



National Association of Public  
Child Welfare Administrators

an affiliate of the American Public Human Services Association

## **How States are Implementing the Fostering Connections Act**

### **Texas' At-Risk Children**

Texas has seen a noteworthy reduction of children in foster care. In state fiscal year (SFY) 2007 there were 33,615 children in foster care. In SFY 2008 that number reduced to 31,058 children in foster care. In the same year, the average number of children in foster care each month was 17,974, down from 19,593 the previous year. There are several reasons for the decline, including an expansion of Family Group Decision Making (FGDM) and an increase in family safety and preservation caseworkers. In SFY 2008, Texas tripled the number of families served by FGDM and the number of children removed from their homes decreased from 15,920 in SFY 2007 to 14,295 in SFY 2008. Texas' Child Protective Services has added new workers and reduced caseloads by nearly 50 percent.<sup>1</sup>

Texas placed 16,576 children in 10,433 kinship care families in SFY 2008, compared to 8,801 in SFY 2007. In Texas judges are required to consider placement with relatives and ask the parents for contact information of relatives or significant persons that may be able to provide care for the children, even if only on a temporary basis. This is to reduce the trauma that may accompany the child's removal.

Additionally, the state has increased the numbers of adoptions from foster care by more than 12 percent. The number of adoptions increased from 4,023 SFY 2007 to 4,517 in SFY 2008. The state hopes this accomplishment will be recognized when the new Adoption Incentive bonuses are awarded in the fall.<sup>2</sup> At the end of SFY 2008, Texas continues to have 6,375 children waiting to be adopted.

### **Texas' Budget Landscape**

Texas is one of the more fortunate states that is not in a serious budget crisis. Minimal growth is expected over the next several years. Unemployment is currently lower than the national average. The 81<sup>st</sup> Texas Legislature, that just ended a five-month session, created a state budget for the next two years that included significant increases for many critical services, mainly due to the additional federal stimulus money made available through the American Recovery and Reinvestment Act (P.L. 111-5). One such increase was funding for the optional programs under Fostering Connections.

### **P.L. 110-351 State Options**

Two bills were passed that amend state statutes to implement optional programs under P.L. 110-351. The state received funding to implement the guardianship assistance program and to extend reimbursement for foster care, guardianship assistance and adoption assistance to some young persons up to age 21 under the Fostering Connections criteria.

The guardianship assistance program will be named the Permanency Care Assistance Program (PCA). Texas uses the term conservatorship rather than guardianship to describe the legal relationships in court orders involving the parent child relationship. There are two types of conservatorship: temporary and permanent, with the latter being the equivalent of "guardianship" as it is used in Fostering Connections. In the new Texas program the qualified kinship provider would obtain permanent managing conservatorship (PMC) of the child before the PCA payments would begin. Texas plans to submit a Title IV-E state plan amendment and begin the PCA program. Administrative rules are in the process of being developed.

Currently, the only assistance available to relatives and fictive kin who are not verified<sup>3</sup> as foster parents and are caring for children in the state's conservatorship is the Relative and Other Designated Caregiver reimbursement program. This program is referred to as kinship care. As of February 2009, Texas had approximately 7,600 children in kinship care. The term fictive kin (also called "other designated caregivers") refers to godparent, family friend, mentors, etc. Caseworkers refer relatives or fictive kin to Temporary Assistance for Needy Families (TANF), the Women, Infant, and Children (WIC) program and child care programs to keep children safely in the home. These kinship families are assigned a kinship specialist who conducts a kinship home assessment and provides support until permanency is achieved. Subject

to certain limitations, kinship caregivers receive a one-time integration payment of \$1,000 and up to \$500 annual reimbursement per child placed with them. If a kinship family takes permanent managing conservatorship (PMC), the \$500 annual reimbursement per child can continue up to a maximum of 3 years.

