

# TNOYS

TEXAS NETWORK OF  
YOUTH SERVICES

THEIR FUTURE IS OUR BUSINESS.



## TNOYS LEGISLATIVE RECAP REPORT:

85<sup>th</sup> Texas Regular Legislative Session

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## **Authors:**

CHRISTINE GENDRON

Executive Director

Texas Network of Youth Services

DR. VALERIE ZANDERS

Director of Policy, Research, and Evaluation

Texas Network of Youth Services

## **Research Support:**

ASHLEY HARRIS

Independent Consultant

## **Editor:**

DR. KATHERINE BARILLAS

Director of Child Welfare Policy

One Voice Texas



## LETTER FROM OUR EXECUTIVE DIRECTOR

From the beginning, the 85th Texas Regular Legislative Session proved to be an important one for the state's child welfare system. When the legislative session kicked off in January, Governor Abbott flagged Child Protective Services (CPS) reform as one of four emergency items, suggesting there would be new investment in foster care. In fact, the Legislature had already begun that investment by appropriating new funding to increase salaries for CPS workers in December, before the legislative session even began, as an emergency measure to address caseworker recruitment and retention.

On the other hand, there were also signals that the budget climate would be tough. For example, the budget revenue estimate that the Comptroller released just prior to the start of the session suggested that there would be 2.7 percent less revenue to work with than in the previous budget cycle. This was concerning considering that government agencies often see expenses increase over a two-year period, due to inflation, caseload growth, and other factors.

TNOYS laid out a robust public policy agenda, consistent with priority areas in the TNOYS strategic plan. TNOYS' legislative priorities included:

- Investment in prevention and early intervention
- Investment in a full continuum of high quality foster care services
- Investment in services and supports for youth who are homeless and on their own
- Support for youth through the transition to adulthood
- Support for the integration of trauma informed care into service delivery systems
- Support for youth voice in policymaking and service planning and delivery

In the end, the success of the legislative session for youth service organizations and other child welfare stakeholders was mixed, but there were some major wins for Texas youth and families and the providers who serve them. Despite the tight budget climate, all funding impacting TNOYS' member organizations was maintained, and there were funding increases for some programs. There are significant policy changes that will be made as a result of the legislative session, and TNOYS will monitor those policy changes closely. For some of these upcoming changes, TNOYS is well positioned to play a critical role in implementation.

I want to thank members of the TNOYS Board of Directors for their leadership and support during the legislative session, especially Kym Olson, who provides volunteer lobbying services for TNOYS. Kym has been a champion for TNOYS through the last three

legislative sessions and Texas' youth service organizations would not be benefitting from the investment they receive today if it weren't for Kym's dedication.

There are many other TNOYS members, partners, and stakeholders whose collaboration was essential to moving our priorities forward. Thank you, to each and every one of you, who worked collaboratively with us to stand up for young people during the legislative session. Your efforts made a difference.

This report highlights major legislation and budgetary decisions that resulted from the 85<sup>th</sup> Texas Regular Legislative Session that are relevant to TNOYS' legislative agenda. Please note that TNOYS did not endorse all of the legislation outlined in this report. Our goal for the following pages is to provide information regarding the impact that we expect the many decisions made by the Legislature during its recent session to have on Texas youth service organizations and the youth and families they serve.

Thank you,



Christine Gendron

## OVERVIEW OF CHANGES TO THE STRUCTURE OF THE STATE'S CHILD WELFARE SYSTEM

Child welfare reform was a major priority for state leadership during the 85<sup>th</sup> Texas Regular Legislative Session. The Legislature appropriated \$3.5 billion for the Texas Department of Family and Protective Services (DFPS), which is an increase of \$508 million from the previous biennium.

The Legislature also made a number of changes to the structure of the state's child welfare system in order to strengthen efforts for reform. **House Bill 5** established the Texas Department of Family and Protective Services (DFPS) as a stand-alone agency outside of the state's larger health and human services system. Effective September 1, 2017, the DFPS Commissioner began reporting directly to the Governor. DFPS retained both the Prevention and Early Intervention (PEI) and Child Protective Services (CPS) divisions but as a result of HB 5, Child Care Licensing (CCL) will be divided into two separate divisions. The regulatory functions of CCL will transfer to the Health and Human Services Commission (HHSC) but investigative functions of CCL will remain at DFPS. This means that DFPS will investigate allegations of abuse, neglect, and exploitation at licensed facilities using the same definition of abuse, neglect, and exploitation that is used for CPS investigations. DFPS will contract with HHSC for certain administrative functions. HB 5 also revives the previously abolished DFPS Council, which is composed of appointed members of the public who make recommendations regarding the management and operation of the agency.

