

84th Texas
Legislative Session
Recap:

**BIG WINS
FOR TEXAS
YOUTH**

TNOYS
TEXAS NETWORK OF
YOUTH SERVICES

Introduction

There are nearly 10 million young people ages 0-24 in Texas, and many are in situations that put them at risk for abuse or neglect, criminal justice system involvement, or homelessness – all of which can be prevented. Texas Network of Youth Services (TNOYS) works effectively and efficiently to make our state one in which our young people are valued, their strengths are recognized, and they have access to the resources, support, and opportunities they need to lead healthy and fulfilling lives.

Our policy advocacy work is a key piece of bringing this vision to reality. Every two years, TNOYS works with our members, partners and Board of Directors to craft a legislative agenda that reflects our mission to improve, support, and protect youth services and ultimately to improve the lives of millions of Texas youth and their families. The 2015 legislative agenda focused on seven priorities, including prevention and early intervention, addressing adolescent behaviors appropriately, quality foster care services, trauma-informed care, supports for homeless youth, supports for transitioning youth, and youth engagement.

TNOYS supported numerous bills during the legislative session that aligned with the priorities in our legislative agenda. As a result of our advocacy and education efforts, as well as relationship building with key legislators, many of the goals on our legislative agenda were achieved and our work this session was very successful.

We owe this success to our hard-working and loyal network of providers, volunteers, and TNOYS staff. We would like to take this opportunity to mention some key people whose contributions and participation this session proved to be invaluable: John Bracken, Susan McDowell, Richard Singleton, Wayne Carson, Kellie Stallings, Joseph Papick, Scurry Miller, Robert Marshall, Joel Levine, Steve Wick, Tony Castillo, Adolph Knabe, Ken Martin, Jay Maguire, Cathy Requejo, and Patricia Julianelle. We would also like to extend a special thank you to TNOYS Board Member and lobbyist, Kym Olson, who donated her time throughout the legislative session and provided us with her expert guidance and support.

We, of course, owe thanks to the leadership at the Texas Department of Family and Protective Services, and to our many allies and champions at the State Capitol and their dedicated staff. We look forward to working with our members to recognize these leaders for their commitment to Texas young people and their hard work.

Last, but not least, we need to thank our Youth in Action Day participants. In March, we brought together more than 200 young Texans to share their stories at the Texas Capitol and advocate for change. Their efforts worked in partnership with ours to create a strong, united front in support of youth services and programs.

Thank you to everyone who reached out to their policymakers by phone, email, and in-person visits. We celebrate these wins together. We couldn't have done it without you.

Sincerely,

Christine Gendron
Executive Director

Big State Budget Increases for Youth Services

Much of our focus this session was dedicated to protecting and increasing funding for youth services. Each legislative session funding for critical youth services, such as Services for At-Risk Youth (STAR) and Community Youth Development (CYD) Program, is challenged. We work to ensure that policymakers understand the importance of these programs and their impact on youth and families across the state. We are pleased to report that due to our efforts, and the efforts of our partners, child welfare prevention services in the Prevention and Early Intervention (PEI) division at the Texas Department of Family and Protective Services (DFPS) received a big boost from the Legislature this session. For the next two years, more than \$117 million will be used for prevention efforts in child welfare.

Every session TNOYS advocates for a funding increase for foster care services because current rates do not adequately cover the cost of care. We are pleased to report that DFPS received \$6.8 million to expand Foster Care Redesign and the Legislature appropriated a 7 percent overall increase in foster care payment rates for providers. The level of this increase will vary based on the type of provider. Increases will go to emergency shelters and residential treatment centers that serve youth at the specialized and intensive levels. Initially, as agencies prepared for the legislative session, discussion occurred about a rate increase that would primarily benefit child placement agencies; however, TNOYS successfully identified that shelters and residential treatment centers should benefit from a rate increase too because these programs serve the most challenging youth.



THE 84TH TEXAS
LEGISLATURE
EARMARKED 33%
MORE FUNDING
FOR PREVENTION
THAN LAST
LEGISLATIVE
SESSION.

