

TEXAS PUBLIC POLICY FOUNDATION

2019-20
**LEGISLATOR'S
GUIDE**
to the issues



TEXAS PUBLIC POLICY
FOUNDATION

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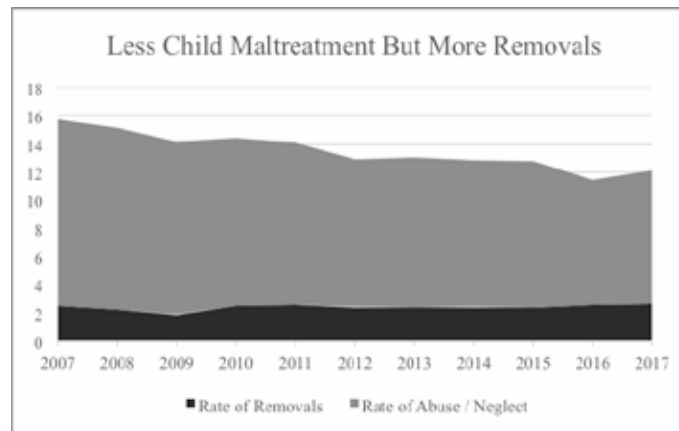
The public is demanding a different direction for their government, and the Texas Public Policy Foundation is providing the ideas that enable policymakers to chart that new course.

TEXAS PUBLIC POLICY FOUNDATION
901 Congress Ave., Austin, TX 78701
(512) 472-2700 Phone (512) 472-2728 Fax
www.TexasPolicy.com

Alternatives to Removal

The Issue

In FY2017, Texas Child Protective Services (CPS) removed 19,782 children from their homes. From November 2016 to November 2017, removals increased 18.1%. More children are entering foster care than exiting (3% more in FY2016, 5% more in FY2017), contributing to a crisis in foster care capacity and increasing the state's reliance on congregate care.



Source: CPS Databooks FY2007-2017.

In FY2017, CPS obtained the placement of an additional 17,037 children outside their homes through a voluntary process called Parent Child Safety Placement (PCSP)—down from a high of 29,040 PCSPs in 2015. The Texas Supreme Court concluded this process is not always voluntary. Parents are sometimes threatened or coerced into agreeing to separation from their children. Removals and new PCSPs resulted in the separation under state supervision of 36,909 children from their parents in FY2017.

Paradoxically, the total rate of maltreatment in Texas is lower than in past years, continuing a downward trend over the last decade. Yet more children are victims of the system through forced separation from parents, which is never a benign event for children. Research demonstrates that separating a child from a parent for even a relatively short time traumatizes the child.

The most frequent cause of CPS involvement is not abuse but parental unemployment, housing instability, and substance abuse—conditions worsened, rather than solved, by removing children. Oftentimes, at-risk families need minimal, targeted assistance to ensure child safety. Civic, faith, and cultural communities are in the best position to support families through periods of difficulty while keeping children in or near their homes.

The family of a child who is at imminent risk of entering foster care but who can remain safely at home with services and monitoring should be referred to Family Based Safety Services (FBSS). The FBSS stage of service is intended to keep children safely with their parents, or to return children home after a short,

voluntary separation, by increasing the resources of parents and decreasing threats to children's safety. Families with risk factors but no exigency should be referred to existing community programs.

The state should provide FBSS through local nonprofits in a public-private framework. Families are less resistant to supports provided by community members unaffiliated with government child protective agencies. Community providers are able to take advantage of existing services, including faith-based services, that best meet the needs of families and can remain available to parents after the case closes.

The Facts

- In FY2017, CPS separated 36,909 children from their parents—19,782 court-ordered removals and 17,037 agreed safety placements.
- In FY2017, FBSS served 98,730 children and 35,725 families, with 5,068 children removed from open FBSS cases.
- Current recidivism for FBSS services (11.4%) is comparable to recidivism for families separated through removal.
- Family preservation services provided by community nonprofits are more effective in increasing service utilization, reducing recidivism, and maintaining children in their homes.

Recommendations

- Limit family separation (through either removal or PCSP) to cases of immediate danger to physical health or safety.
- Expand voluntary use of FBSS in cases of marginal risk.
- Transfer primary responsibility for FBSS from DFPS to local nonprofits as part of the community-based care model.
- Reallocate spending from general prevention programs of unknown value to targeted foster care prevention, which diverts identifiable children from foster care through individualized family services.

Resources

[*Community Support for Children and Families, Testimony before the House Human Services Committee*](#) by Brandon Logan, Texas Public Policy Foundation (March 13, 2017).

[*Effects of CPS Involvement on Child Wellbeing, Testimony before the House Juvenile Justice and Family Issues Committee*](#) by Brandon Logan, Texas Public Policy Foundation (May 3, 2017).

[*Family Privacy and Parental Rights as the Best Interests of Children*](#) by Brandon Logan, Texas Public Policy Foundation (Feb. 2018).

[*Parental Child Safety Placements*](#), Supreme Court of Texas Children's Commission Round Table Report (Dec. 2015).