The Legislature made many other investments and changes to strengthen the continuum of services and supports available to Texas' young people and their families. Those investments and policy changes are detailed, by TNOYS policy priority area, throughout this report.

### **TNOYS PRIORITY #1: PREVENT PROBLEMS BEFORE THEY START BY INVESTING IN PROVEN PREVENTION AND EARLY INTERVENTION PROGRAMS.**

Prevention programs provide critical support to Texas youth and families and have been shown to be highly effective in keeping youth from entering costlier systems, including the foster care and the juvenile justice systems. The Prevention and Early Intervention

(PEI) division at DFPS contracts with organizations across the state to provide these vital services and interventions. TNOYS advocated for further investment in these prevention programs to better meet the needs of more Texas families and work to solve family problems before they become crises.

## PEI Funding

Although not all PEI programs benefitted from funding increases, some did, and the agency received increased funding for administrative support for PEI. Overall the

***“PEI is making plans to apply the funding increase to STAR contracts so that providers can serve more youth and families.”***

Legislature increased PEI’s budget to \$209.9 million over the new biennium, compared to \$184.8 million the previous biennium.

TNOYS is pleased to report the following increases for the PEI division at DFPS:

- The Legislature increased funding for the Services to At-Risk Youth (STAR) program by \$1.34 million for the 2018-2019 biennium. The Legislature also increased targets for the number of STAR clients served from 5,697 for fiscal year 2017 to 6,146 for fiscal year 2018 and 6,227 for fiscal year 2019.

STAR provides free crisis intervention and family counseling services to youth and their families in every Texas county. PEI is making plans to apply the funding increase to STAR contracts so that providers can serve more youth and families, as well as grow their use.

- The Legislature increased funding for the Helping through Intervention and Prevention (HIP) program by \$1.6 million over the biennium. The HIP program provides free, voluntary in-home parenting education and basic needs support services for parents at high risk of abusing their children. PEI will use this funding to grow HIP program capacity by expanding the provider base and testing a cost-reimbursement approach in areas where HIP services are not currently available.
- The Legislature increased funding for the Texas Home Visiting (THV) program by \$800,000 over the biennium. The goals of THV are to enhance maternal and child outcomes and to increase school readiness for children. The program provides services to parents of children ages 0 to 5. PEI will use the additional funding to select another community from its most recent Request for Applications process

to provide services through a THV contract and test a new progressive funding strategy.

- The Legislature increased funding for the Nurse Family Partnership (NFP) program by \$5 million over the biennium. NFP provides services to first-time, low-income mothers in order to improve pregnancy outcomes, improve child health and development, improve family economic self-sufficiency and stability, and reduce the incidence of child abuse and neglect. PEI will allocate the funding increase for NFP across 10 current NFP sites to service more families.

The Legislature also increased funding from the previous biennium for the Community Youth Development (CYD) and Healthy Outcomes through Prevention and Early Support (HOPES) programs. This funding will simply maintain the 2017 funding levels for those programs though, so the increases will not allow PEI to issue more contracts or to issue larger contracts than the agency did in 2017.

Additionally, within the HHSC budget, the Legislature appropriated \$3.8 million for each fiscal year of the 2018-2019 biennium to prevent relinquishment of parental rights in order to obtain access to intensive child mental health care services. This funding will support the provision of mental health services for children who are not in the foster care system in their home communities.

### **Legislation Impacting PEI**

Two major pieces of legislation passed and were signed by the Governor that will strengthen the work of PEI. **House Bill 1549** identifies strategies and goals for increasing the number of families served by PEI services, subject to the availability of funds. For example, HB 1549 calls on PEI to identify high-need, low resource areas and to develop strategies for increasing the number of families receiving PEI services in those areas. The legislation also calls for DFPS to engage community partners to improve early recognition of child abuse or neglect, improve reporting, and reduce child fatalities. It requires DFPS to enhance collection of data on child fatalities and near-fatalities, and to publish the statewide aggregated child fatality data via a report by March of every year. Additionally, HB 1549 calls on the DFPS Commissioner to establish a two-year Prevention Task Force to make recommendations to DFPS to implement this legislation and PEI's strategic plan.

