CPS contacts individuals, other than the alleged victim and perpetrator, who may have relevant information about the alleged abuse or neglect. If the screening shows that abuse or neglect in the foreseeable future is unlikely, there is insufficient information to determine if the abuse or neglect occurred or to locate the child or family, or that the allegation has already been investigated or is the responsibility of another agency, CPS closes the case without further action.

How Child Abuse and Neglect Investigations Are Assigned for Investigation



In total, one in six reports were closed by SWI, a CPS supervisor or through the formal screening process without being assigned for an investigation and more than 213,000 cases were assigned for investigation.

Assigning Cases for Investigation in 2009

Cases assigned for formal screening	22%
Cases closed without an investigation	16%
Number of cases assigned for investigation	213,332
Average daily caseload of a CPS investigator	21 cases

CONDUCTING AN INVESTIGATION

To determine whether a report of abuse or neglect is true and, if so, who the alleged perpetrator is, the Family Code provides that an investigator can visit the home, interview parents, children, and others who have relevant information, and obtain a medical, psychological, or psychiatric examination or records of the children in the home.⁴⁴ The Family Code requires CPS to notify the parents about any investigation.⁴⁵

The Family Code requires a special procedure for investigations based on an anonymous report.⁴⁶ CPS first conducts a preliminary investigation to determine whether there is corroborating evidence for the report. This preliminary investigation can include interviewing and examining the child and interviewing the parents and anyone else with relevant information. If no corroborating evidence is found, CPS must close the investigation without any action.

In the event the parents refuse to cooperate with an investigation, the Family Code provides that CPS can seek a court order to pursue the investigation if it can show “good cause.”⁴⁷

If exigent circumstances exist, however, then the caseworker can proceed without parental consent or a court order. In July 2008, the United States Court of Appeal for the Fifth Circuit published a decision in *Gates v. the Texas Department of Family and Protective Services*⁴⁸ that clarified when exigent circumstances exist. CPS subsequently clarified its internal policy to reflect the *Gates* ruling.⁴⁹

Under *Gates*, whether exigent circumstances exist depends on what the caseworker is doing. For the purposes of entering or remaining in a private home, exigent circumstances exist when a child is in immediate danger.

To remove a child from a public school for an interview, a caseworker must have a reasonable belief that the child was abused and probably will be abused again if they go home at the end of the school day. Although not controlling, the child’s express desires about being transported are a factor to consider. An anonymous tip, absent some showing that it is reliable, is insufficient to justify removal for an interview. Instead, the tip must be corroborated through a preliminary investigation that can include an interview of the child’s teachers or peers or an interview of the child at the school or by looking for injuries on the child without removing any clothing (e.g., on the face or hands).

A full discussion of the *Gates* case is available in our report *The Gates Case: What It Means for Child Protective Services*.

To facilitate child interviews, many counties have a child advocacy center (CAC). Authorized under the Family Code,⁵⁰ CACs have child-friendly interview facilities and employ multi-disciplinary teams that include individuals who specialize in interviewing children. In 2009, the 64 CACs in Texas provided services to 40,000 children, most of whom were alleged victims of sexual abuse.⁵¹ Before transporting a child to a CAC or other location for an interview, CPS must attempt to notify the parent.⁵²

COMPLETING AN INVESTIGATION

There are no Family or Administrative Code provisions regarding how long an investigation should take. Under CPS internal policy for cases that will be closed without providing services to or supervision of the family, the investigator should complete the investigation within 30 days.⁵³ If the investigator intends to recommend that a case be opened for services and supervision, however, there is no specific time frame by which the investigation must be completed.⁵⁴

Once an investigation is completed, all the allegations and alleged perpetrators are given a designation and then the case is given an overall disposition. This process is governed by the Administrative Code and CPS internal policy.

DESIGNATING AN ALLEGATION

Some allegations are administratively closed.⁵⁵ An anonymous report that cannot be corroborated is administratively closed. An administrative closure can also occur because a non-CPS entity has legal authority to investigate. For example, allegations of abuse or neglect in a foster home are investigated by child care licensing, not CPS.⁵⁶ An allegation can also be administratively closed for other reasons such as the allegations have already been investigated or the children are safe with no obvious indication of risk of abuse or neglect. Before administratively closing an allegation for one of these other reasons, however, the investigator must at least interview someone other than an alleged victim or perpetrator.



If an allegation is not administratively closed, it is identified as confirmed (or reason to believe) or unconfirmed (includes ruled out, unable to complete, or unable to determine).⁵⁷

To confirm an allegation, there must be a preponderance of evidence that the alleged abuse or neglect occurred. The most common confirmed allegation is neglectful supervision.

Confirmed Allegations in 2009

Allegation Type	Number	Percent
Neglectful supervision	49,588	62%
Physical abuse	13,875	17%
Physical neglect	6,570	8%
Sexual abuse	6316	8%
Medical neglect	2109	3%
Emotional abuse	648	1%
Refusal to accept parental responsibility	625	1%
Abandonment	205	<1%
Total	79,936	

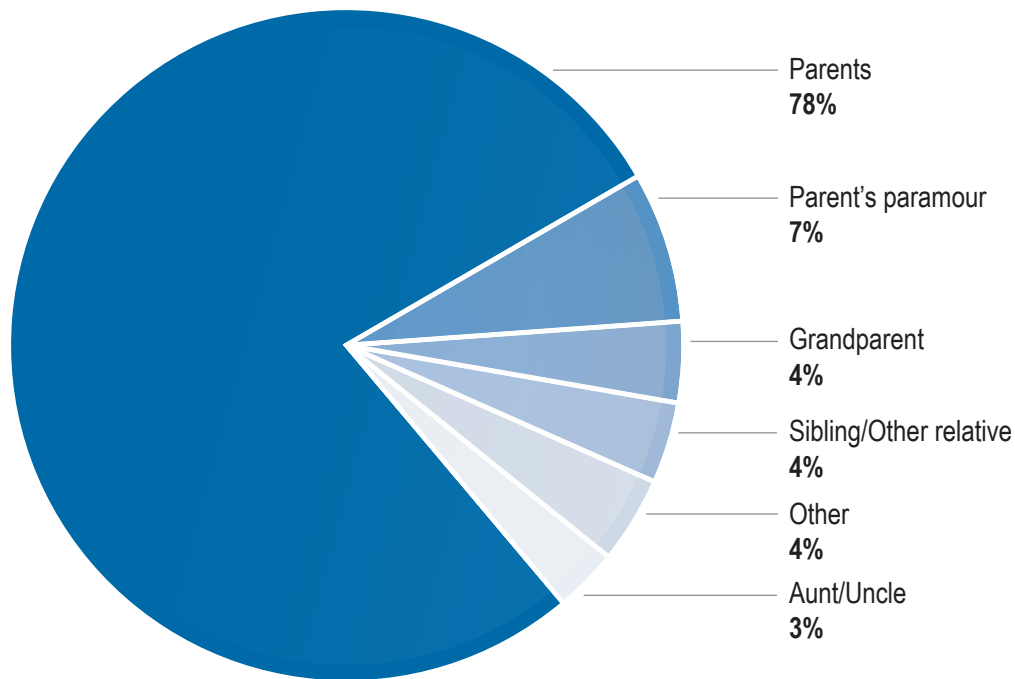
An allegation is “ruled out” when it is reasonable to believe from all the evidence that the abuse or neglect did not occur. An allegation is given an “unable to complete” designation when the family is uncooperative or the family has moved and cannot be located and there is not enough information to make a substantive determination about the allegation. All other allegations are designated as “unable to determine.”

In the case of an unable to complete allegation, if a family is uncooperative and the child is at risk, the investigator should seek a court order to aid in the investigation. If the family has moved, the investigator makes efforts to find out where the family currently lives, including a referral to a special investigator for follow up.⁵⁸ If CPS still cannot locate the family, the Family Code provides that CPS may ask the prosecuting attorney to go to court and get an order to place the alleged perpetrator and alleged victim on a child safety check alert list.⁵⁹ If law enforcement comes in contact with someone on the list, they should get information about the child’s well-being and the family’s current address and either remove the child, if the circumstances meet the Family Code standards for removal without a court order, or provide the information to CPS.⁶⁰ Once either law enforcement or CPS locates the child, the child and alleged perpetrator are removed from the list.⁶¹

DESIGNATING A PERPETRATOR

In addition to investigating whether the abuse or neglect occurred, investigators also look at who was involved in it.⁶² An individual is designated as a perpetrator if a preponderance of evidence shows that they are responsible for the abuse or neglect and had responsibility for the care, custody, and control of the child. Parents are the most common designated perpetrator.

Perpetrator's Relationship to the Oldest Victim in Confirmed Cases in 2009



If the investigator administratively closes an allegation or finds that an alleged perpetrator did not abuse or neglect the children, an alleged perpetrator is designated as being “not involved.” Alleged perpetrators can also get a designation of “unknown” if an investigator is unable to complete or unable to determine their role.

