



CHILD PROTECTIVE SERVICES AND THE 81ST LEGISLATURE

The investments the 79th and 80th Legislatures made in the child protective services (CPS) system are paying off.¹ More children are safely staying in their homes or with relatives and, when that is not possible, more are being adopted. As a result, fewer children are in foster care. The 81st Legislature built on these successes, making additional investments in CPS and passing legislation to further reduce the number of children entering the state's care and improve outcomes for those children who do. This policy page discusses the details of that legislation and what needs to be done next.

Legislation to Reduce the Number of Children Entering the System Improving Child Abuse Prevention

Texas has one of the lowest rates of providing child abuse prevention services. In 2007, only 8.6 of every 1,000 children in Texas received child abuse prevention services compared to the average national rate of 50.2.² Only four other states (Florida, Missouri, New Mexico and North Carolina), had a lower rate than Texas. Investments and legislation aimed at addressing this disparity include:

- Funding for an additional \$4.4 million for prevention programs—a 5 percent increase from the last biennium.
- SB 2080, which creates a task force that, among other things, will study and make recommendations about how to reduce and prevent child abuse.

Improving the Investigative Process

The statewide intake division processes all reports of child abuse and neglect. The average telephone hold time for intake in 2008 was 11.4 minutes.³ In the next biennium, CPS projects a rise in child abuse and neglect reports.⁴ To ensure that the hold time for callers does not increase, and thereby discourage people from reporting abuse, the legislature funded additional intake staff positions.

Additionally, SB 2080 creates a grant program to develop and support regional projects to improve the identification and investigation of child abuse and neglect.⁵

Strengthening the In-Home Service System

Since 2004, more children are safely remaining in their own homes. The proportion of newly opened cases where the family receives supervision and services while the child remains in the home (referred to as Family Based Safety Services or, FBSS) increased from 65 percent in 2004 to 76 percent in 2008. FBSS cases have also become more stable. Although the number of FBSS cases has grown, the number of removals from these cases fell from 3,928 in 2004 to 2,698 in 2008—a 31percent decrease.

But the increase in FBSS cases stretched the in-home service system to a breaking point. Since 2006 caseloads for investigators declined 37 percent and caseloads for conservatorship workers declined 16 percent, but FBSS caseloads remained the same.⁶ This may help explain why voluntary turnover for FBSS workers increased (from 25 percent in 2006 to 28 percent in 2008) while voluntary turnover for CPS as a whole declined (from 30 percent in 2006 to 29 percent in 2008).⁷

Investments to better support families in FBSS include:

- Funding for additional staff to support families receiving FBSS services and reduce caseloads.

- Funding for an additional \$8.4 million for subsidized day care for FBSS families.

Better Support for Voluntary Relative Placements

FBSS services can also include voluntary placements. A voluntary placement occurs in lieu of a formal court order for removal. In response to a child abuse investigation, the child lives with a relative or other designated caretaker identified by the parent. No financial assistance supports these voluntary placements and the relative often lacks legal authority to take care of the child (e.g., enroll the child in school or obtain medical treatment). Family courts do not supervise these placements and neither the parents nor the children have attorneys. As a result, these placements may be unstable. Legislation to address this issue includes:

- SB 1723, which requires CPS to provide these voluntary relative caregivers with an information manual explaining their rights and responsibilities.
- SB 1598, which creates a power of attorney process whereby parents can retain legal custody but give certain relative caregivers authorization to enroll a child in school, get medical treatment, or receive public assistance for the child.

Legislation to Get More Children into Permanent Homes

Increasing placement stability and capacity, supporting relative caregivers and improving the permanency process for children in the long-term care of the state are all ways to ensure that more children find the permanent homes they deserve. The 81st Legislature addressed all of these areas.

Improving Placement Stability and Capacity

Investments and legislation aimed at increasing placement stability and capacity include:

- Funding to increase the daily rate paid to foster care providers and the private child-placing agencies that manage them.