**Senate Bill 11** was the main omnibus child welfare legislation for the 2017 Texas legislative session. Although SB 11 focused mostly on foster care services, the legislation



laid out a number of provisions to strengthen services provided through PEI. For example, SB 11 instructs DFPS, subject to the availability of funds, to enter into agreements with institutions of higher education to conduct efficacy reviews of PEI programs that have not previously been evaluated for effectiveness through a scientific research evaluation process. SB 11 also instructs DFPS to strengthen PEI's own data collection efforts. For example, SB 11 instructs DFPS, subject to availability of funds, to create and track indicators of child well-being to determine the effectiveness of PEI services. SB 11 also instructs DFPS to collect and monitor data regarding reports of abuse or neglect involving the same child, or by the same perpetrator(s), or by different perpetrators in the same household, and to consider this information when determining case priority.

Additionally, SB 11 instructs DFPS to identify specific strategies to increase local capacity for the delivery of PEI services through collaboration with communities and stakeholders.

### **Other Legislation Addressing Prevention**

An additional piece of legislation that passed and was signed by the Governor has the potential to prevent foster care system involvement. [HB 871](#) facilitates the engagement of individuals and nonprofit organizations, including faith-based organizations, in providing respite care services for families at risk of child abuse or neglect. The bill expands the class of adults whom a parent can authorize for the care of a child for respite and voluntary temporary guardianship to any adult caregiver and therefore allows those caregivers to perform parental acts such as enrolling the child in school and authorizing medical care. Further, the bill establishes that caregivers authorized through these respite agreements are not subject to licensing regulations that apply to foster care placements and that use of these respite care services with an authorized adult caregiver cannot be used against a parent for a CPS investigation.

Whereas these bills focus primarily on keeping children safe and out of the foster care system, [HB 674](#) is aimed at preventing poor educational outcomes and future juvenile justice system involvement. HB 674 allows schools to develop and implement a disciplinary alternative to a student below 3rd grade who violates the code of conduct unless the student engages in an offense related to weapons, certain violent offenses, and drug related offenses. The legislation also requires that any program the school uses must be research based and provide positive models for student behavior, such as PBIS, trauma informed care, or social-emotional learning.



## **TNOYS PRIORITY #2: PROMOTE A FULL CONTINUUM OF TRAUMA INFORMED FOSTER CARE SERVICES FOR YOUNG PEOPLE WHO CANNOT REMAIN AT HOME SAFELY WITH THEIR PARENTS.**

Children who cannot remain safely at home with their parents are removed by CPS. CPS places children in foster care placements when a suitable kinship option is not available. Foster care services may be provided through placement with foster families or through emergency shelters, residential treatment centers, and other programs. Foster care providers are reimbursed by the state at a daily rate based on the type of care that is required to meet the needs of each child. In Texas, these rates do not fully cover the cost of providing foster care services, and providers must secure philanthropic donations that subsidize the rates in order to provide quality foster care.

The Texas Legislature made substantial investments in foster care during its 85<sup>th</sup> session. The Legislature provided funding to maintain the \$12,000 per year caseworker salary increase that it had appropriated as an emergency measure just prior to the legislative session and also appropriated an additional \$88 million to support 597 new caseworker positions. TNOYS supported these increases but also advocated heavily for increased funding for foster care services to ensure that children and youth placed in these settings are safe and that providers can afford to provide the highest quality care to promote child health and well-being.

***“The Texas Legislature made substantial investments in foster care during its 85th session.”***

### **Foster Care Funding**

The Legislature appropriated additional funding for many foster care providers but unfortunately chose, toward the end of its session, not to appropriate additional funding to serve children in all placement types. Some legislative offices conveyed to TNOYS that state leadership prioritized increases for foster care programs that did not receive increases during the 2015 Texas Regular Legislative Session.

Overall, legislators appropriated almost 12 percent more for foster care payments than in the previous biennium—resulting in substantial foster care rate increases. Effective September 1, 2017, foster care providers began receiving the rate increases outlined

below. DFPS will also roll out a new treatment foster care program, with a reimbursement rate of \$277.37 per child per day.

