

# Federal Court Activity in State System: the Texas lawsuit

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realize the opportunity.

# What do people pay attention to?

Key Metrics	FY 2023	FY 2021	Better or worse?
Removals	9965	16028	↓
# kids in care	31475	45870	↓
Length of time in care	23 mo.	20.6 mo.	↑
Aged out of care	870/6.7 %	1227/ 7%	↓
Children subsequently alleged as a victim after 12 month	22.6%	22.3%	↑
Placed with kin	33.7%	38.9%	↓
Reunified with parent	28.9%	33.3%	↓
Adoption (Relative, non-relative) & PCA	38%	32%	↑
Safe in care	99.28%	99.22%	↑
Children w/o placement (in August)	137	208	↓
Placement changes	2.7	2.5	↑
Child abuse/neglect fatalities	164	251	↓

## After 11 foster children die, Texas to be in contempt of court – again

## “From bad to worse”: U.S. judge deploras conditions for Texas foster kids sent out of state

As Texas’ long-running struggle to find enough placements for foster care, more than 100 kids were sent out of state last year.

### TRIBCAST

## TribCast: Layers of scandal in the Texas foster care system

In this week’s episode, Matthew speaks with Reese and Mitchell about the fallout from sexual abuse allegations at a state-contracted children’s shelter and Russian threats against Texas’ energy infrastructure.

### OUTLOOK • Perspective

## Texas is trampling parents’ rights in its investigations of trans kids

Gov. Greg Abbott’s order isn’t just cruel — it also runs counter to basic legal principles

## Over 100 children have died in Texas’ child welfare system since 2020, report says

### POLITICS // TEXAS POLITICS

Trans CPS investigator who quit over Abbott order targeting families: ‘Doing more harm than good’

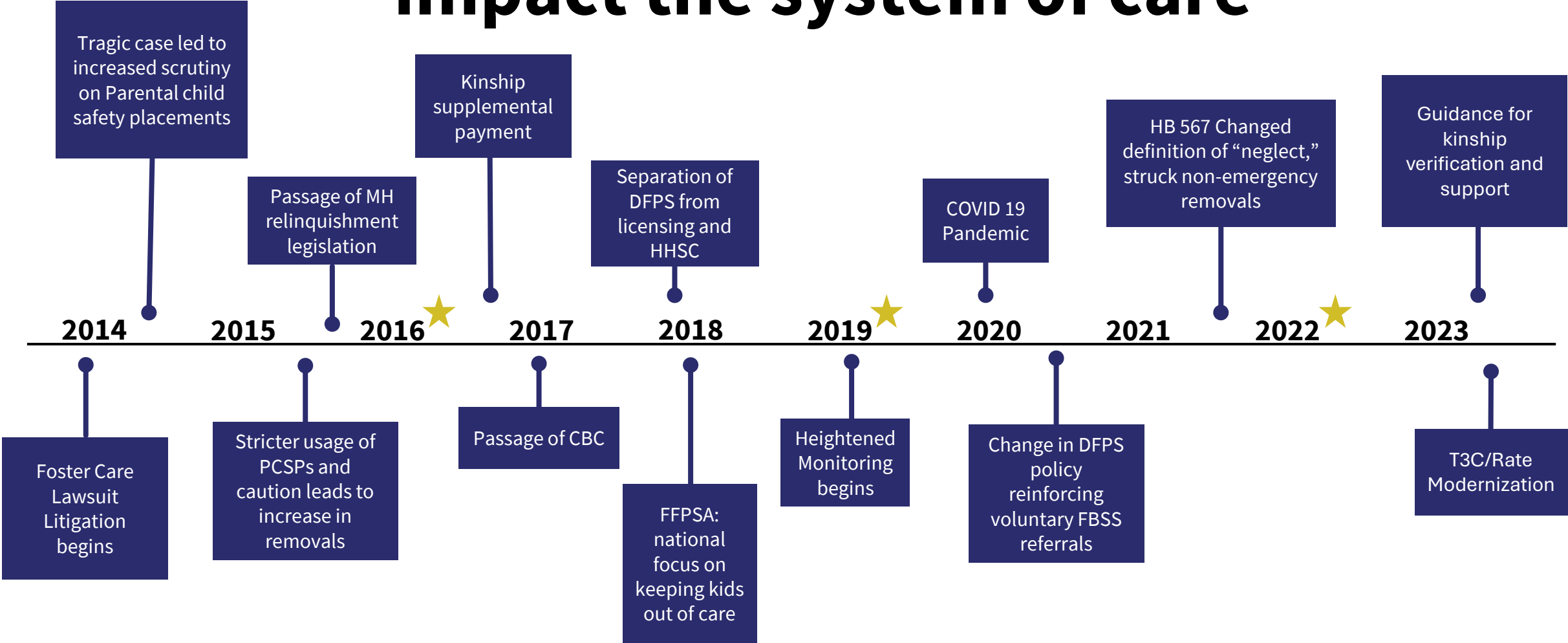
## ‘We’re in crisis’: State legislators concerned about housing limitations for foster kids