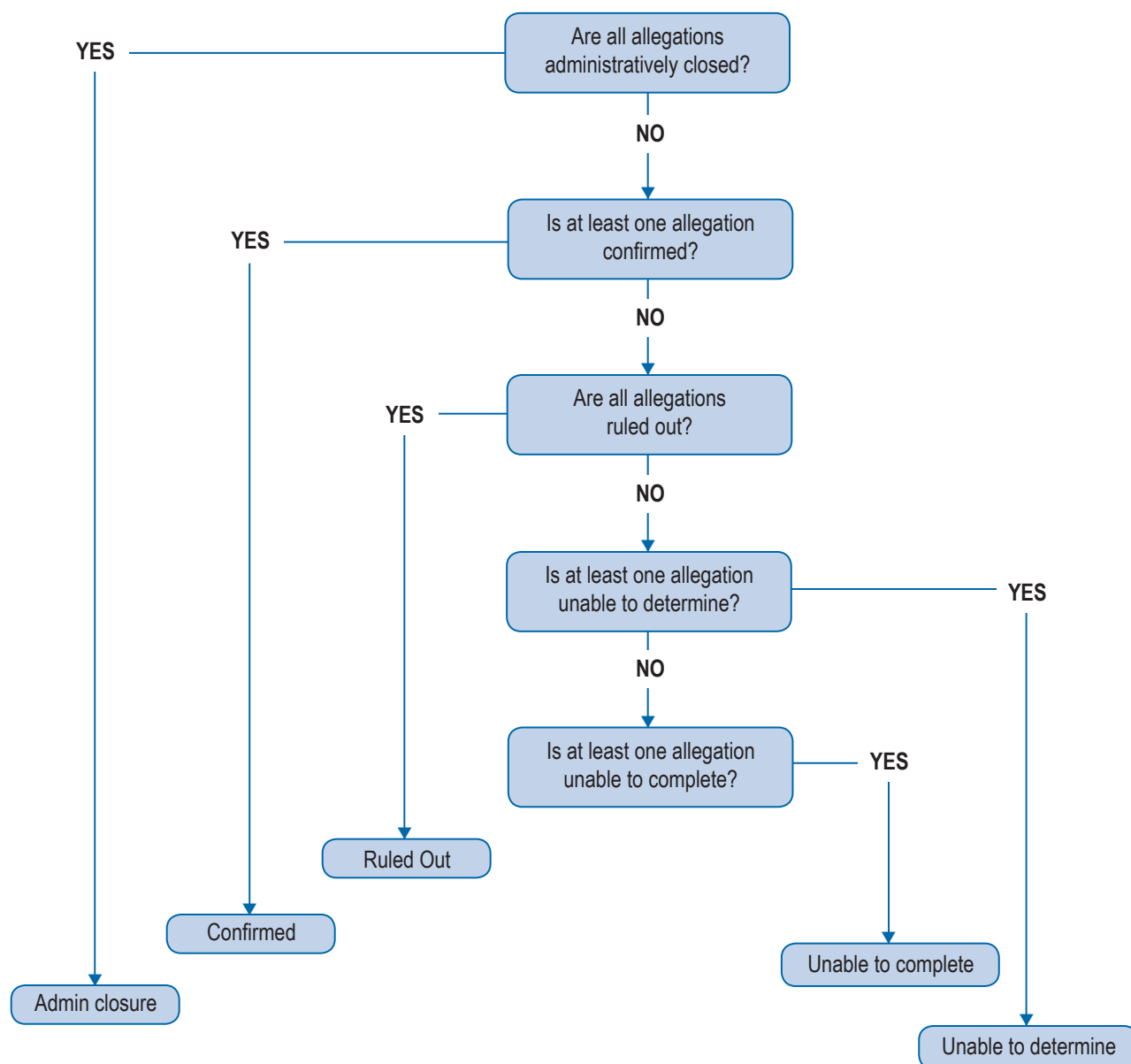
Under the Family Code, if CPS finds that an alleged perpetrator did not commit the abuse or neglect, it must give the individual notice about their right to remove information about their alleged role from CPS records.⁶³

OVERALL CASE DISPOSITION

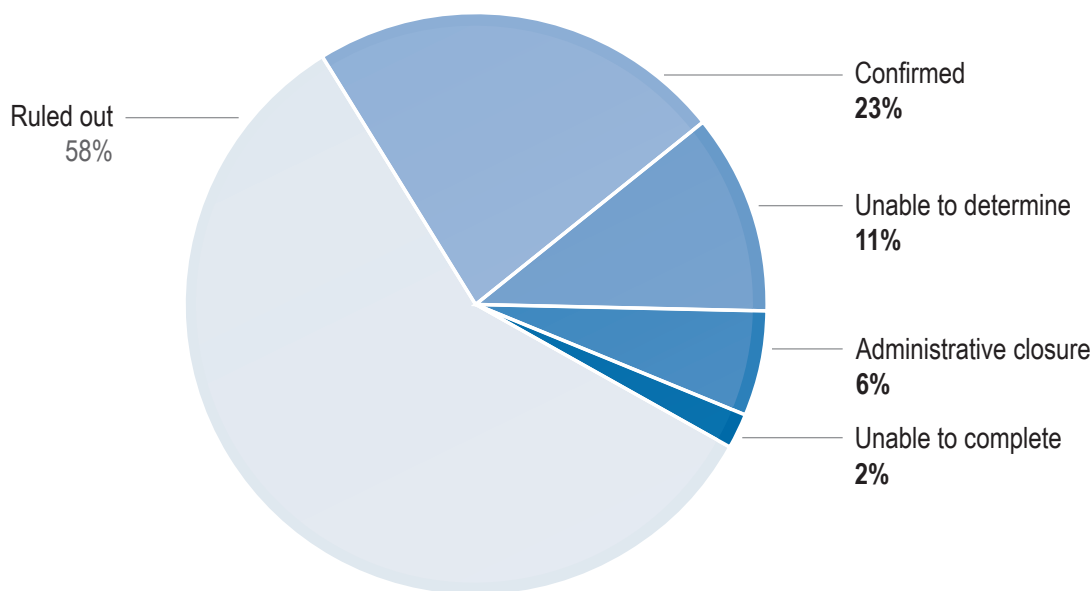
Once all the allegations and alleged perpetrators have been given a designation, the case is assigned an overall disposition. CPS internal policy provides a process through which cases with multiple types of allegation designations are assigned an overall disposition.⁶⁴

Before a case can be administratively closed, a supervisor and program director must approve it. The majority of completed investigations in 2009 were ruled out and about one in four were confirmed.

How to Give a Case an Overall Disposition



Case Dispositions in 2009⁶⁵
(Total 175,924)



Opening a Case for Services

In addition to investigating the allegation of abuse or neglect, an investigator also assesses the child's safety in the home. This process is primarily governed by the Administrative Code and CPS internal policy.⁶⁶

It is this safety assessment, not the allegation or case designation, which determines whether a family will receive services and supervision. As a result, there are cases where an allegation is confirmed but the family is not eligible for services because there is no ongoing risk indicated. There are also cases where the allegations cannot be confirmed but the family can still receive services because of an ongoing risk. If the case involves a child under the age of 4 with a case designation of confirmed, unable to complete, or unable to determine, and the plan is to close the case without services, a child safety specialist must review the case to make sure closing it is appropriate.⁶⁷

The vast majority of confirmed cases have a finding of ongoing risk. But more than 1 in 4 unconfirmed cases also have an ongoing risk finding. Almost all cases that have a risk finding are opened for services.

When a case is open for services, it is either with the parents retaining legal custody, referred to as an in-home case, or with CPS taking the child out of the home, referred to as a removal or substitute care case. In 2009, only two of every ten cases opened for services involved substitute care.

