

Dawnna Dukes  
Chair



## TEXAS HOUSE OF REPRESENTATIVES

### AGENDA

#### SELECT COMMITTEE ON CHILD PROTECTION

MADAME CHAIR DAWNNA DUKES

THURSDAY, JULY 24, 2014

10:00 A.M.

JOHN H. REAGAN (JHR) 140

- I. CALL TO ORDER**
- II. CHAIR'S OPENING REMARKS**
- III. CONTRACT OVERSIGHT WITHIN THE CHILD WELFARE SYSTEM**
  - April Ferrino, Analyst, Agency Performance Review Team, Legislative Budget Board (LBB)
  - Kelly Furgeson Linder, Assistant State Auditor, State Auditor's Office (SAO)
  - Wayne Wilson, Deputy Executive Commissioner, Procurement and Contracting, Health and Human Services Commission (HHSC)
  - John Specia, Commissioner, Department of Family and Protective Services (DFPS)
- IV. REGULATORY POLICY WITHIN THE CHILD WELFARE SYSTEM**
  - John Specia, Commissioner, Department of Family and Protective Services (DFPS)
- V. PUBLIC TESTIMONY: REGULATORY POLICY AND CONTRACT OVERSIGHT WITHIN THE CHILD WELFARE SYSTEM**
- VI. SCREENING, ASSESSMENT, TRAINING AND SUPPORT OF FOSTER AND KINSHIP FAMILIES**
  - John Specia, Commissioner, Department of Family and Protective Services (DFPS)
  - Lisa Black, Assistant Commissioner, Child Protective Services, Department of Family and Protective Services (DFPS)
  - Wendy Bagwell, State Director, Texas MENTOR
  - Dan Johnson, Executive Director, Pathways Youth and Family Services
- VII. PUBLIC TESTIMONY: SCREENING, ASSESSMENT, TRAINING AND SUPPORT OF FOSTER AND KINSHIP FAMILIES**
- VIII. ABILITY OF CHILDREN AND YOUTH WITHIN THE SYSTEM TO REPORT MALTREATMENT**
  - David Reilly, Interim Executive Director, Texas Juvenile Justice Department
  - Debbie Unruh, Ombudsman, Office of the Independent Ombudsman for Texas Juvenile Justice Department
  - John Specia, Commissioner, Department of Family and Protective Services (DFPS)
- IX. PUBLIC TESTIMONY: ABILITY OF CHILDREN AND YOUTH WITHIN THE SYSTEM TO REPORT MALTREATMENT**
- X. ADJOURN**

# **Legislative Budget Board (LBB)**



LEGISLATIVE BUDGET BOARD

# **Overview of Prior Recommendations for the Oversight of the Foster Care Redesign**

From the Eighty-third Legislature, Regular Session, 2013

**PRESENTED TO SELECT COMMITTEE ON CHILD PROTECTION  
LEGISLATIVE BUDGET BOARD STAFF**

**JULY 2014**

# Interim Charge

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Examine regulatory policy and contract oversight within the child welfare system.

## Presentation Objectives:

- Present 83R GEER report findings and recommendations.
- Identify recommendations' costs and status.
- Identify current LBB follow-up work plan.

# 83<sup>rd</sup> Session Recap

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- July 2012 – LBB provided testimony to Human Services Committee about other states to privatize foster care
- Jan. 2013 – LBB published GEER report, “Ensure Sufficient Oversight of the Foster Care Redesign”
- March 2013 – Rep. Dukes filed H.B. 3431 to implement GEER recommendations; referred to House Human Services Committee
- May 2013 – S.B. 1, DFPS Rider 29 implemented two GEER recommendations

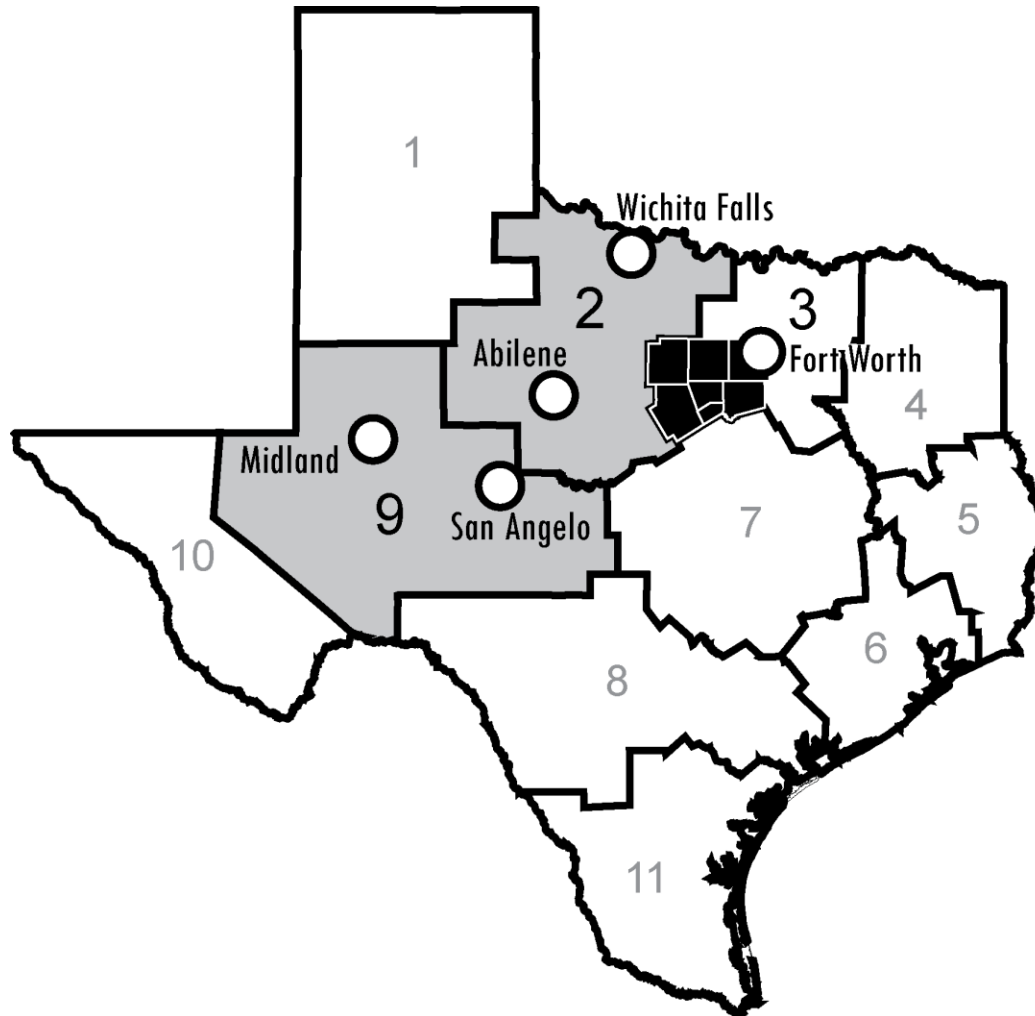
# What is Foster Care Redesign?

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The redesigned system is a change in who provides foster care services and how they are provided.

DFPS will contract with one entity to provide most of the foster care services within a designated area.

# Where is Foster Care Redesign Occurring?



# Foster Care Redesign Lead Contractors

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1. Providence Service Corporation – DFPS  
Regions 2/9, all counties
2. ACH Child and Family Services – 7 counties  
in DFPS Region 3.
  - Erath
  - Hood
  - Johnson
  - Palo Pinto
  - Parker
  - Somervell
  - Tarrant



# LBB 2013 GEER Report

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- Discusses experience of three other states (Kansas, Nebraska, Florida)
- Identified similar risks in Texas
- Risk areas:
  1. Contract Monitoring
  2. Assessment and Contingency Planning
  3. Communication

# Contract Monitoring

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Concern 1: DFPS was not required to establish an early warning system to monitor factors impacting a lead contractor's financial viability.

# Contract Monitoring Concerns

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Recommendation 1: Require DFPS to collect data for early identification of lead contractor problems and report to LBB and Office of Governor.

Not adopted.

No fiscal impact.

# Contract Monitoring Concerns

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Concern 2: A 2010 DFPS internal audit of the agency's contract management staff revealed staff had concerns about the quantity and quality of training they are receiving.

# Contract Monitoring Concerns

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Recommendation 2: Require DFPS to provide contract management staff with training to conduct financial analysis of lead contractors.

Adopted. DFPS Rider 29, S.B. 1, 2013  
No significant fiscal impact.

# Contract Monitoring Concerns

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Concern 3: SAO is authorized to conduct audits of state contracts, no independent entity was statutorily required to audit a lead contractor.

# Contract Monitoring Concerns

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Recommendation 3: Require HHSC to contract with SAO to conduct audits of lead contractors, as necessary.

Not adopted.

No fiscal impact.

# Contract Monitoring Concerns

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Concern 4: DFPS was not required to report performance measures that would allow for comparisons between the foster care legacy and redesigned systems.



# Contract Monitoring Concerns

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Recommendation 4: Require DFPS to report performance measures that compare legacy and redesigned systems.

Adopted. DFPS Rider 29, S.B. 1, 2013  
No fiscal impact.

# Assessment/Contingency Planning Concerns

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Concern 5: Using one lead contractor to deliver foster care services in a region puts the state at risk for service delivery interruptions and may reduce the number of providers.

# Assessment/Contingency Planning Concerns

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Recommendation 5: Limit the provision of services a lead contractor can provide to not more than 35 percent of expended amounts.

Not adopted.

No fiscal impact.

# Assessment/Contingency Planning Concerns

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Concern 6: DFPS had not established a process to determine a lead contractor's operational readiness to provide a region's foster care services.

# Assessment/Contingency Planning Concerns

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Recommendation 6: Require DFPS to develop an assessment process to determine readiness of lead contractors before service delivery begins.

Not adopted.

No fiscal impact.

# Assessment/Contingency Planning Concerns

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Concern 7: DFPS lacked sufficiently detailed contingency plans in the event of a financial or other emergency situation with a lead contractor.

# Assessment/Contingency Planning Concerns

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Recommendation 7: Require DFPS to develop sufficiently detailed contingency plans for continuity of foster care services.

Not adopted.

No fiscal impact.

# Communication Concerns

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Concern 8: No independent safety net exists to ensure accurate communication and accountability about the timely delivery of court-ordered services in the redesigned system.



# Communication Concerns

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Recommendation 8: Require guardians ad litem to report to the court if court-ordered services are not provided.

Not adopted.

No fiscal impact.

# CURRENT OVERSIGHT

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LBB staff is:

- monitoring implementation of Rider 29.
- monitoring agency activity through budget oversight and development of staff budget recommendations for 84<sup>th</sup> Legislature.

Sunset Commission staff made recommendations related to Foster Care Redesign.



## LEGISLATIVE BUDGET BOARD

**Contact the LBB**  
Legislative Budget Board  
[www.lbb.state.tx.us](http://www.lbb.state.tx.us)  
512.463.1200

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## ENSURE SUFFICIENT OVERSIGHT OF THE FOSTER CARE REDESIGN

Redesigning the Texas foster care system is underway. The Texas Department of Family and Protective Services is directed via Senate Bill 218, Eighty-second Legislature, Regular Session, 2011, to implement a redesign of the foster care system in accordance with the department's 2010 recommendations to the Legislature. In the new system, the department will contract with one private entity to provide a full continuum of foster care services in one region of the state. Additionally, according to the legislation, the system must include a payment system based on performance targets. The payment rates may not result in total expenditures for any fiscal year during the 2012–13 biennium that exceed the amounts appropriated by the Eighty-second Legislature for foster care and other purchased services, except for normal entitlement caseload growth.

Privatizing more child welfare services does not relieve the state of its responsibilities to ensure that children and families are adequately served and public funds are spent appropriately; however, the state's role is altered. In the newly redesigned system, the state's primary role is one of oversight. Monitoring foster care services provided by private contractors will be critical given the vulnerable population served and the provider failures that have occurred with this model in other states. Contracting with a lead agency to provide foster care services without statutory safeguards to ensure the continuity of services if a lead agency fails, increases the risk for service delivery interruptions, cost overruns, and harm to children and families. Establishing a comprehensive and coordinated system of oversight is essential to ensure improved client outcomes, continuity and quality of foster care services, adherence to state and federal requirements, and accountability and transparency in the use of public funds.

### FACTS AND FINDINGS

- ◆ The State of Texas' redesigned foster care system will use a lead agency model. A lead agency may be a single non-governmental entity or composed of multiple non-governmental entities that joined together through collaboration for the purposes of responding to a contract opportunity.
- ◆ Through the lead agency model, the Department of Family and Protective Services will contract with a single lead non-governmental agency, also referred

to as the Single Source Continuum Contractor, to provide a full continuum of foster care services in the designated catchment area. The lead agency may either provide all the services directly or establish a network of providers to work as sub-contractors to ensure the needed services are available.

- ◆ One contract to implement the redesigned system has been tentatively awarded to Providence Service Corporation of Texas in the non-metropolitan catchment area (Region 2/9 – Abilene, Wichita Falls, Midland, and San Angelo).
- ◆ The Department of Family and Protective Services is directed through Rider 25 in the 2012–13 General Appropriations Act to report to the Texas Legislature and the Office of the Governor regarding the expenditures for foster care redesign and the progress toward the achievement of improved outcomes for children, youth, and families based on quality indicators identified in the department's Foster Care Redesign report.

### CONCERNS

- ◆ Monitoring foster care services provided by private contractors will be critical given the vulnerable population served and the provider failures that have occurred with this model in other states. The Department of Family and Protective Services is not required to establish an early warning system that will monitor factors impacting a lead agency's financial viability.
- ◆ Contracting with a lead agency to provide foster care services without statutory safeguards to ensure the continuity of services if a lead agency fails, increases the risk for service delivery interruptions, cost overruns, and harm to children and families. Allowing the lead agency to provide all services needed in a region could reduce the number of other providers in the region.
- ◆ Using a single lead agency to provide foster care services further removes the state from direct interaction with a vulnerable client population and increases the need for timely, independent monitoring to prevent gaps

in accountability and transparency from occurring. The State Auditor's Office is authorized to conduct annual audits of residential foster care providers, but no outside entity is statutorily directed to audit the lead agency.

- ◆ According to an April 2010 Department of Family and Protective Services' internal audit report, 25 percent of the agency's contract management and oversight staff that performed fiscal monitoring activities did not feel they had sufficient training or knowledge to perform them or review the work of others who performed these activities. Thirty percent were "unsatisfied" or "very unsatisfied" with the quantity and quality of the training provided by the agency. A lack of sufficient training weakens the contract oversight structure because contract management staff is the primary resource used to ensure contract compliance occurs and to provide timely, initial warning of emerging or imminent problems.
- ◆ The Department of Family and Protective Services is not required to report performance measures that would allow for comparison between the legacy foster care system and the redesigned system, which prohibits any analysis to determine whether the redesigned system's goals are being met and improvement is occurring.
- ◆ The Department of Family and Protective Services has not established a process to determine a lead agency's operational readiness to accept the transfer of certain foster care services from the state which may result in problems including the disruption of services to children and families that could have been identified and prevented.
- ◆ Every state that has implemented statewide privatized foster care services has experienced the failure of a lead agency resulting in the disruption of services and increased expenditures to replace the failed provider. The Department of Family and Protective Services lacks sufficiently detailed intervention and contingency plans to implement in the event of a financial emergency, or problems with a lead agency's performance or service quality.
- ◆ Without timely and accurate information regarding the provision of court-ordered services, judges presiding over child protective services cases cannot assess a child's progress and make meaningful

recommendations about how permanency for the child can be achieved.

## RECOMMENDATIONS

- ◆ **Recommendation 1:** Amend statute to require the Department of Family and Protective Services to incorporate into its current contract monitoring activities, a system or process that would collect and monitor data and information that could be used for the early identification of lead agency problems and the evaluation of lead agency viability, and to report annually to the Legislative Budget Board and the Office of the Governor on the lead agencies' performance and viability.
- ◆ **Recommendation 2:** Amend statute to limit the direct provision of services provided by a single lead agency in its specified geographic area so that it may not exceed 35 percent of total expended amounts of the contract.
- ◆ **Recommendation 3:** Amend statute to require the Health and Human Services Commission to contract with the State Auditor's Office to conduct fiscal and programmatic audits of a lead agency contracting with the Department of Family and Protective Services to provide foster care services in certain geographic areas of the state, as necessary.
- ◆ **Recommendation 4:** Include a rider in the introduced 2014–15 General Appropriations Bill to require the Department of Family and Protective Services to provide contract management staff with sufficient on-going training to ensure their ability to perform fiscal and financial analysis and oversight of the lead agencies' contracts.
- ◆ **Recommendation 5:** Include a rider in the introduced 2014–15 General Appropriations Bill to require the Department of Family and Protective Services to report performance measures that compare outcomes from the legacy and redesigned systems.
- ◆ **Recommendation 6:** Amend statute to require the Department of Family and Protective Services to develop, with input from lead agencies, a process and an assessment tool to determine a lead agency's ability to accept the responsibility of providing certain foster care services before services are transferred from the state to the lead agency.

- ◆ **Recommendation 7:** Amend statute to require the Department of Family and Protective Services to develop a progressive intervention plan and contingency plan for the continuity of foster care service delivery in certain geographic areas.
- ◆ **Recommendation 8:** Amend statute to require guardians ad litem to notify the court before the next scheduled court hearing if court-ordered services are not delivered to the child/family in a reasonable time frame.

## DISCUSSION

In the U.S., more than 400,000 children were in foster care in 2010, according to the U.S. Department of Health and Human Services (HHS). In fiscal year 2011, 17,108 Texas children were removed from their homes because it was unsafe for them to remain there. Nearly all of them entered foster care or other substitute care to receive services so that they could be reunified with their family or find a permanent home with a foster or adoptive family or permanent guardian. Foster care is meant to be a temporary placement for children who are unable to live safely in their homes. Since the 1880s, private entities have been providing services to assist families by offering and maintaining safe environments for children. Since that time, government entities have worked together with mostly non-profit child welfare agencies, faith-based charities, and other groups to provide resources to troubled families and children. Contracting with private entities to provide child welfare services is a form of privatization. Since the 1990s, most states have relied on the private sector to provide social services, such as foster care, to help manage reduced public resources.

One of the most common forms of privatization is contracting or outsourcing for a service to be provided to a population. In this form, the government provides funding to the private entity to provide the service while the government maintains control through contractual language regarding the type and quality of service to be provided. Using private entities to provide foster care services does not relieve the state of being ultimately responsible for the welfare of children and families it previously served directly. Nor does it relieve the state of the responsibility of ensuring public funds are spent efficiently for quality services that meet state and federal regulations. However, the increased use of privatized foster care services alters the state's role. Its role as a provider diminishes and its role as a monitor increases.

A reliance on private contractors to deliver services increases concern about whether state governments' monitoring of contractors is adequate. In 2004, the U.S. Department of Health and Human Services Office of the Inspector General (HHS OIG) assessed six states' compliance with federal grant requirements that apply to the use and monitoring of sub-grantees or private providers. The HHS OIG found that half of the states did not implement monitoring mechanisms, did not take planned site visits, and did not adequately oversee the fiscal monitoring of private providers.

In 1997, the U.S. Government Accountability Office reported that the weakest link in the privatization process is monitoring a contractor's performance. Contract monitoring in child welfare is complex due to many reasons including the use of multiple funding sources, many state and federal requirements, and a reliance on sub-contractors to deliver direct care services which further removes the state from interacting with its client population. The contract monitoring strategies of government entities vary by the type of contract and services delivered. According to HHS, a monitoring plan should be developed for each contract. The monitoring plan identifies what the government will do to guarantee the contractor's performance meets contract requirements and standards. The plan details how the monitoring will occur and what will be monitored because different services and outcomes require different types and levels of monitoring.

### **CONTRACT MONITORING AND CONTINGENCY PLANNING**

As the use of private providers by government entities increases, monitoring activities have evolved. Before the last 10 years, compliance monitoring was the main activity of the monitoring staff. Compliance monitoring ensures contractors are maintaining sufficient records about the delivery of services, the delivery of services are performed according to the terms of the contract, and documentation required by the contract is present. With the addition of fiscal risk and rewards linked to a provider's performance, monitoring activities now include performance monitoring to measure the ability of the contractor to meet pre-established goals and fiscal monitoring to examine the contractor's financial health and compliance with generally accepted accounting standards and practices.

Collecting monitoring information is only effective if staff who review and analyze it are effective. The HHS and states that have privatized foster care services report that contract

monitoring staff needs new skills to review data reported about a provider's performance and fiscal activities. Contract monitoring staff requires more sophisticated skills and tools beyond the basic compliance monitoring of the past. Published research indicates the need for improved training for contract monitoring staff; however, specific information about the type of training needed is not available. According to the HHS, governments looking for training opportunities should look to peer entities that have undertaken privatization efforts or national organizations for guidance. Staff turnover is a chronic problem in child welfare work and contract monitoring staff is no exception. Unaddressed turnover affects the level of expertise and institutional knowledge among contract monitoring staff which can affect the rigor and thoroughness of the monitoring. Ongoing training is suggested for contract management staff to help address staff turnover.

#### **RESULTS FROM STATEWIDE PRIVATIZATION OF FOSTER CARE**

Florida, Kansas, and Nebraska are the three states that privatized the majority of their foster care services statewide. In each case, states experienced significant obstacles transitioning from a legacy system to a fully privatized one. For several reasons, empirical research about the efficacy of the privatization of child welfare services is minimal to date. Multiple models exist in how privatization can be implemented in the child welfare system which makes it difficult to generalize findings and make comparisons about the research that has occurred. Jurisdictions are at varying stages of implementation which may affect the delivery of services. Often jurisdictions struggle to develop meaningful measures in which to assess outcomes. Much of the current research includes case studies and information on the lessons learned about the planning and execution of privatization in various jurisdictions. According to the Quality Improvement Center for Privatization of Child Welfare Services (QIC PCW), most research demonstrates that overall spending increased with privatization but that the accessibility of services in rural areas increased, too. Case studies that researched statewide privatization efforts like Kansas and Florida, and four other local privatization efforts revealed that neither cost savings nor dramatically greater efficiency was a well-established outcome of the efforts.