## Editorial: If Texas can't fix its foster care system, feds should step in

American-Statesman Editorial Board

Published 7:00 a.m. CT April 10, 2022

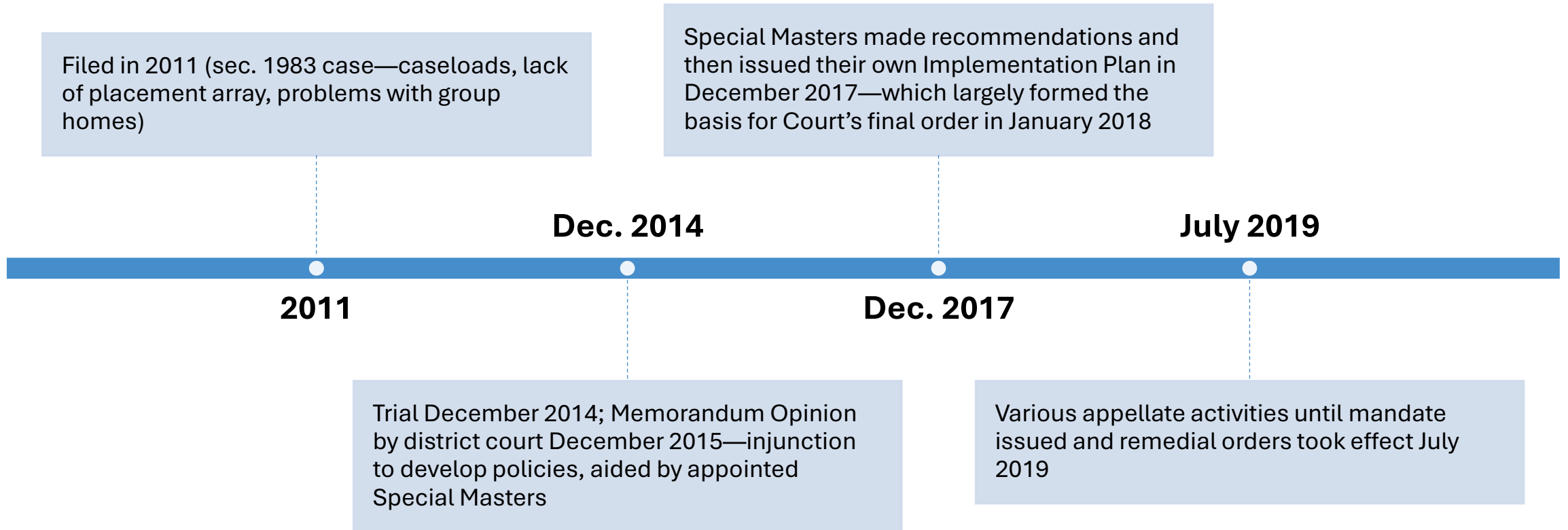
# These drivers, and many more impact the system of care



# System Drivers

- **National policies and Federal Oversight** (Families First Prevention Services Act, Kinship Licensure, Child and Family Services Review)
- **Federal Class Action Lawsuit** (Remedial orders, court monitors, more regulation, more oversight, risk aversion)
- **Changes and impact from the pandemic** (workforce challenges, higher costs)
- **Priorities of the Texas Legislature and Executive leadership** (Community Based Care, reducing entries into foster care, reducing children in unregulated care aka "CWOP", permanency, Texas Child Centered Care "T3C" aka: rate modernization)