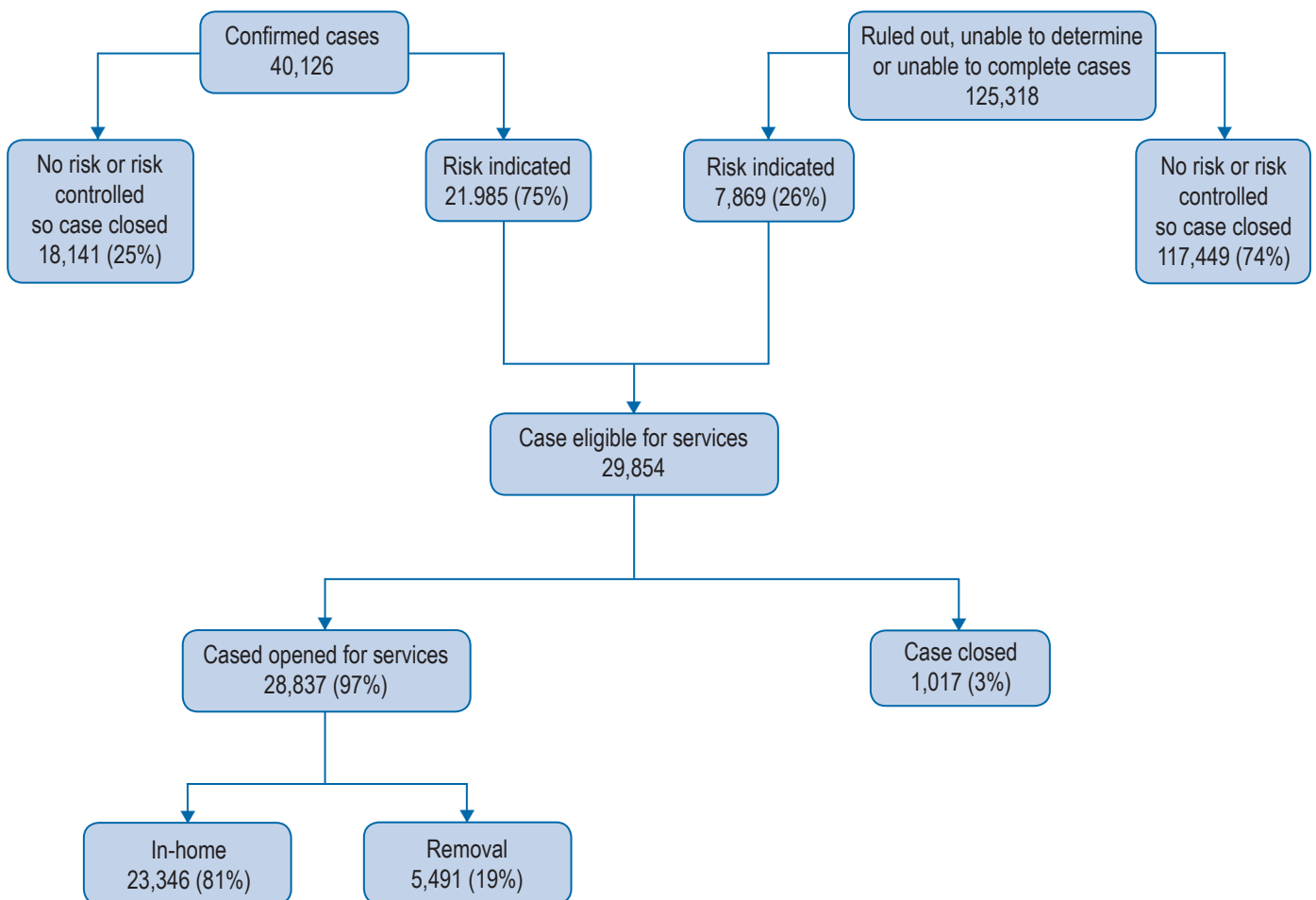
Before removing a child, CPS must have parental consent, a court order or exigent circumstances. For a removal, *Gates* defined exigent circumstances as reasonable

cause to believe that the child is in imminent danger of physical or sexual abuse if they remain in the parent's custody. In making this determination, no one factor is dispositive. Instead, a caseworker must take into account all of the circumstances including:

1. Whether there is time to get a court order;
2. The nature of the abuse (its severity, duration and frequency);
3. The strength of the evidence supporting the abuse allegations;
4. The risk that the parent will flee with the child;
5. Whether less extreme alternatives are available; and
6. Possible harm to the child if removed.

If a child is removed, the Family Code requires CPS to provide the written notice to the parents as soon as possible but no later than one working day after the removal.⁶⁸

How Cases Were Opened for Services in 2009





Providing Services to Families

In both in-home and substitute care cases, CPS develops a written plan in which it details tasks and services the parents must complete so the child can live safely in the home and the family can function without CPS supervision.⁶⁹ The services identified in the plan should be tailored to a family's individual circumstances and can include programs such as parenting classes, substance abuse treatment and counseling.

To better engage families in this service planning process, CPS holds two types of collaborative meetings.⁷⁰ The first is a family team meeting (FTM) that usually occurs during the investigation stage. In an FTM, CPS facilitates a meeting with the parents and extended family to develop a safety plan to prevent the need for removal. In 2009, CPS conducted more than 11,000 FTMs. The second type of meeting is a family group conference (FGC). This type of meeting occurs after a child has been removed and is broader than an FTM. It includes not only family but friends, neighbors, and others in the community interested in helping and supporting the family. In an FGC, the family identifies its goal for the child (e.g., return home) and then the participants identify the tasks needed to achieve that goal and identify available support and resources for the family. In 2009, CPS conducted more than 3,600 FGCs.

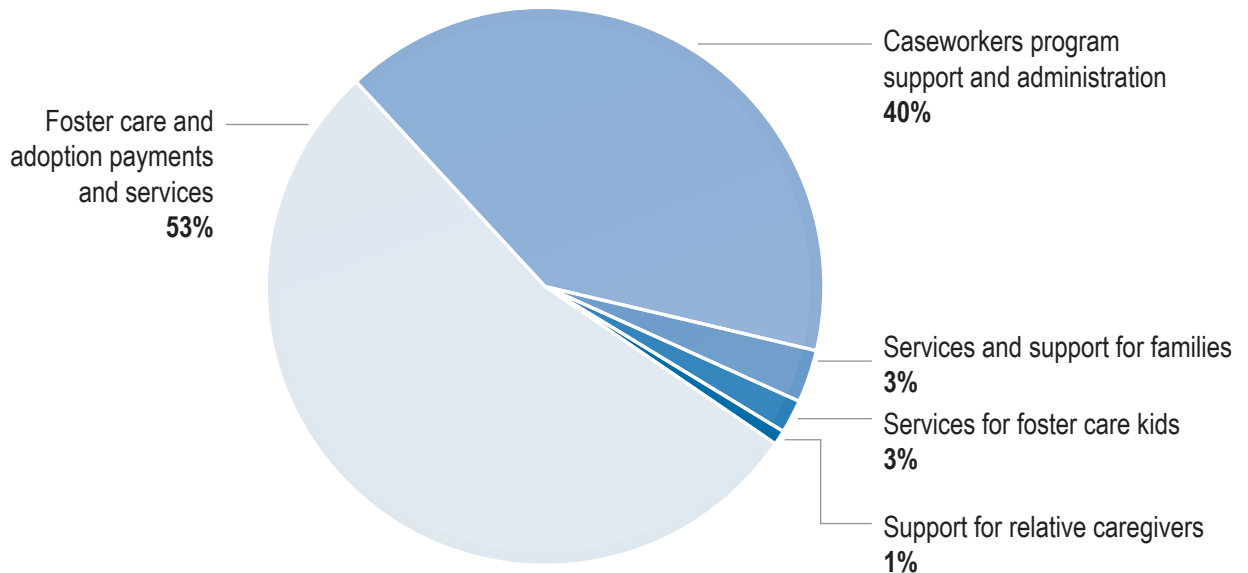
Although CPS identifies what services the parents must complete, it does not usually provide those services directly. Instead, since most families involved with CPS are low income,⁷¹ the parents must primarily rely on services provided through Medicaid and other state agencies such as substance abuse treatment and mental health services provided through the Department of State Health Services (DSHS). But access to such services can be limited, especially in rural areas. In 2009, DSHS only had funds to meet about 6 percent of the substance abuse treatment needs among those who would qualify for state-supported services.⁷² Ongoing mental health treatment at one of DSHS' community mental health centers is also limited. Only those with a diagnosis of schizophrenia, severe major depression, or bipolar are eligible and, even for these individuals, services may not be readily available. As a result, parents involved with CPS often have a long wait to receive substance abuse or mental health treatment, if the services are even available in their community.

CPS does have a small budget to purchase services for families who do not qualify for other programs. With respect to substance abuse, CPS has annual budget of \$1 million for treatment and \$4 million to pay for substance abuse testing.⁷³ CPS also has an annual budget of about \$12 million to purchase services such as parent training and psychological assessments and therapy for families. Finally, CPS has \$20 million in its current annual budget to subsidize protective day care services to help keep young children safe in their homes while their parents complete the service plan.

CPS' services budget used to include a program that helped families in neglect cases where poverty was a significant underlying problem and it had success in preventing removals and keeping children safe in their homes.⁷⁴ But CPS discontinued the program as part of the mandated budget cuts this year.

In total, only 3 percent of the current CPS budget is dedicated to services to support families on in-home cases or families in substitute care who are trying to regain custody of their children.

CPS 2010 Budget⁷⁵ — Total of \$1.2 Billion



The priorities in the CPS budget reflect the federal financing structure in that the Texas Legislature is only willing to fund what the federal government will help pay for. The primary federal child welfare funding stream supports caseworkers, CPS administrative costs, and those children who have been removed from their home and placed in foster care or are adopted,⁷⁶ which is why those items make up almost all of the CPS budget. Although federal law favors keeping children in their homes if possible⁷⁷ and the majority of children in all state child welfare systems receive in-home services,⁷⁸ there are limited federal funds to support such services. Since the Texas legislature is unwilling to allocate much in the way of state funds, it's only a small part of the CPS budget.



In-Home Cases

FBSS caseworkers work with families on in-home cases. Each family, regardless of the number of children involved, counts as one case.⁷⁹

Although the parent retains legal custody of the child for an in-home case, it does not necessarily mean the child is living in the home. If a safety assessment indicates that the child is in danger of serious harm and the parents do not have the necessary ability to protect the child, CPS may allow the parent to identify another home where the child can stay in lieu of a formal removal.⁸⁰ Such an arrangement is referred to as a parental child safety placement and can occur during the investigation stage, during the time the family is receiving in-home services, or both. There are no Family or Administrative Code provisions regarding this process. It is governed solely by CPS internal policy.