#### **FOSTER CARE PRIVATIZATION MODELS**

Florida, Kansas, and Nebraska each chose a variation of the "lead agency model" when structuring their redesigned foster

care system. A lead agency may be a single non-governmental entity or composed of multiple non-governmental entities that joined together through a collaboration for the purposes of responding to a contract opportunity. The lead agency model has been the most widely used since the mid 1990s. According to the HHS, with this model,

"the public [child welfare] agency contracts with one or a limited number of [non-governmental] agencies within a designated region to provide or purchase all specified services for the target population from the time of referral to case closure or at some other point specified in the contract."

Using the lead agency model allows the public agency to interact and monitor fewer contractors and may allow for improved coordination and service integration. Variations of the lead agency model include having the lead agency provide most or all of the services directly, or in contrast, provide few or no services and establish and administer a network of subcontractors to provide the necessary services.

**Figure 1** shows distinguishing characteristics of each state's privatization efforts in comparison to what is proposed in Texas.

Each state effort was undertaken in an attempt to improve the state foster care system in response to high profile child deaths, political pressure to downsize government, poor results on the federal Child and Family Services Review, or a lawsuit. Despite the difference in the length of time to implement the redesigned foster care systems, no state's implementation went smoothly. Florida, took the "go slow" approach and implemented the new privatized community-based care system county-by-county over five years. In contrast, Kansas and Nebraska implemented their privatization efforts statewide without using pilot projects.

Each of the three states use different variations of the lead agency model. Florida's redesigned system called, community-based care (CBC), consists of 20 private lead agencies providing services to all of Florida's 67 counties. The lead agencies or CBC agencies are responsible for providing foster care and related services including family preservation, emergency shelter, and adoption. Florida also established 33 community alliances to participate with the lead agencies in resource utilization planning, needs assessment, service delivery priorities, establishing outcome goals, resource development, and promoting prevention and early intervention services. The community alliances were statutorily authorized and were developed to serve as central points for community input and collaboration about child



**FIGURE 1**  
**STATE COMPARISON OF FOSTER CARE SYSTEMS, 2012**

CHARACTERISTICS	TEXAS	FLORIDA	KANSAS	NEBRASKA
<b>Privatization Implementation date</b>	2011 – In Progress	1996 – pilot programs 1998 – statewide	1996	2009
<b>Geographic Area</b>	One catchment area (combination of regions)	Implemented over 5 years, county-by-county.	Statewide	Statewide
<b>Children in Foster Care<sup>1</sup></b>	2010 – 28,954	2010 – 18,753	2010 – 5,979	2010 – 5,358
<b>Child Welfare Expenditures<sup>2</sup></b>	Fiscal Year 2011 – \$1,380 Million	Fiscal Year 2010 – \$1,020 Million	Fiscal Year 2010 – \$246.1 Million	Fiscal Year 2010 – \$266.8 Million
<b>Services Privatized</b>	All except: <ul style="list-style-type: none"> <li>• Residential Child Care Licensing</li> <li>• Intake Reports</li> <li>• Investigations</li> <li>• Family Based Safety Services</li> <li>• Non-licensed Kinship Placements</li> <li>• Protective Daycare Services</li> <li>• PAL - Aftercare Services</li> <li>• Purchased Client Services<sup>3</sup></li> <li>• Family Group Decision Making/Family Team Meetings</li> <li>• Post Adoption Services</li> </ul>	All except: <ul style="list-style-type: none"> <li>• Intake and assessment</li> <li>• Investigations.</li> </ul>	All except: <ul style="list-style-type: none"> <li>• Intake and Assessment, Screening</li> <li>• Investigation</li> <li>• Selected family services.</li> </ul>	All except: <ul style="list-style-type: none"> <li>• Intake and assessment,</li> <li>• Screening and Investigation</li> <li>• Safety plan development</li> <li>• Medical needs of state wards.</li> </ul>
<b>Privatization Model</b>	Lead agency model.	Lead Agency model and Community Alliances.	Lead agency model.	Lead agency model.
<b>Selection Process</b>	Request for Proposals open to for-profit and non-profit entities.	Invitation to Negotiate process open to non-profit, non-public entities.	Competitive bid open to non-profits who could fully implement services upon awarding of contract.	Request for qualifications open to non-profit and for-profit entities.
<b>Performance Measures</b>	Yes.	<ul style="list-style-type: none"> <li>• Yes, vary by lead agency contract.</li> <li>• Used for determining renewal.</li> </ul>	<ul style="list-style-type: none"> <li>• Yes.</li> <li>• Used only for long term performance tracking.</li> </ul>	<ul style="list-style-type: none"> <li>• Yes.</li> <li>• Used for incentives for contractors.</li> </ul>
<b>Payment Structure</b>	Rate and lump sum payments.	Lump sum payment.	Rate and lump sum payments.	Lump sum payment.
<b>Selected Outcomes</b>	None to date.	<ul style="list-style-type: none"> <li>• Mixed.</li> <li>• Children and family reunification within 12 months increased.</li> <li>• Adoptions have also increased.</li> <li>• Mixed outcomes in achieving permanency.</li> </ul>	<ul style="list-style-type: none"> <li>• Residential placements decreased.</li> <li>• Adoptions increased.</li> <li>• Average length of stay decreased.</li> </ul>	<ul style="list-style-type: none"> <li>• 2012 legislation returned foster care operations to state workers.</li> </ul>

<sup>1</sup>Children removed from home and whom the state has responsibility for their placement, care, or supervision, regardless of eligibility for Title IV-E funds.

<sup>2</sup>All Funds.

<sup>3</sup>For families of children who do not meet referral criteria for SSCC and those receiving services as a part of the Investigation or Family Based Safety Services stage of service.

SOURCE: Legislative Budget Board.



welfare needs and to establish community partnerships with the lead agencies. Each CBC agency differs in their organization and makeup as well as the extent to which they use subcontractors to provide services.

Kansas took a different approach and contracted with a lead agency for different foster care services. The state was sub-divided into five regions and a single lead agency was responsible for each service, such as family preservation, in a region. Adoption was the one service that received a statewide contract. Nebraska also sub-divided the state into five regions and selected lead agencies to be responsible for most foster care and juvenile justice services.

The experiences of Florida, Kansas, and Nebraska, demonstrate there is no single “best” way to pursue the privatization of foster care services. Once statewide privatization was implemented each state encountered similar issues despite the varying ways it was implemented and the differences in the characteristics of each state’s system. Each state encountered serious problems in contract monitoring and contingency planning. Moreover, no state has drafted the perfect contract to remedy implementation and other ongoing issues.

#### **FOSTER CARE REDESIGN IN FLORIDA**

In their book, *An Assessment of the Privatization of Child Welfare Services: Challenges and Successes*, authors Madelyn Freundlich and Sarah Gerstenzang identify Florida’s initial monitoring of contractors as being “underdone.” The state struggled with issues regarding the appropriate role of state monitoring and auditing, difficulties developing a monitoring system that addressed the unique features of community-based care, and problems building internal monitoring capacity with state systems that previously lacked this function. Contract monitoring has gradually evolved and improved. At present, the key elements in Florida’s monitoring plans for its foster care contractors are identified in statute. According to the statute, the Florida Department of Children and Families is required to

“adopt written policies, and procedures for monitoring the contract for the delivery of services by lead community-based providers...[that] at a minimum address the evaluation of fiscal accountability and program operation, including provider achievement of performance standards, provider monitoring of subcontractors, and timely follow up of corrective action for significant monitoring findings related to providers and subcontractors.”

After the financial failure of four of five privatization pilot projects in the 1990s and at least two additional lead agency failures occurring since then, the state recognized it was critical to have contingency plans for future lead agency failures. The state also recognized it had to address potential problems in lead agency performance that are serious, but may not rise to the level of receivership or complete service interruption.

#### **FOSTER CARE REDESIGN IN KANSAS**

Kansas’ foster care system transformation has been described as “abrupt.” The move to privatize foster care services occurred without input from stakeholders, such as judges, families, and case workers. Difficulty mounted during the transition when lead agencies experienced serious financial problems due to the case rate failing to meet the actual costs of the services provided.

Increased accountability for providers is one improvement resulting from Kansas’ privatization efforts. Before privatization, Kansas did not have the structure in place to track service costs, contractor performance, or client outcomes. At present, contractors submit quarterly financial statements and annual audited financial statements. These documents are reviewed by state workers to identify any trends that could lead to future problems. If concerns are identified, the state works with the contractor to implement a corrective action plan and set improvement goals and time lines. The state tracks the performance of contractors but over the long term and the measures are used as a basis for contract renewal. Like Florida, Kansas lead agencies suffered cash flow problems and at least one failed due to filing for bankruptcy. State officials have prepared contingency plans in the event of future lead agency failures or severe service disruptions.

#### **FOSTER CARE REDESIGN IN NEBRASKA**

Nebraska’s privatization problems emerged during the implementation phase. Contracts with six lead agencies were to be signed in November 2009. One month before, one agency pulled out of their agreement with the state after learning the state withheld \$1 million from the contracted amount. In addition to other fiscal concerns, the reduced funding for the contract caused some lead agency executives to question whether the amount of money designated for the privatization contracts would be sufficient to cover costs. Five months into implementation, two lead agencies failed. Both failures were due to financial insolvency, and according to lead agency officials, specifically due to the inadequate

reimbursement rate from the state. More than 2,000 children and their families were affected by the abrupt departure of the contractors. Ten months into implementation a third lead agency terminated its contract with state approval after it experienced heavy financial losses and had to lay off workers. In total, four of the six lead agencies terminated prematurely due to significant loss of funds while carrying out the terms of the contract. By December 2010, the Nebraska Foster Care Review Board reported that the infrastructure of the child welfare system was deteriorating because foster families, therapists, and other service providers would no longer provide their services due to payment, communication, and coordination issues.

Proper monitoring of contractor expenditures by Nebraska officials has been inconsistent and troubled since privatization was initiated. Findings by the state auditor revealed “woefully inadequate” financial oversight of the lead agencies by the Nebraska Department of Health and Human Services (DHHS). A legislative committee found “the lack of basic financial planning and accountability led to millions of dollars spent on lead agencies: one that later did not participate in the contract, two that ended the contracts owing millions of dollars to subcontractors, and two that needed significant infusions of funds to continue the contracts. As a result, contrary to DHHS’ stated goal to operate within existing resources, the financial audit revealed a 27 percent increase in child welfare costs between 2009 and 2011.” Due to findings from both the Nebraska state auditor and the Legislative Health and Human Services Committee, as well as continued problems with lead agency performance, the Nebraska Legislature passed five child welfare bills in April 2012 that will return operation of the foster care system to the state health and human services agency in all counties except two near Omaha. According to media reports, Nebraska legislators acknowledged that “the privatization efforts has been a debacle that failed because of a lack of funding, no clear goals, and little oversight that allowed costs to soar for reasons that still aren’t fully known.”

### **FOSTER CARE REDESIGN IN TEXAS**

The Department of Family and Protective Services (DFPS) is directed via Senate Bill 218, Eighty-second Legislature, Regular Session, 2011, to implement a redesign of the foster care system in accordance with the recommendations contained in the department’s Foster Care Redesign report submitted to the Texas Legislature. The proposed system will use a lead agency model. Under this model, DFPS will contract with a single lead non-governmental agency, also

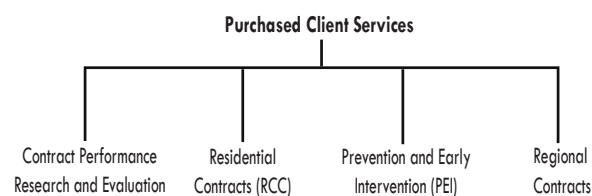
known as the Single Source Continuum Contractor (SSCC), to provide a full continuum of foster care services in one region of the state. The lead agency can either provide all the services directly or establish a network of providers to work as sub-contractors to ensure the needed services are available. Additionally, according to Senate Bill 218, the proposed redesigned system must include a payment system based on performance targets and the payment rates to be used may not result in total expenditures for any fiscal year during the 2012–13 biennium that exceed the amounts appropriated by the Eighty-second Legislature for foster care and other purchased services, except for normal entitlement caseload growth. Initially, the implementation plans for the foster care redesign initiative included two catchment areas—one metropolitan and one non-metropolitan—each with a lead agency to administer and provide foster care services in its region. In an RFP released on August 1, 2011, DFPS solicited proposals for contractors in DFPS Region 11, which includes Corpus Christi the Rio Grande Valley, and DFPS Region 2/9, which includes Abilene, Wichita Falls, Midland, and San Angelo. On June 20, 2012, two contracts to implement the redesigned system were tentatively awarded to Lutheran Social Services of the South for the metropolitan catchment area (DFPS Region 11), and to Providence Service Corporation of Texas in the non-metropolitan catchment area (Region 2/9). On August 9, 2012, DFPS announced it was rescinding the award for a metropolitan area and withdrew the award given to Lutheran Social Services of the South. DFPS staff found serious regulatory violations at three of the Lutheran Social Services’ locations across the state. According to DFPS, officials have decided not to award a contract in the metropolitan area as a part of this initial procurement.

### **FOSTER CARE CONTRACT MONITORING IN TEXAS**

The purchased client services (PCS) division within DFPS is responsible for procuring foster care services from providers and for monitoring contract compliance. **Figure 2** shows the organizational chart of the PCS division and the four subdivisions it contains.

Each of the four subdivisions in the PCS division is responsible for overseeing services contracts for their respective area, with the exception of the Contract Performance Research and Evaluation subdivision which is responsible for developing contract performance measures and gathering and reporting performance data for the three types of service contracts. The Residential Contracts subdivision oversee licensed residential child-care providers

**FIGURE 2**  
**FOSTER CARE PURCHASED CLIENT SERVICES**  
**ORGANIZATIONAL CHART, 2012**



SOURCE: Texas Department of Family and Protective Services.

who provide substitute care to children in DFPS's managing conservatorship. The Regional Contracts subdivision manages various client service contracts that provide services, such as child day care services, post adoptive services, evaluation and treatment services, psychological services, parent-caregiver training, and others. The Prevention and Early Intervention (PEI) subdivision manages community-based programs that prevent juvenile delinquency and child maltreatment. Through these contracts, PCS staff establishes the qualifications, standards, services, expectations, and outcomes to be met by the contractor. The contract monitoring functions of PCS staff includes making on-site visits, reviewing contract activities, and documenting the programmatic and financial accountability of each contractor. Contract staff is also responsible for processing the payment for these services.

To enhance internal communication and coordination in the monitoring of residential contracts, DFPS officials created the Facility Intervention Team Staffing (FITS). Issues brought to the FITS team are concerns or patterns exhibited by a provider that are in need of improvement. Two FITS teams address these issues. A smaller or core FITS team consists of staff from the legal division and from the three areas that regularly interact with residential contract providers: licensing, contract monitoring, and CPS program or caseworkers. The core FITS team meets every other week and may take up issues as a preventative measure to solve problems before they become larger or to address a crisis situation. A second, larger, executive FITS team makes decisions on what type of action, if any, is needed to correct issues brought before the core FITS team. The executive FITS team meets monthly and includes a licensing attorney, a contract attorney, the assistant commissioners of child protective services and licensing, and the director of purchased client services, directors of residential contracts and residential child care licensing, and various subject matter experts.

In addition to the contract monitoring activities conducted by the PCS staff, DFPS' Contract Oversight and Support (COS) division develops a Statewide Monitoring Plan (SMP) each year to determine which child welfare contracts are of greatest risk to the state. The SMP prioritizes contracts that must be monitored based on a risk assessment completed by contract management staff. The risk assessment used to develop the SMP is a standard tool to evaluate essential characteristics of client service contracts and the levels of associated risk that each contract holds for the state. Risk is defined as the possibility or likelihood that loss, harm, or damage may occur due to errors or problems related to the day-to-day operations of a contractor.

The top 20 percent of the highest risk client services contracts across the state are placed on the SMP. The SMP identifies the monitoring level and method used for each contractor. The monitoring level is either "full" or "targeted." Full monitoring requires both a programmatic and fiscal review and a three-month testing sample of data, while targeted monitoring will review programmatic and/or fiscal data and a two-month testing sample of data. Monitoring methods include: on-site visit, desk review, or billing review. The on-site review is more involved than both a desk and billing review because it is a formal review of the contractor's financial, personnel, service, client records, program activities, and takes place at the provider's location. A desk review examines documentation about the contractor's service delivery or business operations, while a billing review looks at the contractor's monthly billings. Both are conducted away from the contractor's offices.

#### **CONTRACT MONITORING OF LEAD AGENCIES IN TEXAS**

In preparation for the Foster Care Redesign initiative DFPS staff consulted with staff from the Health and Human Services Commission (HHSC) about methods that could be used to monitor the lead agency contract. HHSC staff, through their experience and knowledge from monitoring the Medicaid program contracts, shared information with DFPS staff about the potential challenges large, high risk contracts pose. As of December 2012, DFPS officials remain in final contract negotiations with Providence Service Corporation of Texas. Consequently, detailed monitoring tools that incorporate requirements of the final contract are not yet developed and specific information about how the lead agency contract will be monitored is not final.

According to DFPS, a data and performance "dashboard" to track the lead agency's monthly performance will be created.

How the lead agency monitors its subcontractors has also been identified as an area DFPS intends to monitor closely.

DFPS officials are considering using a team approach to monitor the lead agency contract. Tentatively, the department is proposing to use two teams: one staffed locally in the region and the other at the state office in Austin. The regional team would oversee implementation issues and document process changes, as well as manage the day-to-day contract issues that may arise. The state office team would conduct at least one annual on-site monitoring visit to the region and focus on identifying long term issues or trends in monitoring the lead agencies. The state office team would consist of four staff who would monitor the following contract areas: financial, administration, programmatic, and performance. **Figure 3** shows examples of the proposed types of information and data the state office team would monitor.

**FIGURE 3  
EXAMPLES OF CONTRACT INFORMATION TO BE  
MONITORED, 2012**

CONTRACT AREA	INFORMATION TO BE MONITORED
Financial	<ul style="list-style-type: none"> <li>• Viability of lead agency</li> <li>• Cash flow</li> <li>• Cash balances</li> <li>• Profitability</li> <li>• Legal issues/lawsuits</li> </ul>
Administration	<ul style="list-style-type: none"> <li>• Administration of provider network</li> <li>• Monitoring of sub contractors</li> </ul>
Programmatic	<ul style="list-style-type: none"> <li>• Client services</li> <li>• Client outcomes</li> </ul>
Performance	<ul style="list-style-type: none"> <li>• Data and metrics from client services</li> <li>• Performance measures</li> </ul>

SOURCE: Texas Department of Family and Protective Services.

DFPS reports that the lead agency contract will be on the SMP each year due to the large amount of the contract and the newness in how the department contracts for child welfare services. It will be the first non-residential contract to be placed on the SMP. Placement on the SMP means that DFPS staff will conduct annual on-site monitoring and that the lead agency will submit monthly and/or quarterly performance data for tracking. DFPS has determined that the lead agency is a sub-recipient per the federal definition and due to this designation, the lead agency will be required to provide certain financial information to DFPS to ensure compliance with federal circular A-133 requirements.

Despite DFPS's current and proposed monitoring activities for the lead agency, implementing the lead agency model is an entirely new way for DFPS to purchase services for the foster care system. While the agency has a history of contracting with multiple small providers for various services independent of one another, DFPS does not have experience monitoring one contractor who is the linchpin for providing all services for an entire Texas region.

DFPS did not take advantage of the feedback and collective experience of the statutorily established interagency Contract Advisory Team (CAT) when drafting its procurement documents. The CAT is required to review and provide feedback to agencies that are procuring services in excess of \$1 million. In practice and due to workload, the CAT staff at the Comptroller of Public Accounts (CPA) reviews procurements less than \$10 million. The full interagency CAT team reviews procurements of \$10 million and more. While DFPS did submit the foster care privatization procurement to the CAT as required, a full review was not conducted by the CAT because DFPS identified the contract value to be only \$1 million and did not indicate it was a new service being contracted.

Moreover, the experience of other states implementing large-scale reform by privatizing their foster care system demonstrates that during implementation states can encounter delays and problems, many of which are related to inadequate contract monitoring. Specifically, each state discussed previously experienced the failure of a lead agency during and since implementation. In Florida's case, it lacked a system for early identification of lead agency problems, such as benchmarks or measures that can be used as early warning indicators to detect problems with the long term viability of a lead agency.

Despite DFPS' proposed monitoring efforts, the department is not required to implement an early warning system containing benchmarks to act as early warning indicators in the monitoring of a lead agency's viability. This means that the department could modify its proposed approach for monitoring. Recommendation 1 would amend statute to require DFPS to incorporate into its current contract monitoring activities, a system or process that would collect and monitor data and information that could be used for the early identification of lead agency problems and the evaluation of lead agency viability. Additionally, DFPS should develop a procedure to ensure ongoing analysis of the data, documentation of the findings and any corrective action taken, such as additional reviews of greater depth of



the lead agency once early warnings are triggered about its viability, and report to the Legislative Budget Board (LBB) and the Office of the Governor annually about its findings. This recommendation would reduce the risk that the state will be unprepared to intervene if a lead agency experiences performance difficulties.

**Figure 4** lists warning indicators suggested by the Florida Auditor General's office that should be monitored by state child welfare agencies because of the indicators' impact on a lead agency's long-term viability.

**FIGURE 4**  
**SELECTED MANAGEMENT AND PERFORMANCE**  
**INDICATORS FLORIDA STAFF USES TO MONITOR**  
**CONTRACTORS' FISCAL VIABILITY, 2004**

- An existence of internal audit function reporting directly to the board; existence of significant or recurring issues; appropriate corrective action
- The use of risk management; the extent the lead agency is covered by performance bonds and other insurance
- A comparison of actual expenditures to budget; analysis of variances
- An adherence to approved costs plan; portion of total costs not directly allocatable; appropriate funding source allocation and client population utilization
- The timeliness of payments to vendors/sub recipients; accuracy and timeliness of invoices to state agency
- The composition of management, administrative, direct care, and other program staff; ratio of administrative to direct staff
- The number of vacancies; space percentage of positions filled; trend of vacant positions and identification of causes
- The program structure such as: caseload size; average length of stay; age of children; percentage in-home versus out of home; available support services for active families; prevention/diversion services; percent of corporate value of state contract.

SOURCE: Florida Office of Program Policy Analysis and Government Accountability.