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	2016-2017	2018-2019	Difference	% Increase
Basic Foster Family Rate	\$23.10	\$27.07	\$3.97	17.19%
Basic CPA Rate	\$43.71	\$48.47	\$4.76	10.89%
Basic Residential Treatment	\$45.19	\$45.19	\$0.00	0.00%
Moderate Foster Family Rate	\$40.44	\$47.37	\$6.93	17.14%
Moderate CPA Rate	\$76.72	\$85.46	\$8.74	11.39%
Moderate Residential Rate	\$103.03	\$103.03	\$0.00	0.00%
Specialized Foster Family Rate	\$51.99	\$57.86	\$5.87	11.29%
Specialized CPA Rate	\$101.86	\$109.08	\$7.22	7.09%
Specialized Residential Rate	\$162.30	\$197.69	\$35.39	21.81%
Intense Foster Care Rate	\$92.43	\$92.43	\$0.00	0.00%
Intense CPA Rate	\$186.42	\$186.42	\$0.00	0.00%
Intense Residential Rate	\$260.95	\$277.37	\$16.42	6.29%
Intense Plus Rate	\$374.33	\$400.72	\$26.39	7.05%
Emergency Shelter Rate	\$129.53	\$129.53	\$0.00	0.00%

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## Community Based Care

The Legislature provided funding to continue rolling out Community-Based Care (CBC), formerly named “Foster Care Redesign”, which changes the way the state purchases foster care services. Under CBC, a private contractor (called a “Single Source Continuum Contractor (SSCC)”) is placed in charge of building and managing foster care capacity and placements for a specific service region in the state. The Legislature increased the reimbursement rate for an SSCC to \$79.83 per day per child from \$71.70.

So far, CBC has been rolled out in Region 3B, which is in the Fort Worth area, and DFPS will release the request for applications in September of 2017 for Region 2, which is a 30 county region including Abilene. The Legislature appropriated funding to expand CBC

to up to three additional regions or “catchment areas” by the end of fiscal year 2019 and DFPS already announced that one of these three additional catchment areas will be Bexar County. The request for applications for this area will be released in November of 2017. TNOYS serves on DFPS’s Public Private Partnership, which provides guidance on CBC and other initiatives, and will continue to monitor the rollout of CBC and represent the interests of TNOYS members and the youth they serve. TNOYS will also continue to support providers to ensure that they are prepared.

### **Funding for Mental Health Services for Children in Foster Care**

The Legislature appropriated funding in the HHSC budget to expand a program that provides services under Medicaid for high needs children in the foster care system. Specifically, HHSC will work in collaboration with DFPS to establish a statewide grant program to increase access to targeted case management and rehabilitation services for high-needs children in foster care, no later than November 1, 2017. The one-time grant program may provide funds to local mental health authorities and other nonprofit entities, including foster care providers, that are making investments to: 1.) become targeted case management and rehabilitation services providers for children in foster care at the Intense Service Level or 2.) expand their existing capacity to provide targeted case management and rehabilitative services to children in foster care in the Intense service level. In order to receive grant funds, an entity will need to provide local matching funds in an amount defined by HHSC, based on the entity’s geographic location.

### **Omnibus Child Welfare Legislation**

**Senate Bill 11** was the major piece of legislation signed by the Governor that will impact CBC. SB 11 requires DFPS to develop a plan for implementing CBC that will be posted on the DFPS website and to roll out CBC in up to eight catchment areas in Texas that are best suited to implement the new model. (The funding that was appropriated only supports implementation in three new areas, of the eight that are permitted by SB 11.)

***“Senate Bill 11 was the major piece of legislation signed by the Governor that will impact Community-Based Care.”***

In addition to expanding CBC geographically, SB 11 expands the scope of the CBC model in terms of an SSCC’s responsibilities. Currently, an SSCC is only responsible for placement of children, but SB 11 calls for a transfer of CPS’s case management function. This means that as a result of SB 11, many responsibilities of CPS caseworkers will become

responsibilities of each SSCC. These responsibilities include caseworker visits with a child, family and caregiver visits, development and revision of family plans of service, coordinating services for parents, kids and kinship caregivers, convening and conducting permanency planning meetings, and court related duties such as reporting, appearance and notifications.

SB 11 also requires DFPS to launch a pilot program to expand the delivery of Family-Based Safety Services case management to an SSCC in two regions.