Texas also has an extended foster care program where older youth are allowed to voluntarily stay in care or return to care past age 18 and up to their 21<sup>st</sup> or 22<sup>nd</sup> birthday, depending on what educational goal is being pursued. The state allows youth to receive placement and support services from the state if they are taking part in certain educational activities such as high school, a high school equivalency program or a post-secondary or vocational/technical school program. Prior to Fostering Connections, Texas used 100 percent state general revenue dollars to extend this support to youth. Additionally, these older youth are able to receive health, mental health, and case management services through *STAR Health*, which is a Medicaid managed care health and behavioral health model for the foster care population. With Fostering Connections, Texas will realize a cost savings to general revenue for the current population because this program will now be eligible for Title IV-E reimbursement. Additionally, Texas will expand the population of young persons who can be served in extended foster care by including the options for college, employment and employment related training programs, and medically needy situations.

### **Tribes**

Texas has three federally recognized tribes, the Kickapoo Traditional Tribe of Texas, Ysleta Del Sur Pueblo/Tigua Tribe, and the Alabama-Coushatta Tribe. Texas currently has no Title IV-E Agreements in place with the tribes, but two tribes have expressed interest in gaining direct access to funding to operate a Title IV-E program. The Administration for Children and Families (ACF) Region VI met with tribal officials on April 30, 2009 to discuss implementation.

### **P.L. 110-351 Mandatory Provisions**

Most of the overarching goals of the mandatory provisions in P.L. 110-351 are in Texas' state statutes or policy.

Texas operates relative search and notification in a variety of ways. Texas statutes require DFPS to attempt to obtain information on relatives at the time removal is contemplated. Moreover, several statutes call for parents from whom children are removed to be given an opportunity or required by the court to complete a form listing potential relative and other fictive kinship caregivers. Additional efforts involve conducting automated searches for relatives using a variety of database systems to locate absent parents and other relatives.

Once a family is identified as a potential kinship care provider, child protective services staff are required to complete a partial written assessment of a caregiver prior to the scheduled date of the Adversary/Show Cause Hearing. This hearing is generally held 14 days after the child's removal. During these hearings, if a judge determines that removal is warranted, the judge must require the parent or other relative before the court to complete the form listing potential relative or fictive kinship caregivers and to give DFPS locating information for any absent parent, alleged father or "other relative." The judge is required to place the child who is the subject of the removal with a non-custodial parent or relative unless it is inappropriate or not in the best interest of the child; and Texas recently passed legislation to require DFPS to explain why it did not place with a designated relative or fictive kinship caregiver listed by a parent from whom a child is removed. To ensure that state policy regarding relative notification activities are in accordance with P.L. 110-351, Texas has developed a notification letter designed to inform the child's grandparents and other adult relatives about the child's removal. The letter describes how relatives can become foster parents or kinship caregivers and describes the responsibilities and benefits involved with this role.

DFPS was found to be in substantial conformity on the education outcome in the federal on-site Child and Family Service Review (CFSR) in March 2008. Strong cross system collaborations between DFPS and school districts help improve the educational outcomes of children in care. This collaboration assists the state in operating the educational coordination and planning activities under P.L. 110-351. For example, DFPS has educational specialists in each region and in the state office to assist child protective services staff in addressing the educational needs of children in foster care and in developing and arranging working relationships with local school districts, and regional education centers. The school districts and regional education centers use the DFPS education specialists as subject matter experts in resolving educational issues related to CPS children. These working relationships also help facilitate the transfer of children's school records. Additionally, each school age child in foster care has an educational portfolio that follows the child as he/she changes placements, returns home to his/her parents, or transitions into an adoptive home. Current state statute also requires children to be immediately enrolled in school if their placement changes, and allows this transition to occur no later than three days prior to enrollment. Policy was recently updated to give more emphasis to having caseworkers

consider whether a child can continue to attend the child's current school at removal or when a subsequent placement is needed.

Most health oversight and coordination provisions of P.L. 110-351 are operated through STAR Health. Children in foster care are able to receive health screens, mental health treatment, dental and case management services covered under STAR Health. Additionally, youth who choose to extend their placement and care past age 18 through 21 are also eligible for STAR Health.