Using a lead agency model is a benefit to DFPS because it reduces the number of providers the department must monitor. However, a disadvantage to the model is that one provider will assume sole responsibility for service provision in a larger area of the state. Reducing the risk to the state should a lead agency fail is critical given the role lead agencies play in the redesigned foster care system. In the legacy foster care system, when a contractor fails, additional providers or a new provider assume the role left by the failed contractor. Minimal service interruption is caused to the overall foster care system because services are distributed among many

providers. In the redesigned system, failure of a lead agency increases risk because the lead agency is the sole DFPS contracted provider in the area. Solutions used in the legacy system may not be able to be implemented or may require significant time to implement due to the larger population that would be affected simultaneously and the varying needs each client has. Florida addressed this problem after experiencing multiple lead agency failures and recognizing the inherent risk to the state in using the lead agency model by statutorily limiting the amount of direct services a lead agency could provide. The purpose of the statute is twofold: it encourages the lead agency to work with other providers in the region and limits the amount of services to be replaced in the event of a lead agency failure.

Recommendation 2 would amend statute to limit the direct provision of services provided by a single lead agency in its specified geographic area so that it may not exceed 35 percent of total expended amounts of the contract. This percentage is consistent with the threshold established by Florida. The DFPS should establish by rule a methodology to determine a lead agency's compliance. The service limit should be calculated based on the total expenditures for services provided, not by individual service categories to allow the lead agency flexibility in structuring how it will provide services to fulfill the terms of the contract. A process should be established to authorize a temporary six-month exemption to the service limit in the catchment areas where a limited provider base exists. To qualify for the temporary exemption, a lead agency should be required to demonstrate to DFPS the lack of necessary providers by working with county child welfare boards in the catchment area. The lead agency would also identify steps it would take to increase the number of providers so that statutory compliance occurs at the end of the exemption period.

Ensuring a diversified provider base in the redesigned foster care system also creates an additional layer between DFPS and the clients they serve. The further removed a government entity is from the population it serves, the greater the risk the government assumes regarding the delivery of services as required by the contract. To prevent gaps in accountability and increase the transparency of a lead agency's operations, Recommendation 3 would amend the Texas Government Code Section 2155.1442 to require the Health and Human Services Commission (HHSC) to contract with the State Auditor's Office (SAO) to conduct fiscal and programmatic audits of each lead agency contracting with DFPS in the redesigned foster care system as necessary. According to the

Texas Government Code Section 2155.1442, the SAO is authorized to conduct annual on-site audits of selected residential child care providers that contract with DFPS to provide foster care services. Given the central role a lead agency plays as a child welfare provider in the redesigned foster care system, it is vital the state receives a recurrent and independent analysis of the financial and programmatic operations of a lead agency.

A well-trained and competent contract monitoring staff is vital to the oversight of lead agencies and their performance. As of fiscal year 2012, not all contract monitoring staff within DFPS' purchased client services division has attended training required by the Texas Government Code, Section 2262.001. To comply with the statute, HHSC contracted with the University of Texas LBJ School of Public Affairs to develop training that would be more appropriate for contract managers of health and human service agencies and meet the requirements of the Government Code. **Figure 5** shows the estimated percentage of DFPS contract monitoring staff from the purchased client services division that have attended this training. The percentage of full-time equivalents (FTE) positions in compliance with statute is based on the number of current employees as of May 2012 for each division and the current number of FTE positions as of April 2012 that completed the statutorily required training.

According to an April 2010 DFPS' internal audit report, 25 percent of the agency's contract management and oversight staff that perform fiscal review activities did not feel they had sufficient training or knowledge to perform fiscal monitoring activities or to review the work of others who performed these activities. Thirty percent were "unsatisfied" or "very unsatisfied" with the quantity and quality of the training provided by the department. A lack of sufficient training weakens the entire contract oversight structure because contract management staff is the primary resource used to ensure contract compliance occurs and provides timely, initial warning of emerging or imminent problems.

Recommendation 4 would include a rider in the introduced 2014–15 General Appropriations Bill to direct the department to provide their contract management staff with sufficient on-going training to ensure the staff's ability to perform fiscal and financial analysis and oversight of the lead agencies' contracts. DFPS' internal audit division should survey contract monitoring and oversight staff annually to measure the affect the additional training has on staff satisfaction and their view of their ability to perform the required fiscal analysis and financial monitoring. The internal audit division should make their findings available to the DFPS commissioner and other relevant staff.

The use of performance measures is a part of oversight activities that allow government entities to determine if contract goals are being achieved. Performance measures can assess the efficiency of a lead agency's operations, the status of client outcomes, and allow for some comparison between the legacy and redesigned foster care systems. In the 2012–13 General Appropriations Act, Rider 25 requires DFPS to report on the expenditures and outcomes for children, youth, and families based on quality indicators identified in the DFPS' Foster Care Redesign report. Together, DFPS and LBB identified additional measures for reporting that will provide a more thorough understanding of the affect foster care redesign is having in the region where it is being implemented and allow for analysis and comparison between the two systems.

Recommendation 5 would include a rider in the introduced 2014–15 General Appropriations Bill to require the department to continue to report on the selected performance measures identified by LBB and require DFPS to provide a report that contains the most recent data for the selected performance measures, an analysis of the data that identifies trends and related impact occurring in the redesigned foster care system, identification and analysis of factors negatively impacting any outcomes, recommendations to address problems identified from the data, and any other information

**FIGURE 5**  
**TRAINING STATUS OF CONTRACT MONITORING STAFF, PURCHASED CLIENT SERVICES DIVISION, 2012**

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES DIVISION	FTE POSITIONS WITH STATUTORY TRAINING REQUIREMENT	FTE POSITIONS WITH COMPLETED STATUTORY TRAINING REQUIREMENT	PERCENTAGE OF FTE POSITIONS IN COMPLIANCE
Regional Contracts	29	14	48%
Residential Contracts	23	19	82%
Prevention and Early Intervention Contracts	9	1	11%

FTE = Full-time-equivalent positions.

SOURCE: Texas Department of Family and Protective Services.

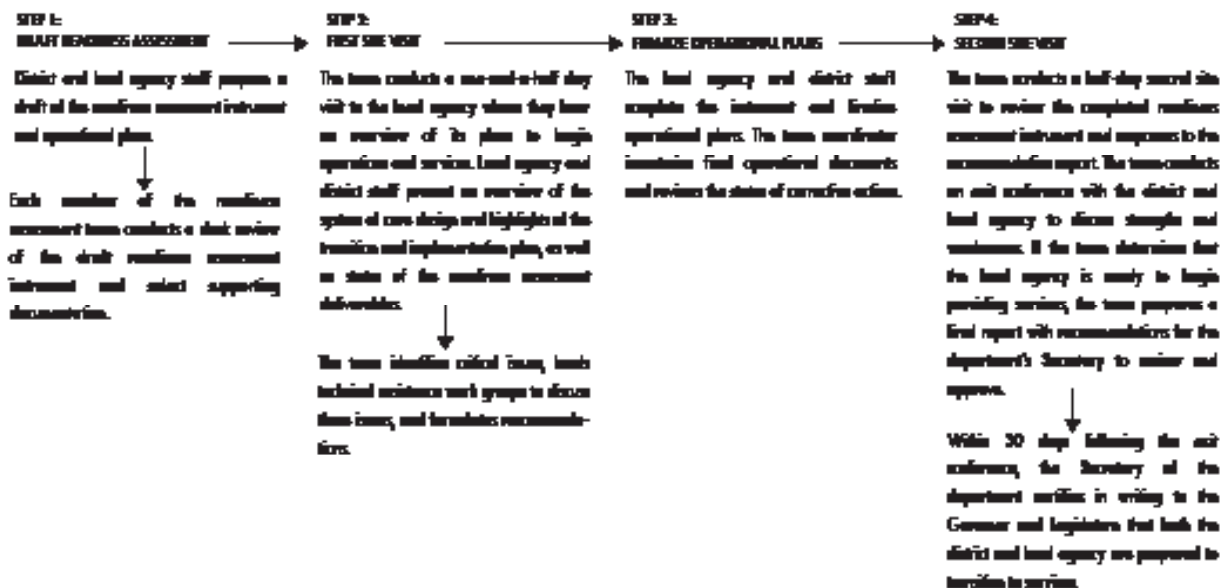
necessary to determine the status of the redesigned foster care system. The report would be prepared in a format specified by the LBB and would be submitted August 1 and February 1 of each year of the biennium. The report should be provided to the LBB, the Office of the Governor, the Committee on House Appropriations, the Committee on Senate Finance, the House Committee on Human Services, and the Senate Committee on Health and Human Services.

Problems related to financial stability, data integrity, and high staff turnover are factors that adversely affected the performance of some lead agencies in Florida and impacted the continued roll out of the redesigned privatized foster care system in 2002 and 2003. Consequently, the Florida legislature required future lead agencies to go through a formal readiness assessment and process to head off any problems before assuming the contracted responsibilities. **Figure 6** shows key steps in Florida's readiness assessment process.

In preparation for implementation of the Texas redesigned foster care system, DFPS has not established a process to determine a lead agency's operational readiness. Recommendation 6 would amend statute to require DFPS to develop, with input from the lead agency, a process and an assessment tool to gauge the operational readiness of a lead agency's ability to assume their contracted responsibilities. The review process should include an assessment instrument

with criteria reflecting national accreditation standards, contractual requirements, and at a minimum address contractor operations related to programmatic, financial, data collection and information technology security, staffing levels, sub-contractor monitoring procedures, handling of consumer complaints, as well as other factors DFPS determines to be useful. DFPS should develop the standardized statewide instrument with appropriate lead agency staff to ensure realistic criteria are used to assess the lead agency's readiness to begin service delivery and accept clients. The purpose of the process and assessment instrument is to identify any lead agency weaknesses that would adversely affect the delivery of services to clients so that corrective actions can take place before the transfer of certain foster care services. DFPS should by rule determine the specific steps required of the readiness assessment process and composition of the assessment team based the Florida model. At a minimum, the process should include two on-site visits (to the lead agency and other necessary locations) with the first occurring within the first four months of the signed contract and the second occurring 30 to 45 days before the anticipated effective date of accepting clients and an assessment team composed of no less than four total members. The team should be composed of two members from DFPS, one each from the state and regional offices and two stakeholders. The two stakeholder positions should be chosen from a regional or county branch of Court Appointed Special Advocates

**FIGURE 6**  
**FLORIDA'S LEAD AGENCY READINESS ASSESSMENT PROCESS FLOW CHART, 2004**



SOURCE: Florida's Office of Program Policy Analysis and Government Accountability.

(CASA), DFPS Advisory Council, or a local child welfare board. DFPS should establish a rule to allow nominations from these groups with the DFPS Commissioner selecting the participating stakeholders for the readiness assessment. The two volunteer stakeholders should not be employees of any lead agency or its subcontractors or have a conflict of interest while acting as a readiness assessment team member. The DFPS commissioner should receive a copy of each completed readiness assessment and make a decision about whether to certify that a lead agency's preparations are sufficiently ready for the state to transfer responsibility of service delivery to them.

In addition to ensuring readiness before the transfer of certain foster care services to a lead agency, it is equally important DFPS have appropriately detailed contingency plans to handle a lead agency failure or other crisis. In the legacy system when a provider fails or contract is not renewed, clients often are transferred to other providers. Transferring clients may not be feasible if the lead agency is the sole provider in the area. At present, DFPS lacks sufficiently detailed contingency plans for the failure of lead agency or for a substantial disruption of services in the area of the state the lead agency serves. DFPS also lacks sufficiently detailed intervention plans that are progressive and adaptable to the size and scope of the problem identified.

Recommendation 7 would amend statute to require DFPS to develop a progressive intervention plan and contingency plan for the continuity of foster care service delivery in areas of the state served by a lead agency. At a minimum the contingency plan(s) would contain specific action to be taken by specific DFPS and lead agency staff to address various types of events. These include: financial emergencies with one or more lead agencies simultaneously, incidents of abuse or death of children while in the care of a lead agency, serious violations of state or federal law, security breaches of electronic or other data at a lead agency or subcontractor, as well as other foreseeable situations. The plan(s) should be of sufficient detail so that in a crisis affected DFPS staff knows their roles and responsibilities and whom to contact. The plan should identify a communication plan to pass on information to clients and their families, caseworkers, stakeholders, state officials, media, and other relevant parties. Timetables for the transfer of relevant operations and materials, such as staff, records, and funding should also be identified, as well as how DFPS staff will assist with day-to-day operations until a new procurement can be completed. Copies of the plan(s) should be provided to the LBB, Office

of the Governor, DFPS Advisory Council, and the HHSC Commissioner no later than December 1, 2013.

The progressive intervention plan should, at a minimum, plan for a range of potential problems that do not rise to the level of crisis but should be addressed before their severity increases and affects the viability of the lead agency. The plan should identify timetables and the responsibilities and steps to be taken to correct the problem by specific DFPS and lead agency personnel. Consequences of inaction by the lead agency to correct the problems should also be identified.

During the implementation of the redesigned foster care system, the legacy foster care system will continue to operate within the region where redesign is occurring and across the state until the transition to the redesigned system is completed. According to DFPS, children in the foster care system where redesign is occurring will not be moved from DFPS' care solely for the purposes of moving the child to be under the lead agency's care. These children will not be under the lead agency's purview until they require a placement change per their care plan.

The ongoing operation of two foster care systems creates the potential for gaps in service delivery and miscommunication to occur among contractors and DFPS. Establishing a clear division of responsibilities and communication between state case-workers and private contract workers will take time and ongoing effort. During the transition period, it remains important for the appropriate staff to provide timely and accurate information to presiding judges about a child's case and if court-ordered services are being provided. Establishing a safety net, independent of DFPS, to ensure the court hears what is in the child's best interests would be beneficial and help prevent gaps in a child's care from occurring in the legacy or redesigned system.

Guardians ad litem (GAL) are well positioned to ensure timely communication with the court occurs. GALs can be, but are not always attorneys. GALs represent the best interests of the child to the court, while attorneys who are not acting as GALs represent the stated interests of their client or what their client asks them to do. Sometimes the stated interests of a child in foster care are not always in the child's best interest. Through the representation of an attorney and a GAL, both interests, stated and best, are presented in court hearings. The Texas Family Code mandates appointment of GALs in a suit filed by a governmental entity seeking termination of parental rights or the appointment of a conservator for a child. The judge is the final arbiter of a child's case who has entered the foster care system after being removed from home. To ensure



children do not remain in the foster care system longer than needed, the Texas Family Code has specific time lines in which permanency for a child must be achieved. Without accurate and timely information, judges cannot assess a child's progress and make meaningful recommendations about a child's welfare and it may be more difficult to comply with statutory time lines.

In the redesigned system, judicial concern exists about how to ensure accountability for the timely delivery of court-order services because the lead agency is not a legal party to the parent-child law suit as DFPS is. In the legacy system if DFPS was not providing a court-ordered service, then a judge could cite the department for contempt of a court order. However, contempt citations may only affect person/entities that are designated as a legal party to the law suit. In the redesigned system, the additional layer of a lead agency to the foster care system inhibits judges' ability to ensure accountability when it comes to the timely delivery of services for children and families.

Recommendations 8 would amend statute to require GALs appointed to child protective services cases to be required to notify appropriate court personnel before the next scheduled court hearing if a court order is not being complied within a reasonable amount of time. Jurisdictions that would prefer not to use this requirement in their courts would have ability to opt out. This amendment would provide judges in child protective services cases with an additional mechanism to receive information regarding compliance to court orders and if the needs of child are being met.

## FISCAL IMPACT OF THE RECOMMENDATIONS

There is no associated fiscal impact with implementing Recommendations 1 which would require DFPS to incorporate into its current contract monitoring activities, a system or process that would collect and monitor data and information that could be used for the early identification of lead agency problems and evaluating lead agency viability. It is assumed DFPS and the lead agencies could use an existing information technology system to collect and monitor the additional data.

Recommendation 2 would amend statute to ensure a diversified provider base exists in areas where the redesign foster care is being implemented. No fiscal impact to DFPS is assumed.

Recommendation 3 would direct DFPS and the Health and Human Services Commission to arrange for fiscal and programmatic audits of the lead agency through a previously

established Interagency Contract with the SAO. It is assumed any cost associated with this recommendation would not have a significant fiscal impact and could be funded with existing resources.

Recommendation 4 directs DFPS to provide their child protective services' contract monitoring staff with sufficient on-going training to ensure the staff's ability to perform fiscal and financial analysis and oversight of the lead agencies' contracts. It is assumed any cost associated with this recommendation would not have a significant fiscal impact and could be funded with existing resources.

Recommendation 5 would require DFPS to report performance measures for the areas of state implementing foster care redesign and report to the Legislative Budget Board, Office of the Governor, the House Appropriations Committee, the Senate Finance Committee, the House Human Services Committee, and the Senate Health and Human Services Committee. It is assumed DFPS could implement Recommendations 5 within existing resources.

Recommendation 6 would amend statute to require DFPS to establish a process and develop an assessment to gauge the operational readiness of lead agencies' ability to assume their contracted responsibilities. It is assumed a portion of the costs to develop a readiness assessment process and instrument could be defrayed by DFPS staff seeking assistance from Florida state officials or other jurisdictions that have experience in the development of these tools. It is assumed any cost associated with this recommendation would not have a significant fiscal impact and could be funded with existing resources.

Recommendation 7 would require DFPS to develop intervention plans that address lead agency deficiencies and a sufficiently detailed emergency contingency plan to ensure continuity of services in the event of a lead agency failure. It is assumed DFPS could implement this recommendation within existing resources.

Recommendations 8 would amend statute to require guardians ad litem appointed to child protective services cases to be required to notify appropriate court personnel before the next scheduled court hearing if a court order is not being complied within a reasonable amount of time. It is assumed this recommendation could be implemented within existing resources of the judiciary.

The introduced 2014–15 General Appropriations Bill includes a rider to implement Recommendations 4 and 5.

## ENSURE SUFFICIENT OVERSIGHT OF THE FOSTER CARE REDESIGN

### LBB RECOMMENDATIONS

**1** Amend statute to require DFPS to collect data for early identification of lead agency problems, and report to the LBB and the Office of the Governor.

**2** Amend statute to limit the direct provision of services a lead agency provides to not more than 35 percent of total expended amounts.

**3** Amend statute to require HHSC to contract with SAO to conduct audits of a lead agency.

**4** Include a rider to require DFPS to report performance measures that compare the legacy and redesigned systems.

**5** Include a rider to require DFPS to provide contract management staff with training to perform financial analysis of a lead agency contracts.

**6** Amend statute to require DFPS to develop an assessment tool to determine readiness of lead agency before services are transferred.

**7** Amend statute to require DFPS to develop contingency plans for the continuity of foster care service delivery.

**8** Amend statute to require guardians ad litem to report if court-ordered services are not provided.

The introduced 2014–15 General Appropriations Bill includes a rider implementing Recommendations 4 and 5. Recommendations 1, 2, 3, 6, 7, and 8 require statutory change.

These recommendations would not have a fiscal impact for the 2014–15 biennium. They would improve the oversight of the foster care redesign initiative and help to ensure the continuity and quality of foster care services, adherence to state and federal requirements, and accountability and transparency in the use of public funds.

Redesigning the Texas foster care system is underway. The Texas Department of Family and Protective Services (DFPS) is directed via Senate Bill 218, Eighty-second Legislature, Regular Session, 2011, to implement a redesign of the foster care system in accordance with the agency's 2010 recommendations to the Legislature. Thus far, only an area in northwest Texas which includes Midland, San Angelo, Abilene, and Wichita Falls will be affected.

What is changing is how foster care services are provided and who provides them. At present, DFPS contracts with many entities across the state to provide foster care services. However, not all foster care services are available in all areas of the state which often results in children receiving care in placements far away from siblings, relatives and friends. In the redesigned system, DFPS will contract with one entity to provide all foster care services for a designated catchment area or region of the state. This entity is referred to as the lead agency. The lead agency will have the option to provide all or some of the foster care services directly or establish a network of sub-contractors. With this change, DFPS' role becomes primarily one of oversight. To date, there is not a signed contract and DFPS remains in negotiations regarding the final contract terms.

Monitoring foster care services provided by lead agencies will be critical given the vulnerable population served and the provider failures that have occurred with this model in other states. This report focuses on three areas that proved problematic for other states. They include: (1) contract monitoring, (2) assessment and contingency planning, and (3) communication. Contracting with a lead agency to provide foster care services without statutory safeguards to ensure the continuity of services if a lead agency fails, increases the risk for service delivery interruptions, cost overruns, and harm to children and families. This report offers recommendations about how Texas can try to reduce the impact of these issues as redesign moves forward. Establishing a comprehensive and coordinated system of oversight is essential to ensure improved client outcomes, continuity and quality of foster care services, adherence to state and federal requirements, and accountability and transparency in the use of public funds.

The full text of this report can be found in the *Texas State Government Effectiveness and Efficiency Report* (Legislative Budget Board, January 2013), page 238.

## DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

(Continued)

The Comptroller of Public Accounts shall not allow the transfer of funds if the Legislative Budget Board provides notification to the Comptroller of Public Accounts that the requirements of this provision have not been satisfied.

28. **Cost Containment Strategies for DFPS Funded Daycare Services.** Out of funds appropriated above to the Department of Family and Protective Services in strategies B.1.3, TWC Foster Day Care, B.1.4, TWC Relative Day Care, and B.1.5, TWC Protective Day Care, the agency shall collect available income and family size data on clients that receive foster and relative daycare services during the initial authorization process and every subsequent 12 months to assess the feasibility of certain cost containment strategies.

The agency shall identify and implement appropriate cost containment strategies for state-funded daycare services. Strategies that the agency could employ include but are not limited to the following options: (1) creating client priority groups, (2) instituting waiting lists based on client priority, (3) implementing an income-based sliding fee scale for daycare services on a case-by-case basis, and (4) setting time limits on the receipt of services or cost-sharing exemptions.

The Department of Family and Protective Services shall submit a report to the Governor's Office and the Legislative Budget Board that contains the following information: (1) which cost-containment strategies the agency researched; (2) which cost containment strategies the agency implemented, (3) an evaluation of the impact that selected strategies had on costs and the availability of daycare service, and (4) which cost-containment strategies were not implemented and an explanation of why they were not implemented. The agency shall report the report to the Governor's Office and the Legislative Budget Board by December 1, 2014.