- SB 1332, which requires DFPS to consider a prior foster care home as a placement resource when a child re-enters care and a relative is not available. Placing a child in a familiar home should reduce the trauma from re-entry into CPS which should, in turn, reduce behavioral problems and increase placement stability.

Better Support for Relative Caregivers

Recognizing that relative placements are usually better for children than foster care, CPS has made significant strides in this area. The proportion of children in the custody of the Department of Family and Protective Services (DFPS) placed with a relative grew from 18 percent in 2004 to 30 percent in 2008.⁸ The federal government also acknowledged the importance of relative caregivers through its new legislation, Fostering Connections to Success and Increasing Adoptions Act of 2008. Among other things, the act contains several provision aimed at supporting such placements.⁹

Investments and legislation aimed at improving relative placements include:

- Implementation of Fostering Connections provisions:
 - Funding for staff to comply with the federal requirement that CPS exercise due diligence to find relatives and provide them written notice of the proceedings and their rights within 30 days after a child has been removed. Hopefully, this will increase the number of potential relative placements and get them involved early in the process.
 - Funding for a payment program for relatives who provide long-term care for a child as the permanent managing conservator (PMC).¹⁰ Under this program, if a relative gets licensed as a foster parent and then becomes the child's PMC, they will receive a monthly

payment, similar to an adoption subsidy, to support the child. For children who are 16 or older at the time the relative takes PMC, the payments can continue until the child is 21. The federal government subsidizes part of the payment.

- Funding for an additional \$3.6 million so that more relatives can receive subsidized day care.
- SB 2385, which requires CPS to attach relative home assessments to court reports and, if the child is not placed with the relative, describe why in the court report. This will ensure that the courts and parents can independently evaluate relatives assessed as a placement resource.

Improving Permanency Planning and Process

Every few years the federal government conducts a Child and Family Services Review (CFSR) which reviews a state's child protective services system to ensure that it is complying with federal requirements and meeting federal standards. The federal government recently completed the second CFSR for Texas and identified barriers to permanency as a problematic area. Legislators offered several bills to address this problem.

Legislation to improve permanency planning includes:

- HB 2225, which mandates a study on and recommendations to eliminate barriers to permanency so the legislature can further address this issue in the next session.
- SB 939,¹¹ which brings Texas law into compliance with federal requirements.
 - Clarifies that the only permanent plans are: return home, adoption, PMC with suitable individual, another planned permanent living arrangement (APPLA).
 - Mandates that CPS create concurrent permanent plans for each child. That way if the first option fails (e.g., return home),

the second option can be implemented without undue delay.

- Requires CPS to document a compelling reason why other plans are not appropriate before it can identify APPLA as a permanent plan for a child.

Investments and legislation aimed at improving adoptions include:

- Funding a Fostering Connections act provision so that adoption subsidies can continue until the youth is 21 if they are 16 or older at the time of adoption with the intent to encourage the adoption of older children.
- SB 939,¹² which requires that the first placement review after the final order terminating parental rights be held within three months versus the six-month hearing currently required.
- SB 703, which exempts DFPS from paying for copies of birth certificates for children adopted through CPS.

Legislation to improve permanency for children who are in the long-term care of the state but have not had parental rights terminated includes SB 939¹³ which:

- Requires CPS to report to the court every six months about its efforts to return the child home, find a relative for placement, discuss permanency with current caregiver and/or evaluate whether termination of parental rights might be appropriate.
- Allows the court to order six months of services to a parent in order to safely transition a child home if it would be in the child's best interests and growing up in foster care is the only alternative.