Legislation Impacting Youth Services

Texas legislators filed more than 11,000 bills and resolutions during the 84th Legislative Session (2015). However, only half (6,083) passed and made it to the Governor's desk for his signature or veto. TNOYS staff supported and monitored nearly 100 bills that would have impacted our members, the population(s) they serve, and the services they provide. TNOYS also led the charge on **Senate Bill 1494**, which will make it easier for youth who are homeless to complete high school and on **House Bill 679**, which calls for a statewide study on homeless youth.

The following pages outline some of the bills TNOYS advocated for that passed and that support the seven priorities of our legislative agenda.

1. Prevent problems before they start by investing in proven Prevention and Early Intervention programs.

Prevention programs are critical to youth and families and are proven to prevent youth from ending up in the expensive foster care and juvenile justice systems. The Prevention and Early Intervention (PEI) division at the Department of Family and Protective Services (DFPS) contracts with organizations across the state to provide these vital services and interventions. TNOYS advocated

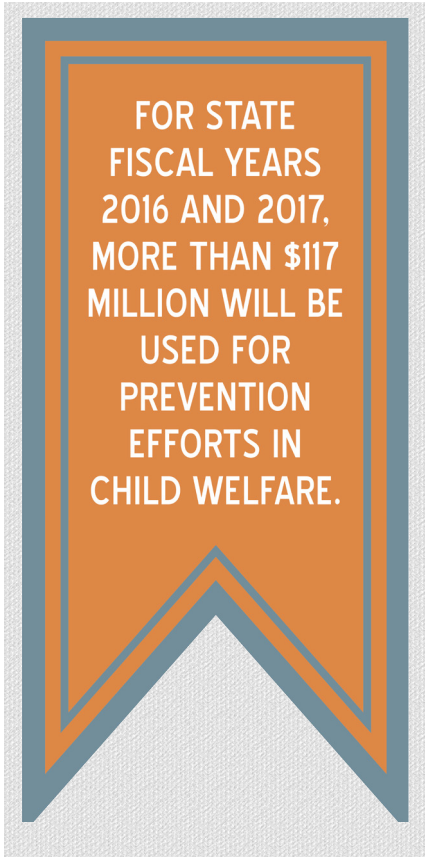
for further investment in these programs along with investment in new programs to better meet the needs of Texas families.

As mentioned above, we are pleased to report that funding for Prevention and Early Intervention (PEI) services increased by 33 percent from last session. This increase includes the following:

- ▶ Legislators maintained funding for Services to At-Risk Youth (STAR) at 2015 levels by appropriating \$21 million annually for 2016 and 2017. When compared to the current biennium, total appropriations for STAR increased by 3 percent.
- ▶ The CYD program received a 21 percent increase over last session's appropriations to expand to three additional new zip code areas.
- ▶ Prevention programs funded through the "Other At-Risk" line item received the biggest boost this session. The Legislature allocated nearly \$46 million and when compared to last session's funding of \$22.1 million that equates to a 108 percent increase. Programs that may see this funding increase include:
 - Healthy Outcomes through Prevention and Early Support (HOPES) will be expanded from 8 to 24 communities in the 2016-17 biennium. DFPS anticipates serving an estimated 2,700 clients per month in fiscal year 2016 and 4,200 clients in fiscal year 2017 with the new funding.
 - The establishment of a 3-year pilot project targeting 1,500 military personnel and their families with prevention services.
 - Educational activities focusing on the prevention of abusive head trauma and other child abuse and neglect-related fatalities for hospital-based and prenatal provider parent education programs focused on infant crying.

Budget bill rider 38 will require DFPS to report on the effectiveness of PEI programs by reporting on number of families served for each program and the following outcomes:

- ▶ if parents abuse or neglect their children during or up to 3 years after receiving services;
- ▶ if youth are referred to juvenile courts during or after services;
- ▶ if protective factors in parenting have increased (based on a validated pre and post survey);
- ▶ the programs focused on children ages three and under helped to reduce the number of child fatalities;



FOR STATE
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- ▶ if the parents receiving the services had any prior CPS involvement;
- ▶ any other outcome measure DFPS determines are appropriate based on the Strategic Plan for PEI required in **Senate Bill 206**.