# What is “the lawsuit”?



# Remedial Orders

- 46 specific orders upheld by 5<sup>th</sup> Circuit or not appealed following issuance
- District court has shown inclination to read orders broadly; one unfavorable ruling from 5<sup>th</sup> Circuit on this
- Some narrowly drawn – such as timelines for investigation closure. Others much broader:
  - DFPS shall ensure that reported allegations of child abuse and neglect involving children in the PMC class are investigated; commenced and completed on time consistent with the Court's Order; and conducted taking into account at all times the child's safety needs. The Monitors shall periodically review the statewide system for appropriately receiving, screening, and investigating reports of abuse and neglect involving children in the PMC class to ensure the investigations of all reports are commenced and completed on time consistent with this Order and conducted taking into account at all times the child's safety needs

# Since the stay was lifted

- Regular status hearings + relatively frequent emergency hearings
- 2 monitoring teams, each with various staff.  
[Texas has spent \\$180 million fighting against, losing and complying with foster care suit \(dallasnews.com\)](#)
- State currently appealing contempt order for subset of investigations related to class
- Lawsuit commands intense focus from media, non-practitioner stakeholders, and public. Drives decisions of direct impact to providers—e.g. Heightened Monitoring...



## Heightened Monitoring—by the Numbers (late 2023)

<b>Stage</b>	<b>Number</b>	<b>Percentage of Total</b>
<b>Pre-Plan Development</b>	19	14%
<b>Plan in Effect</b>	29	21%
<b>Post-Plan Monitoring</b>	11	8%
<b>Successful Completion</b>	30	22%
<b>Operation Closed</b>	48	35%
<b>Total</b>	137	100%

# Heightened Monitoring

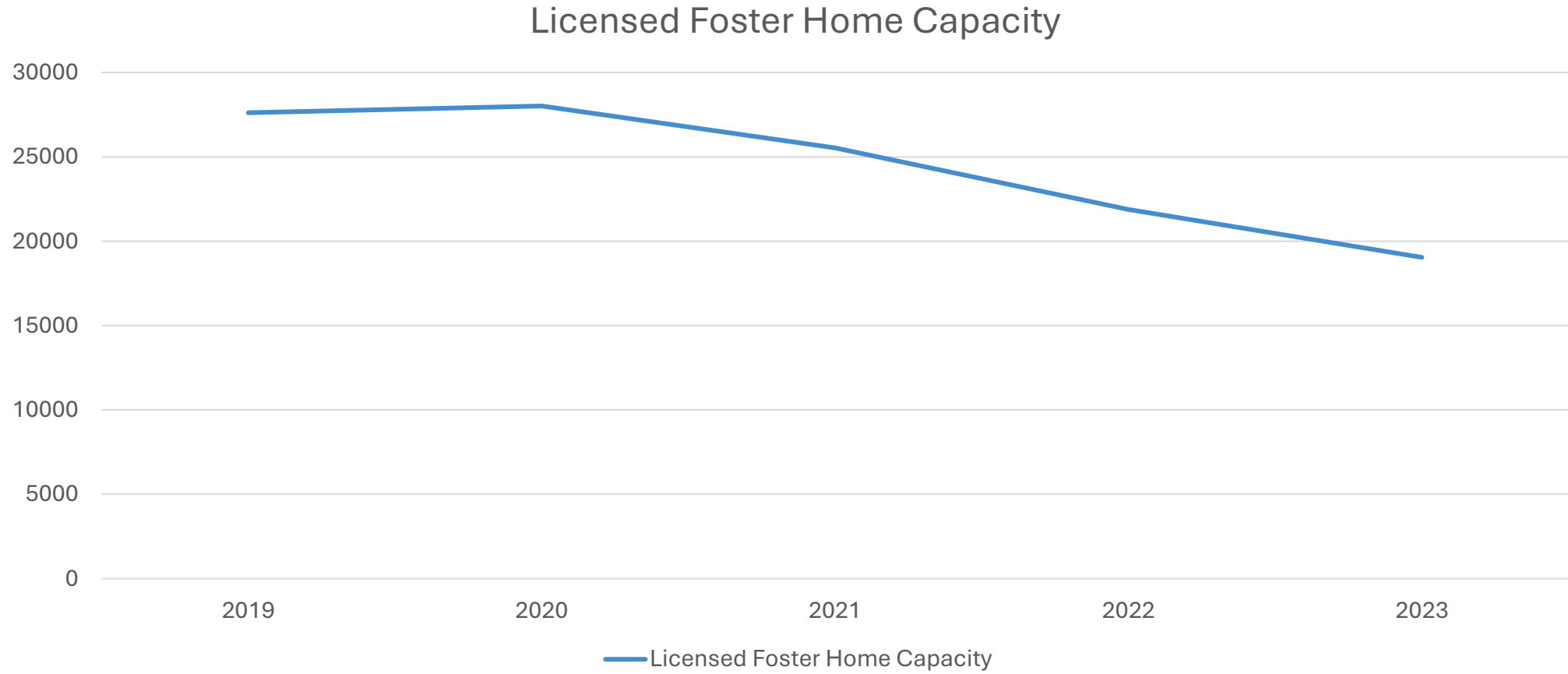
- Modeled after an improvement (and provider closure) tool utilized in Oklahoma – with some significant differences
- Implementation began in 2020
- Brass tacks of methodology—initially opaque
- Monitoring teams—visits can be extensive
- Relatively low number of successful exits; some providers remain on 4+ years later