Although CPS policy provides a basic structure for how parental child safety placements work, there are several areas that need greater detail to ensure that

the placements are appropriate, that everyone understands their rights and responsibilities, and that the placements last no longer than necessary. A discussion of how to address the policy gaps for parental child safety placements is in our recent [written testimony to the Texas House Human Services Committee](#). CPS is in the process of reviewing its policy on this topic.

A family's participation in an in-home case is voluntary in the sense that there is usually no court involvement or supervision. For some in-home cases, however, the parents refuse to participate in services. In these cases, the Family Code provides that CPS may ask a judge to order the parents to participate in the services without removing the child.⁸¹ But there are no specific statutory provisions in the Family Code regarding the circumstances under which such an order would be appropriate or how long such an order can remain in effect.

Neither the parents nor the child are required to be appointed an attorney in any in-home case, even if the parent is indigent and under a court order for services.⁸²

Under CPS internal policy, the service plan for an in-home case must be reviewed at least every three months and revised at least every six months.⁸³ The Administrative Code provides that an in-home case should be closed when the family no longer needs services. In 2009, the average in-home case was closed after seven months. If, despite services, the family still cannot protect the child, the child is removed into substitute care, although this seldom occurs.⁸⁴

Usually when CPS closes an in-home case, there is no further involvement with the family. In 2009, less than 1 in 10 families on in-home cases had any further CPS involvement⁸⁵ in the 12 months after their case was closed.

In-Home Cases in 2009

Families receiving in-home services	36,352
FBSS Caseworkers	730
Average families on FBSS daily caseload	19
Estimate of children on FBSS average caseload ⁸⁶	52
Children receiving FBSS services who are removed ⁸⁷	3%
Average time before an in-home case is closed	7.2 months
Families that have further CPS involvement within 12 months after case closed	9%



Substitute Care Cases

Substitute care, or conservatorship, caseworkers work with families and children in cases involving a removal. Each child and the family counts as a separate case. In other words, a family with two children and two parents counts as three cases. Similarly, a family with two children and one parent counts as three cases.⁸⁸

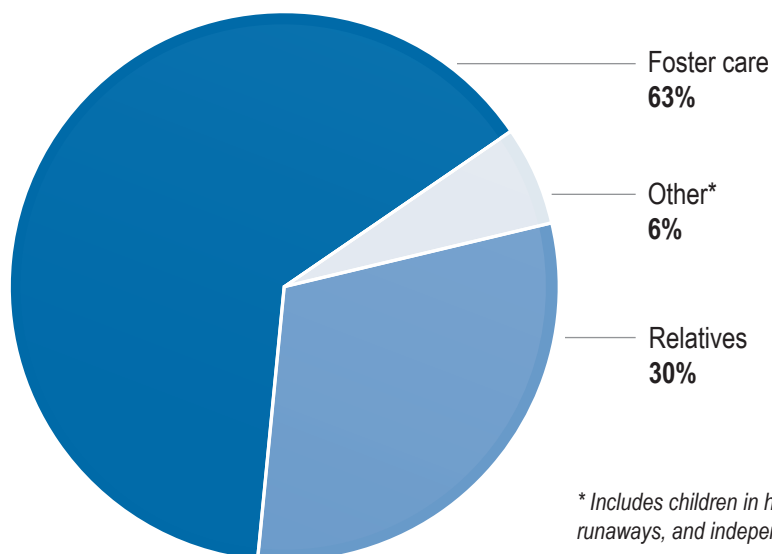
CPS Supervision of Substitute Care Cases in 2009

Children in substitute care during the year	39,733
Substitute care caseworkers	1,527
Daily average substitute care caseload	28
Estimated no. of children on substitute care caseload ⁸⁹	20

TYPES OF SUBSTITUTE CARE

Children in substitute care generally live with a relative or in foster care. The following sections describe how these two types of care function.

Where Children in Substitute Care Were Living at the End of 2009



RELATIVE CARE

Under federal law, relatives get preference as a placement for children who are removed.⁹⁰ To facilitate such placements, federal law requires CPS to conduct a diligent search for all grandparents and other relatives and provide them with notice when a child is removed.⁹¹ Federal law leaves it to the states to define a relative. Texas defines the term broadly to include not only those related to a child by marriage or blood, but also “fictive” kin who are not related but, nonetheless, have an established relationship with the child.⁹²

Texas does not require relative caregivers to be licensed foster parents and, generally, few relatives get licensed on their own. But this may change as a new federal law now requires CPS to provide notice to relatives about the option of getting licensed.

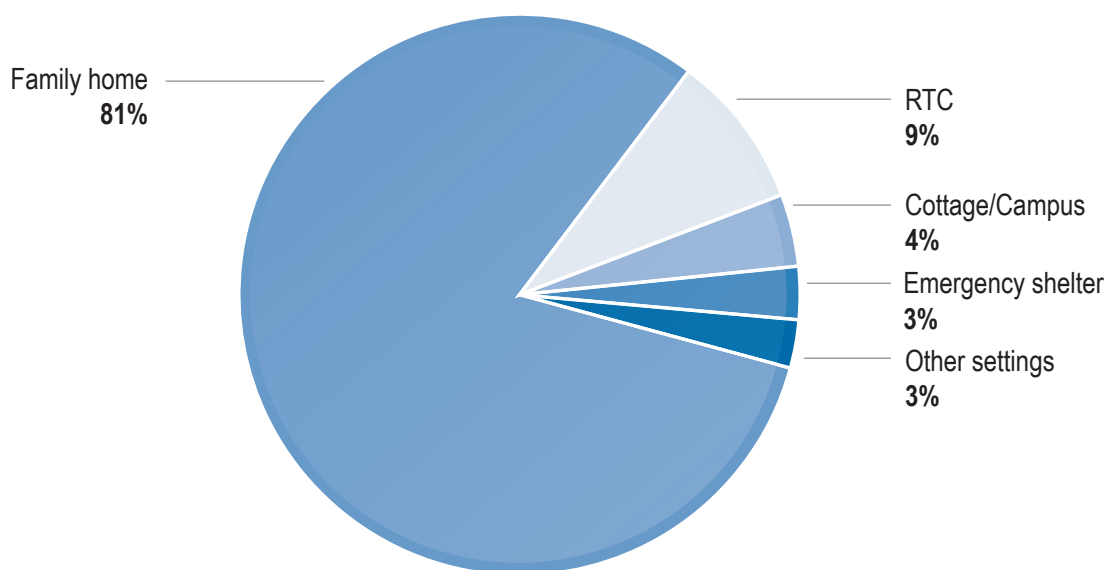
All children in CPS custody, even those living with unlicensed relatives, have their medical needs covered through Medicaid under the STAR Health program. Any relatives that get licensed also get a payment to care for the child just like any other foster parent. The only financial support available to non-licensed relative caregivers, however, is a one-time up to \$1,000 upfront payment per sibling group and up to \$500 in reimbursable expenses per child per year for up to three years⁹³ and subsidized day care, although not all non-licensed relatives are eligible for these programs. In 2009, CPS made an upfront payment and/or reimbursed expenses for more than 8,400 children and provided day care for almost 4,000 children living with relatives.⁹⁴

FOSTER CARE

Although the majority of children in state custody live in foster care, it is not always available where needed. As a result, children are often forced to live far away from their communities, disrupting their school and family relationships. In May 2010, only 45 percent of children in foster care lived in their home county.⁹⁵

There are several types of foster care. Foster care can be a family home, a cottage or campus setting, an emergency shelter, or a residential treatment center (RTC) where children receive 24-hour care. There are also a few children living in other types of settings such as camps, maternity homes, hospitals, juvenile detention, or state schools.⁹⁶ Children living in foster care at the end of 2009 predominantly lived in a family home, although about one in ten lived in an RTC.

Type of Foster Care for Children in Substitute Care at the End of 2009



As discussed in Chapter 1, the vast majority of foster family homes are managed by a private CPA. At a minimum, private CPAs must pay their foster parents the same rate as established for CPS managed homes, although they can pay them more.

The rate paid to a foster care provider is supposed to reimburse them for the cost of caring for the child and, for CPAs, the cost of supporting and managing the homes. The Health and Human Services Commission (HHSC) determines how much the rate should be by calculating an average overall rate for each type of placement using a methodology set forth in the Administrative Code.⁹⁷ Once HHSC calculates the average overall rates per the Administrative Code methodology, the Legislature decides how much of the rate it will fund. Generally, the Legislature funds less than the HHSC calculated average costs.

As discussed in Chapter 1, CPS is currently in the process of redesigning how it pays for foster care.