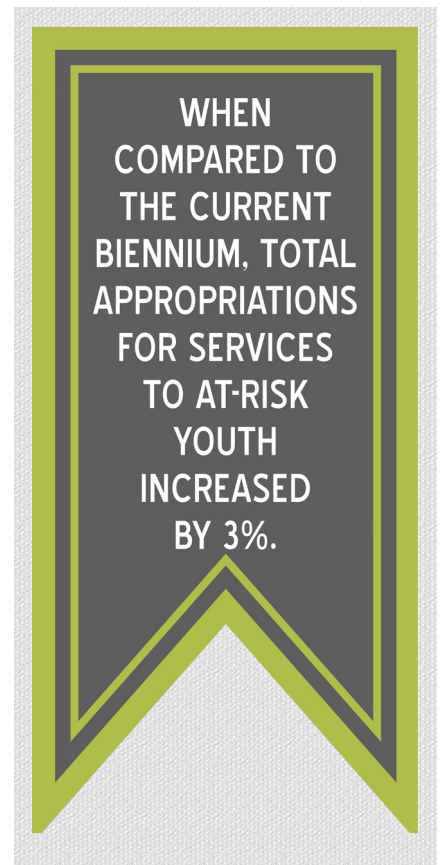
2. Address truancy, running away, and other challenging adolescent behaviors appropriately to reduce recidivism, prevent the draining of court resources, and protect youths' futures.

Sometimes challenging adolescent behaviors are actually normal adolescent responses to troubling situations. For example, truancy and running away may indicate family conflict, untreated mental health conditions, or abuse or neglect at home. TNOYS advocated for funding for Services to At-Risk Youth (STAR), which is designed to get to the root of some of these issues. Legislators maintained funding for Services to At-Risk Youth (STAR) at 2015 levels by appropriating \$21 million annually for 2016 and 2017.

Also, TNOYS focused on legislation to fix redundancies in the law that criminalize youth unnecessarily and drain court resources.

House Bill 2398 by Rep. James White (R-Hillister) decriminalizes truancy and also requires Texas school districts to work harder to get chronic truant youth back in the classroom. With Governor Abbott's signature on the bill, Wyoming is the last remaining state that processes truants in the adult court system.

Senate Bill 1630 by Sen. John Whitmire (D-Houston) had a provision added by Rep. Gene Wu (D-Houston) that would have raised the age from 17 to 18 for offenders to automatically enter the adult legal system. The provision was removed and 17 remains the age which young offenders are treated as adults by the courts. Despite the provision's removal, this topic generated a lot of discussion among legislators and it is likely to be raised again in 2017.

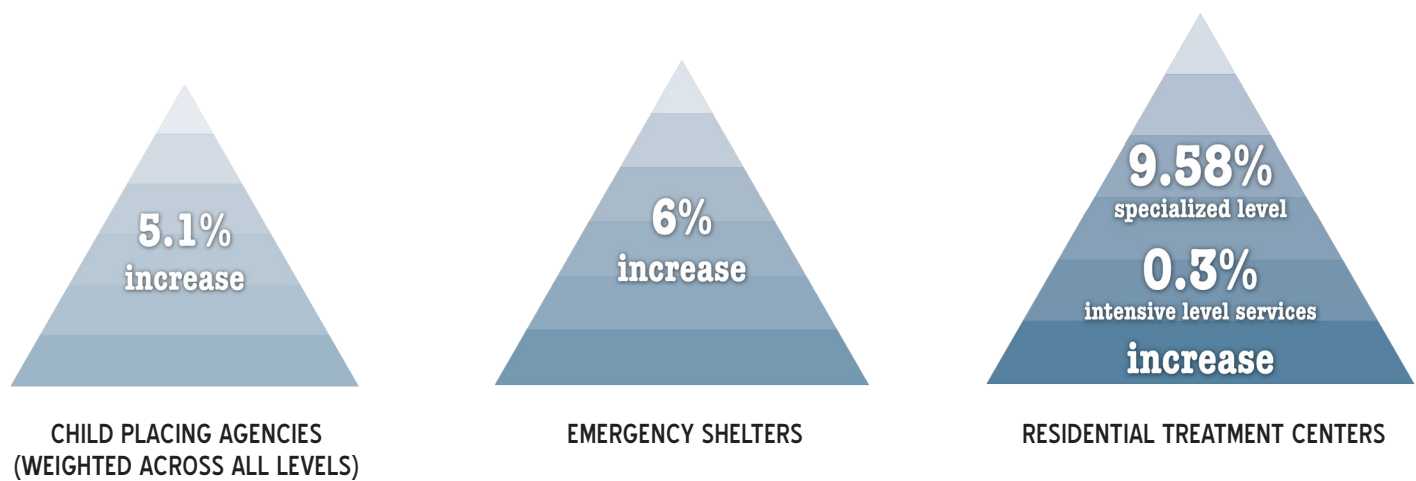


3. Promote safe, nurturing living arrangements for young people who cannot remain at home with their parents by ensuring that foster care services are of high quality and are trauma informed.