At age 16, youth with a permanency goal of another planned permanent living arrangement work on an extensive transition plan with their caseworkers. Independent living coordinators and transitioning youth develop a plan identifying the goals the youth wishes to achieve. In Texas, older youth are supported through an array of independent living services. The family group decision-making process also plays a vital role in the lives of older foster youth. For example, Texas has implemented a program called Circles of Support (COS) where youth can identify which adults are accessible and available to assist them with their needs as they transition out of foster care. Texas ensures that all youth receive at least one COS when they are 16 or 17 years of age. Texas' transition centers collaborate with the state's workforce commission to enhance public, private, and community-based resources, which improves youth's access to employment and expands their work skills.

Texas currently has policy to meet the new requirements under Fostering Connections regarding sibling connections. The state requires children in out-of-home care to be placed together, if possible. If this cannot occur, state policy prompts staff to maintain sibling contact through phone calls, emails, face to face meetings, etc. The department has management reports to track compliance of siblings being placed together. The importance of sibling connections is also emphasized when moving children into adoption.

### **Family Connections Grants**

Texas submitted a grant application under the Family Connections Grants (FCG). Although Texas does not have a formal kinship navigator program, the state offers a dial-in 211 service for families and relatives for immediate assistance when issues arise. Additionally, families can receive extensive resources to keep youth in their homes, which can ultimately divert these children from entering into state custody. Texas also has a diligent search unit to assist with family finding efforts. Texas has a strong family group decision-making model that uses family group conferences. These conferences are held soon after a removal occurs (within 45 days), where facilitators invite parents, relatives, and friends of the family or child(ren) who have a long-term relationship with them.

### **Opportunities & Challenges**

The Fostering Connections federal legislation offers Texas the opportunity to

- Set up a relative guardianship program (Permanency Care Assistance Program). This will significantly help the state reduce the number of children in the state's permanent managing conservatorship for whom parental rights have not been terminated. Currently these children are in long term foster care placements or in long term unverified (i.e. unlicensed) kinship care placements with continued department and court oversight. Many kinship care families need such supports to be able to care for children over time.
- Continue adoption assistance and permanency care assistance to families until the young adult's 21<sup>st</sup> birthday, if such agreements were started after the youth turned 16.
- Add some additional categories for the CPS extended foster care program (attending college, working 80 hours or more a week, participating in a work training program, or the young adult is not able to participate in extended foster care options due to a medical condition).
- Reduce the percentage of youth who age out of care. Currently, nine percent of youth in Texas' system leaves foster care<sup>4</sup> through emancipation.

The challenges for Texas include:

- Even with the wavier option, some kinship caregivers may have difficulty meeting the licensing standards.
- Texas seeks to implement the supervised independent living program as quickly as possible, but needs ACF regulations which are pending.
- Continuing to obtain state appropriations for the state's share of the Fostering Connections programs in a marketing a strained economy.

## **Conclusion**

Texas has been very successful in implementing a number of reforms over the last several years to improve services for families and children. The federal Fostering Connections and the recently passed state legislation, will enable Texas to strengthen permanency efforts for children who remain in the department's permanent managing conservatorship.

---

<sup>1</sup> Texas Department of Family and Protective Services Annual 2007 and 2008 Reports.

<sup>2</sup> Texas Department of Family and Protective Services Annual 2007 and 2008 Reports

<sup>3</sup> For most foster and adoptive homes, Texas uses the term "verified" rather than "licensed" to convey that the home is verified by a licensed child placing agency, rather than directly by DFPS.

## **Release Date: July 20, 2009**

*A special thank you to Casey Family Program for their financial support and guidance during this project. For more information on the How States are Implementing the Fostering Connections documents, please contact Courteney Holden, Senior Legislative Associate, American Public Human Services Association (APHSA) at 202-682-0100 ex 249 or by email at [Courteney.Holden@aphsa.org](mailto:Courteney.Holden@aphsa.org).*