Legislation to Improve Outcomes for Youth Aging Out of Care

Although the proportion of children without a legal termination of parental rights (TPR) who are in the long-

term care of the state has declined over the years, it remains too high, especially for young children. In January of 2009, 4,217 children were in the long-term care of the state without full TPR. Of those, 28 percent (1,180) were under age 10, and 14 percent (573) were under age 6.¹⁴ Many times, these children grow up in foster care, moving from home to home until they “age out” at 18, often into homelessness, crime, poverty and teen pregnancy. In 2008, 1,468 youth aged out of the system—a 55 percent increase from 2003.¹⁵

The improvements to the permanency process discussed in the previous section should help to reduce the number of children who age out of the system. But there will always be some number of children who never find a permanent home. For these children, the state should focus on effectively preparing them for the transition to adulthood. The 81st Legislature made significant strides in this area including:

- Funding for additional staff to train and support youth who emancipate from CPS.
- Funding for additional staff to improve procedures under the federal special immigrant juvenile status process which allows undocumented youth in the long-term care of the state to get their green card.
- Seed money for eight new transition centers that provide comprehensive services to emancipating youth.
- SB 939, which clarifies that an APPLA is not long-term foster care or a plan that the child emancipate from CPS at age 18. Instead, it requires focused transition planning where CPS must identify an individual with a permanent connection to the child who can provide support even after the child ages out.
- HB 704, which extends court jurisdiction beyond 18 if the youth requests it to ensure that youth are not forced to age out before they are adequately prepared. If jurisdiction is continued, the court can continue the appointment of the attorney ad

litem (AAL) or the guardian ad litem (GAL). But the court cannot order CPS to provide services for which there is no authorization or appropriation.

- SB 983, which requires CPS to provide critical paperwork like the youth’s birth certificate and Social Security card before they age out to ensure youth have the documentation needed to access employment, housing, and future services.
- HB 1043, which gives hiring preference at state agencies to former foster youth.
- HB 1912, which improves services to youth transitioning out of care. It also allows transitioning youth who end up living with the offending parent to receive services and support as long as the parent is not deemed a current risk to the youth.
- SB 939¹⁶ and SB 43, which extend the period in which a former foster youth can establish eligibility for a tuition waiver from 21 to 25 years old.

Other CPS Legislation

Legislation to Improve Outcomes for Youth in CPS and the Texas Youth Commission

HB 1629 establishes specific guidelines for youth in the care of the state who are also incarcerated at the Texas Youth Commission (TYC). Under this law:

- The juvenile court can communicate with family court and parties to the CPS case;
- The family court can appoint an AAL or GAL for committed child;
- A child committed to TYC may attend permanency or placement review hearings in person, by phone or by videoconference;
- The family court cannot dismiss the CPS case if the child is committed to TYC unless the child is adopted or an individual appointed PMC;

- Permanency and placement review reports provided to family court must include:
 - Results of assessments;
 - Description of a child’s placement and progress in TYC programs; and
 - Evaluation of whether child’s treatment and education needs being met
- Permanency and placement review hearings must include a determination of whether a child’s treatment, rehabilitation and education needs are being met;
- TYC must disclose information regarding the child to DFPS;
- DFPS has same rights as a child’s parents;
- DFPS and TYC must adopt rules to coordinate services; and
- Consent for medical, dental, psychological and surgical treatment of a child is governed by foster care family code provisions (TFC §266.001 et seq).

Legislation to Improve Inter-Agency Coordination

Children and families under CPS supervision often receive services from several different state agencies. To improve the coordination of services, the following legislation is aimed at better inter-agency cooperation:

- SB 939, which requires the Texas Education Agency (TEA) and DFPS coordinate to track school data on children in foster care.
- HB 3689, which requires a coordinated strategic plan among TYC, Texas Juvenile Probation Commission, DFPS, Department of State Health Services, TEA and other agencies serving youth in juvenile system for developing common data sources and data sharing.

- SB 1824, which creates an Interagency Task Force to coordinate and improve services for children with special needs.
- SB 1646, which creates the Inter-Agency Council on Children and Families.