When the State of Texas determines a child's home environment to be unsafe, the youth may be placed in foster care. Foster care placements vary by size and setting and may include foster families, relative caregivers, emergency shelters, residential treatment centers, and others. TNOYS advocated for increased funding for all foster care and residential treatment services to ensure that children and youth placed in all of these settings are safe and that their placements promote their health and well-being. We also worked to promote the careful redesign of the foster care system to improve outcomes for those in foster care.

The Legislature appropriated funding to help ensure safe, nurturing living arrangements for

children and youth who are in foster care. Foster care providers will see significant rate increases including:



OVERALL LEGISLATORS APPROPRIATED 7 PERCENT MORE FOR FOSTER CARE PAYMENTS THAN IN THE PREVIOUS BIENNIUM.

DFPS also received \$6.8 million to expand Foster Care Redesign to one new catchment area and fund two additional state staff during the 2016-17 biennium. The funding will be allocated as follows:

- ▶ Approximately \$900,000 will be for start-up costs for a new catchment area.
- ▶ The remainder of funding will be used to support:
 - Two full-time equivalents (FTEs), including a data analyst position and a Foster Care Redesign Administrator for the new catchment area.
 - \$1,200 per child annual payment for each Single Source Continuum Contractor (SSCC) to cover the fringe and benefits tied to the resource transfer for Foster Care Redesign.

DFPS' reporting requirements from **budget bill rider 25** changed. The requirements direct DFPS to report on youth outcomes in the Foster Care Redesign catchment areas. The new sections addressed in the Rider 25 were largely derived from recommendations of Legislative Budget Board, Sunset Advisory Commission, and the findings of the cost analysis performed by the Public Consulting Group. The new requirements include:

- ▶ identify tasks and staff to be transferred to the designated single source continuum contractor (SSCC),
- ▶ continue the use of an independent evaluation during implementation of Foster Care Redesign,

- ▶ develop a progressive intervention plan and contingency plan for the continuity of foster care service-delivery in certain geographic areas, and
- ▶ develop and report on quality indicators for measures in child and family well-being in legacy and redesign systems.

Additionally, the following bills have been signed by the Governor to ensure the safety of children and youth who cannot remain at home with their parents:

House Bill 1309 by Rep. Sylvester Turner (D-Houston) requires DFPS and residential child care providers to provide certain notifications regarding changes in placement or condition of children and youth in foster care to be made to a child's parent, attorney, guardian at litem, and other stakeholders. Change requiring notification include placement changes for at least one night, significant changes in medical condition, changes relevant to psychotropic medications, and any event determined by DFPS to be significant. The bill also requires that notification of the death of a child in the state's managing conservatorship be given to the state senators and state representatives who represent the county in which the child's placement at the time of the child's death was located; and the county in which a suit affecting the parent-child relationship involving the child is pending.

House Bill 418 by Rep. Gene Wu (D-Houston) establishes various provisions for local governments and child placing agencies when finding appropriate services for youth victims of human trafficking.

HB 418 seeks to better protect the health and safety of child victims of human trafficking in the following ways:

- 1.** it requires verification a foster or group home is able to provide a safe and therapeutic environment for children who are victims of trafficking
- 2.** it requires a child placing agency to hold an appropriate child-care services license to provide services to victims of trafficking
- 3.** it requires a verified secure agency foster home or secure agency foster group home to provide certain screening, mental health, and counseling services
- 4.** it details changes to the law about placement of a child who is a victim of trafficking
- 5.** it expands the conditions under which an authorized representative of DFPS and others may take possession of a child without a court order if they believe the victim is of a trafficking
- 6.** it identifies exceptions for a court to require the return of the child

House Bill 188 by Rep. Senfronia Thompson (D-Houston) continues the Human Trafficking Prevention Task Force. It is an effort to create a statewide partnership between law enforcement agencies, nongovernmental organizations, legal representatives, and state agencies that are fighting against the crime of human trafficking.