SB 11 stipulates that an SSCC must be a nonprofit entity with an organizational mission focused on child welfare or a governmental entity. SB 11 also requires DFPS to develop a formal, comprehensive readiness review process prior to expanding CBC to the new catchment areas. The readiness review must assess the ability of an SSCC to satisfy the responsibilities and administrative requirements for delivering foster care and kinship services, including case management services, including through the use of evidence-based and promising practices.

Contracts with SSCCs must include an implementation timeline. They must also allow for performance reviews at critical milestones and outline financial penalties for failing to meet performance outcomes as well as financial incentives for exceeding them.

In order to be awarded a contract, SB 11 requires each SSCC to articulate how it will maintain a diverse network of service providers offering a range of culturally competent capacity options, including inpatient and outpatient services to serve children at all service levels. An SSCC must also develop a community engagement plan to ensure communication and collaboration with local stakeholders in the catchment area. Additionally, an SSCC must agree to give hiring preference to DFPS employees who are displaced by the transfer of CPS' case management function to the SSCC and who are in good standing with DFPS. SB 11 requires DFPS to have a contingency plan and the SSCC to have a transfer plan in the event of early contract termination.

SB 11 also calls for improvements to the Legacy foster care system, which is the current system in areas where CBC has not yet rolled out. For example, the legislation requires that children taken into conservatorship must receive any necessary emergency medical care as soon as possible. It requires DFPS to collaborate with providers to implement a single child plan of service in regions of the state where CBC has not been implemented. SB 11 also calls on DFPS to work with providers, the faith-based community, and other stakeholders to develop a capacity needs and availability assessment of foster care kinship placements for each region where CBC has not been implemented. The capacity

needs plan must be updated annually and made available to stakeholders via the DFPS website.

Additionally, SB 11 requires that certain children receive a medical examination by the end of their third day in foster care. These children are those who have been sexually abused, physically abused, or who have an obvious physical injury, as well as children who have a chronic medical condition, a medically complex condition, or a diagnosed mental illness. The medical evaluation cannot include immunizations other than a tetanus shot if needed.

The other foster care omnibus bill of the session was [House Bill 7](#). HB 7 expanded Residential Child Care licensing categories from three to five. Instead of continuing to license providers as Child Placing Agencies (CPA), General Residential Operations (GRO), and Independent Foster Homes, the agency will license them as CPAs, GROs, Continuum of Care Operations, Specialized Child-Care Operations, and Cottage Home Operations moving forward. The new Continuum of Care Operation license will allow providers offering multiple program types, such as a CPA and GRO, to operate under just one license. The Specialized Child-Care Operation will be capped at six foster children but allow up to eight with a waiver, and will accommodate operations that want to serve a specialized population of children, such as victims of human trafficking. The Cottage Home Operation license will allow for an agency to operate multiple foster family homes with a houseparent in each family home.

Although both CPAs and GROs remain as licensing categories under HB 7, the bill does make some changes. Moving forward, the CPA license will eliminate foster group homes and limit foster family homes to a capacity of six children at one time. The new GRO license will serve seven or more children.

HB 7 requires DFPS and the Texas Juvenile Justice Department to develop a protocol to share data and other relevant information on dual-status youth in order to coordinate the provision of services to the youth, enhance rehabilitation, and improve and maintain community safety. [HB 932](#) and [HB 1521](#) also improve data collection and information sharing regarding youth who are dually involved in both the juvenile justice and foster care systems.

HB 7 expands the roles of a child's Guardian ad Litem (GAL), who is often a volunteer provided through Court Appointed Special Advocates (CASA). Specifically, the legislation entitles the GAL to have access to a child in the child's placement, to be consulted on the child's placement, to have the opportunity to participate in meetings

regarding the child's service plan, and to attend court-ordered mediation regarding the child's case. The legislation also requires a GAL to interview educators and child welfare service providers and to evaluate whether a provider is upholding the child's rights, as outlined in the Foster Youth Bill of Rights.

HB 7 includes additional measures to protect the rights of young people in foster care. For example, the legislation requires that if a health care professional has been consulted and the court does not follow or makes a recommendation contrary to that of the professional, that the court shall make a finding in the record explaining the discrepancy. The legislation also requires the court to determine whether a child's caregiver is present at a hearing and allow the caregiver to testify if the caregiver wishes to provide information about the child.