Percentage of HHSC Calculated Foster Care Costs the Legislature Funded for the 2010-11 Biennium

Setting	Percentage Funded
Foster family	83%
CPAs	87%
RTCs	79%
Emergency shelters	79%

THE COURT PROCESS

Once a child is removed into substitute care, the courts become involved and the process is primarily governed by the Family Code and federal law. Federal law generally requires CPS to first try to get the child safely back home.⁹⁸ Absent certain aggravated circumstances, the parents are initially given an opportunity to resolve the problem that led to the abuse or neglect and regain custody of, or reunify with, the child.⁹⁹ The first section describes this reunification part of the process.

If the child cannot be safely returned home during the reunification period, the focus of the case shifts to finding the child another permanent home. The second section describes this part of the process and consists of two different tracks. In most cases, the parents' rights are terminated and CPS works to get the child adopted. In others, the parents' rights are not terminated and so the child is not eligible for adoption. In these cases, CPS works to find the child another type of permanency.

THE REUNIFICATION PROCESS

Whenever CPS removes a child, even under exigent circumstances, CPS must go to court and get temporary legal custody of the child, referred to as temporary managing conservatorship (TMC).¹⁰⁰ At the initial hearing, a judge determines whether there is an immediate danger to the child's physical health or safety to justify removal and whether CPS made reasonable efforts to prevent the removal.¹⁰¹

Within 14 days there is another court hearing where the judge must send the child home unless there is a continuing danger to the child's physical health or safety.¹⁰² This hearing is referred to as the adversary hearing.

CPS' legal case is pursued through a prosecuting attorney, although who the attorney is varies from county to county. In some cases it is the county attorney, in others it is district attorney, and in still others, the case is prosecuted by a CPS attorney.¹⁰³

Once CPS starts the lawsuit, the judge appoints an attorney to represent the child's interests right away or, at least, no later than the adversary hearing.¹⁰⁴ If CPS is seeking to terminate the parent's rights and the parent is indigent and opposes the termination, the judge should appoint them an attorney as well, although there is some debate as to when the attorney must be appointed.¹⁰⁵ The counties, and not the state, pay for the cost of court appointed attorneys for both the children and the parents. As a result, there is significant variation around the state regarding how attorneys are appointed and paid and how they practice.

In addition to appointing an attorney for the child, judges are also required to appoint a guardian ad litem (GAL) to represent the child's best interests.¹⁰⁶ The child's attorney may serve as the GAL or the judge can appoint a separate individual altogether.¹⁰⁷

Often judges will appoint a volunteer from one of the Court Appointed Special Advocate (CASA) programs to act as a GAL.¹⁰⁸ CASA programs operate locally with support from Texas CASA, the statewide association of CASA programs. The local CASA programs train volunteers about how the CPS process works and how to advocate for a child's best interests. In counties where the attorney also serves as a GAL, a judge may still appoint a CASA volunteer to help gather information about the child and family and to make recommendations about what should happen. In 2009, over 5,600 CASA volunteers from one of the 69 local CASA programs served almost 20,000 children in CPS custody.¹⁰⁹

If the child remains in CPS custody after the adversary hearing, CPS develops a service plan as discussed above and within 60 days, the judge holds a status hearing to review the service plan and make sure things are on track.¹¹⁰

During the reunification period, CPS generally keeps legal custody of the child and there are interim hearings to check on the family's progress, referred to as permanency hearings. The first permanency hearing is held within six months after the judge appoints CPS as TMC.¹¹¹ Permanency hearings should be held at least every four months thereafter until a final decision about what should happen is made.¹¹²

The parents, the attorneys, the CASA, the child's caregiver, and anyone else the judge finds to have an interest in the child should be notified about when the permanency hearings are scheduled.¹¹³ But the practice about who provides notice varies around the state.

For the permanency hearings, CPS writes a report about how the family is doing and makes recommendations about what should happen.¹¹⁴ The judge reviews the report and any other information provided at the hearing and determines, among other things, whether the child can be safely returned to the parents.¹¹⁵ If so, the judge can either close the case or keep the case open and continue to monitor the family for a period of time to make sure the child is safe.¹¹⁶

If the child is not returned home at any of the permanency hearings and CPS wants to free the child for adoption by terminating parental rights, the case is set for trial. Before the trial, however, the parties may try to mediate, or come to an agreement about what should happen. If CPS, the child's attorney and GAL and the parents can all agree about what should happen to the child, the parties enter into a mediated settlement agreement instead of a trial. Once the parties enter into a mediated settlement agreement, there is some debate as to whether a judge has to accept it.¹¹⁷

If the case goes to trial, in order to terminate parental rights so a child is free for adoption, CPS must prove that the parent engaged in one of the acts of abuse or neglect set forth in the Family Code and that termination is in the child's best interests.¹¹⁸

Within one year, based on either a mediated settlement or other agreement or the outcome of a trial, the judge should issue a final order about what should happen to the child.¹¹⁹ This timeframe can be extended for an additional six months in extraordinary circumstances, or when the child is returned home on a monitored basis.¹²⁰

General Timeframe for Substitute Care Cases While CPS is Temporary Managing Conservator

Adversary hearing	14 days
Status hearing	60 days
First permanency hearing	6 months
Second permanency hearing	10 months
Judge makes a final order about what should happen	12 months
Percentage of cases in 2009 with a final order within 12 months	60%

There are four possible outcomes when a judge issues a final order: return the child home, terminate parental rights so the child can be adopted, appoint a relative as the child's legal caregiver, or continue state custody without terminating parental rights. Children in this last category have limited options as they are not available for adoption. As a result, there must be specific findings and careful consideration the child's age, opinion about adoption and any special medical or behavioral problems before such an order is made.¹²¹

FINDING THE CHILD AN ALTERNATIVE PERMANENT HOME

For children who remain in state care after the reunification period is over, CPS retains legal custody, becoming the permanent managing conservator (PMC) both for children with parental rights terminated and children with parental rights intact. Despite the name, however, this is meant to be a temporary condition so that these children should only stay in CPS custody until a truly permanent home is found.

While they remain under court supervision, children in PMC must have a hearing to review their status at least every six months, although children who are free for

adoption must have their first review hearing within three months.¹²² As with the permanency hearings, CPS writes a report about how the child is doing and makes recommendations about what should happen.¹²³ The judge reviews the report and any other information provided at the hearing. For children on an adoption track, the judge looks at, among other things, progress in getting the child adopted.¹²⁴ For children who are not eligible for adoption, the judge looks at, among other things, progress in getting the child into another type of permanent home.

OUTCOMES FOR CHILDREN IN SUBSTITUTE CARE

There are generally four types of outcomes for children in substitute care: (1) return home; (2) a relative taking permanent custody; (3) adoption by a non-relative; or (4) aging out or emancipating from the system at age 18.¹²⁵ The first three outcomes are what the system strives to achieve for every child, generally in that order. The last outcome is what the system tries to avoid.

Youth who age out of the system have no permanent place to call home and often have a difficult time.¹²⁶ They are less likely than their peers in the general population to achieve academic milestones, including high school graduation and postsecondary education, which are the foundations of self-sufficiency. These youth are less likely to be employed and, even when they are employed, are more likely to be in jobs that do not pay a living wage. They are more likely to experience violence, homelessness, mental illness, and other poor health outcomes. They are more likely to be incarcerated, to abuse substances, and to experience early parenthood out-of-wedlock.

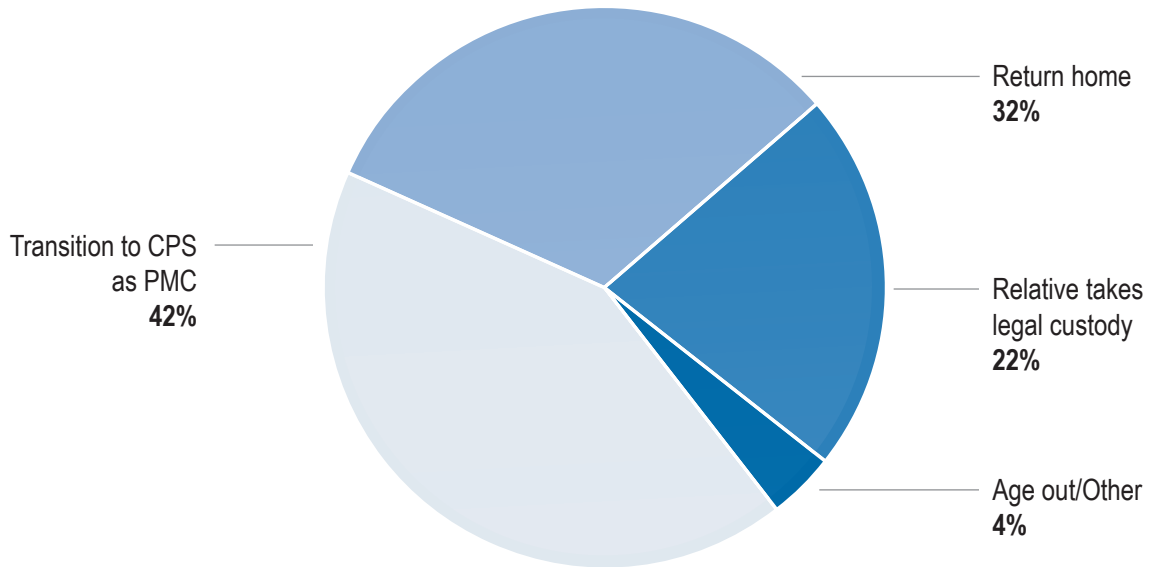
Usually, data on outcomes in substitute care is presented by simply grouping together all children who left substitute care during the year. Then the various outcomes are compared (e.g., how many returned home versus how many were adopted). This method, however, does not capture the nuances of how the process actually works. Not all children are eligible for all the different types of outcomes at each stage in the process. Instead, a child's outcome is related to where they are in the process when they leave substitute care. For example, the only children who can be adopted are those who have moved past the reunification period and are on an adoption track. As a result, a better way of capturing how the system is working to achieve permanency is to examine each type of outcome separately, which is what we have done in the sections below.¹²⁷

LEAVING SUBSTITUTE CARE TO RETURN HOME

Although children can, and do, return home at any point in the process, the emphasis is to get them home safely as soon as possible, preferably during the reunification process. And, in fact, the vast majority of children who do return home do so during the reunification period.¹²⁸ Therefore, to explore how well the system is moving children back into their own homes, we look at how children flowed through the reunification process.