House Bill 1217 by Rep. Senfronia Thompson (D-Houston) establishes reporting requirements for DFPS regarding child protection, including reporting information for certain foster children who are missing or are victims of sex trafficking. The bill requires DFPS to prepare and disseminate a report of statistics by county relating to key performance measures and data elements for child protection. DFPS will be required to publish the report and make the report available electronically to the public by February 1 of each year. By September 1 of each year, DFPS shall seek public input regarding the usefulness of, and any proposed modifications to, existing reporting requirements and proposed additional reporting requirements. The bill requires DFPS to annually publish information on the number of children who died during the preceding year whom the department determined had been abused or neglected but whose death was not the result of the abuse or neglect.

4. Provide services and supports for youth who are homeless and on their own.

Some young people end up needing a place to live before the government gets involved; for example, if they run away from home or get kicked out. Some experts believe there may be as many as 150,000 “unaccompanied” youth aged 12-17 in Texas, but since these youth are hard to track and definitions of homelessness vary, a precise number is difficult to determine. This makes it hard to ensure services such as housing and mental health services are available. TNOYS led efforts this session to advocate for legislation focused on this population to ensure that we are assessing their needs and working to better serve this vulnerable population. Governor Abbott recently signed two bills to law to help this vulnerable population.

House Bill 679 by Rep. Sylvester Turner (D-Houston) requires the Department of Housing and Community Affairs (TDHCA) to conduct a study on homeless youth in conjunction with other members of the Texas Interagency Council for the Homeless. The report will be submitted to the legislature.

Senate Bill 607 by Sen. Kelly Hancock (R- North Richland Hills) changes the membership of the Interagency Council for Homeless and Texas Department of Housing and Community Affairs (TDHCA) to provide fiscal support to the council and authorizes the council and each of its represented agencies to seek program or policy assistance from the Texas Homeless Network in accomplishing the council’s duties.

5. Prevent the re-traumatization of people who have been traumatized by promoting trauma informed care principles and reducing seclusion and restraint practices when appropriate.

Some people may exhibit especially challenging behaviors as a result of trauma they have experienced. For example, a child may run away from a foster care placement when upset because running away is a coping mechanism he or she learned while living in an abusive home.

For these youth, addressing their behavior appropriately is especially crucial to their health and well-being.

Restraint and seclusion practices are often used to manage behavior but are associated with high rates of patient/client and staff injuries and are proven to be traumatizing interventions. For these reasons, it is important that service environments are trauma-informed and that seclusion and restraint practices are only used as a last resort. TNOYS provides leadership in this area through our facilitation of the Hogg Foundation's statewide Seclusion and Restraint Reduction Leadership Group. This group of stakeholders have been working together for three years to educate providers on trauma-informed care best practices and alternatives to seclusion and restraint practices. This session, two bills were passed and signed by Governor Abbott to support this work.

House Bill 2789 by Rep. Richard Raymond (D- Laredo) requires trauma-informed care training for certain employees of Texas state supported living centers and intermediate care facilities.

Senate Bill 674 by Sen. Donna Campbell (R- New Braunfels) requires those obtaining educator certification to have training in effective strategies for teaching and intervening with students with mental or emotional disorders including de-escalation techniques and positive behavior interventions and supports.



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6. Support young people in challenging situations through the transition to adulthood.

Growing up is hard work, especially when you are on your own or when you are struggling with a mental health condition. Being successful requires completing school, getting a job, staying out of trouble, and learning skills such as using money wisely and paying bills on time. Young adults who face challenges, including aging out of foster care, having a mental health condition, or being homeless, are just as capable of meeting these transitional milestones as their peers, but they need help.

This session, TNOYS advocated for legislation to remove these barriers to success.