**Practical Implications...**  
**What does this all mean in real life?**

# Closures and contract terminations

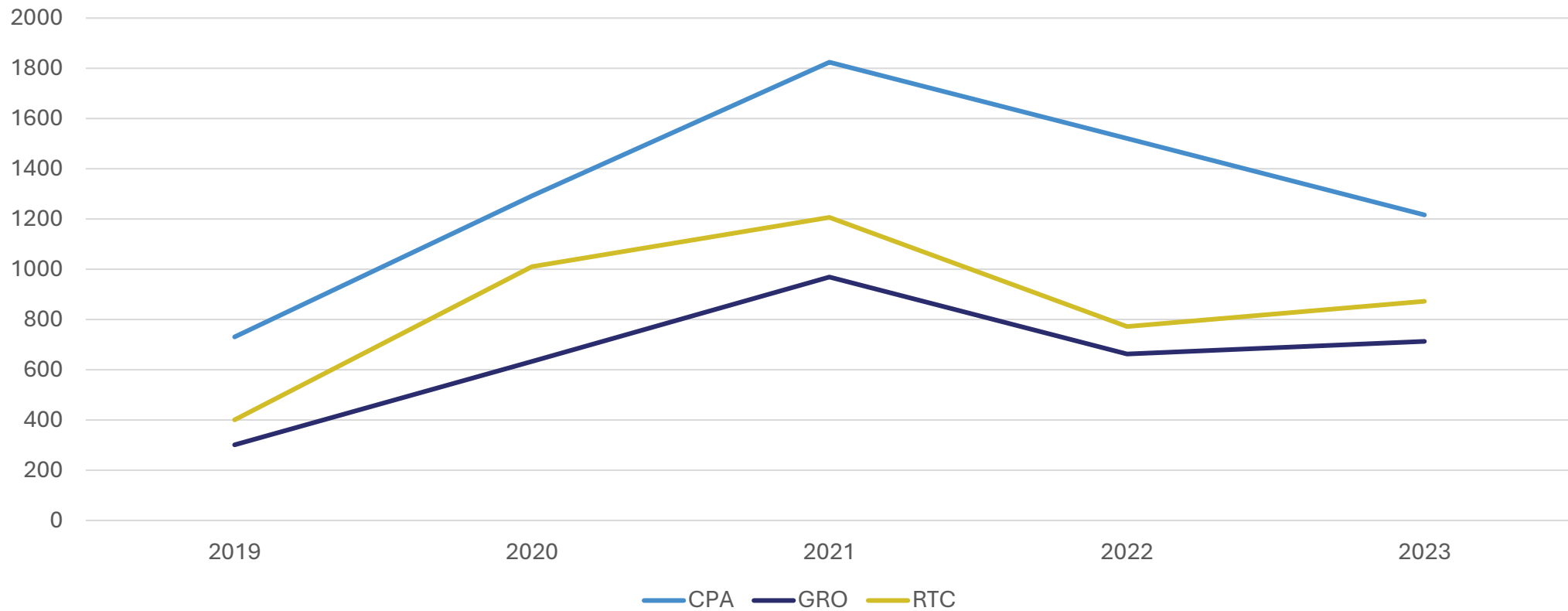
- 131 operations closed because the operation relinquished its license or because HHSC revoked the license
  - 125 operations voluntarily relinquished their licenses to HHSC , 6 had licenses revoked by HHSC
- 370 operations that had their contracts terminated by DFPS and SSCCs
- Factors impacting capacity loss:
  - Heightened monitoring
  - Increased risk for staff and orgs with investigations
  - Focus on keeping kids in least restrictive settings
  - Increased resource needs: *cost of living, workforce, additional compliance needs, implementing new treatment models*