In 2009, over 12,000 children transitioned out of the reunification process. But only one in three of these children actually returned home. The majority left with a relative taking legal custody or transitioned into CPS as a PMC or, in a few cases, aged out or had an other exit such as running away.

How Children Transitioned Out of the Reunification Process in 2009



As discussed in Chapter 1, Texas is a low removal state. The vast majority of families under CPS supervision receive services through FBSS or in-home cases. That means that children are likely only removed in the most difficult or extreme circumstances. As a result, one would expect that families with children in substitute care would have a challenging time resolving their underlying problems, making reunification more difficult.

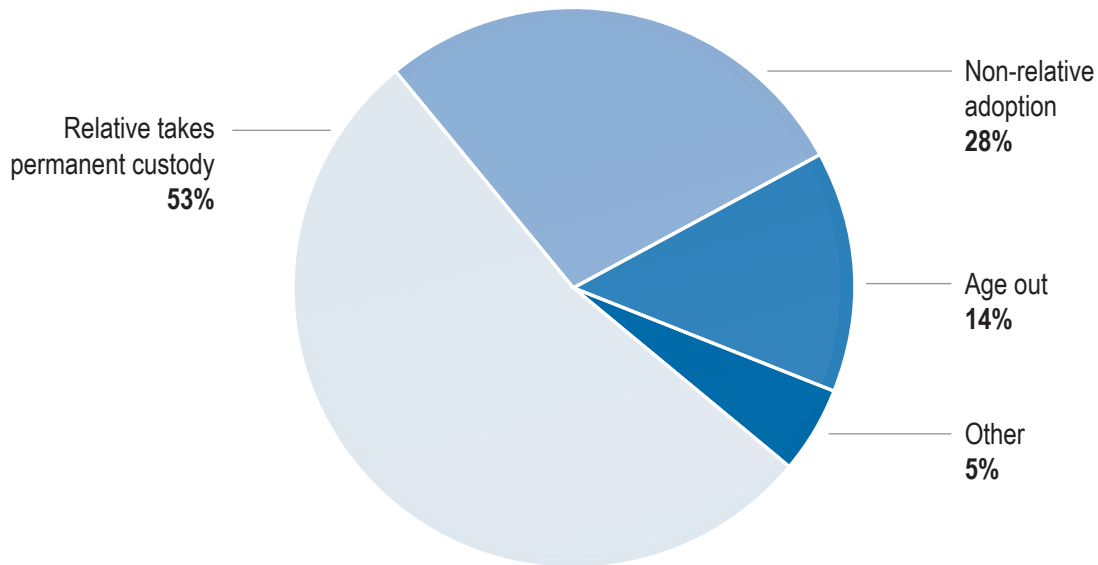
The lack of available services for parents seeking to reunify can make reunification difficult as well. For example, substance abuse is one of the most common problems among families in substitute care cases. In 2009, about 60 percent of the children removed from their home, or more than 7,000 children, had parental substance abuse identified as an issue.¹²⁹ In order for these children to return safely home, their parents' substance abuse problem has to be addressed. But, as discussed above, the primary source of substance abuse treatment for parents working with CPS is through DSHS state-supported programs, which often have long-wait lists, if they are available at all.

The vast majority of children who return home have their cases closed and do not come back into substitute care. In 2009, less than 5 percent of children who returned home with their case closed came back into substitute care again within 12 months.¹³⁰

A RELATIVE PROVIDES A PERMANENT HOME

The majority of children who left substitute care in 2009 but did not return home went to permanently live with a relative.¹³¹

How Children Who Did Not Return Home Left CPS Custody in 2009



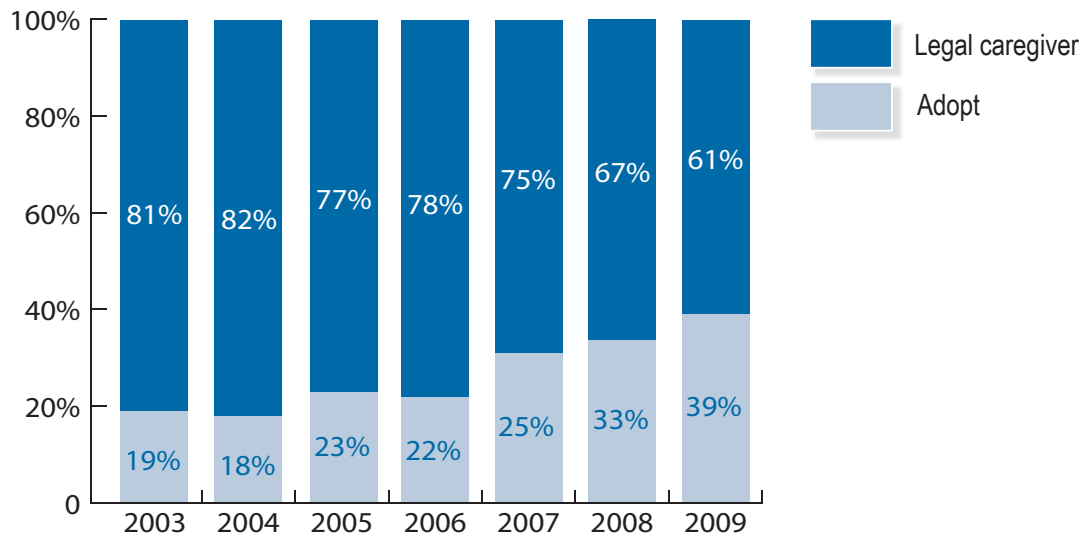
There are two ways a relative can take permanent custody—adopt the child or become the child’s legal caregiver. The process for a relative to adopt is the same as for anyone else. The parents’ rights to the child must be legally terminated and the relative must meet the criteria for an adoptive parent, including an adoptive home study. In most circumstances, relatives who adopt are eligible for an ongoing monthly payment from the state to help support the child, called an adoption subsidy.¹³²

A relative can become a child’s legal caregiver without terminating parental rights. And, unlike adoption, when the child is already living with the relative, there is no separate CPS administrative approval process. Legal custody is simply transferred from CPS to the relative. Historically in Texas, however, relatives who became a child’s legal caregiver were not eligible for ongoing financial support.

Despite the lack of financial support, in 2009, the majority of relatives who took permanent custody did so as the child’s legal caregiver, although the share of relatives who adopt has been growing over time.

In the future, however, the trend may start shifting back as relatives who take legal custody may now be eligible for financial support. In 2009, Texas enacted the Permanency Care Assistance (PCA) program, a new optional federal program. Under the PCA, in some circumstances, relatives who have been caring for a child as a licensed foster parent for at least six months before becoming the legal caregiver are eligible for financial support similar to an adoption subsidy.¹³³ Since the program just started in 2011, there is no data available yet as to how many relatives will be eligible for this program or the impact it will have on the type of permanency relatives provide.

Type of Permanent Relative Custody for Children Leaving Substitute Care 2003 to 2009



ADOPTION

Of the children who were eligible for adoption¹³⁴ and who left substitute care in 2009, the vast majority were adopted. As discussed above, relatives are playing an increasingly important role in this process. In 2009, 43 percent of all adoptions were to relatives.

For those who were adopted in 2009, it took, on average, about two-and-a-half years to get the adoption completed (time from removal to time adoption consummated). Finding the child an adoptive home and getting the adoptive home study and other administrative tasks completed was the longest part of the process.

Timeframes for Adoptions in 2009

Average time from removal to final order terminating parental rights	13 months
Average time from final order to finding a home and completing all adoption requirements	15 months
Average time from finishing adoption requirements to consummating adoption	2 months

But children who are eligible for adoption do not always find a permanent home. In 2009, of the children who were eligible for adoption and who left substitute care, almost one in ten left without a permanent home, either through aging out or some other exit such as running away.

AGING OUT

In 2009, over 1,400 youth left substitute care by aging out. On average, these youth spent more than five years living in substitute care and, while in care, changed homes almost twice every year.