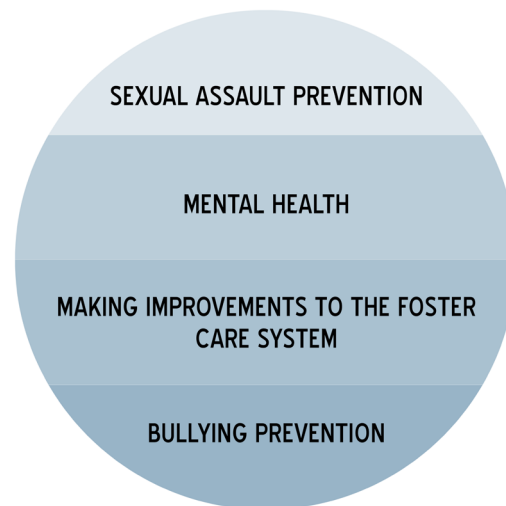
Senate Bill 1494 by Sen. Carlos Uresti (D-San Antonio) requires school districts to assist students who are homeless with transferring credits, awarding partial credit, participating in extracurricular activities, and other needs to facilitate their transition to a new school. Governor Abbott signed the bill in June and it became effective immediately.

7. Work in partnership with youth.

TNOYS respects and values the resiliency, capability, and insight of youth and strives to always work in partnership with young people. Involving youth in decisions is crucial to ensure that they have access to the resources, opportunities, and support they need to lead healthy and fulfilling

lives. TNOYS works to ensure that youth have opportunities to be involved in policymaking, including through task forces, councils, and committees. TNOYS works to connect these young voices with policymakers to ensure that their experiences and concerns are heard.

This year, we were excited to host over 200 youth for our Youth in Action Capitol Day. Youth gave spirited presentations on a variety of important topics to them including:



THESE YOUTHS' PERSONAL TESTIMONIES ARE VITAL TO BETTER UNDERSTANDING THE CHALLENGES AND ISSUES THAT IMPACT TEXAS YOUNG PEOPLE.

Senate Bill 830 by Sen. Lois Kolhorst (R- Brenham) requires the HHSC executive commissioner to appoint an ombudsman for children and youth in foster care and specifies that the ombudsman will serve as a neutral party in assisting children and youth in DFPS conservatorship with complaints regarding issues within the authority of DFPS or other health and human service agencies. This bill will help to ensure that foster youth will have neutral support when addressing issues they face while in the system.

Sunset Legislation and Changes to State Health and Human Service Agencies

Another major focus for TNOYS this session was monitoring Sunset legislation for the Health and Human Services Commission (HHSC) and the DFPS. The Sunset Advisory Commission recommended consolidating the state's five health and human service agencies into one "mega-agency" at HHSC. The consolidation aimed to make the health bureaucracy less fragmented and more efficient, but after newspaper reports of contracting irregularities at HHSC combined with similar scathing reports from the Office of the Governor and the State Auditor's Office, legislators slowed down the consolidation process. As a result, they decided to consolidate only two of the state's health and human services agencies into HHSC.

In response, state Sen. Jane Nelson (R-Flower Mound) filed **Senate Bill 200**, which moves the Department of Aging and Disability Services (DADS) and the Department of Assistive and Rehabilitative Services (DARS) to HHSC. A transition legislative oversight (Oversight) committee

will be appointed with members from both the House and Senate and the public to oversee the consolidation of DADS and DARS into HHSC. As for the remaining health and human service agencies, the Department of State Health Services (DSHS) and the Department of Family and Protective Services (DFPS), their outcome will be considered throughout the next three years.

PREVENTION SERVICES NOT CONSOLIDATED AT HHSC AS PROPOSED

Even though DFPS was not consolidated, at one point in the session a proposal was offered to transfer Prevention and Early Intervention programs to HHSC in an effort to consolidate all health and human service prevention programs at one agency. TNOYS led discussions against the transfer of programs to HHSC and worked to educate advocates and policymakers on the benefits of keeping prevention programs at DFPS. Thanks to leadership by Senator Uresti and others, this effort was successful.

As a result of TNOYS leadership, we successfully identified the benefits of keeping prevention programs at DFPS. For now, they will remain at DFPS; and instead, certain prevention programs at HHSC will be transferred to DFPS and housed within its prevention programs. The major HHSC programs to be transferred include: Nurse-Family Partnership, the Maternal, Infant, and Early Childhood Home Visiting program, and the Texas Home Visitation program.

WHAT IS NEXT FOR DFPS?