29. **Foster Care Redesign.** Out of funds appropriated above to the Department of Family and Protective Services in Goal B, Child Protective Services, the agency shall:
- a. Ensure all contract management staff in the Child Protective Services, Purchased Client Services division has successfully completed and comply with contract monitoring training requirements identified in Chapter 2262, Texas Government Code, and have sufficient training in fiscal monitoring and financial analysis to perform these activities or review the work of others who perform these activities. The fiscal monitoring and financial analysis training should include knowledge and skills that will allow staff: a) to identify trends in reported data that can negatively impact the financial health and stability of a lead agency contractor, b) to determine compliance with generally accepted accounting principles, c) to identify and analyze fiscal or programmatic data that can affect a lead agency's financial health and stability.
  - b. Ensure the internal audit division conducts an annual survey of Child Protective Services, Purchased Client Services contract monitoring and oversight staff to measure the impact the additional training has on staff satisfaction and staff's view of their ability to perform the required fiscal analysis and financial monitoring. The internal audit division should make their findings available to the DFPS commissioner and other relevant staff.
  - c. Report selected performance measures identified by the Legislative Budget Board that will allow for comparative analysis between the legacy foster care and the redesigned foster care systems.
  - d. Provide a report that contains the most recent data for the selected comparative performance measures, an analysis of the data that identifies trends and related impact occurring in the redesigned foster care system, identification and analysis of factors negatively impacting any outcomes, recommendations to address problems identified from the data, and any other information necessary to determine the status of the redesigned foster care system. The report shall be prepared in a format specified by the Legislative Budget Board and shall be submitted August 1st and February 1st of each year of the biennium. The report shall be provided to the Legislative Budget Board, the Office of the Governor, the House Committee on Appropriations, the Senate Committee on Finance, the House Committee on Human Services, and the Senate Committee on Health and Human Services.
30. **At-Risk Prevention Programs and Services.** From the amounts appropriated above in Strategy C.1.5, Other At-Risk Prevention Programs, the Department of Family and Protective Services shall allocate for the state fiscal biennium beginning September 1, 2013 \$3,050,000 for one or more competitively procured established statewide networks of community-based prevention programs that provide evidence-based programs delivered by trained full-time staff, and address

# **State Auditor's Office (SAO)**

# **Texas State Auditor's Office Presentation: House Select Committee on Child Protection**

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Presented by:  
Kelly Linder  
Assistant State Auditor

July 24, 2014



**John Keel, CPA**



John Keel, CPA

# State Auditor's Office

## Topics for Presentation

How are audits selected for the audit plan?

What is the timing/process?

Does the State Auditor's Office audit contracts?

How are contracts selected for audit?

What audit work has the State Auditor's Office conducted recently related to child protective services?

# What is the State Auditor's Office?



John Keel, CPA

The State Auditor's Office (SAO) is the independent auditor for Texas state government. The SAO operates with oversight from the Legislative Audit Committee, a six-member permanent standing committee of the Texas Legislature jointly chaired by the Lieutenant Governor and the Speaker of the House of Representatives.



John Keel, CPA

# State Auditor's Office

The SAO is authorized to perform audits, reviews, and investigations of state agencies and higher education institutions. Audits are performed in accordance with generally accepted government auditing standards, which include standards issued by the American Institute of Certified Public Accountants (AICPA), as well as the United States Government Accountability Office (GAO).





John Keel, CPA

# State Auditor's Office

## Audit Plan Process

The staff of the SAO prepare an audit plan every year for submission to the Legislative Audit Committee. The final audit plan is submitted in the fall.



John Keel, CPA

# State Auditor's Office

## How are agencies or topics selected for audit?

- Statutory mandate
  - State or federal law
- Selected based on a risk assessment process
  - Quantitative aspects (examples)
    - Expenditures or revenues
  - Qualitative factors (examples)
    - Other audit coverage, including internal audit
    - Complaints
    - Information about the state of internal controls



John Keel, CPA

# State Auditor's Office

## How are agencies or topics selected for audit?

- Requested by
  - Lieutenant Governor
  - Speaker of the House of Representatives
  - Chairman of the House Appropriations or Senate Finance Committees
  - Other Committee Chairs or Committee Members
  - Individual Members of the Legislature
- Requested by the Governor
- Requested by the executive director of an agency



John Keel, CPA

# State Auditor's Office

## Does the SAO ever audit contracts?

The SAO has completed a number of contracting audits in the last few years and has others that are ongoing. The SAO completed audits of contracts at six agencies this fiscal year, and audits of contracts at four agencies are still ongoing.



John Keel, CPA

# State Auditor's Office

## How are contracts selected for audit?

The first step is selection of the agency. This is based on quantitative and qualitative factors such as total expenditures on contracts, other audit coverage, and type of contract.

The second step is selection of the contract. This is also based on quantitative and qualitative factors such as dollar amount of the contract, other audit coverage, and other factors.



John Keel, CPA

# State Auditor's Office

## What does the SAO audit related to contracts?

The objectives of the audits are to determine whether the agency:

- Planned, procured, and established selected contracts for goods and services in accordance with applicable statutes, rules, Office of the Comptroller of Public Accounts (Comptroller's Office) requirements, and agency policies and procedures to help ensure that the State's interests were protected.
- Managed and monitored selected contracts for goods and services to help ensure that contractors performed according to the terms of the contracts and that contractor billings were valid and supported, in accordance with applicable statutes, rules, Comptroller's Office requirements, and agency policies and procedures.



John Keel, CPA

# State Auditor's Office

## What have the audits found?

Some audits have been relatively “good news” audits, finding that, generally, the agencies complied with specific state policies, rules, and laws.

However, the audits have found issues in all phases of the contract process: planning, procurement, contract formation, rate/price establishment, and contract oversight.



John Keel, CPA

# State Auditor's Office

## Recent Audits on Contracts

- *An Audit Report on Selected Contracts at the Department of Public Safety, SAO Report No. 13-038, June 2013*
- *An Audit Report on Selected State Contracts at the Texas Education Agency, SAO Report No. 13-042, July 2013*
- *An Audit Report on Selected Contracts at the Department of Transportation, SAO Report No. 13-044, July 2013*
- *An Audit Report on the Information and Communications Technology Cooperative Contracts Program at the Department of Information Resources, SAO Report No. 14-007, October 2013*
- *An Audit Report on Information and Communications Technology Cooperative Contracts at the Commission on Environmental Quality, SAO Report No. 14-012, December 2013*





John Keel, CPA

# State Auditor's Office

## Recent Audits on Contracts (continued)

- *An Audit Report on Information and Communications Technology Cooperative Contracts at the Health and Human Services Commission, SAO Report No. 14-013, December 2013*
- *An Audit Report on Selected Contracts at the Department of Criminal Justice, SAO Report No. 14-019, February 2014*
- *An Audit Report on Selected Contracts at the Health and Human Services Commission, SAO Report No. 14-035, June 2014*
- *An Audit Report on the LatinWorks Marketing Contract at the Texas Lottery Commission, SAO Report No. 14-036, June 2014*



John Keel, CPA

# State Auditor's Office

## Audits on Contracts That Are Currently in Progress

SAO audits of contracts are currently in progress at the Health and Human Services Commission, the Parks and Wildlife Department, the Texas Facilities Commission, and the Employees Retirement System.



John Keel, CPA

# State Auditor's Office

## Does the SAO audit programs related to child protection?

The SAO regularly audits residential child care providers, including child placing agencies and residential treatment centers.

The most recent audit was in 2013. The audit found that three of the five residential child care providers audited did not consistently maintain documentation to demonstrate that they accurately reported funds they expended for providing 24-hour residential child care services.



John Keel, CPA

# State Auditor's Office

**Has the SAO audited programs related to child protection recently?**

## 2013 Audits

- *An Audit Report on Child Protective Services Funding, Direct Delivery Staff, and Disproportionality Efforts at the Department of Family and Protective Services, SAO Report No. 13-029, April 2013*
- *An Audit Report on Caseload and Staffing Analysis for Child Protective Services at the Department of Family and Protective Services, SAO Report No. 13-036, May 2013*

# State Auditor's Office

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John Keel, CPA

## Report Distribution

- All audit reports are electronically distributed to substantive legislative committees.
- All reports are available on the State Auditor's Office Web site. ([www.sao.state.tx.us/reports](http://www.sao.state.tx.us/reports))
- Anyone may sign up to electronically receive reports upon release. ([www.sao.state.tx.us/Contact/mailling\\_lists.aspx](http://www.sao.state.tx.us/Contact/mailling_lists.aspx))

# State Auditor's Office

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John Keel, CPA

I would be glad to answer any questions.

# **Health and Human Services Commission (HHSC)**

# **Presentation to the Select Committee on Child Protection: Procurement and Contracting Services**

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Wayne Wilson, CTPM, CTCM  
Deputy Executive Commissioner, Procurement and Contracting  
Health and Human Services Commission

July 24, 2014



# HHSC Procurement and Contracting Services

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- The Office of Procurement and Contracting Services (PCS) of the Health and Human Services Commission (HHSC) is responsible for the procurement and contracting functions and oversight policy and procedures for the five Health and Human Services agencies.
- House Bill 2292 (2003) consolidated procurement activities.
- The contracting process is a coordinated effort which includes input from all agencies, program staff, and interested stakeholders.

# Procurement Process:

## Identifying A Need

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- The first step in the procurement process happens when individual agencies or programs identify a need.
- That agency or program then submits an estimated contract cost to the Procurement and Contracting Services (PCS) division at HHSC.
- PCS works with stakeholders on Scope of Work (i.e., identifies goods/services procurement is based on).
- PCS also establishes the HHS System's Historically Underutilized Business (HUB) goals and ensures a good faith effort to use HUBs in contracts for good and services.
  - PCS is responsible for HUB administration, coordination, and reporting for all five HHS agencies.
  - If the estimated cost of a contract is over \$100,000, procurement staff works with HUB staff on solicitation requirements.

# Procurement Process: Solicitation

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- PCS drafts a solicitation document, also known as a Request for Proposal (RFP), and confers with HHSC's legal division and agency program staff for document review.
- PCS then submits external reviews if required:
  - If resulting contract is over \$10 million, PCS sends a draft RFP to the CPA Contract Advisory Team.
  - If contract is an Administrative Purchase over \$100,000, PCS seeks CPA delegation.
  - If contract is a Consultant Contract, PCS sends Finding of Fact to Governor's Office and Posting to Texas Register.

# Procurement Process: Solicitation

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- Once external reviews are complete, PCS develops a scoring tool in coordination with HHSC's legal division (legal) and agency or program staff.
- PCS then posts the solicitation document to Electronic State Business Daily (ESBD) for a specified timeframe.
- PCS coordinates a solicitation conference in coordination with legal and relevant agency or program.
- PCS accepts questions regarding RFP from entities interested in responding to RFP.
- PCS coordinates question and answers to be posted to the ESBD.

# Procurement Process: Evaluation

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- PCS receives proposals and screens for responsiveness.
- PCS trains the evaluation team which consists of agency or program subject matter experts on evaluation requirements.
  - This team leads the evaluation process.
- PCS compiles scores and holds outlier discussions with evaluation team.
- PCS coordinates vendor presentations with legal and agency or program staff.

# Procurement Process: Tentative Award

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- PCS prepares tentative award recommendation(s) based on outcome of evaluation and presentations.
- Agency or program reviews and approves tentative award recommendation.
  - On request agency or program will cancel or re-solicit contract as appropriate.
- PCS posts notice of tentative award notice to ESBD.

# Procurement Process:

## Contract Negotiations and Award

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- PCS coordinates contract negotiations with vendor and agency/program.
- If protest is received PCS conducts a review and responds to protest.
  - No award is made during this time.
- Upon successful negotiations and approval for final award, contracts are prepared.
- PCS works with agency/program and legal to prepare the contract.
- PCS delivers executed contract to the vendor and to agency contract manager.
- PCS conducts requested debrief of procurement project.

# Procurement Staff Certifications

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The training and certification program for procurement staff at HHSC contains three levels of training and two levels of formal certification.

- For purchases ranging from \$0 - \$25,000 no certification is required.
  - Procurement staff must complete the CPA required course within their first six-months of employment with an agency.
- Competitive Purchases ranging from \$25,000.01 to \$100,000 required staff to obtain a Certified Texas Purchaser's (CTP) certification.
  - Staff must complete the CPA required courses (or have the current equivalent certification from a national purchasing association),
  - Apply to test for CTP exam; 70+ grade required, and
  - Apply for certification; must have at least one year of purchasing experience.
- Competitive Purchases over \$100,000 require staff to obtain a Certified Texas Procurement Manager's (CTPM) certification.
  - Staff must complete the CPA required courses (or have the current equivalent certification from a national purchasing association.),
  - Apply to test for CTPM exam; 70+ grade required, and
  - Apply for certification; must have at least three years of purchasing experience.



**Department of  
Family and  
Protective Services  
(DFPS)**

**Part 1**

**Contract Oversight**



# House Select Committee on Child Protection

## Interim Charge Presentation

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Judge John Specia, DFPS Commissioner

*July 24, 2014*

- Contract Oversight
- Regulatory
- Foster and Kinship Screening, Training and Support
- System for Youth to Report Maltreatment

# Part One

# Contract Oversight

# Purchased Client Services

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- In FY 2013, DFPS had 2,369 contracts which accounts for approximately 35% of DFPS expenses or \$482,375,038. Examples of services include:
    - 24-hour child-care facilities and child-placing agencies
    - Family crisis counseling
    - Respite care
    - Parent-education
    - Home visiting
    - Child day care services
    - Preparation for Adult Living
    - Adoption and Post-adoption services
    - Drug testing
    - Substance abuse treatment
-

# Contract Oversight & Support

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- In FY 2013, approximately 73% of the contracted expenditures (\$351,544,594) were with residential child care operations. Private providers care for 90% of the children in foster care.
- To ensure effective oversight of the contracting process, DFPS has a Contract Oversight and Support Division (COS), which reports to the Chief Operating Officer. COS is responsible for:
  - Agency-wide policies and procedures related to contract management
  - Training and support regarding contracting responsibilities
  - Annual quality assurance reviews

# Purchased Client Services

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- DFPS staff determines which providers to monitor based on the level of risk.
  - DFPS staff conducts a risk assessment to determine which providers are the highest risk and monitors them to ensure that they are compliant with the terms of the contract.
  - If a provider is not in compliance with the contract, DFPS will establish a corrective action plan to outline steps a provider must take to come into compliance.
  - If the corrective action plan is not followed, DFPS may take other actions that are necessary to ensure compliance, including suspending or terminating a contract as a whole or in part.
-

# Contract Monitoring Audit

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- Internal Audit conducted a contract monitoring audit to assess the process for evaluating residential child care provider performance, with a focus on child safety and quality of care.
- The audit recommended the development of a risk assessment instrument based on predicative analytics, an evidence-based statistical technique that analyzes data to forecast the likelihood of future events or behaviors.
- Predictive analytics would enable DFPS to better identify and monitor providers and foster homes that present the greatest risk to child safety and intervene more quickly.



# Contract Monitoring Audit

Comparison of Contract Monitoring Approaches	
Traditional	Predictive Analytics
➤ Reactive	➤ Proactive
➤ Periodic performance measurement	➤ Continuous quality improvement
➤ Compliance focused	➤ Outcome focused
➤ Judgmental risk ratings	➤ Data-driven risk ratings
➤ Annual risk assessment	➤ Continuous risk assessment
➤ Human resource intensive	➤ Leverages technology

# Improving Contracting Initiative

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- Since an automated risk assessment tool based on predictive analytics will require resources and time to develop and implement, for FY 2015, DFPS is employing an interim approach to predictive analytics that includes eight new risk factors:
    - Age of children in care
    - Child fatalities in placement based on abuse and neglect
    - Investigation disposition in residential facilities
    - Licensing minimum standard deficiencies
    - Emergency behavior intervention deficiencies, such as restraints of children
    - Background check deficiencies
    - Licensing corrective or adverse action
  - The data for the new risk factors will come from existing data sources: IMPACT and CLASS.
-

**Department of  
Family and  
Protective Services  
(DFPS)**

**Part 2**

**Regulatory**



# House Select Committee on Child Protection

## Interim Charge Presentation

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Judge John Specia, DFPS Commissioner

*July 24, 2014*

# **Part Two**

# **Regulatory**



# Overview of Regulatory Role

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The Child Care Licensing program is responsible for protecting the health, safety, and well-being of children in daycare operations and residential operations through consistent and fair enforcement of licensing laws and regulations. Child Care Licensing includes:

- Residential Child Care Licensing (RCCL)
- Daycare Licensing

Child Care Licensing regulates approximately 30,000 facilities and homes with a capacity of over 1.1 million children.



RCCL conducts these activities to ensure the health, safety and wellbeing of children in care.

- Development and monitoring of statewide rules and minimum standards
- Processing applications and issuing permits to operations
- Inspecting operations for compliance
- Overseeing the Licensed Administrator's program
- Providing technical assistance to residential child-care operations, to help them improve and meet or exceed minimum standards.

# Operations We Regulate

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RCCL regulates the following types of child-care operations:

- General Residential Operations - child care facilities that provide care for more than 12 children for 24 hours a day, including children's homes, residential treatment centers, emergency shelters, and therapeutic camps.
  - Child Placing Agencies - person, agency, or organization other than the natural parents or guardian of the child, which places or plans for the placement of a child in a child-care facility, agency foster home, agency foster group home, or adoptive home.
  - Foster Family Homes - provide 24-hour care for 6 or fewer children younger than age 18.
  - Foster Group Homes - provide 24-hour care for 7-12 children younger than age 18.
-





- DFPS Child Safety Project: RCCL proposed changes to minimum standards regarding the screening, verification, and supervision of foster homes with the goal of improving safety of children in foster care.
  - If adopted, the minimum standards would become effective on September 1<sup>st</sup>
- RCCL is proposing additional changes to minimum standards related to: children with primary medical needs; normalcy for children; and integrating trauma informed care into minimum standards.



The following are some examples of current and upcoming initiatives in Child Care Licensing:

- Human Trafficking Initiative
- Minimum Standards Review
- Basic Skills Development – Training redesign
- Business Planning Process

**Public Testimony:  
Regulatory Policy  
and Contract  
Oversight within  
the Child Welfare  
System**

**Department of  
Family and  
Protective Services  
(DFPS)**

**Part 3**

**Foster and Kinship  
Screening, Training  
and Support**



# House Select Committee on Child Protection

## Interim Charge Presentation

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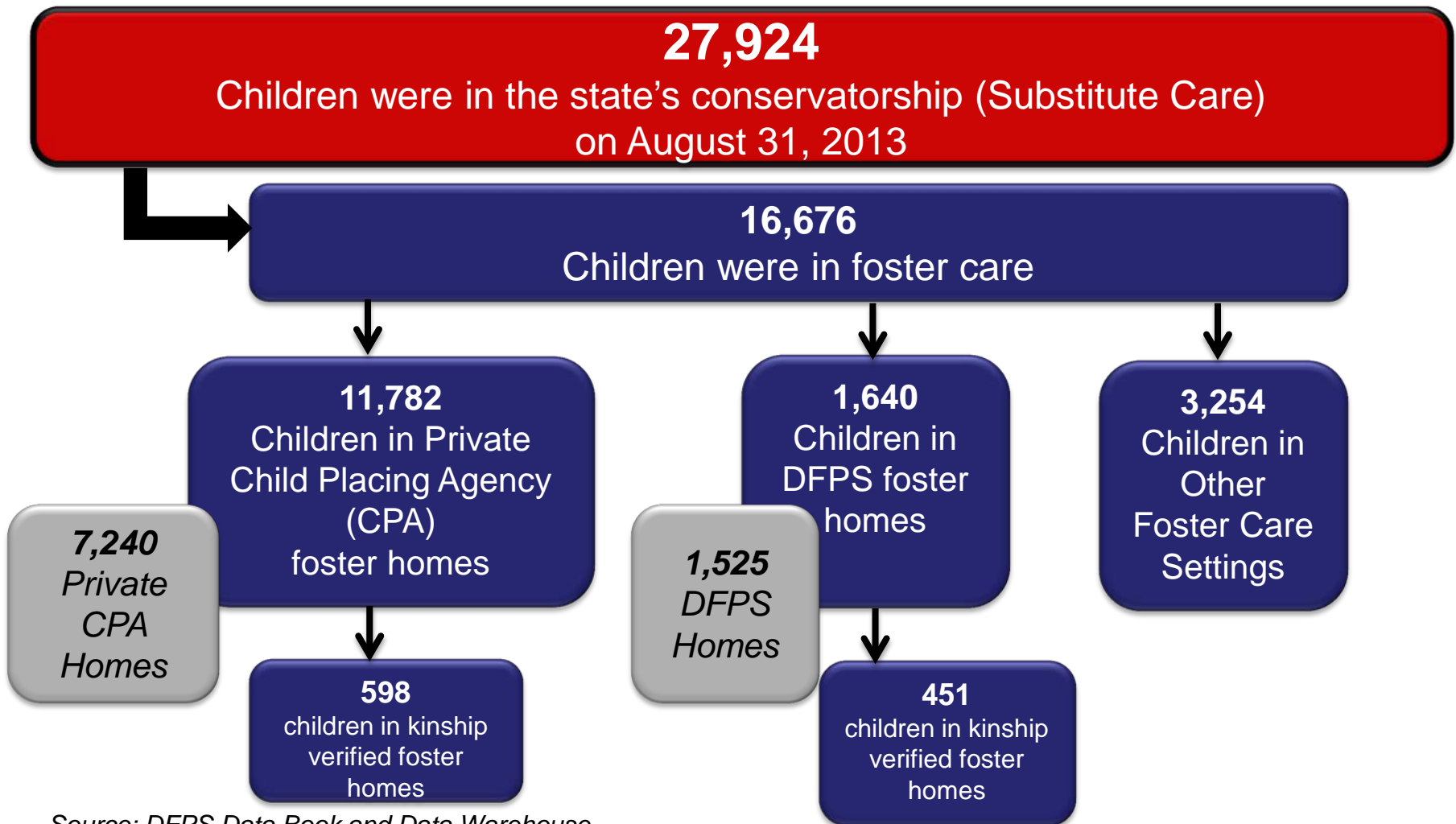
Judge John Specia, DFPS Commissioner  
Lisa Black, CPS Assistant Commissioner