Miscellaneous

- SB 2248 sets forth procedures to help children in foster care transition when they move schools.
- HB 2876 allows administrative law judges to release child abuse report information to parties in professional licensing proceedings subject to the same protections as when a judge releases information (e.g., notice to DFPS) with the additional requirement that the identity of the reporter is redacted.
- HB 1462 provides that state employees can get five hours of paid leave to be a court-appointed special advocate.
- SB 1050 requires DFPS to release certain information on child deaths from abuse and neglect upon request
- HB 2163 requires a study on psychotropic medication use in children under 17.
- HB 3137 requires CPS to develop and provide foster parents with a written statement regarding their rights and responsibilities.
- SB 2080 creates a task force to study ways to improve child welfare outcomes.

What’s Next

The next steps involve translating the new legislation into effective policy and practice, tracking the effects of the new legislation, and addressing areas that still need legislative action.

Translating Legislation into Practice

The new requirements discussed above will only be effective if they are successfully implemented into practice. To do so, we recommend the following:

- **Train CPS caseworkers and judges about the new requirements.**

CPS should develop policies and train its workers about how to translate the legislation into practice. Similarly, CPS judges need training on the new requirements so they can ensure accountability from all parties involved.

- **Train foster parents about the new requirements for children who will be aging out of CPS.**

Under HB 1912, part of the responsibility for preparing children who will be aging out of CPS falls to foster parents. They are required to provide life-skills training tailored to a youth's skills and abilities including grocery shopping, meal preparation and cooking, using public transportation, performing basic household tasks, and balancing a checkbook.

To ensure that foster parents know these requirements, CPS should include them in the written rights and responsibilities it must now provide to foster parents under HB 3137. CPS should also create policies that require the conservatorship caseworkers or transitioning services staff to jointly create an individualized plan with each foster parent and child. CPS should also require caseworkers to regularly assess how the plan is being implemented and if changes should be made.

- **Form a multi-disciplinary work group to determine how to incorporate the new power of attorney option into voluntary relative placements.**

Part of the problem with voluntary relative placements is that the caregiver lacks legal authority to care for the child. The power of attorney allowed under SB 1598 does provide an avenue to address this issue. But incorporating this document into the voluntary placement process also raises important questions. For example, should parents be required to sign the form as part of the placement or should the form merely be provided to the family who can decide on their own whether to execute it? What explanation should go with the form? If the caseworker

must provide the form and explain it, are they in essence providing legal advice?

To answer these and other questions, a multi-disciplinary work group which includes, among others, advocates and representatives for parents, children and relatives should be formed.

- **Structure the payment for the PMC program so that it is less than the adoption subsidy.**

The new PMC relative payment program will be funded, in part, through a federal subsidy under the federal Fostering Connections act. By providing funding, the federal government wants to increase the total number of children exiting to a permanent home. As a result, the program can only target children who cannot return home or be adopted.

But CPS' planned structure for the PMC payment may unintentionally undermine this goal. Right now, adoption is more attractive than taking PMC because relatives who adopt get a monthly payment of \$400-\$545 until the child turns 18¹⁷ while relatives who take PMC get only \$500 a year in reimbursable expenses for about two years¹⁸.

But with the new program, PMC may become more attractive than adoption. Under the current proposal for the PMC plan, the payment will equal the adoption subsidy for a child. This means that a relative who takes PMC can avoid the hassle and delay of adoption while still getting paid at the adoption subsidy rate. Consequently, when presented with the option of adopting versus taking PMC, relatives who would have adopted may now choose to become a PMC instead.

To avoid this outcome, CPS should set the PMC payment rate below the adoption subsidy rate so that adoption remains the most attractive alternative when a child cannot be returned home.

- **Carefully structure the foster care licensing process for relatives.**

One concern with the new PMC relative payment program is that the relatives who would benefit most (e.g., those

living at or below poverty) may lack homes that meet the program's strict and extensive foster care licensing standards. To address this concern, the Fostering Connections act does allow CPS to waive non-safety related foster care requirements for relatives on a case-by-case basis. Right now, it is unclear exactly what this means as the Administration on Children and Families still has not issued its regulations governing the program.