For the next three years DFPS will be examined and monitored by both the executive commissioner of HHSC and the Oversight committee. The HHSC executive commissioner will be required to submit his report about further consolidation of DFPS and DSHS by September 2018 to the Oversight committee. By December 2018 the Oversight committee will review it and submit its report to the legislature about the commissioner's report, as well as providing an opinion about pursuing the consolidation of all health prevention services.

The Oversight committee will examine the following:

1. the transfer of prevention and early intervention services functions and any increased coordination and efficiency resulting from the transfer
2. how DFPS coordinates with other state agency programs providing similar prevention and early intervention services
3. how DFPS interacts with stakeholders and other interested parties
4. an examination of recommendations about transferring DFPS' prevention and early intervention services functions to another state agency

The Oversight committee will submit its report to the full legislature for their consideration during the 86th Legislature in January 2019.

TNOYS will continue to monitor this process and reach out to key decision-makers to ensure that the provision of high quality Prevention and Early Intervention services remains a top funding priority. 10

Sunset Legislation and Changes to the Department of Family and Protective Services

BACKGROUND

During the Sunset review process, the Sunset Commission directed DFPS to identify changes in the law that it needed to implement the goals of CPS Transformation, an ongoing effort to improve the management and processes of the agency's Child Protective Services (CPS) program.

The CPS transformation initiative began in 2014 when DFPS hired an experienced private consulting firm, The Stephen Group, to conduct a top-to-bottom review of CPS. This review according to DFPS is based largely on input from front-line CPS staff across Texas. Their input yielded a set of recommendations (CPS Operational Review) in June 2014. During the same time, the Sunset Advisory Commission released its review of DFPS and Casey Family Programs and also gave DFPS recommendations for improving foster care in Harris County. The CPS Transformation initiative brings together all three sets of recommendations.

The resulting bill, **Senate Bill 206** by Senator Charles Schwertner (R- Georgetown) passed and addresses the key goals of CPS Transformation to allow caseworkers to spend more time with children and families and improve the safety, permanency, and well-being of children in CPS cases. Specifically, the bill contains provisions to reduce unnecessary administrative tasks and paperwork, reduce workload where possible, and provide DFPS with the flexibility to make its processes more efficient and adapt to changing best practices.

WHAT DOES SB 206 CHANGE?

It continues the CPS transformation initiative by requiring DFPS:

- To develop and implement a 5-year strategic plan for Prevention and Early Intervention services (PEI) and specifies requirements for what the plan must do.
- To develop and maintain an implementation plan for Foster Care Redesign, established by the Legislature in 2011. It identifies the elements of the plan and requires DFPS annually to update the implementation plan and post it and their progress on the DFPS website. Also required, is for DFPS to post on its website the progress it has made toward its goals for implementing Foster Care Redesign. TNOYS staff will continue to monitor the roll-out of Foster Care Redesign through our participation in the Public Private Partnership (PPP), as well as continuing our efforts to educate legislative leadership about the successes achieved by Foster Care Redesign in Region 3B and how they can be replicated in other areas of the state.

Senate Bill 206 also makes numerous changes to multiple other aspects of CPS procedures and practices, such as:

- Modifying certain notice requirements,

- ▶ Eliminating or modifying statute prescribing specific IT projects, organizational, structure, and staffing requirements,
- ▶ Modifying statutes regarding permanency hearings and permanency progress, reports before and after the final order,
- ▶ Making several changes related to safety, permanency, and well-being of children, involved in CPS cases, including children in DFPS conservatorship,
- ▶ Reducing duplication of state and federal law, and conforms certain state laws with federal law,
- ▶ Modifying informal reviews in CPS investigations,
- ▶ Eliminating or updating archaic or unnecessary language,
- ▶ Requiring a CPS business plan, and
- ▶ Changing child care regulatory fees and renewal process.

Conclusion

While not all of the bills we supported passed this session, we are pleased with our progress. From funding increases for critical youth services, to new protections for homeless youth and youth in foster care, to changes to laws moving from punitive to supportive, the 84th Legislative session brought us closer to our goal of a state where youth have access to the resources, support, and opportunities they need to lead healthy and fulfilling lives.

For more information on our progress this session, please visit our website at www.tnoys.org/advocacy or contact April Ferrino, Senior Policy and Evaluation Specialist, at aferrino@tnoys.org.