*July 24, 2014*

# **Part Three**

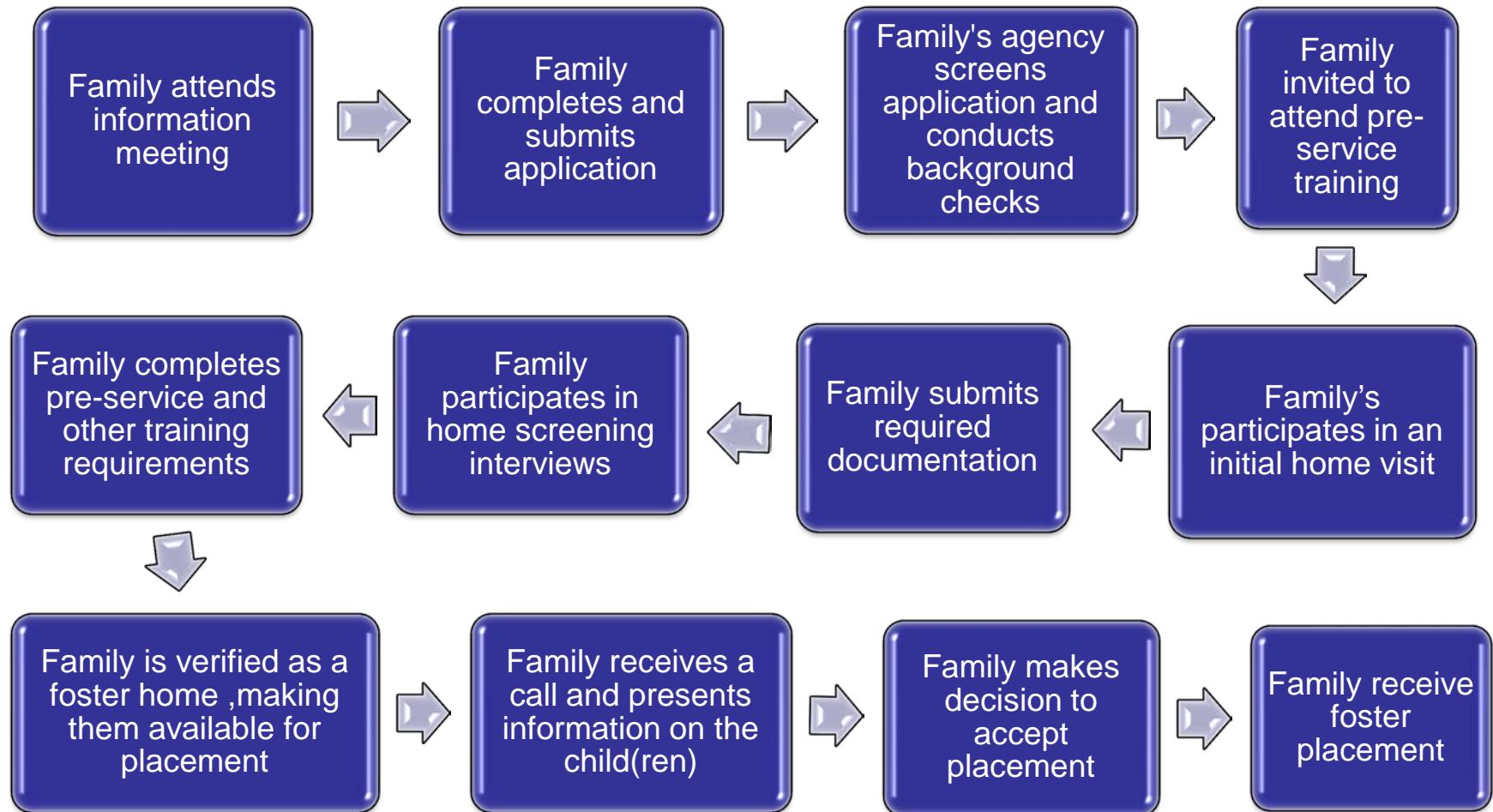
## **Foster and Kinship Screening, Training and Support**

# Foster Care Population



Source: DFPS Data Book and Data Warehouse

# Verification Process for Foster Families





# Foster Home Screening

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A home screening is a written screening /assessment of the family. All family members are interviewed to evaluate areas of the foster parent's life as they relate to becoming a foster and/or adoptive parents.

These areas include, but are not limited to, the following:

- Ability to meet the foster children's needs
  - Motivation
  - Health status
  - Quality of marital and family relationships
  - Feelings about childhood and parents, including abuse/neglect history
  - Expectations of the foster and/or adoptive parenting experience
  - Financial status to ensure the household has adequate resources
-

Parent Resource for Information, Development and Education (PRIDE) is a national curriculum for pre-service training for foster and adoptive families.

- Texas PRIDE - 35-hour
- Mini-PRIDE abbreviated for kinship families – 16 to 20 hrs. depending on the needs of the family

The training purposes:

- educate potential parents about foster care and adoption
- and to mutually assess the applicant's appropriateness to care for children in DFPS custody.

Beyond pre-service training, foster families complete a minimum of 20 training hours annually.

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DFPS foster and adoptive families are assigned a caseworker to help support and guide the family. Some of the services provided to these families include:

- Home visits
- Respite services
- Day care services
- Ongoing training specific to the behaviors of children placed in the home
- Support and mentorship
- 24 hour assistance through on call services
- Membership to Texas Foster Families Association (TFFA) or referrals to other support groups
- Foster parent appreciation events

- For generations, relatives or “kinship caregivers” have played significant roles in caring for children when parents are having a difficult time.
- Relatives and other people with whom the child or family have a significant relationship can often provide children with safety and stability when they cannot live with their parents.

## **What Are the Benefits of Kinship Care?**

- Provides love and care in a familiar setting
  - Provides parents with assurance that children will remain connected to their birth families
  - Enables children to live with people they know and trust
  - Reinforces a child's cultural identity and positive self-esteem
  - Helps a child make and sustain extended family connections
  - Continues lifelong family traditions and memories
  - Supports the child building healthy relationships within the family
  - Supports the child's need for safety and well-being
  - Creates a sense of stability in the life of a child
-

# Permanency Care Assistance

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- In September 2010, Texas began a financial assistance program to help kinship foster parents who sign an agreement with DFPS and subsequently take permanent legal custody of the child.
- Kinship caregivers must become verified as foster parents, care for the child as foster parents for at least six months, negotiate a PCA (financial) agreement, and then go to court and receive legal custody.
- The Legislature also approved extending PCA benefits up to a youth's 21st birthday if the PCA agreement was signed after a CPS youth turns 16.

# **Texas**

# **MENTOR**

Testimony of Wendy Bagwell, State Director, Texas MENTOR  
Thursday, July 24, 2014  
Select Committee on Child Protection

Chairwoman Dukes and members of the Select Committee on Child Protection, my name is Wendy Bagwell and I am the state director for Texas MENTOR, a child placing agency that serves children and families in Arlington, Austin, Dallas, Houston, Killeen, San Antonio, Sulphur Springs and their surrounding communities. Thank you for the opportunity to present testimony today regarding an issue that all of us at Texas MENTOR care deeply about—the safety and well-being of the children of our great state.

Since our founding in 1990, Texas MENTOR has successfully served thousands of children and their families. We understand the challenges associated with foster care—and recognize that while no agency will ever achieve perfection, we must strive for it every day—in partnership with the Texas Department of Family and Protective Services (DFPS), our foster parents and staff. With that goal at the forefront of all of our actions, we strive each and every day to enhance the services we provide to the children and families we support.

At this time last year, our organization was shaken to its core by the tragic death of a child in our program and the arrest of her foster mother for her alleged murder. For an organization of individuals who have dedicated our careers to protecting the safety and well-being of vulnerable children, this tragedy represents our worst nightmare. While our organization has always focused on continuous quality improvement, we felt a tremendous responsibility to scrutinize every aspect of this tragedy and identify changes to reduce the possibility that something like this could occur again. In the past year we have worked to further enrich our process for screening, assessing, training and supporting potential and existing foster parents including kinship families.

The fact is preparing prospective families for the reality of being a foster parent is challenging. When a new family makes the decision to open their hearts and home to a foster child, the decision typically has been deliberated on for months or even years. The impact of the decision to become—in effect—the parents to someone else's child, bringing that child or children into their home and family—often children who have suffered the incredible trauma of physical, emotional, or at times, even sexual abuse—can be life altering for a family.

Despite careful consideration of the decision to become a foster parent, many people with good intentions and wonderful hearts aren't prepared—despite the best efforts of child placing agencies and our partners at the state—for the array of emotional and behavioral challenges that a child who has been abused and/or neglected may have. Additionally, because 80% of referrals are made on an “emergency” basis—meaning the child must be placed in a home the same day we receive the referral—it is often challenging to equip the foster parent with the level of detailed knowledge of a child and his or her background that helps facilitate a



successful placement that meets both the needs of the child and best leverages the skills and experience of the foster parent.

Our job—despite the challenges I just outlined—is to find ways to get to the heart of who a prospective foster parent is and what we can do to help make a placement successful once a home is approved through ongoing monitoring and support.

In keeping with our organization's commitment to continuous quality improvement, we constantly assess and analyze our policies and procedures to ensure that we are delivering quality of life enhancing services to the children and families we support. Over the past year we redoubled our efforts to look with a critical eye at our policies and procedures for assessing potential foster homes and our monitoring of existing foster homes. As a result of these efforts, we made a series of changes in our screening and monitoring processes which I will now outline.

We strengthened the review and approval process for new foster parents by requiring additional internal approvals for new foster parents. Previously, in order for a new foster parent to be approved, the person conducting the home study and the program director approved new homes. We now require more sets of eyes, including those of leadership, to approve a home. By bringing more people into the process, we are able to bring more scrutiny to test the subjective judgments of staff in the approval process.

In addition, in order to further enhance our already rigorous process for conducting home studies, we called upon our colleagues in The MENTOR Network—and with the support of clinical experts from across the country— developed a training on best practices for conducting home studies. This training is now implemented in all Texas MENTOR programs and is provided to all new employees who will conduct home studies.

We established a standardized process for reviewing the results of completed state background checks that contain what the state considers non-disqualifying arrests or convictions. This multi-layered review process includes my approval for any prospective foster parents convicted of a criminal offense.

In addition to enhancing our process for vetting prospective foster homes, we also conducted a comprehensive, statewide review of our current homes. We brought in child welfare experts from across The MENTOR Network to conduct a thorough review of the records of each Texas MENTOR foster parent. This group spent three months assessing our foster parent files and provided objective clinical feedback on areas where we could further enhance our practices.

Specifically, we redoubled our efforts to identify frequent visitors. We found in our review that we could do more in our communication with foster parents to identify frequent visitors to their homes. By asking more probative questions, we've been able to learn more about who visits our foster homes on a regular basis and secure the necessary background checks.

We also enhanced our financial review process for current and prospective foster parents. Texas MENTOR adopted a best practice used by our sister organization, Pennsylvania MENTOR, which includes a more robust financial evaluation template and requires extensive backup documentation including prior year tax returns, employer income verification, checking/savings account statements and credit card and other debt records. We recognize that many well-intentioned individuals who would make terrific foster parents may not have the resources to do so without the stipend, and our process is not designed to eliminate those individuals. Rather, our process is designed to ensure that individuals are able to meet their expenses without the reimbursement and that those dollars will be used as they are intended—as reimbursement for the child's expenses. We don't want anyone primarily motivated by the stipend—as modest as it is—but rather individuals motivated to help a child as foster parents with our organization.

We also established a social media review process. We felt it was important to enhance our vetting process of potential foster parents—as well as our ongoing monitoring of existing foster homes—by leveraging the internet and social media platforms to screen and monitor new and existing foster parents. Social media checks—which look for publicly available information—are conducted for new foster parents prior to approval and are conducted annually for current foster parents. We found information that is shared on social media can sometimes provide additional insight into prospective and current foster parents, as well as potential visitors to their home.

In addition, we revised our unannounced home visit protocol and now require one unannounced visit per quarter to existing foster homes. We also implemented a new policy and now require one unannounced visit to each prospective foster home prior to approval. Increasing the number of unannounced visits beyond the DFPS requirement and including unannounced visits as part of our approval process has allowed us valuable insight into the day-to-day lives of our current and prospective foster parents. During these visits, our staff not only look at environmental factors—is the home clean and safe, even when a visit is not expected—but also assess who is present in the home and whether or not they have the necessary background checks on file.

We also enhanced our process for interviewing children about their safety and well-being with a particular emphasis on working with small children and non-verbal children who may not be able to clearly articulate if they feel safe or provide information on who visits the home. In addition, we implemented a training in trauma-informed care for our foster parents to help them understand and manage the behavioral challenges of children who have experienced

abuse and neglect. This training also provides tools to help foster parents manage anxiety and stress.

We hope that the actions I have just outlined will further enhance our ability to provide safe and loving homes to the children entrusted to our care by the state of Texas. We value our partnership with our colleagues and DFPS and the work they do every day on behalf of the children of Texas.

Before concluding my comments, I would like to offer a few observations that I hope will be helpful as the committee considers its charge:

- Encourage agencies to conduct thorough reviews of their operations and focus on opportunities for enhancement rather than citations. This is tough work and every day brings its challenges and crises. It's important to have the opportunity to step back from those day-to-day challenges and do a deep dive into your services and assess what is working and what can be improved. We benefitted enormously—and therefore the children and families we serve benefitted—from that opportunity and Texas MENTOR was lucky to have access to colleagues from across the country who are experts in child welfare to assist us in this endeavor.
- Encourage DFPS to adopt more uniform interpretation of CPS licensing standards. Texas MENTOR has the pleasure of working with DFPS licensing representatives in each of the seven communities in which we operate. These individuals are dedicated and hardworking and we share a common mission to serve the children of Texas well. In our experience, because there are more than 300 pages of licensing standards—many of which are open to some interpretation—we often get different direction on how to adhere to a given standard in each region. Just as Texas MENTOR has benefitted from tightening our policies and procedures and adopting a uniform approach statewide, we believe additional consistency in the interpretation of DFPS licensing regulations would serve the children of Texas well.

Finally, I would like to offer a comment about the dedicated, compassionate and caring individuals who have opened their hearts and homes as foster parents across this state. The vast majority of these individuals do this work because they believe that they can make a difference in the life of a child who needs them. All too often, I think we focus on the rare exception and don't recognize the impact these individuals have on the children of our state. I would like to publicly thank all of the Texas MENTOR foster parents—and all foster parents past and present in the state of Texas—for their commitment to the children of our state.

I also want to extend my thanks to the members of this committee for your work and the opportunity to testify today.

Thank you. I would be happy to answer any questions you may have.

# **Pathways Youth and Family Services**



# Pathways

Y o u t h   a n d   F a m i l y   S e r v i c e s ,   I n c .

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July 15, 2014

State Representative Dawnna Dukes  
1400 Congress Avenue E1.504  
Austin, Texas 78701

Dear Honorable State Representative Dukes,

Pathways is honored to have been selected to provide information in this Select Committee Hearing on Child Protection. We would like to provide a high level overview of our program and the attached documentation pertaining to the screening, assessment, training, and support of potential foster and kinship families.

The outline attached reflects our best practices recommendations. Our process has been divided into four sections: Recruitment/Application, Training, Assessment, and Verification/Ongoing Support.

**Recruitment and Application Screening:** Pathways partners with collaborative groups, schools, faith based programs, community stakeholders, and those motivated to heal children from hard places. We believe highly traumatized children and youth need highly skilled primary caregivers. Our goals are to identify individuals and families who possess empathy, ability to attach, realistic expectations, appropriate parental expectations of child roles, appropriate discipline styles, effective members of a team, flexibility, ability to maintain structure, nurture, and provide felt safety. We use these indicators during the screening and verification process to develop families who can bring safety, wellbeing, and permanency to our children and youth.

**Training:** Pathways has partnered with TCU and the Travis County Children's Collaborative to bring state of the art, evidence based training curriculums to ensure our families have the knowledge base and skill sets to meet our children's needs effectively. TCU's Trust Based Relational Intervention (TBRI) helps families connect, correct, and empower children and youth by teaching competency based skills and interventions. This model has been effective with birth families, kinship, and foster/adoptive families.

**Assessment:** Through the training and application process we are incorporating tools such as the AAPI-2 which is an evidence based tool to evaluate empathy, appropriate

#### HEADQUARTERS

222 Sidney Baker South  
Suite 435  
Kerrville, TX 78028  
(830) 257-3951 *phone*  
(830) 257-9084 *fax*

AUSTIN  
(512) 275-1285

ABILENE  
(325) 692-4048

CORPUS CHRISTI  
(361) 851-8682

DEL RIO  
(830) 775-5358

HOUSTON  
(832) 726-0888

HURST  
(817) 391-0771

LAREDO  
(361) 851-8682

MIDLAND  
(432) 699-7763

RICHARDSON  
(972) 776-6684

SAN ANTONIO  
(210) 733-7117

3H YOUTH RANCH  
(830) 866-3701



# Pathways

Y o u t h   a n d   F a m i l y   S e r v i c e s ,   I n c .

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developmental expectations, healthy parent child roles, empowering and building independence in children, and appropriate discipline styles.

**Verification and Ongoing Support:** This stage is the summation of our efforts to develop competent, skilled, and committed primary caregivers to help children achieve lasting permanency. Ongoing support includes 24/7 on call response team, continuing education, case management, evaluation and assessment of the child's needs, parent coaching, coordination of services, advocacy, and therapeutic support.

In summary, we use a combination of innovation, best practice, and evidence based service delivery. Pathways utilizes tenured and committed professionals to meet the needs of children and families.

Submitted Respectfully,

Dan Johnson  
President/CEO  
Pathways Youth and Family Services

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(830) 866-3701

## **Pathways Verification Screening Process**

### **Initial Paperwork:**

Application with Pre-Screening Assessment

- Background Check/Criminal and CANRIS
- Texas Drivers License and Social Security Card
- Budget/Finance Sheet
- References – 3 Non-Relatives, Adult Children, One Reference from School
- Send Consent to local law enforcement to previous addresses over the last two years.

Health Status Form – Clinical Assessment if needed

- Treated for Chronic Illness
- Medications
- Recent Hospitalizations for emotional or physical
- Treatment for mental health or addiction

Pre-Testing (AAPI2) Nurturing Parenting

Orientation (3 Hours)

Walk through of Facility

Staffing of Applicants

### **Training:**

Pre-Service Training (16 Hours) – The goal is to identify individuals who possess empathy, ability to attach, realistic expectations, appropriate parental expectations of child roles, appropriate discipline styles, flexibility, ability to maintain structure and nurture, provide a safe environment.

Tests administered during pre-service – SIDS/Shaken Baby/Early Brain Development, Water Safety, Trauma Informed Care, Transportation Safety, Cultural Competency, Serious Incident Reporting, and Instructor Led Medication Administration.

Pre-Service Panel – Panel of current or previous foster and adoptive parents and children who have aged out of the system.

Emergency Behavior Intervention (16Hours)

CPR/First Aid

Online Training (Medical Consent, Psychotropic Medications, Trauma Informed Care, Transportation Safety, Reporting Abuse Neglect)

Post Testing (AAPI2)

**Continuation of Application Forms:**

DPS Driving History (3 Year)

Floor Plan

Property Photos

Pet Vaccinations

Pet Photos

Proof of Income

Proof of Auto/Home Owners Insurance

TB Test – all family members over the age of 1 year

Fire/Health Inspection

Proof of Education

Disaster/Emergency Planning

Fire Extinguisher Photo

Marriage License/Divorce Decree

Proof of Education

Military Discharge Records

**Home Screening:**

40 Hours of Supervised Observations (Treatment Services Family)

- Residential Care, Psychiatric Hospital, More Restrictive Environment, Volunteer as a Caregiver, Specialized Training Courses Focusing on Issues Related to the Population of Children they wish to Foster, Focused Training on Child Specific Needs, Pre-Planning Meetings

Assign Home Study (6-8 Hour Interview)

Pre-Verification Checklist



## **Foster Home Development Process**

### **Recruitment**

- Phone calls, website referrals
- Pathways scheduled Information Meetings preset dates for all offices

### **Application Stage (14 Days)**

#### Process Application

- Receive/Review Application - *Track Application Received date*
- Submit Application for background checks (within 3 business days of a complete App.)
  - 1<sup>st</sup> 11 pages and copies of SSN card / DL are required for Background check
  - Release of Information for Applicants and all Household members 14 yrs or older must be submitted
  - *Track Background Check Submitted date*

#### Background Checks

- Background checks run (DPS, CANRIS, FBI) (within 5 business days of receipt of App.)
  - Background checks can be expedited via special request
- *Track Cleared Background Check Received Date*

#### Reference Checks

- Reference checks (calls or emails completed within 5 business days of complete App.)