Additionally, HB 7 makes it more difficult for courts to terminate parental rights, including by prohibiting courts from making findings and ordering termination based solely on evidence that the parent

***“HB 7 makes it more difficult for courts to terminate parental rights.”***

homeschooled the child, is economically disadvantaged, has been charged with a nonviolent misdemeanor (with some exceptions), administered low-THC cannabis to a child when prescribed by a doctor, or for declining immunization of a child for reasons of conscience. This legislation also does not allow a termination order based on the parent not complying with a specific provision of the court order if the parent can prove by a preponderance of the evidence that they made a good faith effort to comply, but didn't, and the failure is not attributable to any fault of the parent.

## **Other Child Welfare Legislation**

**HB 5** provides for the separation of DFPS from the consolidated Health and Human Services Commission, as discussed above in the overview section of this report. Under HB 5, DFPS will operate as a standalone state agency and the DFPS Commissioner will report directly to the Governor. HB 5 also expands the Family Code to include DFPS as a Juvenile Service Provider to facilitate sharing of educational records. Additionally, under the provisions of the legislation, DFPS is granted access to information from the Texas Juvenile Justice Department for certain purposes.

**HB 4** establishes a monthly payment for kinship caregivers who are at 300% of the Federal Poverty Level or below and have formally been approved as a placement. The monetary

assistance is capped at 50% of the basic foster care rate for a child. These payments will be distributed in the same manner as foster care payments and the monetary assistance will be available to each kinship family for up to one year, with the option of a six-month extension when DFPS determines one would be appropriate. Additionally, a kinship caregiver who has a Caregiver Assistance Agreement and who obtains Permanent Managing Conservatorship of a child and meets eligibility requirements may receive an annual reimbursement of expenses for the child up to \$500 per year for three years or until the child's 18<sup>th</sup> birthday, whichever occurs first. The Legislature appropriated \$32.5 million to fund this program, which is expected to reduce the number of children in foster care. Previously, these kinship caregivers received a \$1,000 one-time payment for the first child placed in their home and \$495 (one-time) for each additional child. They also received \$500 per year/per child reimbursement. The only other financial assistance available to kinship caregivers was after going through the process to become foster parents.

Similarly, the Legislature appropriated \$6.4 million to continue the Permanency Caregiver Assistance (PCA) program, which provides financial support to kinship caregivers who want to provide a permanent home to children who can't be reunited with their parents. This funding supports [SB 203](#), which ensures a continuation of the PCA program, which would have otherwise expired.

For children for whom a suitable kinship placement is not available, [HB 1542](#) establishes a definition for "least restrictive setting." The definition qualifies a cottage home (as well as a foster family home) as a least restrictive placement for a child over the age of six when a kinship placement is not available and DFPS determines that placement in a cottage home is in the child's best interest. The legislation also requires DFPS to consider the following when making a placement decision: the least restrictive setting, geographic proximity to the child's home, the identified needs of the child, and the expressed interests of the child when developmentally appropriate.

Although [HB 1549](#) focused primarily on prevention and early intervention, the legislation also made some improvements for children in foster care. HB 1549 requires DFPS to collect and compile data at the state and county level on certain measures by February 1<sup>st</sup> each year. These measures include abuse and neglect in residential child-care facilities, the number of families referred to family preservation services, the number of children placed out of the child's home country or region, the number in conservatorship and service level of each child, those in conservatorship who are pregnant or parenting, the number of recurrent reports within six months, one year, and five years, and workforce turnover for CPS. HB 1549 also requires DFPS to assess whether a child has a



developmental or intellectual disability as soon as possible and to ensure that appropriate referrals are made as soon as possible to ensure a determination of the disability takes place before the child's 16<sup>th</sup> birthday.

**HB 249** ensures comprehensive investigations of reports of abuse, neglect, and exploitation. The legislation requires that DFPS adopt the definitions of abuse, neglect, and exploitation, as delineated in the Family Code. The legislation requires DFPS to apply these definitions when investigating reports of abuse, neglect, and exploitation.

**HB 3859** protects child welfare providers from adverse actions taken by a governmental entity because of the provider's refusal to provide "child welfare services" based on a sincerely held religious beliefs, in order to ensure diversity among foster care providers. These services can include anything from counseling to housing. Under the legislation, a governmental entity is specifically prohibited from taking discriminatory action against a provider for providing a private or parochial education to a child in care and for denying abortion-related contraceptives, drugs or devices to children and youth for whom they are providing foster care services. Further, the legislation requires the governmental entity to seek secondary services, within the catchment area or a nearby catchment area, if the provider is unable to provide services on the basis of the provider's sincerely held religious beliefs.