# Foster home capacity has declined by 9,000 beds since 2019.



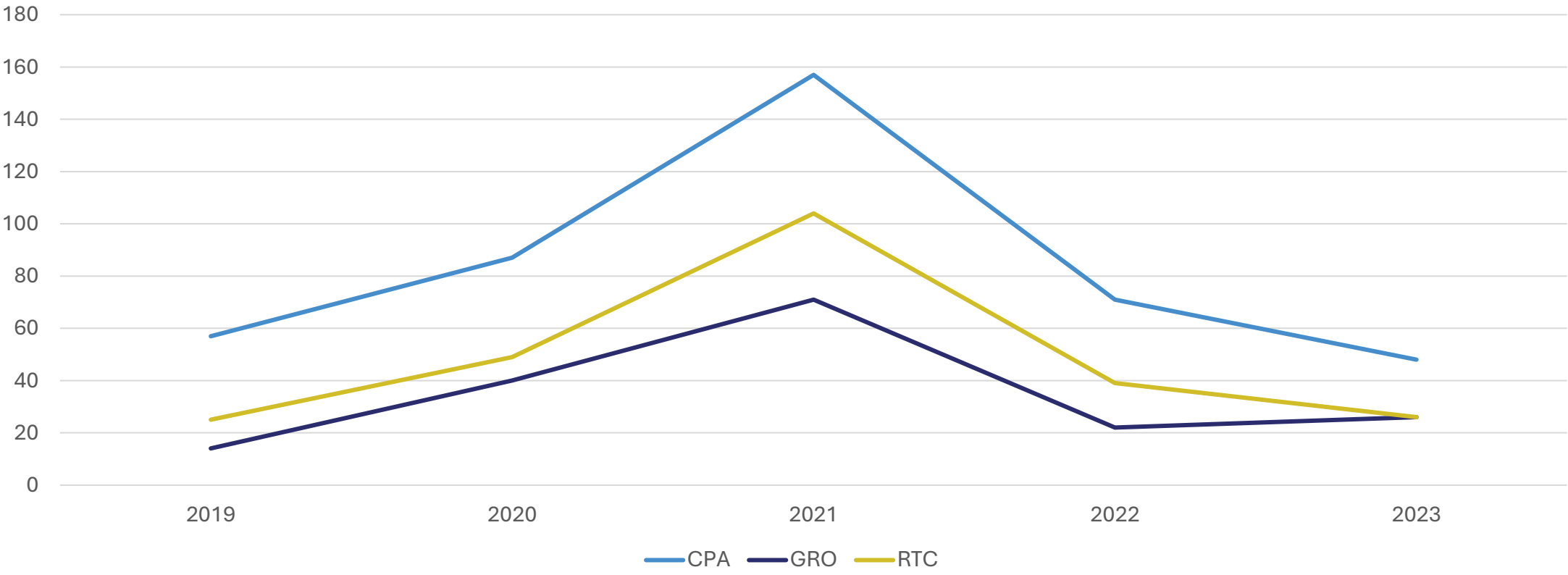
# The amount of abuse and neglect provider investigations (DFPS) are down, but still higher than 2019.