The majority of youth who aged out were in long-term care and not eligible for adoption. To help these youth achieve better outcomes, in 2009 the Legislature amended the Family Code. Now at the placement review hearings, the judge must look at what CPS has done to move forward with some type of permanent home for these children, reviewing all available options. CPS must work with the child's current caregiver to see if they are willing to provide a permanent home, look for relatives who would be willing to care for the child and evaluate whether return home or termination of parental rights would now be appropriate.¹³⁵ If return home looks like it may be the only viable option, the judge can order six months of further services for the parent to facilitate the transition.

Quite a few youth who aged out were eligible for adoption. To address this problem, *the Texas Appleseed report* recommends that the judge hold a special hearing for children who are eligible for adoption and have been in substitute care a long time. At this hearing, the judge would review whether adoption is still an appropriate option for the child and, if not, what other permanency options may be available.

Even with CPS and the courts best efforts, however, some children will not find a permanent home before turning 18. For these youth, the focus may shift to a different type of permanency in the form of another planned, permanent living arrangement (APPLA). But even in this type of permanency plan, the intent is that the child will have a permanent connection to an appropriate adult, even though the state retains legal custody until the child ages out or emancipates from the system.¹³⁶ This type of permanency is not preferred and, legally, is only available if there is a compelling reason why one of the other options won't work.¹³⁷

To help these youth better transition to living on their own, in Texas, children who age out at 18 can still stay in foster care in some circumstances until age 21.¹³⁸ To the extent the youth turns 18 and leaves foster care, the youth can still return to foster care under some circumstances until age 21 or, sometimes, even until age 22.¹³⁹ At the end of 2009, there were 531 youth who had aged out of care in 2009 or before, but were still living in foster care.

A recent amendment to the Family Code which took effect in 2010 will now allow youth who age out of CPS custody at 18 to also request that the judge continue to review their case up until age 21.¹⁴⁰

CONCLUSION

With respect to how CPS operates, taken as a whole, the Family and Administrative Code and CPS internal policy provide a fairly structured, detailed, and comprehensive set of procedures and practices. And while these procedures and practices may not be uniformly implemented everywhere in the state, as a centralized state agency, CPS helps enforce consistency through its statewide training and oversight.

The judicial process for handling CPS cases is less structured. As Texas has a decentralized judicial system, the only mandatory judicial procedures and practices for CPS cases are in the Family Code. As with most statutory frameworks, however, the Family Code does not always provide extensive detail about how to implement the various provisions. And since there is no judicial corollary to the Administrative Code or CPS internal policy, judges have significant discretion in how they handle CPS cases. This can lead to different judicial practices around the state for children in substitute care. As discussed in Chapter 1, the Children's Commission has been a significant help in this regard, encouraging consistency with their statewide trainings, practice guides, technical assistance and collaborative convening.

With respect to outcomes, the vast majority of parents involved with CPS retain legal custody of their children from the outset, receive in-home services and have their case closed without the need for further CPS intervention.

Outcomes for families where children are removed into substitute care, however, are more complicated. Since most children stay in their homes at the outset, removals generally involve the most serious or complicated cases. This reality, combined with the lack of available substance abuse and mental health services for parents involved with CPS, can make reunification difficult. The reunification process only results in about one in three children returning home.

For those children who do not return home, the majority leave substitute care with a relative taking permanent custody. The relative is usually the child's legal caregiver, but in an increasing number of cases, the relative adopts the child. In addition to relative adoptions, there are also many non-relatives, such as foster parents, who adopt children. But not all children leave substitute care with a permanent home. About one in ten children end up leaving CPS custody by aging out at age 18, many of whom had been eligible for adoption. Much of the recent reform efforts have focused on addressing this problem both by improving the process for finding these children a permanent home and, when that's not possible, by helping them to successfully transition to living on their own.



Endnotes

- 1 Texas Human Resources Code §40.002.
- 2 Unless otherwise noted, all data references are from the DFPS 2009 databook and all budget references are from the DFPS 2010 operating budget. Unless otherwise noted, all years refer to the state fiscal year which runs from September 1 to August 31.
- 3 Unless otherwise noted, all data in this section is from *Child Maltreatment 2008*. U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. Unless otherwise noted, the national averages are weighted to reflect the percentages for the nation overall rather than an average of all the state percentages.
- 4 13 states have a county-administered system: California, Colorado, Georgia, Maryland Minnesota, Nevada, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Virginia and Wisconsin. *National Study of Child Protective Services Systems and Reform Efforts: Review of State CPS Policy*. U.S. Department of Health and Human Services Office of the Assistant Secretary for Planning and Evaluation and Administration for Children and Families Administration on Children, Youth and Families Children's Bureau. April 2003. Available at: <http://aspe.hhs.gov/hsp/cps-status03/state-policy03/index.htm>. (Accessed on October 30, 2009).
- 5 *Child Maltreatment 2008*. U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau.
- 6 Unless otherwise noted, all information about CPS' reform efforts in 2004 and 2005 is from the House Committee on Human Services, Texas House of Representatives, Interim Report 2006. Available at: <http://www.house.state.tx.us/committees/reports/79interim/humanServices.pdf>. (Accessed on October 12, 2010).
- 7 *A Special Report on the Texas Foster Care System: Forgotten Children*. Texas Comptroller. April 2004.
- 8 Unless otherwise note, the information about CPS' reform efforts in 2005 and 2006 is from the DFPS 2006 Annual Report.
- 9 The 2005 caseload data comes from a DFPS presentation to the House Committee on Human Services dated Feb. 21, 2008.
- 10 DFPS Rider 13 - Human Resources Management Plan. October 19, 2007.
- 11 Unless otherwise noted, all information regarding SB 758 is from the DFPS SB 758 Implementation Progress Report, dated September 1, 2008.
- 12 Texas Family Code §264.106(c).
- 13 Unless otherwise noted, all information on CPS' efforts over 2007 and 2008 interim is from the DFPS SB 758 Implementation Progress Report, dated September 1, 2009.
- 14 We calculated the removal rate as the number of cases opened in substitute care/the number of all cases opened for services. To compare removals between years, it is better to use a rate versus the actual number of removals. When the number of removals changes, it is impossible to tell whether it's because there are more cases coming into CPS, or because CPS is removing children more often on the cases that it receives. A rate takes into account, or controls for, differences in how many cases come into CPS, so you can compare between years how often CPS is removing children.
- 15 Through May 2010 based on DFPS data.
- 16 Unless otherwise noted, all information about CPS' foster care redesign is from a DFPS presentation entitled Improving Child/Youth Placement Outcomes: A System Redesign, dated September 1, 2010.
- 17 The National Evaluation of the Court Improvement Program, available at: <http://www.pal-tech.com/cip/txCase.cfm>. Accessed on October 5, 2010.
- 18 Accessed on October 7, 2010.
- 19 Unless otherwise noted, all information in this section is from Texas' Child and Family Services Review in 2002 and 2008.
- 20 Unless otherwise noted, all information about the PIP is from the DFPS PIP dated April 1, 2010.
- 21 Texas Family Code §265.001(3).
- 22 DFPS 2009 databook.
- 23 DFPS 2010 operating budget.
- 24 DFPS 2010 operating budget.
- 25 PEI also administers the Community Based Family Services program which serves families whom CPS investigated but whose allegations were unsubstantiated and who do not participate in CPS family based safety services. This program was started in 2009 and served only 110 families. PEI also administers the Tertiary Child Abuse Prevention program which works with children who have left the CPS system. It also was started in 2009 and is very small, serving only 32 families. The Services to At-Risk Youth (STAR) program provides services designed to increase knowledge and awareness of child abuse and neglect and promote good parenting in the general population.
- 26 Unless otherwise noted, all information in this paragraph is from: The Interagency Coordinating Council for Building Healthy Families. *Findings from the 2008-2009 Evaluation of Child Abuse and Neglect Prevention Programs and Services*. December 2009.
- 27 While this percentage is low, there is no comparison, or control, group. As a result, it is unclear what the level of confirmed abuse among the participating families would have been if they hadn't received the services. So it is impossible to tell whether the programs prevented abuse and neglect in the families they served. Difficulty in measuring the impact on abuse or neglect is a problem inherent in virtually every prevention program.
- 28 DFPS 2009 databook, updated.
- 29 DFPS 2009 databook.
- 30 Letter from Commissioner Suehs to Representative Mike Villarreal dated August 11, 2010.
- 31 The CBCAP budget will not be cut as it is funded entirely through federal money which cannot be spent on any other program.
- 32 Assuming 16 percent of families served by FSP and TFTS in 2009 are served in 2010, and 100 percent of families served by CBCAP in 2009 are served in 2010 for a total of 1,377 families. DFPS' most recent LAR projects 47,518 confirmed cases of child abuse and neglect in 2012.
- 33 Texas Family Code §261.101(a).
- 34 Texas Family Code §261.106(a).
- 35 Texas Family Code §261.201(a).