### **Training Stage (30-60 Days) – For more information see Pre-Service Topics Document**

- Orientation
- Pre Service – Minimum of 8 hours required
- EBIT
- Psychmeds, SIDS, Shaken Baby
- CPR/1<sup>st</sup> Aid
- Self-Directed Training (Medical Consenter, Transportation Safety, TIC)
- *Track Training Completion date*

### **Home Study Stage (30 to 45 Days)**

- Schedule and complete interviews and inspections within 2 weeks of completing training
  - Home Study interview will not be scheduled prior to receiving a completed application
  - Complete Pre-verification checklist at time of home study
- Type Home Study within 2 weeks of completing interviews
- Submit for CPMS approval immediately
- Approval by CPMS and revisions made to home study completed within 2 weeks of submittal to CPMS
- *Track Home Study Scheduled Date*
- *Track Home Study CPMS Approval Date*

### **Contract/Licensing Stage (8 to 10 Days)**

- Request contracts within 2 days of CPMS Study approval
- Contract is completed within 2 days of receiving contract request
- Complete Pre-Verification Checklist (if not done at time of home study), Parent Rights and get signatures within 3 days of receiving Contract.
- Complete Checklist and approval by CPMS by end of next business day
- Submit contracts for verification by end next business day
  - Signature pages on contract
  - Parent Rights
  - Disaster Plan
  - ACH form
- Agency Home Report completed and Verification/Certification issued – by the end of the next business day
- *Track Date Contracts Prepared*
- *Track Date of Verification*

### **Prospective Families become Applicants when:**

1. **Completed Application**
2. **Cleared Background Check**
3. **Completed Pre-service training**

**If Foster Home Development process exceeds 4 months duration, Pathways will evaluate and propose a plan for completion or removal from consideration.**



## Pathways Youth and Family Services, Inc.

<b>Applicant 1</b>	First Name	Middle Name	Last Name	
<b>Applicant 2</b>	First Name	Middle Name	Last Name	
<b>Home Address</b>	Street	City	State	Zip
County		Home Phone:		Fax:
Applicant #1 Cell:			Applicant #1 Email address:	
Applicant #2 Cell:			Applicant #2 Email address:	
<b>Directions to the home from Pathways office:</b>				
<b>Home Information</b> <input type="checkbox"/> Own <input type="checkbox"/> Rent		Year home was built:		Length of residency:
Total number of rooms:		Number of bedrooms:		Total square footage:
Name of Local School District:			Elementary School Name:	
Middle School Name:			High School Name:	
<b>DO YOU OWN ANY WEAPONS OR FIREARMS?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>DO YOU HAVE A TRAMPOLINE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		<b>DO YOU HAVE A POOL OR HOT TUB?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**PLEASE LIST ALL PREVIOUS ADDRESSES FOR EACH CAREGIVER IN THE LAST TEN (10) YEARS.  
INCLUDE THE MONTH/YEAR AND COMPLETE ADDRESS:**

Street	City	State	Zip	Start (month/year)	End (month/year)



**Pathways Youth and Family Services, Inc.**

<b>Applicant 1</b>	<b>Applicant 2</b>
DOB:	DOB:
Social Security #:	Social Security #:
Birthplace:	Birthplace:
Date of Current Marriage:	Date of Current Marriage:
Any names previously used (ie. Maiden, middle, other married):	Any names previously used (ie. Maiden, middle, other married):
Are you a Citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No –Explain:	Are you a Citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No –Explain:
If previously married, how terminated and when:	If previously married, how terminated and when:
Education – highest grade completed:	Education –highest grade completed:
Prior military service: <input type="checkbox"/> Yes <input type="checkbox"/> No Type of Discharge:	Prior military service: <input type="checkbox"/> Yes <input type="checkbox"/> No Type of Discharge:
Describe any previous experiences working with children:	Describe any previous experiences working with children:
Have you ever had any legal involvement resulting in arrest, indictment, conviction, probation, deferred adjudication, community service, or fines (not including minor traffic violations)? <input type="checkbox"/> Yes <input type="checkbox"/> No	Have you ever had any legal involvement resulting in arrest, indictment, conviction, probation, deferred adjudication, community service, or fines (not including minor traffic violations)? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please explain below:	If yes, please explain below:
Have you or your family ever had any involvement with Child Protective Services? <input type="checkbox"/> Yes <input type="checkbox"/> No	Have you or your family ever had any involvement with Child Protective Services? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, please explain:	If yes, please explain:



## Pathways Youth and Family Services, Inc.

**EMPLOYMENT HISTORY** (please list your last four employers beginning with the most current):

**APPLICANT #1**

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

**Permission to contact the above employer(s):**

☐ Yes ☐ No



**Pathways Youth and Family Services, Inc.**

**EMPLOYMENT HISTORY** (please list your last four employers beginning with the most current):

**APPLICANT #2**

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

Employer:		Phone:	
Address:		Title/Position:	
Immediate Supervisor:		Monthly salary (gross/net):	
Dates of Employment: From:	To:	Reason for Leaving:	

**Permission to contact the above employer(s):**

☐ Yes    ☐ No



## Pathways Youth and Family Services, Inc.

**Foster parents are reimbursed for most of the expenses related to caring for a child, but State regulations and Pathways policies require that foster parents have sufficient income to maintain their home without being dependent on this expense reimbursement. Please fill out the following income-related information which is subject to verification.**

The family's **TOTAL** reported **MONTHLY INCOME** is \$ \_\_\_\_\_. **Gross / Net (circle one)** consisting of monies received from:

Applicant #1 Income	\$ .	Social Security Benefits	\$ .
Applicant #2 Income	\$ .	Public Assistance	\$ .
Retirement Pension(s)	\$ .	Disability	\$ .
Rental Property Income	\$ .	Other (please list):	\$ .

### Monthly Expenses

House Rent or Mortgage Payment	\$ .	Clothing/Personal Items	\$ .
Payments for Other Real Property	\$ .	Recreation / Entertainment	\$ .
Automobile(s)	\$ . \$ . \$ .	Life & Medical Insurance (exclusive of payroll deductions)	\$ .
Gasoline/ Vehicle Maintenance:	\$ .	Church (Tithes/Offerings)	\$ .
Insurance (Auto, Rental, Homeowner's)	\$ .	Groceries	\$ .
Medical and Dental Expenses	\$ .	Utilities and Phone	\$ .
Other (please list):	\$ .	Other (please list):	\$ .

Loans and/or Debts	Original Amount	Balance	Monthly Payment
	\$ .	\$ .	\$ .
	\$ .	\$ .	\$ .
	\$ .	\$ .	\$ .
	\$ .	\$ .	\$ .
	\$ .	\$ .	\$ .
	\$ .	\$ .	\$ .
<b>Total Monthly Outgoing Expenses:</b> <b>(Total of all listed above)</b>		\$ .	





**Pathways Youth and Family Services, Inc.**

**MINOR BIOLOGICAL OR ADOPTIVE CHILDREN OF APPLICANTS**

Name	Birth date	Gender	Address (if other than your home)

**OTHER INDIVIDUALS CURRENTLY LIVING IN THE HOME**

Name	Birth date	Relationship

**ADULT CHILDREN OF APPLICANTS**

<b>Name #1:</b>	<b>Phone:</b>
<b>Address:</b>	<b>Email:</b>
<b>Name #2:</b>	<b>Phone:</b>
<b>Address:</b>	<b>Email:</b>
<b>Name #3:</b>	<b>Phone:</b>
<b>Address:</b>	<b>Email:</b>
<b>Name #4:</b>	<b>Phone:</b>
<b>Address:</b>	<b>Email:</b>

**HAVE YOU EVER APPLIED TO ANY OTHER AGENCY TO BE A FOSTER OR ADOPTIVE PARENT?**

☐ YES ☐ NO

If yes, list the Name and Address of the Agency, and the date you applied:

Agency Name	Agency City	Agency State	Date Applied

**HAVE YOU EVER BEEN A FOSTER OR ADOPTIVE PARENT FOR ANOTHER AGENCY IN THE PAST?** ☐ YES ☐ NO

If yes, list the Name and Address of the Agency, and the dates you fostered:

Agency Name	Agency City	Agency State	Dates Fostered

**ARE YOU CURRENTLY LICENSED AS A FOSTER OR ADOPTIVE HOME BY ANOTHER AGENCY?** ☐ YES ☐ NO

If yes, list the Name, Address of the Agency and the date you were verified

Agency Name	Agency City	Agency State	Date Verified



**Pathways Youth and Family Services, Inc.**

**HAVE YOU EVER BEEN DENIED A FOSTER OR ADOPTIVE VERIFICATION/CERTIFICATION OR HAD YOUR VERIFICATION/ CERTIFICATION REVOKED?** ☐ YES ☐ NO

If yes, list the Name and address of the Agency, and the reason:

Agency Name	Agency City/State	Reason

**CHARACTER REFERENCES**

Please give the names and addresses of three persons (which can be family members) to be used as personal character references. **IT IS ESSENTIAL TO INCLUDE ALL OF THE REQUESTED INFORMATION.**

Name 1		
Street Address		
City	State	Zip
Telephone Number	Email	
Name 2		
Street Address		
City	State	Zip
Telephone Number	Email	
Name 3		
Street Address		
City	State	Zip
Telephone Number	Email	
Alternate (in case any of above references do not respond in timely fashion)		
Street Address		
City	State	Zip
Telephone Number	Email	

**NOTE: In order to ensure accuracy of the information obtained from references, Pathways reserves the right to not disclose either the source or the content.**



## Pathways Youth and Family Services, Inc.

### APPEAL PROCESS FOR FOSTER CARE APPLICANTS:

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The following criteria define an individual or couple as an applicant:

- ☐ Submission of a full and complete application to become a Pathways foster or adoptive home AND
- ☐ Requests for Criminal History & CANRIS background checks have been submitted

Applicants have the right to appeal Pathways' decisions that directly affect them. The request for an appeal must be made within 15 days of the decision in question, must be in writing, and should be addressed to the Licensed Child Placing Agency Administrator. This individual will review the decision or action and may assign the appeal response to other supervisory staff. The final outcome of the appeal will be communicated to the applicant in writing and postmarked no later than 15 working days from date of receipt.

Applicants should send the written request for an appeal to:

**Pathways Youth & Family Services, Inc.**  
**Attn: Licensed Child Placing Agency Administrator**  
**222 Sidney Baker, Suite 435**  
**Kerrville, Texas 78028**  
**Fax: (830)315-2274**

### DECLARATION AND AUTHORIZATION:

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I (we) hereby apply to Pathways Youth and Family Services, Inc. to become a Pathways home in their foster/adoptive care program. I (we) will abide by the program and all of its requirements. I (we) declare the information provided in this Application is true, correct, and complete to the best of my knowledge. I (we) understand that if any information on this Application is found to be incorrect or untrue by statement or omission of fact(s), my (our) relationship with Pathways may be terminated without further action by Pathways.

I (we) authorize Pathways Youth and Family Services, Inc. to conduct character and background checks as listed on this Application to include personal references, interviews via mail and telephone with former employer(s), and local (applicable) agencies, including but not limited to law enforcement agencies and the Texas Department of Family and Protective Services (and other state children's service systems). This authorization is for the purpose of determining my (our) suitability as foster and/or adoptive parents. I (we) understand this information will be used only for this purpose and that information solicited will be unlimited.

This consent will remain in effect during and after verification/certification and may be revoked by notifying Pathways Youth and Family Services, Inc. in writing with a specific date, time, event or condition upon which consent expires.

\_\_\_\_\_  
APPLICANT #1 SIGNATURE

\_\_\_\_\_  
DATE SIGNED

\_\_\_\_\_  
APPLICANT #2 SIGNATURE

\_\_\_\_\_  
DATE SIGNED

COMMENTS:

**In order for this application to be considered complete, all fields must be answered and a legible copy of a valid Driver's License(s) and Social Security Card(s) must be attached. Return the completed application to your local Pathways office by mail, in person, email or by fax.**

If you do not have your SS card, please provide a copy of any of the following as verification of Social Security number: IRS or state tax document completed by a governmental agency, financial statement from a banking entity containing the Social Security number, official employer-generated payroll stub containing the Social Security number, or copy of Military ID containing the Social Security number.

**A W-2, 1040, 1040A, 1040EZ and related forms completed by the taxpayer are not acceptable**



## Pathways Youth and Family Services, Inc.

### AUTHORIZATION(S) TO RELEASE INFORMATION

I hereby authorize any licensed child placing agency, employers, law enforcement, and my personal and professional references to disclose records and/or information relating to my experience as a foster and/or adoptive parent to:

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Abilene<br>4150 Southwest Drive<br>Suite 216<br>Abilene, TX 79606 | <input type="checkbox"/> Austin<br>14205 Burnet Rd. Suite<br>100<br>Austin, TX 78728                       | <input type="checkbox"/> Corpus Christi<br>2820 S. Padre Island Dr<br>Suite 170<br>Corpus Christi, TX 78415 | <input type="checkbox"/> Del Rio<br>309 E. 14th Street<br>Del Rio, TX 78840            |
| <input type="checkbox"/> Houston<br>2136 Yale Street<br>Suite C<br>Houston, Texas 77008    | <input type="checkbox"/> Hurst<br>1864 N. Norwood Dr<br>Suite D<br>Hurst, TX 76054                         | <input type="checkbox"/> Kerrville<br>222 Sidney Baker<br>Suite 435<br>Kerrville, TX 78028                  | <input type="checkbox"/> Midland<br>1030 Andrews Hwy<br>Suite 200<br>Midland, TX 79701 |
| <input type="checkbox"/>   | <input type="checkbox"/> Richardson<br>888 South Greenville<br>Avenue<br>Suite 127<br>Richardson, TX 75081 | <input type="checkbox"/> San Antonio<br>4243 Piedras Dr East<br>Suite 100<br>San Antonio, TX 78228          |  |

The authorization also includes all verbal & written communication between anyone releasing information to staff at  
**Pathways Youth and Family Services, Inc.**  
**222 Sidney Baker, Suite 435**  
**Kerrville, Texas 78028**

Disclosure is made for the purpose of foster home verification and/or adoptive home certification and includes all Pathways staff and office locations throughout the state of Texas.

**I hereby release the licensed child placing agency and its officers and employees providing this information from any claims, which might arise from releasing this information.**

APPLICANT #1			
List <u>all</u> other cities in Texas where you have had residency:			
List any other names used:			
Signature/Applicant #1	DOB	SSN	Driver's License #
APPLICANT #2			
List <u>all</u> other cities in Texas where there has been residency for Applicant #2:			
List any other names used:			
Signature/Applicant #2	DOB	SSN	Driver's License #
NAMES OF ALL PERSONS AGES 14 OR OLDER WHO LIVE IN THE HOME (WHO ARE NOT FOSTER CHILDREN):			
Name	DOB	SSN	

**Legible copies of valid Driver's License, State ID, birth certificate(s) and Social Security Cards must be provided for all persons named above; along with a signed release of information for each individual.**



## **Pathways Youth and Family Services, Inc.**

**Please ensure all the questions have been answered completely, that the application has been signed by applicants, and the following information is returned with the application:**

**Proof of Income:** Can be any of the following;

- Recent Pay Stubs, or
- Previous Tax Return, or
- W-2

**Copies of Driver's License:** Needed for every Adult member residing in the home that has a License.

**Copies of Birth Certificates;** are needed for those persons living in your home age 14 years or older that do not have a state issued ID or driver's license.

**Proof of Social Security # for every household member 14 years or older:** Can be any of the following:

- Copy of SS Card, or
- Payroll Stub containing SS#, or
- Military ID containing SS#, or
- W-2, or
- If SS Card is lost, applicant can go to nearest Social Security office, request a new card and get a SS# verification Printout to turn in while waiting for card.
- A W-4, 1040, 1040A, 1040EZ and related forms completed by the taxpayer are not acceptable

*\*State and Federal law requires us to submit background checks for all members of your home 14 years or older. We must have two forms of identification in order to submit the checks and we can use two of the following: Social Security Number, Driver's License, State Issued ID, and/or Birth Certificate.*

**Signed Notice of Privacy Practices** signed by each applicant.

**Signed Authorization to Release Information:** Foster Parents Transferring from another Agency. Include this if you are currently verified or have been verified as a foster home with another agency, or have adopted with another agency in the past.

**Authorization to Release Information:** For Other Adults Living in a Foster Home: Include this for any other adults besides applicants that are currently living in your home.

Additionally, Federal Law also requires a Fingerprint-based criminal history check of the National Crime Information Center (NCIC) (otherwise known as a Federal Bureau of Investigation (FBI) check) and if an applicant/household member in the home has lived outside of Texas in the previous five years, a check of the other state's central registry for child abuse and neglect. Once the completed Application is accepted, Pathways staff will contact you regarding completing the FBI Fingerprint check(s).

**Thank you for your interest in foster/adoptive care! If you have any questions about the application, please contact Pathways staff at any of our local offices or online at**

**[www.pathway.org](http://www.pathway.org)**



## AUTHORIZATION TO RELEASE INFORMATION FOR HOUSEHOLD MEMBERS, BABYSITTERS, FREQUENT VISITORS & RESPITE PROVIDERS

I hereby authorize any licensed child placing agency, employers, law enforcement, and my personal and professional references to disclose records and/or information relating to my experience to: **Pathways Youth and Family Services, Inc.**

**Office Location: (CHECK ONE BELOW)**

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Abilene<br>4150 Southwest Drive<br>Suite 216<br>Abilene, TX 79606 | <input type="checkbox"/> Austin<br>14205 Burnet Road<br>Suite 100<br>Austin, TX 78728                    | <input type="checkbox"/> Corpus Christi<br>2820 S. Padre Island Dr<br>Suite 170<br>Corpus Christi, TX 78415 | <input type="checkbox"/> Del Rio<br>309 E. 14th Street<br>Del Rio, TX 78840            |
| <input type="checkbox"/> Houston<br>2136 Yale Street<br>Suite C<br>Houston, Texas 77008    | <input type="checkbox"/> Hurst<br>1864 N. Norwood Dr<br>Suite D<br>Hurst, TX 76054                       | <input type="checkbox"/> Kerrville<br>222 Sidney Baker<br>Suite 435<br>Kerrville TX 78028                   | <input type="checkbox"/> Midland<br>1030 Andrews Hwy<br>Suite 200<br>Midland, TX 79701 |
|  | <input type="checkbox"/> Richardson<br>888 South Greenville<br>Avenue, Suite 127<br>Richardson, TX 75081 | <input type="checkbox"/> San Antonio<br>4243 East Piedras Drive<br>Suite 100<br>San Antonio, TX 78228       |  |

The authorization also includes all verbal communication between anyone releasing information and Pathways staff or contractors and is related to the \_\_\_\_\_ Foster and/or Adoptive Family.

**PLEASE CHECK ONE OF THE OPTIONS BELOW - Disclosure is made for the purpose of:**

- |  |  |
|--|--|
| <input type="checkbox"/> Residing in a licensed/adoptive foster home (14 years and older); <b>FBI fingerprinting will be required</b>                            | <input type="checkbox"/> Frequent visitor to a licensed foster/adoptive home (14 years and older); <b>FBI fingerprinting may be required</b>                             |
| <input type="checkbox"/> Respite Provider/Caregiver for a licensed foster/adoptive home ( <b>must be 21 years or older and will require FBI Fingerprinting</b> ) | <input type="checkbox"/> Babysitter for a licensed foster/adoptive home (18 years & older for CCSO, 21 years & older for TS); <b>FBI fingerprinting will be required</b> |

☐ I HEREBY RELEASE THE LICENSED CHILD PLACING AGENCY AND ITS OFFICERS AND EMPLOYEES PROVIDING THIS INFORMATION FROM ANY CLAIMS, WHICH MIGHT ARISE FROM RELEASING THIS INFORMATION.

### PLEASE PRINT INFORMATION BELOW

First Name	Middle Name	Last Name
Other Names (maiden, married, nicknames, etc.)		
Street Address	City	State
		Zip Code
County	Home Phone	Cell Phone
Date of Birth	Social Security Number	Driver's License or State ID Number
List all other cities in Texas where there has been residency		

List all other cities and counties **outside of Texas** where there has been residency **within the last 5 years with dates**

City	ST	County	Start Date (Month/Year)	End Date (Month/Year)

**X**

\_\_\_\_\_  
APPLICANT SIGNATURE

**X**

\_\_\_\_\_  
PARENT SIGNATURE (IF UNDER AGE 18)

\*\*\*Please attach a copy your Driver's License (or Birth Certificate if DL is not applicable) and Social Security Card.  
Make additional copies for each person if necessary

# Pathways Home Study Applicant Screening and Pre-Assessment

Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

This is a preliminary screening and assessment tool to determine if there are individual or family factors that might preclude you from becoming a foster and/or adoptive parent or might warrant further assessment of some kind.

While it may feel uncomfortable or unnatural to answer very specific, detailed and personal questions, this pre-assessment screening allows us to more efficiently determine whether we will be able to move forward in the process and/or if additional screening, assessment or questions are required. As you know by now, becoming a foster and/or adoptive parent is not a right but is a critical and necessary part of the child welfare process. Children who have experienced abuse, neglect and/or trauma need the best parents they can possibly have to help them heal from their past and thrive in their futures.

Pathways believes that great parents come in all shapes, sizes, forms, and from many walks of life and experiences. Endorsing any of the following issues/concerns/experiences does not necessarily automatically rule you out as an applicant. It is imperative that you are completely honest in this assessment so that we can best assess and prepare you and your family for the amazing journey that is foster and/or adoptive caregiving. This document will be reviewed by a qualified Pathways staff and determination about what the next step might be will be made and relayed to you as soon as possible. As noted in the Pathways application, purposely omitting information or not answering honestly could result in immediate denial of your application.

If you feel more comfortable completing this assessment with a staff member as opposed to on paper please notify your Pathways liaison.

# Pathways Home Study Applicant Screening and Pre-Assessment

Do you have a history of sexual behaviors such as pedophilia, voyeurism, exhibitionism, or pornography addiction? ☐ Yes ☐ No

Do you currently use alcohol or drugs of any kind on a daily basis or to the extent that you black out or have had relationship/legal trouble as a result? ☐ Yes ☐ No

Have you been substance abuse rehab in the last 10 years? ☐ Yes ☐ No

Have you ever been psychiatrically hospitalized? ☐ Yes ☐ No

Do you currently have a mental health diagnosis, take psychotropic medications, or participate in therapy/counseling of any kind? ☐ Yes ☐ No

Have you previously been diagnosed with a mental health issue, taken psychotropic medications, or participated in therapy/counseling of any kind? ☐ Yes ☐ No

Do you now or have you had issues in your current relationship that involve domestic violence and/or emotional abuse? ☐ Yes ☐ No

Have you ever been involved in a relationship that involved domestic violence? ☐ Yes ☐ No

Does your current relationship include any history of separation, threat of divorce, or infidelity? ☐ Yes ☐ No

Have you ever been abused, indicted, convicted or determined to have abused or neglected another adult or child? ☐ Yes ☐ No

Have you ever been arrested, indicted, convicted of assault, crimes involving violence, drug use or sales, a felony, or any crime against a person? ☐ Yes ☐ No

Did you experience abuse or neglect of any kind as a child or adult? ☐ Yes ☐ No

Have you experienced physical, sexual or emotional traumas as a child or adult? ☐ Yes ☐ No

Have you had issues rearing children prior to this application process including issues with discipline, nurturance or supervision? ☐ Yes ☐ No



# Pathways Home Study Applicant Screening and Pre-Assessment

Do you have any chronic illnesses, conditions, or physical challenges that might impede your ability to meet the needs of a child? ☐ Yes ☐ No

If you are applying as a co-parent, do you and your partner disagree at any level about the decision to become foster/adopt parents? ☐ Yes ☐ No

Do you have sufficient income to meet the needs of a foster/adopt child without the foster care reimbursement or adoptive stipend? ☐ Yes ☐ No

Is your housing, financial situation or co-parenting relationship unstable in any way at this time? ☐ Yes ☐ No

Do you have childhood or adult issues that you feel are unresolved and may interfere with your ability to focus on an abused/neglected child and meet their special needs? ☐ Yes ☐ No

If you are part of an active duty military family, will you be stationed at your current location for at least one year from the estimated date of verification (2-4 months from date of application)? ☐ Yes ☐ No

Are any children or other household members in your home opposed to your intent to foster/adopt? ☐ Yes ☐ No

Are there any members of your current active social support network that are actively opposed to your intent to foster/adopt? ☐ Yes ☐ No

If you have parented before, are you willing to relearn or be taught new and different ways to parent children who have been abused/neglect? ☐ Yes ☐ No

If you have never parented, are you willing to be coached/taught/guided by Pathways staff or therapists regarding how to parent an abused/neglected child? ☐ Yes ☐ No

If you believe in corporal punishment as a form of discipline, are you willing not to use this method with foster/adoptive children? ☐ Yes ☐ No

If you currently use corporal punishment with your own children, are you will to consider modifying that practice with them once foster/adopt children are placed so as not to trigger their possible histories of abuse/neglect/trauma? ☐ Yes ☐ No

# Pathways Home Study Applicant Screening and Pre-Assessment

Are there any issues or questions not asked that you think might be a challenge to your ability to parent a foster or adoptive child?