Number of closed CPS Residential Investigations



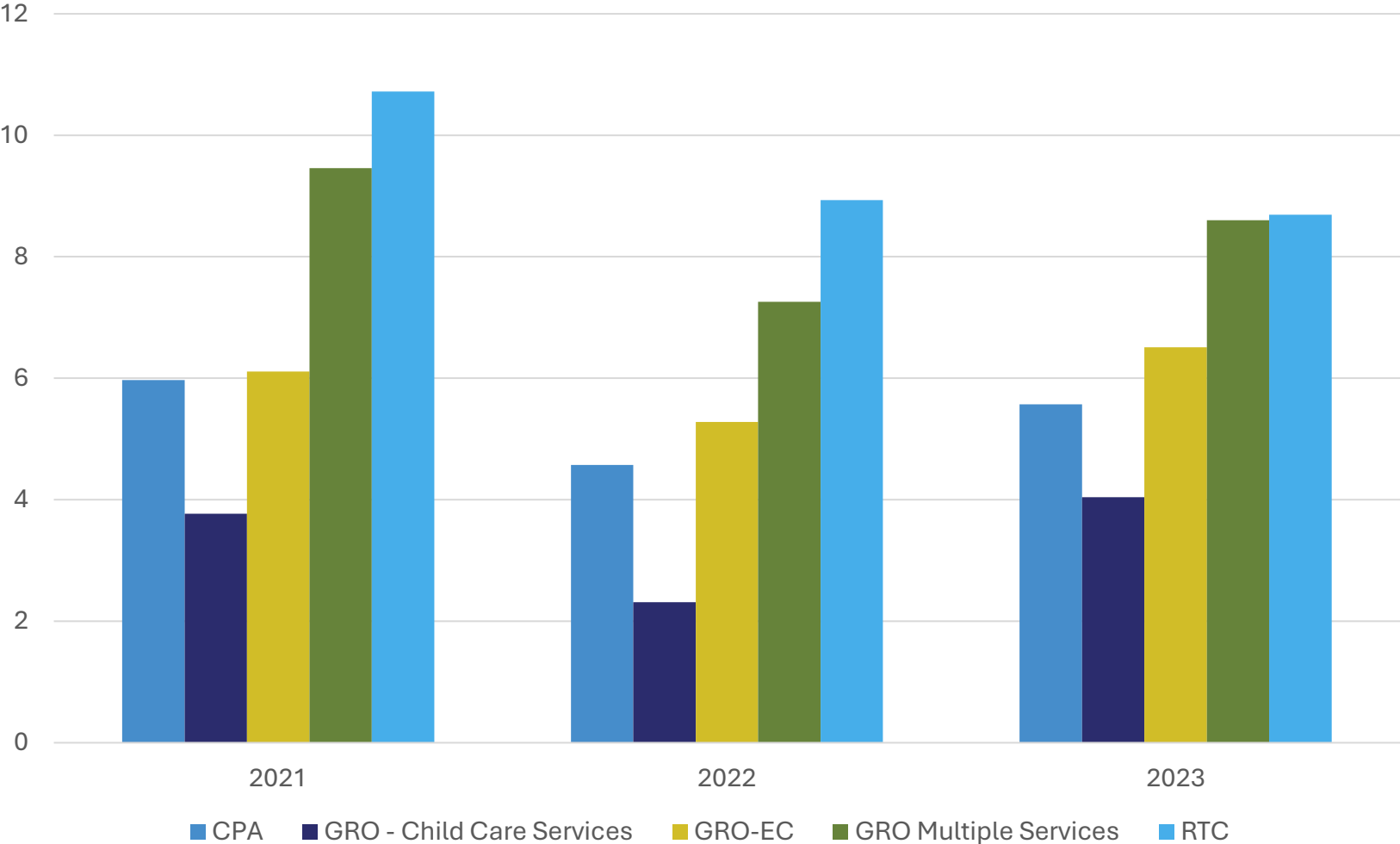
# The number of validated licensing provider investigations (HHSC) appears to be back at 2019 numbers.

Completed Investigations, Validated



# Child Care Regulation (HHSC) Deficiencies

Average Number of Deficiencies per Operation





# Navigating the Current Environment – TACFS Strategy

Tune out the noise and focus on improved outcomes—child safety first and foremost, without losing sight of permanency and well-being. Examples of how:

- Online Learning Center
- Practical tools, trainings, and resources to elevate practice
  - Training requirements guide
  - T3C Webinars and associated CQI webinars
  - Who Does What, Deep Dive into Investigations
- Strengthening Residential Series
- Medication management training
- Tailored TA & Consultation
- Informing State policy and legislation (i.e.: SB 593)
- Strategic communication



# Thank you!

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