### **TNOYS PRIORITY #3: PROVIDE SERVICES AND SUPPORTS TO MEET THE UNIQUE NEEDS OF YOUTH WHO ARE HOMELESS AND ON THEIR OWN.**

***"Last year, Texas school districts  
identified nearly 16,000  
unaccompanied homeless  
students."***

For a variety of reasons, many adolescents do not live at home safely with their parents or guardians, nor are they in the child welfare system. They are among hundreds of homeless unaccompanied youth across the state.

Last year, Texas school districts identified nearly 16,000 unaccompanied homeless students. Following TNOYS' interim work to coordinate [Youth Count Texas!](#), the first ever statewide count of youth experiencing homelessness in Texas, TNOYS led efforts during the legislative session to strengthen support for youth experiencing homelessness.

**SB 1220** requires the Texas Education Agency (TEA) to develop procedures to ensure that when a young person who is homeless or in foster care transfers to a new school, the new school supports decisions made by the previous school regarding placement in

courses or educational programs and places the student in comparable courses or educational programs at the new school if they are available. The legislation also requires a new school to accept a referral from a previous school for special education services and requires the new school to provide comparable services until the new school develops an individualized education program (IEP) for the student.

**SB 1913** requires that a young person who is a defendant be presumed indigent or to not have sufficient resources or income to pay all or part of a fine or cost if the young person is in foster care, or was in foster care at the time of the offense, or is designated as a homeless or unaccompanied child or youth, or was designated as homeless or unaccompanied at the time of the offense.

## **TNOYS PRIORITY #4: SUPPORT YOUNG PEOPLE THROUGH THE TRANSITION TO ADULthood.**

***“DFPS received an increase of \$1.2 million for the Preparation for Adult Living (PAL) Program.”***

Youth who face challenges such as transitioning out of foster care, contending with a mental health condition, or being homeless are equally as capable of being successful

adults as their peers. They do, however, need support to overcome these challenges. During the recent legislative session, policymakers invested in resources, including life skills training and job training, to prepare youth for adulthood. Specifically, DFPS received an increase of \$1.2 million for the Preparation for Adult Living (PAL) Program to expand support provided to foster care youth who are transitioning into independent living.

Further, a number of bills passed and were signed by the Governor that are aimed at ensuring youth aging out of foster care will have critical personal documents, including a birth certificate, social security card, and personal ID. HB 7, which was discussed above, charges a GAL with determining whether a young person has received copies of these documents and other personal documents that DFPS determines are appropriate.

**SB 1758** requires DFPS to provide youth who are 16 or older and who will age out of foster care with critical personal documents. The bill gives courts some responsibility for determining whether this requirement has been met by stipulating that both a GAL and AAL should help ensure foster youth receive the required documents. Additionally, SB 1758 requires DFPS to conduct an Independent Living Skills assessment for young people age 14 and above who will age out of care. DFPS is expected to update the assessment

to ensure each young person will be prepared for independent living. Previously, independent living skills assessments began for youth at age 16.

SB 1758 also requires DFPS to coordinate with stakeholders to develop a plan to standardize the PAL program to ensure that youth who are enrolled in PAL receive relevant and age-appropriate information and training. DFPS is required to submit its standardization plan for PAL to the Legislature by December 1, 2018. TNOYS is working with PAL providers and other stakeholders to ensure that PAL providers have a voice in this process and are able to contribute their innovations and best practices.

**HB 1608** requires DFPS to create a summer internship program for youth ages 15 years and older who are currently or were formerly in foster care. This legislation requires DFPS to establish, through collaborative efforts with community organizations, a pilot for the summer internship program by January 1, 2018, and to select youth for paid or unpaid internships no later than April 1<sup>st</sup> every year.

**SB 1123** exempts children who have been adopted from academic progress requirements to continue receiving the tuition and fee waiver, which covers tuition and fees at public colleges and universities in Texas. This legislation was a clean-up bill from the last session that inadvertently impacted adopted children.

**SB 1220** improves educational transitions for students who are experiencing homelessness or who are placed in foster care. The legislation requires the TEA to develop procedures for schools to ensure the continuity of educational programs for foster care youth or former foster care youth. Further, the legislation requires DFPS to create a program that assists foster care youth and former foster care youth in obtaining a high school diploma or GED and industry certifications as well as information about the tuition and fee waiver. Under the legislation, these efforts must be done in collaboration with a diverse body of stakeholders, including local workforce development boards, foster care transition centers, community and technical colleges, schools, and workforce industry.