- 36 SWI handbook §2300, et seq.
- 37 SWI received a total of 690,430 calls. Of those, 303,687 were requests for information and referrals, 278,752 calls related to CPS, 99,971 calls related to adult protective services, and 8,020 calls related to child care licensing. Of the CPS related calls, 26,223 were case related special requests and 252,529 child abuse and neglect reports.
- 38 Texas Family Code §261.001.
- 39 CPS Handbook §2410 and Appendix 2131. The CPS policy handbook is available online at: <http://www.dfps.state.tx.us/handbooks/CPS/default.jsp>. Accessed on September 14, 2010.
- 40 Unless otherwise noted, all information in this section is based on the Texas Administrative Code (TAC) §700.505 and CPS Handbook §§2141, 2142 and 2143.
- 41 In 2009, CPS revised its policy to refer the following PN reports to the CPS regional office: (1) reports containing limiting information; (2) reports where the investigation history is pertinent to risk; (3) when a child 5 years or younger lives in the home; (4) when additional calls are need to see if an investigation is needed; (5) reports made by CPS staff; (6) sensitive or high profile cases; (7) when there is already an open case on the family; and (8) cases that are borderline P2.
- 42 Texas Family Code §261.3015.
- 43 Unless otherwise noted, all information in this section is based on CPS Handbook §§2144, 2146 and 2223.2.
- 44 Texas Family Code §261.302 and 261.303.
- 45 Texas Family Code § 261.307.
- 46 Unless otherwise noted, information in this section is based on Texas Family Code §261.304 and CPS Handbook §2224.43.
- 47 Texas Family Code § 261.303.
- 48 37 F.3d 404 (5th Cir. 2008). At the time of the initial lawsuit, DFPS was called the Department of Protective and Regulatory Services.
- 49 CPS Handbook §1230.
- 50 Texas Family Code §264.400 et. seq.
- 51 Children's Advocacy Centers of Texas, Inc.'s 2009 Annual Report. Available at: http://www.cactx.org/files/2009_CACTX_Annual_Report.pdf. Accessed on September 15, 2010.
- 52 Texas Family Code §261.302(b-1).
- 53 CPS Handbook §2223.4.
- 54 CPS Handbook §2223.4.
- 55 Unless otherwise noted, all information on administrative closures is based on TAC §700.511 and CPS Handbook §2224.4.
- 56 CPS Handbook §2141.4.
- 57 Unless otherwise noted, all information regarding standards for designating allegations is based on TAC §700.511 and CPS Handbook §2271 et. seq.
- 58 CPS Handbook §2224.3.
- 59 Texas Family Code §261.3022.
- 60 Texas Family Code §261.3023.
- 61 Texas Family Code §261.3024.
- 62 TAC §700.512 and CPS Handbook §2272.
- 63 Texas Family Code §261.315.
- 64 TAC §700.511 and CPS Handbook §2271.1.
- 65 Based on data provided by DFPS.
- 66 Unless otherwise noted, all information from this section is based on TAC §700.514 and CPS Handbook §2235 et seq.
- 67 CPS Handbook §2284.1. A child safety-specialist review is not required for cases that are administratively closed.
- 68 Texas Family Code §262.109.
- 69 CPS Handbook §3160 et seq., TAC §700.704 and the Texas Family Code §263.102.
- 70 Unless otherwise noted, information about the collaborative meeting process comes from DFPS databook and annual report.
- 71 Sedlak, A.J., Mettenburg, J., Basena, M., Petta, I., McPherson, K., Greene, A., and Li, S. (2010). *Fourth National Incidence Study of Child Abuse and Neglect (NIS-4): Report to Congress*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families.
- 72 Based on CPPP analysis of data provided by DSHS for 2009.
- 73 DFPS 2012-13 Legislative Appropriations Request (LAR).
- 74 *Strengthening Families through Enhanced In-Home Support*. DFPS. December 2008.
- 75 Although the program to address a family's poverty issues continued through 2010, we did not include it as part of the 2010 budget as the program will not continue into 2011 or beyond. Included in Caseworkers, Program Support and Administration are line items B.1.1, B.1.2, B.1.10.5, B.1.10.6. Included in Foster Care and Adoption Payments and Services are line items B.1.3, B.1.6, B.1.7, B.1.11, B.1.12. Included in Services for Foster Care Kids are line items B.1.8, B.1.10.1, B.1.10.4. Included in Support for Relative Caregivers are line items B.1.4. Included in Services and Support for Families are line items B.1.5, B.1.9, B.1.10.2, B.1.10.3 (minus the \$5 million for the poverty program),
- 76 42 U.S.C. §§671 and 674.
- 77 42 U.S.C. §671(15)(B).
- 78 *Child Maltreatment 2008*. U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. 2009
- 79 Based on information provided by DFPS.
- 80 Unless otherwise noted, all information about PCSPs in this section is based on CPS Handbook §2234 et. seq.
- 81 Texas Family Code §264.203.
- 82 Texas Family Code §§ 107.0125 and 107.013.
- 83 CPS Handbook §3144.
- 84 TAC §700.705.
- 85 Defined as a subsequent confirmed allegation or a new in-home or substitute care case.

86 Based on the average number of children on in-home cases opened for services (2.75).
 87 Based on data provided by DFPS.
 88 Based on information provided by DFPS.
 89 Based on the average number of children on cases opened in substitute care (2.58) plus 1 for the family or an average of 3.58 individuals per family. If there are an average of 28.2 individuals on a substitute care caseload, that means there are an estimated 7.88 families on each caseload (28.2/3.58). Assuming 2.58 children per family is an estimated 20 children per caseload.
 90 42 U.S.C. §619(a)(19).
 91 42 U.S.C. 671(a)(29).
 92 Texas Family Code §264.751.
 93 Texas Family Code §264.700 et. seq. If the relative becomes the child's legal caregiver, the payments stop after 3 years.
 94 DFPS 2012-13 LAR.
 95 Regional Statistical Information about Children in DFPS Care. Available at: http://www.dfps.state.tx.us/PCS/regional_care.asp. Accessed on November 16, 2010.
 96 At the end of 2009, about 3 percent of the children in substitute care lived in one of these settings.
 97 TAC §355.7103.
 98 42 U.S.C. §671(15).
 99 Texas Family Code §263.2015.
 100 Texas Family Code §262.101, et seq.
 101 Texas Family Code §262.101 and §262.106.
 102 Texas Family Code §262.201.
 103 *The Abuse and Neglect Case: A Practitioner's Guide*. The Texas Supreme Court Permanent Judicial Commission for Children, Youth & Families.
 104 Texas Family Code §§ 107.0125.
 105 Texas Family Code §107.013.
 106 Texas Family Code §107.001.
 107 Texas Family Code §107.0125.
 108 Texas Family Code §264.601, et. seq.
 109 Texas CASA Web site. Available at: http://www.texascasa.org/new/About_Us/About_Us.asp. Accessed on September 17, 2010.
 110 Texas Family Code §263.202.
 111 Texas Family Code §263.304.
 112 Texas Family Code §263.305.
 113 Texas Family Code §263.301.
 114 Texas Family Code §263.303.
 115 Texas Family Code §263.306.
 116 Texas Family Code §263.403.
 117 Texas Family Code §153.0071.
 118 Texas Family Code §161.001.
 119 Texas Family Code §263.401.
 120 Texas Family Code §§263.401 and 263.404.
 121 Texas Family Code §263.404.
 122 Texas Family Code §263.501.
 123 Texas Family Code §263.502.
 124 Texas Family Code §263.503.
 125 Unless otherwise noted, all data on outcomes is based on CPPP analysis of DFPS data. A few children end up leaving substitute care through another way such as running away. These type of other exits are not common and represented less than 4 percent of all exits from substitute care in 2009.
 126 *Improving Outcomes for Older Youth in Foster Care*. Casey Family Programs. 2008.
 127 Another way to understand what is happening to children is to look at all children who came into substitute care during a certain time period, called an entry cohort, and then follow them over time. (Wulczyn, F., Kogan, J., Dilts, J. *The effect of population dynamics on performance measurement*. Social Service Review, 75 (2), 292-317. 2001.) Unfortunately, this type of data is not readily available. And since it can take years before the ultimate outcomes are known, the entry cohort is usually from several years earlier and so the results may not reflect how the system is currently operating.
 128 In total, 4,423 children left substitute care and returned home in 2009. Of these, more than 90 percent, returned home during the reunification period.
 129 Fostering Court Improvement data for October 1, 2008 through September 30, 2009.
 130 Fostering Court Improvement data for October 1, 2008 through September 30, 2009.
 131 No child who returned home, even if they did so after the reunification period, was included in this population.
 132 Texas Family Code §162.304.
 133 Texas Family Code §264.850 et. seq.
 134 Defined as having all parental rights terminated.
 135 Texas Family Code §263.502.
 136 Texas Family Code §263.503(a)(7)(B).
 137 Texas Family Code §263.3026.
 138 CPS Handbook §6565 et. seq.
 139 CPS Handbook §6565 et. seq.
 140 Texas Family Code §263.602.



CENTER *for* PUBLIC POLICY PRIORITIES

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