Once the regulations are issued, however, CPS should carefully structure a waiver process that complies with the regulations but still accommodates the circumstances of low-income relatives.

Tracking Effects of Legislation

CPS should track the effectiveness of the new legislation and resulting practice changes to ensure they have the intended effect.

- **Study the effects of the new PMC relative payment program.**

As discussed above, the primary goal of the new PMC relative payment program is to increase the proportion of children exiting care to a relative and reduce the proportion of children aging out. To determine if the program has its intended effect, CPS should track all exits to a relative—both through adoption and through PMC.

To ensure that the neediest relatives are not being closed out of the program, CPS also should track information regarding eligibility. It should track how many relatives apply for foster care licensing, how many waivers are granted, what is waived, how many relatives are licensed, how many are denied licensing and the reasons for the denial. This data should be tracked by race and ethnicity as well as income to identify any disparate effects in who is licensed.

- **Study the effects of the changes to the permanency process.**

SB 939 is intended to improve permanency outcomes, especially for children in the long-term care of the state without a termination of parental rights. CPS should track whether the legislation is having its intended effect.

CPS should identify children in fiscal 2010 for whom the final order is state supervised care without a termination of parental rights. Then it should track the permanency outcomes for each of these children—how many exit home, to adoption, to long-term care with a relative or aging out. It should then compare these outcomes to a comparable group of children who exited in fiscal 2009 (prior to the new legislation) to see if exits to permanency increased.

Addressing Areas Still Needing Work

Over the interim, the legislature, CPS and the SB 2080 task force should further address the following areas:

- **Voluntary relative placements.**

CPS does not currently track any data regarding voluntary relative placements. As a result, it is impossible to determine whether such placements are a safe and effective way to keep children from entering foster care. CPS must develop ways to track how many children are in such placements and the placements' outcomes (e.g., removal into foster care, return home, permanent placement with a relative). This data can then be used to inform any policy changes necessary to improve these placements.

- **The changing role of foster parents.**

Although foster homes will always be necessary, foster care is not an adequate long-term solution for the child protective services system. Children who grow up in foster care are more likely to experience homelessness, poverty and crime. As a result, there has been a fundamental shift at both the state and national level to a more family-focused model. This includes a greater emphasis on keeping children in their own homes, or when that is not possible, finding appropriate relative caregivers.

CPS and the foster care system need to adapt to this new reality and one way to do so is to adjust the role of a foster parent. For supporting family reunification, foster parents may be the largest untapped resource in the CPS system. As a child's caretaker, the foster parent is in a unique position to work with the parents to facilitate reunification. They can provide hands-on training where the parents can learn by example how to appropriately care

for, discipline, and nurture according to the child's individual needs.

The current model, however, is not structured to facilitate this relationship. A foster parent is only paid to care for the child and the payment they receive is not always sufficient to do even that. As a result, most foster parents lack the resources or the opportunity to interact with and provide guidance to the child's parents. Moreover, many individuals become a foster parent only as means to adopt and so have no interest in facilitating reunification.

CPS should work with foster homes and the child-placing agencies that supervise them to explore how to more effectively use foster parents in the future. SB 69 took a step in this direction by including a pilot program for foster parents to mentor a child's biological parents. Although it passed the Senate and was scheduled to be heard in the House, it was never brought up for a vote because of unrelated legislation that stalled the entire House calendar. Nonetheless, it is something CPS and the SB 2080 task force can still work on over the interim. In doing so, they should also explore alternatives to the traditional model. For example, neighbor to family (NTF)¹⁹ offers a model where foster parents are professionalized (e.g., paid a salary and given health benefits) and, as part of their job description, must reach out to and mentor biological parents.

- **Effective transitioning for children when their level of care changes.**

The foster care payment structure is based on a child's level of care. Currently, there are four levels of care: basic, moderate, specialized or intense.²⁰ A child's level of care is based in part on their behavior—the more problematic the behavior, the higher the level of care.²¹ The higher the level of care, the more a placement is paid for the child.