Experts

Kara Belew, *Senior Education Policy Advisor, Center for Innovation in Education*
kbelew@texaspolicy.com AREAS OF EXPERTISE: State Budget, Taxes, Public Education Finance and Policy, Public Education Accountability

Derek Cohen, Ph.D., *Director, Center for Effective Justice and Right on Crime*
dcohen@texaspolicy.com AREAS OF EXPERTISE: Juvenile Justice Reform, Victims' Rights, Overcriminalization, Constitutional Limitations on Corrections

The Hon. Chuck DeVore, *VP of National Initiatives; Senior Fellow for Fiscal Policy*
cdevore@texaspolicy.com AREAS OF EXPERTISE: Tax and Fiscal Policy, Elections, Foreign Affairs, Military Affairs, Energy and Environmental Policy

Vance Ginn, Ph.D., *Director, Center for Economic Prosperity; Senior Economist*
vginn@texaspolicy.com AREAS OF EXPERTISE: State Budget and Tax Reform, National and State Labor Market Trends, Tax and Expenditure Limits, Energy Markets and Policy

Michael Haugen, *Policy Analyst, Center for Effective Justice and Right on Crime*
mhaugen@texaspolicy.com AREAS OF EXPERTISE: Civil Forfeiture, Overcriminalization, Substance Abuse Policy

The Hon. Talmadge Heflin, *Director, Center for Fiscal Policy*
theflin@texaspolicy.com AREAS OF EXPERTISE: State Budget and Taxation, Economic Stabilization Fund, Local Government Spending, Pension Reform, Federal Funds

Haley Holik, *Attorney, Center for Effective Justice and Right on Crime*
hholik@texaspolicy.com AREAS OF EXPERTISE: Juvenile Justice, Grand Jury Reform, Constitutional Limitations on Search and Seizure, Overcriminalization

Marc Levin, Esq., *VP of Criminal Justice and Right on Crime*
mlevin@texaspolicy.com AREAS OF EXPERTISE: Adult Corrections, Juvenile Justice, Overcriminalization, Victim Empowerment and Restitution, Law Enforcement, School Discipline

Thomas Lindsay, Ph.D., *Director, Center for Innovation in Education*
tlindsay@texaspolicy.com AREAS OF EXPERTISE: Higher Education, Culture Wars (Political correctness, cultural decline, etc.), America's Founding Principles, Online Learning, Federalism, Tenth Amendment, Interstate Compacts

Brandon J. Logan, Ph. D., *Director, Center for Families & Children*
blogan@texaspolicy.com AREAS OF EXPERTISE: Child Welfare Policy, Foster Care, Adoption, Family Law, Parental Rights

Bryan Mathew, *Policy Analyst, Center for Local Governance*
bmathew@texaspolicy.com AREAS OF EXPERTISE: Local Economic Regulation, Local Economic Development, Municipal Annexation, Housing Affordability, Property Rights, Special Districts

Stephanie Matthews, *VP of Public Affairs*

smatthews@texaspolicy.com AREAS OF EXPERTISE: Workforce Development, Charter Schools, School Choice, Virtual Learning

Jennifer Minjarez, *Policy Analyst, Center for Health Care Policy*

jminjarez@texaspolicy.com AREAS OF EXPERTISE: Medicaid Reform, Mid-Level Providers, Medical and Dental Licensure Reform

Bill Peacock, *VP of Research*

bpeacock@texaspolicy.com AREAS OF EXPERTISE: Electricity Markets and Renewable Energy, Insurance, Technology and Telecommunications, Tort Reform, Property Rights, Economic Development, Consumer Issues

Randy Petersen, *Senior Researcher, Center for Effective Justice and Right on Crime*

rpetersen@texaspolicy.com AREAS OF EXPERTISE: Policing Policy, Diversion Programs, Civil Asset Forfeiture

James Quintero, *Director, Center for Local Governance*

jquintero@texaspolicy.com AREAS OF EXPERTISE: Budgets, State and Local Spending, Debt, Taxes, Transparency, Pensions

Kevin D. Roberts, Ph.D., *Executive Director*

kroberts@texaspolicy.com AREAS OF EXPERTISE: K-12 Education Growth, Increasing Public School Efficiency, Education Choice, Higher Education, Tenth Amendment

Emily Sass, *Policy Analyst, Center for Innovation in Education*

esass@texaspolicy.com AREAS OF EXPERTISE: K-12 Education, Education Choice, School Finance, Civic Education, Charter Schools

Deane Waldman, Ph.D., *Director, Center for Health Care Policy*

dwaldman@texaspolicy.com AREAS OF EXPERTISE: Health Care, Medicaid, Telemedicine, Scope of Practice, Regulatory Issues

The Hon. Kathleen Hartnett White, *Distinguished Senior Fellow-in-Residence; Director, Center for Energy & the Environment*

khwhite@texaspolicy.com AREAS OF EXPERTISE: EPA Regulation, Energy and Environmental Policy, Free Market Environmental Policies, Endangered Species Act, Water Rights

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