As previously mentioned, simply answering yes to any of the above questions does not automatically disqualify you from the application process. You will be asked the following about any affirmative responses so that we can better understand your situation and we can both make the best decisions possible for your family and the children of Texas.

The following questions will be addressed by a designated Pathways staff:

- What happened?
- What is your understanding of why it happened?
- How did you feel about it at the time it happened?
- What progress have you made in working on this issue since it happened?
- How do you feel about it now?
- How do you solve similar problems now as a result of your experience?

Thank you for your honesty in this assessment. Our goal is the safety of you, your family, and the children in our care.

---

Signature of Applicant

Completion Date



**PATHWAYS YOUTH AND FAMILY SERVICES, INC.**  
**NOTICE OF PRIVACY PRACTICES**  
**(Effective: April 14, 2003)**

**THIS NOTICE DESCRIBES HOW  
MEDICAL INFORMATION ABOUT  
YOU MAY BE USED AND DISCLOSED  
AND HOW YOU CAN GET ACCESS  
TO THIS INFORMATION. PLEASE  
REVIEW IT CAREFULLY.**

Pathways Youth & Family Services, Inc. (Pathways) provides many types of services and programs. Agency staff must collect information about you to provide these services. We know that information we collect about you and your health is private. Federal and state laws require us to protect the information we collect. We call this information "protected health information" or "PHI". This may include any information that relates to (1) your past, present, or future physical or mental health or condition; (2) providing health care to you; or (3) the past, present, or future payment of your health care.

This Notice of Privacy Practices tells you how Pathways may use or disclose information about you. Not all situations will be described. We are required to give you a notice of our privacy practices for the information we collect and keep about you. The Agency is required to follow the terms of the notice currently in effect according to the Health Insurance Portability and Accountability Act (HIPAA) of 1996. If you have any questions please contact the person(s) listed at the end of this notice.

## **Your Privacy Rights**

The law gives you the right to:

### **See and Get Copies of Your Records**

In most cases, individuals ages 18 or older, have the right to look at or get copies of your records. Minors, ages 14 or older, must have the written permission from their Managing Conservator to request copies of your records. You must make the request in writing. You may be charged a fee for the cost of copying your records.

### ☐ **Right to Request to Correct or Update Your Records**

You may ask Pathways to change or add missing information to your records if you think

there is a mistake. You must make the request in writing and provide a reason for your request.

### ☐ **Right to Get a List of Disclosures**

You have the right to ask Pathways for a list of disclosures made after April 14, 2003. You must make the request in writing. This list will not include the times that information was disclosed for treatment, payment, or health care operations. The list will not include information provided directly to you or your family, or information that was sent with your authorization.

### ☐ **Right to Request Limits on Uses or Disclosures of PHI**

You have the right to ask Pathways to limit how your information is used or disclosed. You must make the request in writing and specify what information you want to limit and to whom you want the limits to apply. Pathways is not required to agree to the restriction. You can request that the restrictions be terminated. A request to terminate a restriction may be communicated to Pathways either in writing or verbally.

### ☐ **Right to Revoke Permission**

If you are asked to sign an authorization to use or disclose information, you can cancel that authorization at any time. You must make the request in writing. This will not affect information that has already been shared.

### ☐ **Right to Choose How We Communicate With You**

You have the right to ask Pathways to share information with you in a certain way or in a certain place. For example, you may ask Pathways to send information to your work address instead of your home address. You must make this request in writing. You do not have to explain the basis for your request.

### ☐ **Right to File a Complaint**

You have the right to file a complaint if you do not agree with how Pathways has used or disclosed information about you.

### ☐ **Right to Get a Paper Copy of this Notice**

You have the right to ask for a paper copy of this notice at any time.



**PATHWAYS YOUTH AND FAMILY SERVICES, INC.**  
**NOTICE OF PRIVACY PRACTICES**  
**(Effective: April 14, 2003)**

**How Pathways Uses and Discloses Health Information that Identifies You**

☐ **For Treatment**

Pathways may use or disclose information with health care providers who are involved in your health care. For example, information may be shared to create and carry out a plan for your treatment.

☐ **Appointments and Other Health Information**

Pathways may send you reminders for medical care or checkups or information concerning health services that may be of interest to you.

☐ **For Payment**

Pathways may use or disclose information to obtain payment or to pay for the health care services you receive. For example, Pathways may provide protected health information to your health plan in order to bill your health plan for health care services provided to you.

☐ **For Health Care Operations**

Pathways may use or disclose information in order to manage its programs and activities. For example, Pathways may use protected health information to review the quality of services you receive.

☐ **For Contractors**

Pathways may disclose health information about you to an Agency contractor if the contractor:

- 1) Needs the information to perform services for the Agency; and
- 2) Agrees to protect the privacy of the information

☐ **For Eligibility**

Pathways may use your protected health information to determine eligibility for and/or the level of assistance for programs operated by Pathways, such as: Medicaid, Children's Health Insurance Program (CHIP), Low Income Families (LIF) Program, homemaker services, home health services, and personal care services.

☐ **For Health Oversight Activities** Pathways may use or disclose information to inspect or investigate health care providers.

☐ **As Required by Law and For Law Enforcement**

Pathways will use and disclose information when required or permitted by federal or state law or by a court order.

☐ **For Government Programs**

Pathways may use and disclose information for public benefits under other government programs. For example, Pathways may disclose information for the determination of Supplemental Security Income (SSI) benefits.

☐ **For Abuse Reports and Investigations**

Pathways is required by law to receive and investigate reports of abuse.

☐ **To Avoid Harm**

Pathways may disclose protected health information to law enforcement in order to avoid a serious threat to the health and safety of a person or the public.

☐ **For Research**

Pathways may use information for studies and to develop reports. Any studies or reports prepared for research purposes would not identify specific people.

☐ **Disclosures to Family, Friends, and Others**

Pathways may disclose information to your family or other individuals involved in your medical care. You have the right to object to the sharing of this information.

☐ **To Recover Amounts Owed to the State or Federal Government**

Pathways may disclose information to other third-party payment sources for the purposes of recovering amounts owed to the state or federal government as a result of overpayments or over issuances of program benefits.

**Please note: If you are being treated for alcohol or drug abuse, Pathways will not disclose this information without your written permission. We will not disclose any information identifying you as an alcohol, drug, or substance user, except as allowed by law.**



**PATHWAYS YOUTH AND FAMILY SERVICES, INC.**  
**NOTICE OF PRIVACY PRACTICES**  
**(Effective: April 14, 2003)**

### **Uses and Disclosures Requiring Your Written Authorization**

For other situations, Pathways will request your written authorization before using or disclosing protected health information. You may cancel this authorization at any time in writing. Pathways cannot take back any uses or disclosures already made with your authorization.

### **How to Contact Pathways to Review, Correct, or Limit Your Protected Health Information**

You may contact your local Pathways' Privacy Officer to:

- ☐ Ask to look at or copy your records
- ☐ Ask to correct or change your records
- ☐ Ask to limit how information about you is used or disclosed
- ☐ Ask for a list of the times Pathways disclosed information about you
- ☐ Ask to cancel your authorization

Pathways may deny your request to look at, copy, or change your records. If Pathways denies your request, we will send you a letter informing you why your request was denied and how you can request a review of the denial. You will also receive information about how to file a complaint with Pathways or with the U.S. Department of Health and Human Services, Office for Civil Rights.

### **For More Information**

If you have any questions about this notice or need more information, please contact any Pathways staff member or the Pathways' Privacy Officer.

### **Additional Information**

In the future, Pathways may make changes to the Notice of Privacy Practices. Any changes will apply to information Pathways already has, as well as any information Pathways may receive in the future. A copy of new notices will be posted at each Pathways office location as well as on our Internet website [www.pathway.org](http://www.pathway.org) and provided as required by law. You may ask for a copy of the current notice any time you visit a Pathways office.

### **How to File a Complaint or Report a Problem**

You may contact any of the following offices if you would like to file a complaint or report a problem with how Pathways used or disclosed information about you. Your benefits will not be affected by any complaints you make. Pathways cannot retaliate against you for filing a complaint, cooperating in an investigation, or refusing to agree to something that you believe to be unlawful.

**Pathways Youth & Family Services, Inc.**  
Dan Johnson, Executive Director  
PO Box 689  
Leahey, TX 78873  
Phone: (830) 232-6590  
Fax: (830) 232-6522  
Email: [dan@pathway.org](mailto:dan@pathway.org)

**Office for Civil Rights**  
Medical Privacy, Complaint Division  
U.S. Department of Health and Human Services  
200 Independence Avenue, SW, HHH Building,  
Room 509H  
Washington, D.C. 20201  
Phone: 866-627-7748  
TTY: 866-788-4989  
Email: [ocrmail@hhs.gov](mailto:ocrmail@hhs.gov)

**Pathways Youth & Family Services, Inc.**  
HIPAA Privacy Officer  
4243 E. Piedras, Suite 100  
Beaumont Building  
San Antonio, TX 78229  
Phone: (210) 733-7117  
Fax: (210) 733-7118  
Email: [HIPAA@pathway.org](mailto:HIPAA@pathway.org)



**PATHWAYS YOUTH AND FAMILY SERVICES, INC.**  
**Acknowledgement of Receipt of Notice of Privacy Practices**  
**Effective: April 14, 2003**

**Notice to Client/Foster Parent/Employee:**

We are required to provide you with a copy of our Notice of Privacy Practices, which states how we may use and/or disclose your health information. Please sign this form to acknowledge receipt of the Notice. You may refuse to sign this acknowledgement, if you wish.

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**I acknowledge that I have received a copy of the office's Notice of Privacy Practices.**

Please sign your name(s) here:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

We have made every effort to obtain written acknowledgement of receipt of our Notice of Privacy from this patient but it could not be obtained because:

- ☐ The patient refused to sign.
- ☐ Due to an emergency situation it was not possible to obtain an acknowledgement.
- ☐ We weren't able to communicate with the patient.
- ☐ Other (*Please provide specific details*)

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**HIPAA Acknowledgement of Receipt of the Notice of Privacy Practices**  
*This form does not constitute legal advice and covers only federal, not state, law.*

## HEALTH STATUS

<b>Name</b>	<b>Date of Birth</b>
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### MEDICAL HISTORY

Have you or any member of your family had a history of or treatment for the following: If yes, use the following codes to indicate relationship to you:

S = Self    M = Mother    F = Father    B = Brother    Si = Sister    GM = Grandmother    GF = Grandfather

	No	Yes	Rel		No	Yes	Rel		No	Yes	Rel
Tuberculosis				Headaches				Alcoholism			
Cancer				Seizures				Asthma			
Hypertension				Drug Usage				Chronic Constipation			
Chronic Kidney Condition				Heart Condition				Tension			
Ulcers				Mental/Emotional Problems				Chronic Fatigue			
Colitis				Severe Arthritis				Insomnia			
Eczema				Hemophilia				Allergies			
Hayfever				Diabetes				Other:			

List any medication you are taking and for what: \_\_\_\_\_

\_\_\_\_\_

Have you ever received treatment for a mental health problem? ☐ YES ☐ NO  
If so, when and who gave treatment? (provide name and address) \_\_\_\_\_

\_\_\_\_\_

Have you taken any medication for mental or emotional problems? ☐ YES ☐ NO

When                      Drug Prescribed                      Prescribing Doctor                      Address


Have you ever gone to counseling for emotional or family problems? ☐ YES ☐ NO  
If so, when and who was the counselor/therapist? (provide name and address)


This form is solely an information gathering tool, not a screening tool, so please answer accurately.

Have you ever had a psychological examination or battery of psychological tests?

☐ YES ☐ NO

If so, when and where?

Are you physically able to have children? ☐ YES ☐ NO

If no, why not?

List all admission to a hospital:

DATE:

REASON FOR ADMISSION:

Date of last visit to doctor and reason:

List all illnesses you have had in the past year.

Do you have a physical disability? ☐ YES ☐ NO If so, what?

Have you ever been treated for drug usage? ☐ YES ☐ NO

If yes, when and where?

Have you ever been treated for alcoholism? ☐ YES ☐ NO

If yes, when and where?

The above information is true and correct to the best of my knowledge. I hereby authorize any physician, psychiatrist, psychologist, therapist, hospital or any other agency or institution to release information about my and/or my children's current or past physical, mental or emotional health to Pathways Youth & Family Services. I also release the above named professionals, agencies and institutions from all legal responsibility and liability that may arise from the act, I have hereby authorized.

Adoptive Parent Signature

Date





# Family Risk Assessment

Name of Family: \_\_\_\_\_

Date: \_\_\_\_\_

Staff Submitting Concern: \_\_\_\_\_

Office: \_\_\_\_\_

**Please list any/all concerns or risk factors that you have regarding the family including environmental, family dynamics, safety issues, parenting practices, or any other identified areas of need:**

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Supervisor Reviewing Risk Assessment: \_\_\_\_\_

Date: \_\_\_\_\_

**Action Taken/Required:**

- ☐ Staffing / Treatment Team Meeting
- ☐ File Review
- ☐ Home Visit
- ☐ Meeting with Caregivers
- ☐ Interview with Child(ren)
- ☐ Unannounced Home Visits
- ☐ No Further Action Required At This Time

- ☐ Home Closure Recommended
- ☐ Hotline Report Made
- ☐ Facility Progress Log Completed
- ☐ Action Plan Implemented
- ☐ Incident Report Completed
- ☐ Safety Plan Implemented
- ☐ Other: \_\_\_\_\_

Please document the outcome of this assessment including details of action taken: \_\_\_\_\_

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Program Director Review and Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# Adult-Adolescent Parenting Inventory (AAPI-2)

Stephen J. Bavolek, Ph.D. and Richard G. Keene, Ph.D.

## Test Form A

This test can only be scored online at [assessingparenting.com](http://assessingparenting.com)

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**Before you take the inventory, we need some important information from you.**

1. Administered on: \_\_\_\_\_  
Month Year Date
2. First Name: \_\_\_\_\_
3. Middle Initial (optional): \_\_\_\_\_
4. Last Name: \_\_\_\_\_ Agency Client ID (optional): \_\_\_\_\_
5. Birthday: \_\_\_\_\_  
Month Year Date
6. Gender: ☐ Male ☐ Female
7. Race: ☐ Unknown ☐ White ☐ Black ☐ Asian ☐ Hispanic ☐ Native American ☐ Pacific Islander  
Nationality: \_\_\_\_\_
8. Marital Status: ☐ Unknown ☐ Single ☐ Married ☐ Divorced ☐ Unmarried Partners  
☐ Separated ☐ Widowed
9. How many children do you have: \_\_\_\_\_
10. What is the highest grade you completed in school: ☐ Unknown ☐ Grade School ☐ 7th Grade ☐ 8<sup>th</sup> Grade  
☐ 9<sup>th</sup> Grade ☐ 10<sup>th</sup> Grade ☐ 11<sup>th</sup> Grade ☐ High School Grad ☐ Some College ☐ College Graduate  
☐ Post-Graduate or above
11. What is your employment status: ☐ Unknown ☐ Employed Full Time  
☐ Unemployed ☐ Not Employed because of Disability  
☐ Employed Part Time ☐ Retired
12. What is your annual household income: ☐ Unknown ☐ \$25,001 - \$40,000  
☐ Under \$15,000 ☐ \$40,001 - \$60,000  
☐ \$15,001 - \$25,000 ☐ Over \$60,000
13. Were you and/or your partner in the military: ☐ Unknown  
☐ No  
☐ Yes, both of us  
☐ Yes, only my partner  
☐ Yes, only me
14. As a child, did you experience any type of abuse by a person:  
a. Outside your family? ☐ Don't Know ☐ Yes ☐ No  
b. Within your family? ☐ Don't Know ☐ Yes ☐ No

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(800) 688-5822 • (435) 649-5822 (outside the United States) • [fdr@nurturingparenting.com](mailto:fdr@nurturingparenting.com)  
[www.assessingparenting.com](http://www.assessingparenting.com)

## INSTRUCTIONS:

There are 40 statements in this booklet. They are statements about parenting and raising children. You decide the degree to which you agree or disagree with each statement by circling one of the responses.

**STRONGLY AGREE** – Circle **SA** if you strongly support the statement, or feel the statement is true most of all the time.

**AGREE** – Circle **A** if you support the statement, or feel this statement is true some of the time.

**STRONGLY DISAGREE** – Circle **SD** if you feel strongly against the statement, or feel the statement is not true.

**DISAGREE** – Circle **D** if you feel you cannot support the statement or that the statement is not true some of the time.

**UNCERTAIN** – Circle **U** only when it is impossible to decide on one of the other choices.

When you are told to turn the page, begin with Number 1 and go on until you finish all the statements. In answering them, please keep these four points in mind:

1. Respond to the statements truthfully. There is no advantage in giving an untrue response because you think it is the right thing to say. There really is no right or wrong answer – only your opinion.
2. Respond to the statements as quickly as you can. Give the first natural response that comes to mind.
3. Circle only one response for each statement.
4. Although some statements may seem much like others, no two statements are exactly alike. Make sure you respond to every statement.

If there is anything you don't understand, please ask your questions now. If you come across a word you don't know while responding to a statement, ask the examiner for help.

**PLEASE TURN THE PAGE AND BEGIN...**

<b>AAPI Online - Form A</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Uncertain</b>
1. Children need to be allowed freedom to explore their world in safety.	SA	A	D	SD	U
2. Time-out is an effective way to discipline children.	SA	A	D	SD	U
3. Children who are one-year-old should be able to stay away from things that could harm them.	SA	A	D	SD	U
4. Strong-willed children must be taught to mind their parents.	SA	A	D	SD	U
5. The sooner children learn to feed and dress themselves and use the toilet, the better off they will be as adults.	SA	A	D	SD	U
6. Spanking teaches children right from wrong.	SA	A	D	SD	U
7. Babies need to learn how to be considerate of the needs of their mother.	SA	A	D	SD	U
8. Strict discipline is the best way to raise children.	SA	A	D	SD	U
9. Parents who nurture themselves make better parents.	SA	A	D	SD	U
10. Children can learn good discipline without being spanked.	SA	A	D	SD	U
11. Children have a responsibility to please their parents.	SA	A	D	SD	U
12. Good children always obey their parents.	SA	A	D	SD	U
13. In father's absence, the son needs to become the man of the house.	SA	A	D	SD	U
14. A good spanking never hurt anyone.	SA	A	D	SD	U
15. Parents need to push their children to do better.	SA	A	D	SD	U
16. Children should keep their feelings to themselves.	SA	A	D	SD	U
17. Children should be aware of ways to comfort their parents after a hard day's work.	SA	A	D	SD	U
18. Children learn respect through strict discipline.	SA	A	D	SD	U
19. Hitting a child out of love is different than hitting a child out of anger.	SA	A	D	SD	U
20. A good child sleeps through the night.	SA	A	D	SD	U
21. Children should be potty trained when they are ready and not before.	SA	A	D	SD	U

<b>AAPI Online - Form A</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Uncertain</b>
22. A certain amount of fear is necessary for children to respect their parents.	SA	A	D	SD	U
23. Spanking teaches children it's alright to hit others.	SA	A	D	SD	U
24. Children who feel secure often grow up expecting too much.	SA	A	D	SD	U
25. There is nothing worse than a strong-willed two-year-old.	SA	A	D	SD	U
26. Sometimes spanking is the only thing that will work.	SA	A	D	SD	U
27. Children who receive praise will think too much of themselves.	SA	A	D	SD	U
28. Children should do what they're told to do, when they're told to do it. It's that simple.	SA	A	D	SD	U
29. Children should be taught to obey their parents at all times.	SA	A	D	SD	U
30. Children should know what their parents need without being told.	SA	A	D	SD	U
31. Children should be responsible for the well-being of their parents.	SA	A	D	SD	U
32. It's OK to spank as a last resort.	SA	A	D	SD	U
33. Parents should be able to confide in their children.	SA	A	D	SD	U
34. Parents who encourage their children to talk to them only end up listening to complaints.	SA	A	D	SD	U
35. Children need discipline, not spanking.	SA	A	D	SD	U
36. Letting a child sleep in the parents' bed every now and then is a bad idea.	SA	A	D	SD	U
37. A good spanking lets children know parents mean business.	SA	A	D	SD	U
38. A good child will comfort both parents after they have argued.	SA	A	D	SD	U
39. "Because I said so" is the only reason parents need to give.	SA	A	D	SD	U
40. Children should be their parents' best friend.	SA	A	D	SD	U

# Adult-Adolescent Parenting Inventory (AAPI-2)

Stephen J. Bavolek, Ph.D. and Richard G. Keene, Ph.D.

## Test Form B

This test can only be scored online at [assessingparenting.com](http://assessingparenting.com)

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**Before you take the inventory, we need some important information from you.**

1. Administered on: \_\_\_\_\_  
Month Year Date
2. First Name: \_\_\_\_\_
3. Middle Initial (optional): \_\_\_\_\_
4. Last Name: \_\_\_\_\_ Agency Client ID (optional): \_\_\_\_\_
5. Birthday: \_\_\_\_\_  
Month Year Date
6. Gender: ☐ Male ☐ Female
7. Race: ☐ Unknown ☐ White ☐ Black ☐ Asian ☐ Hispanic ☐ Native American ☐ Pacific Islander  
Nationality: \_\_\_\_\_
8. Marital Status: ☐ Unknown ☐ Single ☐ Married ☐ Divorced ☐ Unmarried Partners  
☐ Separated ☐ Widowed
9. How many children do you have: \_\_\_\_\_
10. What is the highest grade you completed in school: ☐ Unknown ☐ Grade School ☐ 7th Grade ☐ 8<sup>th</sup> Grade  
☐ 9<sup>th</sup> Grade ☐ 10<sup>th</sup> Grade ☐ 11<sup>th</sup> Grade ☐ High School Grad ☐ Some College ☐ College Graduate  
☐ Post-Graduate or above
11. What is your employment status: ☐ Unknown ☐ Employed Full Time  
☐ Unemployed ☐ Not Employed because of Disability  
☐ Employed Part Time ☐ Retired
12. What is your annual household income: ☐ Unknown ☐ \$25,001 - \$40,000  
☐ Under \$15,000 ☐ \$40,001 - \$60,000  
☐ \$15,001 - \$25,000 ☐ Over \$60,000
13. Were you and/or your partner in the military: ☐ Unknown  
☐ No  
☐ Yes, both of us  
☐ Yes, only my partner  
☐ Yes, only me
14. As a child, did you experience any type of abuse by a person:  
a. Outside your family? ☐ Don't Know ☐ Yes ☐ No  
b. Within your family? ☐ Don't Know ☐ Yes ☐ No

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(800) 688-5822 • (435) 649-5822 (outside the United States) • [fdn@nurturingparenting.com](mailto:fdn@nurturingparenting.com)  
[www.assessingparenting.com](http://www.assessingparenting.com)

## INSTRUCTIONS:

There are 40 statements in this booklet. They are statements about parenting and raising children. You decide the degree to which you agree or disagree with each statement by circling one of the responses.