**HB 928** designates DFPS employees who participate in a Community Resource Coordination Group (CRCG) to share information about the tuition and fee waiver, which waives tuition and fees for eligible former foster youth who attend eligible public institutions of higher education. The legislation also requires DFPS to collaborate with school districts to support youth who will age out of foster care with the college admission and enrollment process by assisting with financial aid and scholarship applications, arranging college visits and making introductions to foster care liaisons at institutions of higher education.

**HB 1556** strengthens services provided to foster care youth with disabilities by allowing foster parents to make special education decisions concerning a child's Individual Education Plan (IEP) without the previously required 60 day waiting period. The legislation, further, establishes standards for adults serving as a surrogate parent for a child who receives disability services from a school and is also in foster care.

## **TNOYS PRIORITY #5: PREVENT THE RE-TRAUMATIZATION OF YOUTH BY PROMOTING TRAUMA INFORMED CARE PRINCIPLES AND REDUCING USE OF SECLUSION AND RESTRAINT PRACTICES.**

Some young people, including many who are in the child welfare system, exhibit challenging behaviors as a result of trauma they have experienced. TNOYS has worked with many youth services professionals and organizations across Texas to develop service milieus that promote a trauma-informed approach and minimize the use of seclusion and restraint practices, using them only as a last resort. With the passage of the following bills, the Legislature underscored the importance of promoting trauma informed care through state policy so that all young people can benefit from these best practices.

Several of the bills discussed in sections above include provisions to promote trauma informed care. HB 7 requires an Attorney ad Litem (AAL) for a child to review the child's safety and well-being, including any effects of trauma to the child, and take appropriate action. The legislation also prohibits DFPS from admitting a child in foster care to an inpatient mental health facility without an explicit directive from a physician and requires DFPS to periodically review the need for continued inpatient treatment of any child in its care. SB 11 adds "exploitation" to the list of allegations that must be investigated when there is reason to believe they may have occurred at a facility. SB 11 and HB 249 establish definitions of abuse, neglect and exploitation in juvenile justice programs and facilities. HB 1549 requires DFPS to develop a program to provide ongoing support to caseworkers who experience secondary trauma resulting from exposure to trauma in the course of the caseworker's employment.

**HB 1486** promotes the development of training requirements for mental health and substance use peer specialists, enhancing their ability to provide services to persons impacted by mental illness and substance use. Under the legislation, the development of these training requirements must be done with the input of mental health and substance use peer specialists as well as stakeholder workgroups.

**HB 4056** authorizes the expansion of the list of research and evidence-based best practice interventions currently required from the TEA, Department of State Health Services (DSHS), and regional education service centers (ESCs). Under the legislation, other best practice interventions that are required on this list include programs that promote positive school climate, trauma informed strategies, and positive behavior intervention. The legislation gives discretion to the individual school districts to select the practices that are most appropriate for implementation in their respective districts.

## **TNOYS PRIORITY #6: WORK IN PARTNERSHIP WITH YOUTH.**

TNOYS values the resiliency, capability, and insight of youth and strives to always work in partnership with young people. Service providers are increasingly sharing this view, recognizing that youth and their families often know best what they need, and involving them in decisions about how to secure the resources to help them lead healthy, fulfilling lives. This should also be the case when it comes to policymaking that impacts young people. The Legislature again recognized the value of youth voice within DFPS, and we are excited to report that Budget Rider 24, which supports the work of DFPS' Youth Specialists, remained in DFPS budget. This action by the Legislature strengthens the regional and statewide opportunities for youth in foster care to engage in the development of services, policies, and procedures for youth in foster care.

During the legislative session TNOYS hosted its biennial Youth in Action Day at the Capitol. More than 350 youth from across Texas who have been part of the foster care system, are experiencing homelessness, or are otherwise at risk traveled to Austin on Feb. 3, 2017, for an event to learn more about the policymaking process and to make their voices heard. TNOYS is looking forward to continuing to engage with many of these young people through its other programming and to working with a new group of youth leaders during the 86<sup>th</sup> Texas Regular Legislative Session. Learn more about TNOYS' Youth in Action program by visiting [tnoys.org/capitol-day/](http://tnoys.org/capitol-day/).