One of the problems with this structure is that when a child's level of care changes, there is no way to effectively transition them to another placement. For example, if a child is initially classified at a specialized level of care, they are likely placed in a residential treatment center (RTC). At the RTC, they receive 24-hour supervision in a highly

structured environment. This may stabilize their behavior so that the level of care is reduced to a moderate or basic rate. Given the fixed costs for the RTC, however, it often cannot afford to care for the child at the lower rate and so the child is usually moved to a less structured group or foster home. This not only involves a change in placement, but also a change in school and therapist, all without any transition period to acclimate the child to the new placement. As a result, the child's behavior may destabilize. Their level of care is then increased and they are placed back at the RTC only to have the cycle repeat itself.

This complex problem lacks an easy solution, but we must tackle it to improve outcomes for children in foster care.

- **Reducing the time between termination of parental rights and the formal adoptive placement.**

One of the ways to improve adoptions is to make the process shorter so children exit the system faster. In Texas, the primary hold up in the adoption process appears to be delays between the termination of parental rights and the formal adoptive placement. Even if a child has been living with a family from the outset of a case, a formal adoptive placement cannot happen until the home study and all other adoption requirements are completed.

In Texas, the average time between termination of parental rights and the formal adoptive placement has been growing so that in 2008 it was 14 months.²² The reasons for this delay should be studied and barriers to a quick adoptive placement (e.g., lack of available adoptive homes or high caseloads preventing timely processing of home studies or lack of training regarding how the process works) should be identified.

- **Courts Must Develop a Process for CPS to Obtain Orders in Aid of Investigations.**

In July 2008, the United States Court of Appeal for the Fifth Circuit published a decision in the case of *Gates v. the Texas Department of Family and Protective Services* (DFPS).²³ The Fifth Circuit set guidelines under the Fourth Amendment of the United States Constitution for

state caseworkers to follow in making investigation and removal decisions in child protection cases. *Gates* will likely change CPS practice and increase requests for investigative orders (e.g., transport a child for an interview, enter a home to get access to a child, get access to a child's medical records). Current law, however, lacks a clear process for such orders. To ensure that children are protected while parental rights are observed, we need clear standards for issuing and an efficient process for requesting investigative orders. To meet these needs, the 81st Legislature passed SB 1440,²⁴ but the governor vetoed it. Consequently, state judges must now use the framework of current law to address these issues. A full discussion of the *Gates* case and its implications for CPS practice are in our policy page entitled *The Gates Case: What It Means For Child Protective Services*.²⁵

- **CPS should make its data more accessible.**

Having easy access to understandable and timely data regarding the CPS system and its outcomes is important so problems can be identified and the effects of policy changes can be tracked. This access helps ensure that the general public has a realistic understanding of CPS and its effect on their community.

In addition to aggregate data, CPS should provide data by race and ethnicity so that any disparities can be identified and addressed. Making data available by region and county is also useful. Given the wide geographic and demographic differences around the state, caseworkers, judges, attorneys and others working in the field need to understand the particular issues in their area and how their area compares to and fits in with the state as a whole.

CPS makes reports and presentations it prepares for the legislature available through its website.²⁶ But the primary public data source for CPS is its databook, which is published annually and available online.²⁷ The book contains data about every aspect of the CPS system. In many cases the data is broken down by race and ethnicity and region. Some data is also available by county. But the data is not timely as it is usually published about six

months after the fiscal year ends. And, the data lacks an accompanying explanation about what it means so it may be overwhelming for those who are not used to working with tables, charts and statistics.

CPS also publishes on its website quarterly data broken down by region.²⁸ But the data is very limited, focusing primarily on where children are placed and only the most recent quarter is available. CPS should archive the quarterly reports so that both the current and past quarters are accessible. CPS should also consider expanding the information contained in the quarterly reports so that individuals working in the CPS system can understand what is happening in their community.

