Recommendations to Improve the Safety of Children in the Texas Foster Care System

The mission of the Department of Family and Protective Services (DFPS) is to ensure that all children are safe; however, 7 children in the custody of DFPS facilities died in 2013, up from 2 in 2012. These deaths are made more tragic by the fact that by taking them from their home, the state indicated that they could keep them safe. Unfortunately, there are gaps in the system designed to keep children safe when they are in the custody of the state and it is concerning that there are many cases of maltreatment in foster care that appear to go reported.

Youth who age out of the foster care system frequently talk about the abuse they suffered while in a foster home, group home or residential treatment facility. There are a variety of reasons that these situations are not reported at the time of the abuse including distrust of the staff who placed them in a home where they were abused, perception that nothing will be done about the abuse based on previous concerns that were not addressed, and a fear that they will be “punished” or left vulnerable if Residential Child Care Licensing (RCCL) is unable to determine that the allegations are true. It is possible that some of these cases could be uncovered if children and youth had an independent source to make a report.

In addition to the challenges associated with children in foster care making an outcry, there are areas of concern associated with investigating and sharing information on reports of maltreatment as well as non-abuse/neglect reports (licensing violations). Recently, work between RCCL and Child Advocacy Centers of Texas uncovered the need for a Memorandum of Understanding (MOU) to ensure collaborative investigation and services in cases of child on child sexual abuse in licensed facilities and homes. This work resulted from the realization that RCCL staff who investigated these cases were not equipped with the skills to do forensic interviews and make determinations in these cases. It stands to reason that these challenges extend beyond cases of sexual abuse and speak to the need for system reform to promote better collaboration and outcomes. The manner in which these cases are investigated, information is shared and decisions made about the need for additional training (in the case of a licensing violation), services or change/closure of a placement needs to be thoroughly reviewed and amended.

Recommendations:

1) DFPS needs to establish a safe, secure and developmentally appropriate process by which children and youth in foster care can report maltreatment. This should include providing staff, CASA, court personnel and clinical providers with the appropriate training and tools to explore these issues with children and immediately report any presenting issues.

2) RCCL staff should be provided the same initial and ongoing training that CPS investigators receive to be able to adequately investigate cases. If the capacity does not exist to properly train RCCL staff and for their investigators to thoroughly investigate reports of child maltreatment; then primarily responsibility for these investigations should placed on CPS.

Reporting and Investigation Reports of Abuse in Licensed Homes and Facilities
3) CPS and Residential Child Care Licensing should establish a protocol for collaboration on the investigation of all reports of abuse/neglect in a licensed facility or home. Investigations of licensed foster homes, group homes and Residential Treatment Facilities should be handled in the same manner as the investigation of biological families, but with cooperation between CPS and RCCL.

4) All information on investigations of RCCL facilities and homes should be recorded in IMPACT in a timely manner so that staff can make appropriate decisions about placing additional children in homes or facilities that have been investigated.

**Assessment and Training of Caregivers**

Providing a home for a child who has been abused is a daunting task that tests even well-intended caregivers. Therefore, it is necessary that there be quality initial and ongoing assessments of caregivers’ strengths, challenges and needs. Currently, there is no standardized assessment tool required by DFPS in order to determine if caregivers are qualified to be foster parents or kinship placements and ongoing assessment is not a part of policy or practice. Currently, policy requires that at least every two years Child Placing Agencies must review whether the home or facility is abiding by licensing rules. This evaluation does not involve a review of the emotional state of the staff or foster parents or their ability to continue to safely interact with the child.

Once a foster parent is approved, there is only a minimum of 8 pre-service training hours required for foster parents who are licensed through private agencies. Staff in treatment facilities are required to have 16 hours unless emergency behavioral intervention is prohibited and then the requirement drops to 8 hours, only half of which are required before a caregiver can be the only person responsible for the child. An individual wishing to be a hair stylist must complete over 1,000 hours of training before taking a licensing exam. The training hours for this and other professions regulated under the Texas Department of Licensing and Regulation were set because it was determined that these were the necessary hours for an individual to master particular subject areas. Understanding how to properly care for a child or multiple children who have been abused is even more important. While it is understandable that more foster homes are needed in order to quickly place children, it is more important that these are quality foster homes.

Although kinship placements are different in that there is not time in advance to train the potential caregiver, all available assessment and training requirements should apply. Although criminal and CPS background checks as well as a brief questionnaire are required prior to placement, some children remain in the homes of relative caregivers for months without a full psychosocial assessment of the caregiver’s capabilities. Given that the majority of kinship placements tend to be low-income and have little in the way of community support, all consideration should be given to waiving non-safety requirements and accessing training in a way that is feasible.

**Recommendations:**

1) Select a best practice assessment tool that is mandated for all licensed facilities across the state in order to ensure a minimum standard in determining the appropriateness of applicants who want to be foster parents and kinship placements.

2) Require that the full psychosocial assessment of a caregiver’s home, including interviews with adult children and collaterals, be assigned within a certain time frame.

3) Select a best practice assessment tool that is utilized in the interview stage of employees working at residential treatment facilities to determine their fitness to care for children and youth.

4) Once a year, foster parents, kinship caregivers and staff in licensed facilities should be assessed for their current needs, strengths and areas of improvement.
5) DFPS should convene a panel of experts in the training areas of most importance including child development, trauma, behavioral interventions etc. These experts should determine the minimum number of training hours required to master the skills and knowledge in each area and ultimately determine the total number of pre-service training hours required.

Youth Who Identify as LGBT

The Texas CPS Foster Care Bill of Rights specifically outlines the rights of all youth in foster care. These rights include being free from abuse, neglect or exploitation and receiving fair treatment regardless of race, gender or sexual orientation. Unfortunately those charged with protecting youth in foster care are not prepared to serve youth who identify as Lesbian, Gay, Bisexual or Transgender (LBGT). The resulting lack of guidance and support can result in tragic outcomes including placement instability, running away, and higher rates of depression, drug use and suicide among LGBT youth. To ensure all children in foster care grow up to be healthy and happy adults, our state needs to promote policies that recognize the diverse needs of foster youth and ensure their safety and protection.

Recommendations:

1) Foster parents, kinship caregivers, CPS staff and other stakeholders connected to the child welfare system need ongoing training to ensure that LGBT children in foster care are safe and supported. An important part of this training involves assisting adults in being aware of their personal beliefs and attitudes and how they can reconcile their value system with their commitment to provide a safe and stable home for any youth in their care.

2) Shelters, group homes and residential treatment facilities need guidance on how to appropriately work with youth who identify as LGBT, including protection them against harassment.

Conclusion

The changes necessary to ensure that children in the custody of the state of Texas are not maltreated and do not die from abuse/neglect are only possible with the joint work of the community and DFPS. One Voice Texas, in addition to other community partners, stand ready to assist DFPS in working through the complex implementation process that will ultimately serve to ensure children taken into custody due to maltreatment are not hurt by the very system trying to protect them.

For more information please contact:
Katherine Barillas, Ph.D., Director of Child Welfare Policy
kbarillas@onevoicetexas.org; 713-480-3937