**STRONGLY AGREE** – Circle **SA** if you strongly support the statement, or feel the statement is true most of all the time.

**AGREE** – Circle **A** if you support the statement, or feel this statement is true some of the time.

**STRONGLY DISAGREE** – Circle **SD** if you feel strongly against the statement, or feel the statement is not true.

**DISAGREE** – Circle **D** if you feel you cannot support the statement or that the statement is not true some of the time.

**UNCERTAIN** – Circle **U** only when it is impossible to decide on one of the other choices.

When you are told to turn the page, begin with Number 1 and go on until you finish all the statements. In answering them, please keep these four points in mind:

1. Respond to the statements truthfully. There is no advantage in giving an untrue response because you think it is the right thing to say. There really is no right or wrong answer – only your opinion.
2. Respond to the statements as quickly as you can. Give the first natural response that comes to mind.
3. Circle only one response for each statement.
4. Although some statements may seem much like others, no two statements are exactly alike. Make sure you respond to every statement.

If there is anything you don't understand, please ask your questions now. If you come across a word you don't know while responding to a statement, ask the examiner for help.

**PLEASE TURN THE PAGE AND BEGIN...**

<b>AAPL Online - Form B</b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Uncertain</b>
1. Children who learn to recognize feelings in others are more successful in life.	SA	A	D	SD	U
2. Children who bite others need to be bitten to teach them what it feels like.	SA	A	D	SD	U
3. Children should be the main source of comfort for their parents.	SA	A	D	SD	U
4. You cannot teach children respect by spanking them.	SA	A	D	SD	U
5. Children should be taught to obey their parents at all times.	SA	A	D	SD	U
6. Parents should expect more from boys than girls.	SA	A	D	SD	U
7. Children who express their opinions usually make things worse.	SA	A	D	SD	U
8. If a child is old enough to defy a parent, then he or she is old enough to be spanked.	SA	A	D	SD	U
9. Older children should be responsible for the care of their younger brothers and sisters.	SA	A	D	SD	U
10. Crying is a sign of weakness in boys.	SA	A	D	SD	U
11. Parents spoil babies by picking them up when they cry.	SA	A	D	SD	U
12. If you love your children, you will spank them when they misbehave.	SA	A	D	SD	U
13. Praising children is a good way to build their self-esteem.	SA	A	D	SD	U
14. Children cry just to get attention.	SA	A	D	SD	U
15. Parents who are sensitive to their children's feelings and moods often spoil them.	SA	A	D	SD	U
16. In father's absence, the son needs to become the man of the house.	SA	A	D	SD	U
17. Mild spankings can begin between 15 to 18 months.	SA	A	D	SD	U
18. Give children an inch and they'll take a mile.	SA	A	D	SD	U
19. The less children know, the better off they are.	SA	A	D	SD	U
20. Rewarding children's appropriate behavior is a good form of discipline.	SA	A	D	SD	U



<b><u>AAPI Online - Form B</u></b>	<b>Strongly Agree</b>	<b>Agree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>	<b>Uncertain</b>
21. Children should be considerate of their parents' needs.	SA	A	D	SD	U
22. Never hit a child.	SA	A	D	SD	U
23. Children should be seen and not heard.	SA	A	D	SD	U
24. Good children always obey their parents.	SA	A	D	SD	U
25. Children learn violence from their parents.	SA	A	D	SD	U
26. Two-year-old children make a terrible mess of everything.	SA	A	D	SD	U
27. Parents' expectations of their children should be high but appropriate.	SA	A	D	SD	U
28. The problem with kids today is that parents give them too much freedom.	SA	A	D	SD	U
29. Children who are spanked behave better than children who are not spanked.	SA	A	D	SD	U
30. Children should offer comfort when their parents are sad.	SA	A	D	SD	U
31. Children should be obedient to authority figures.	SA	A	D	SD	U
32. Children need to be potty trained as soon as they are two years old.	SA	A	D	SD	U
33. Strong-willed toddlers need to be spanked to get them to behave.	SA	A	D	SD	U
34. Children today have it too easy.	SA	A	D	SD	U
35. Children should know when their parents are tired.	SA	A	D	SD	U
36. Children who are spanked usually feel resentful towards their parents.	SA	A	D	SD	U
37. Parents' needs are more important than their children's.	SA	A	D	SD	U
38. Spanking children when they misbehave teaches them how to behave.	SA	A	D	SD	U
39. Parents who encourage their children to talk to them only end up listening to complaints.	SA	A	D	SD	U
40. Consequences are necessary for family rules to have meaning.	SA	A	D	SD	U

**Public Testimony:  
Screening,  
Assessment,  
Training and  
Support of Foster  
and Kinship  
Families**

**Texas Juvenile  
Justice  
Department  
(TJJD)**



**Texas Juvenile Justice Department  
House Select Committee on Child Protection  
July 24, 2014**



# TJJD BY NUMBER

6

secure facilities operated by TJJD (5 currently housing youth)

8

halfway houses operated by TJJD

6

parole offices operated by TJJD

9

contract care facilities for state committed youth

approximately

**1,700**

youth in state facilities and on parole

**168**

county probation departments

**98**

county facilities

approximately

**28,500**

youth on county supervision or in detention

# Reporting mechanisms available to youth

- Phones are available to youth to call the Incident Reporting Center (IRC) using a hotline number in each state secure facility, halfway house and contract care facility.
- Youth may report to staff, parents or another adult who, by law, must report alleged abuse, neglect, or exploitation to the Office of Inspector General and/or other law enforcement.
- Youth have access to grievance forms on every dorm, which are numbered and tracked by the Youth Rights Department.
- The Office of Independent Ombudsman makes unannounced visits to every TJJD secure facility (monthly), halfway house (bi-monthly), and contract care facility (bi-monthly). Each visit includes interviews with youth and staff. Youth may also use the Ombudsman's toll free number to make a report.
- The Monitoring and Inspections Division visits every TJJD secure facility, halfway house, contract care facility, and county operated facility annually, with additional unannounced visits periodically, at which youth and staff are interviewed.

# The Incident Reporting Center acts as a clearinghouse

**IRC receives, evaluates and assigns reports to proper division for investigation or resolution—as appropriate**

- ✓ **Receives approximately 12,000 reports a year**
- ✓ **14% are retained for criminal investigation with OIG, but not all prosecuted**
- ✓ **Criminal investigations referred for prosecution have *decreased* by 7%**
- ✓ **Reporting numbers are trending up**

- ✓ **Youth Rights Division resolves 49% of complaints reported to the IRC**
- ✓ **AID investigates 5% of complaints reported to the IRC**
- ✓ **State Programs resolves 13% of complaints reported to the IRC**
- ✓ **8% of complaints are closed as duplicates**

# IRC acts as a clearinghouse

IRC receives, evaluates and assigns reports to proper division for investigation or resolution—as appropriate

## Who makes reports to the IRC?

- ✓ Approximately 40% are made by staff
- ✓ Approximately 60% are made by youth

**Facility staff receive training during their initial orientation and continuing education annually**



# Investigative branches of TJJD

All are independent of the TJJD direct care staff

## **Office of Inspector General (OIG)**

Conducts criminal investigations at TJJD secure facilities, halfway houses, and contract care facilities.

## **Administrative Investigations Division (AID)**

Conducts all abuse, neglect and exploitation investigations for state (secure, halfway house, contract care) and county (contract and county operated) facilities.

## **Office of Independent Ombudsman (OIO)**

Investigates, evaluates, and secures the rights of youth in state (secure, halfway house, contract care) facilities, both systematically and also by resolving individual complaints not resolved by other means. (OIO is independent of TJJD and its board.)

## **Monitoring and Inspections Division (M&I)**

Monitors state and county facilities for compliance with agency policy, health and safety codes, regulations, and administrative rules (i.e., standards) (non-incident driven).

# Youth accessible phones

- ✓ **Telephones available in every dorm**
- ✓ **IRC hotline number visible by each phone**
- ✓ **Hotline answered 24 hours a day, 7 days a week**
- ✓ **Calls to the IRC are free**
- ✓ **Calls are answered by the OIG**
- ✓ **Youth must have reasonable, daily access to phones**

## Phones are also used to call:

- ✓ The OIO's toll free number posted in all facilities
- ✓ Family members on a youth's call list



Calls to the OIO by youth that report criminal activity, including abuse, neglect or exploitation, are submitted to the IRC by the OIO.

# Staff are required to report

**Direct care &  
education staff**



Trained prior to working with youth to identify and report incidents appropriately

- ✓ Part of 6-hour pre-service training

**All staff**



- ✓ Must review TJJD's Employee Handbook at New Employee Orientation
- ✓ Must acknowledge understanding of Employee Handbook
- ✓ Handbook requires reporting of illegal activities, including youth mistreatment

# Youth can report through the Youth Rights Grievance System

**2 ways for youth to file a grievance**

**60%**

call the  
IRC

**40%**

complete a  
numbered and  
tracked grievance  
form available on  
each dorm

Youth can grieve just about any issue, including:

- ✓ needing proper clothing
- ✓ wanting certain hygiene supplies
- ✓ food quality and quantity
- ✓ freedom of religion
- ✓ free speech rights
- ✓ program concerns such as the type of treatment they receive
- ✓ requests to move to another campus to be closer to family

# Youth Rights Grievance System

- Youth Rights Specialists on every campus
- Administers confidential, reliable, and responsive grievance system
- Assures youth obtain resolutions to problems and concerns relating to basic youth rights
- Youth receive training on how to use the grievance system at orientation and assessment, and again with any transfer to a new facility

## # of grievances filed

**FY 2012**

**10,254**

**FY 2013**

**9,863**

**FY 2014**

**8,390  
(to date)**

# Office of the Independent Ombudsman

## Organization

- ❑ Independent state agency, reporting directly to the Office of the Governor
- ❑ Appointed by the Governor, with the advice and consent of the senate for 2-year terms
- ❑ Receives separately appropriated state funding
- ❑ Memorandum of Understanding with TJJD to “preserve the independence of the office to withhold information concerning matters under active investigation by the office from the department and department staff and to report the information to the board and the governor.”

## Functions

- ❑ Seeks to address systemic problems with TJJD service delivery but also resolves individual complaints
- ❑ Submits quarterly reports to the TJJD board, the governor, the lieutenant governor, the state auditor, and each member of the legislature
- ❑ Visits every TJJD secure facility (monthly), and halfway house (bi-monthly), and contract care facility (bi-monthly)
- ❑ Interviews youth and staff at every visit

# Office of the Independent Ombudsman

## Duties and Powers

- Review procedures established by the TJJD Board
- Evaluate the delivery of services to youth to ensure their rights are fully observed
- Review complaints filed with the OIO concerning actions of TJJD
- Conduct investigations regarding non-criminal complaints if the OIO determines a youth or their family may need assistance from the OIO
- Conduct investigations regarding non-criminal complaints if the OIO determines that a systemic issue in TJJD's provision of services is raised by the complaint
- Inspect facilities periodically to ensure that youth's rights are fully observed
- Advocate with TJJD, a provider, or any other person in the best interest of the youth TJJD serves
- Review reports and analyze data received by TJJD relating to complaints regarding county juvenile probation programs, services or facilities to identify trends in complaints
- Report standards (rule) violations by county juvenile probation departments to TJJD
- Apprise people interested in a youth's welfare of the rights of the youth
- Assess whether a youth's rights have been violated (if not involving criminal behavior)

# Office of Independent Ombudsman

	FY 2013	3 <sup>rd</sup> Quarter FY14	FY14 (to date)
Site Visits	236	61	171
Number of Youth Interviewed	1410	589	1153
Number of Youth Interviews Conducted	2915	798	2266
Closed Cases	256	37	154



# Additional eyes and ears of TJJD

TJJD enjoys additional oversight of various others:

- ✓ Medical services
- ✓ Central office staff visiting facilities
- ✓ Advocates
- ✓ Internal Audit
- ✓ Prison Rape Elimination Act audits

# **Need more information?**

**David Reilly, Interim Executive Director  
Texas Juvenile Justice Department  
David.Reilly@tjjd.texas.gov  
(512) 490-7004**

**Department of  
Family and  
Protective Services  
(DFPS)**

**Part 4**

**System for Youth to  
Report  
Maltreatment**



# House Select Committee on Child Protection

## Interim Charge Presentation

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Judge John Specia, DFPS Commissioner

*July 24, 2014*

# **Part Four**

# **System for Youth to Report Maltreatment**

# Youth Reporting Maltreatment

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- When children enter the CPS system, they are provided with the Foster Youth Bill of Rights, which includes contact information for the Texas Abuse/Neglect Hotline and Office of Consumer Affairs.
- They are also encouraged to inform their caseworker, caregiver, or another adult they feel comfortable with if they do not feel safe.
- They are also provided with information on where to turn if they have questions or need help.

# Youth Reporting Maltreatment

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- Youth in care may report maltreatment to the following individuals:
    - CPS Caseworker
    - Caregiver (foster parent, kinship caregiver)
    - DFPS Statewide Intake
    - DFPS Office of Consumer Affairs
    - Attorney
    - CPA Caseworker
    - Counselor
    - CASA volunteer
    - Attorney ad litem
    - PAL Specialist (if over age of 15)
    - Kinship Development Worker
-

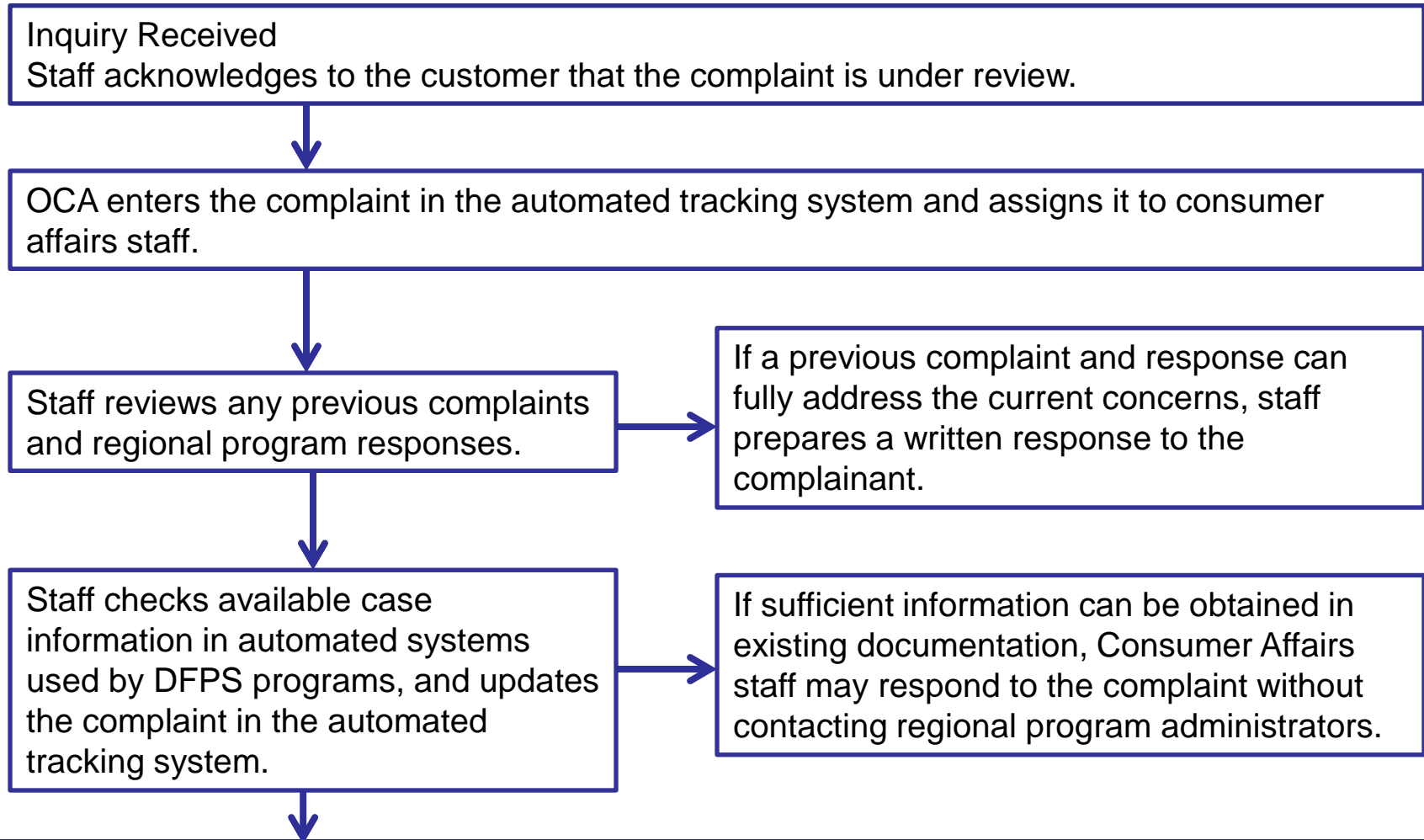
The DFPS Office of Consumer Affairs (OCA) receives, responds to, and catalogues inquiries and complaints from entities external to DFPS.

The OCA is responsible for:

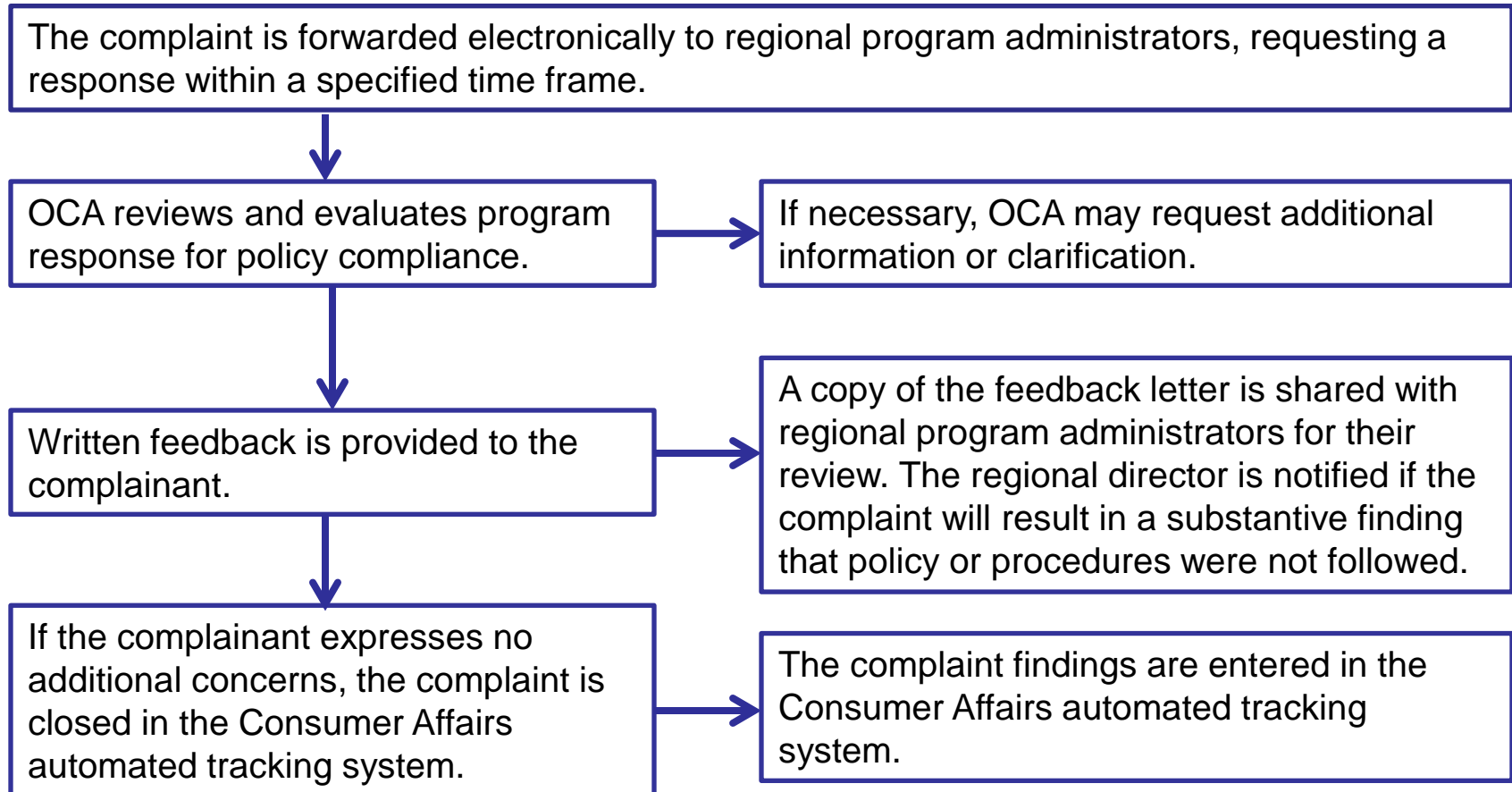
- case-specific complaints related to all agency programs
- appeals of case findings for CPS following the Administrative Review of Investigation Findings process that continues to identify an individual in the role of Designated Perpetrator.



# Complaint Review Process



# Complaint Review Process



Children and youth may call:

- Child Abuse/Neglect Hotline: 1-800-252-5400
- Texas Youth & Runaway Hotline: 1-800-989-6884
- Office of Consumer Affairs: 1-800-720-7777

**Public Testimony:  
Ability of Children  
and Youth within  
the System to  
Report  
Maltreatment**