Finally, CPS should consider providing links to national data sources so CPS trends in Texas can be put in context.

Conclusion

The 81st Legislature continued to invest in and improve the CPS system, taking advantage of the new Fostering Connections legislation and creating new opportunities for inter-agency, cross-systems collaboration,. But work still remains. Over the interim CPS, the judiciary and the newly created SB 2080 task force must ensure that the legislative changes are successfully incorporated into CPS and judicial policy and practice. They also need to study the impact of the new legislation and address outstanding issues.



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The Center for Public Policy Priorities is a nonpartisan, nonprofit policy institute committed to improving public policies to better the economic and social conditions of low- and moderate-income Texans.

¹ Our written testimony to the House Human Services committee contains a detailed discussion of the recent trends in CPS cases. It is available at: <http://cppp.org/files/4/CPS81stleg.pdf>.

² Child Maltreatment 2007. U.S. Department of Health and Human Services, Administration for Children & Families, 2009. Available at: <http://www.acf.hhs.gov/programs/cb/pubs/cm07/index.htm>. Accessed on June 10, 2009.

³ DFPS 2008 Databook.

⁴ DFPS Legislative Appropriations Request, September 8, 2008.

⁵ This part of SB 2080 was originally in SB 1877. Although passed in the Senate and calendared in the House, SB 1877 never got an opportunity to be heard because of political maneuvering over unrelated legislation. As a result, it was amended onto SB 2080.

⁶ Our policy page entitled *A Better Understanding of Caseworker Turnover Within Child Protective Services* contains a detailed analysis and discussion of CPS workforce issues. It is available at: <http://cppp.org/files/4/364%20DFPS%20workforce.pdf>.

⁷ CPPP analysis of DFPS data.

⁸ DFPS Databooks.

⁹ Our policy page entitled *New Federal Foster Care Legislation: What It Means For Texas* contains a detailed discussion of the Fostering Connections act. It is available at: <http://cppp.org/files/4/newfostercare.pdf>.

¹⁰ Legislation enacting the program was amended to HB 1151 and SB 2080. The program was funded through a contingency rider in HB 4586, the supplemental funding bill. The federal government subsidizes part of the payment.

¹¹ This part of SB 939 was originally in SB 493. Although passed in the Senate and calendared in the House, SB 493 never got an opportunity to be heard on the House floor because of political maneuvering over unrelated legislation. As a result, it was amended onto SB 939.

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¹⁴ CPPP analysis of DFPS data.

¹⁵ DFPS Databooks.

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¹⁷ Texas Administrative Code §700.844.

¹⁸ Texas Administrative Code §700.1005.

¹⁹ Details regarding the program are available at: <http://www.neighbortofamily.org/default.asp>. Accessed on June 24, 2009.

²⁰ CPS Handbook, § 6341.

²¹ CPS Handbook, Appendix 6340-A.

²² DFPS Databooks.

²³ 2008 U S App (5th) 1675. At the time of the initial lawsuit, DFPS was called the Department of Protective and Regulatory Services.

²⁴ The process for orders in aid of investigation was originally in Senate Bill 1064 (text of bill available at: <http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=81R&Bill=SB1064>). SB 1064 passed the Senate and passed out of the House committee. But it got trapped behind the voter identification bill. So it was amended onto SB 1440 (text of bill is available at: <http://www.legis.state.tx.us/BillLookup/Text.aspx?LegSess=81R&Bill=SB1440>), which was passed on the House Local and Consent calendar. The bill is awaiting the governor's signature.

²⁵ The policy page is available at: http://cppp.org/files/4/409_Gates_Final.pdf.

²⁶ Available at: <http://www.dfps.state.tx.us/About/reports.asp>. Accessed on July 7, 2009.

²⁷ Available at: http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/default.asp. Accessed on July 7, 2009.

²⁸ Available at: http://www.dfps.state.tx.us/PCS/regional_care.asp#3. Accessed on July 7, 2009.