



October 19, 2004

Senate Health and Human Services Committee

78th Legislature

Child Protective Services

I am Scott McCown, the director of the Center for Public Policy Priorities, the home of the Texas KIDS COUNT Project. Before I came to the center, I served as a district judge for fourteen years, hearing some 2,000 cases regarding child abuse and concerning some 4,000 children. Though I have retired as a judge, I remain an active member of the National Council of Juvenile and Family Court Judges. Thank you for inviting me to testify.

Let me begin by outlining my recommendations and then I will explain them.

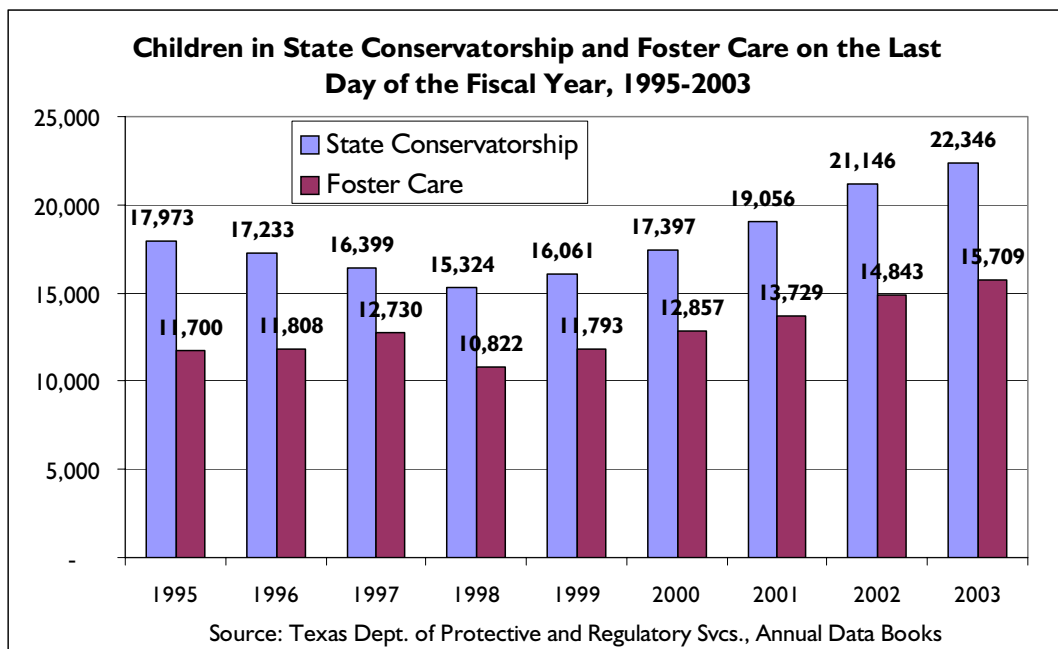
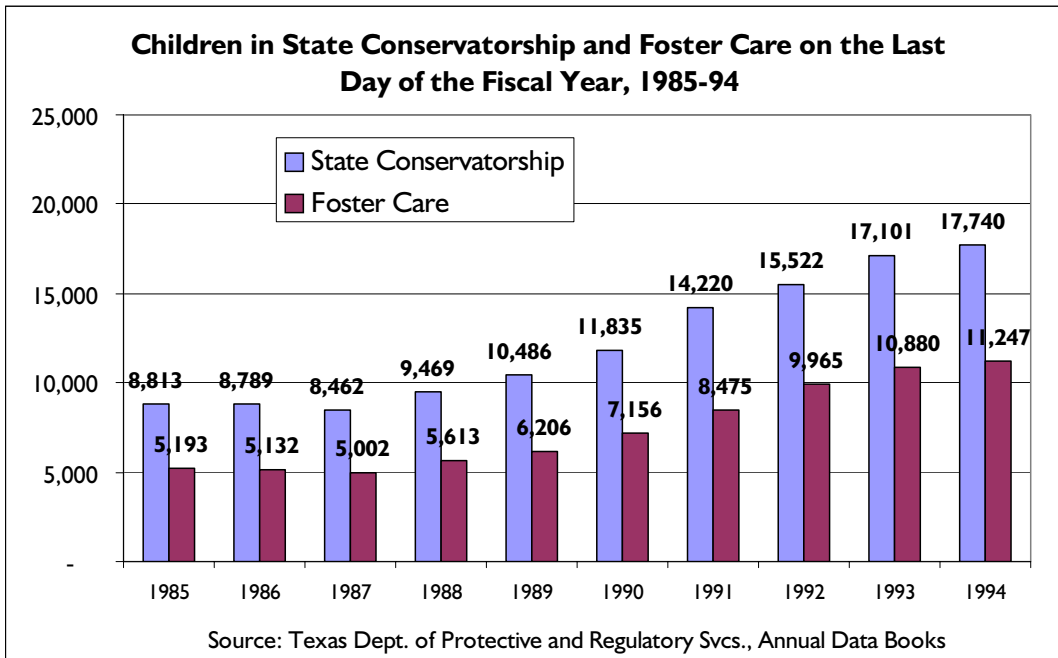
- First, Executive Commissioner Hawkins needs to quickly hire a new Commissioner for the Department of Family and Protective Services. We do not need a crisis management team to take over. Executive Commissioner Hawkins and Deputy Commissioner Heiligenstein are more than able to hire a commissioner and run the department in the interim, but the interim needs to be as short as possible.
- Second, a new commissioner needs to have a plan of action ready by the beginning of the 79th Legislature on January 11. This plan needs to be specific and needs to tell the Legislature what the commissioner needs in the way of money to do the job the public wants done. A special session on this issue would not be productive. We need a new commissioner, and the commissioner needs a short time to plan. It would be helpful, however, if the leadership announced that an emergency appropriation for CPS would be made in January. Such an announcement would show that the leadership is serious about addressing this problem, which would be a big morale boost to the CPS troops in the field.
- Finally, the Legislature needs to appropriate several hundred million dollars above the base budget for CPS to pay for what is needed to protect children, including about 2,000 more caseworkers.

Now let me explain. CPS is best thought of as a rescue boat on the ocean. It moves from one family boat that has capsized to another, pulling children from the water and helping families right their boat. If a family's boat can't be righted, CPS looks for a kinship boat or an adoptive boat for the children.

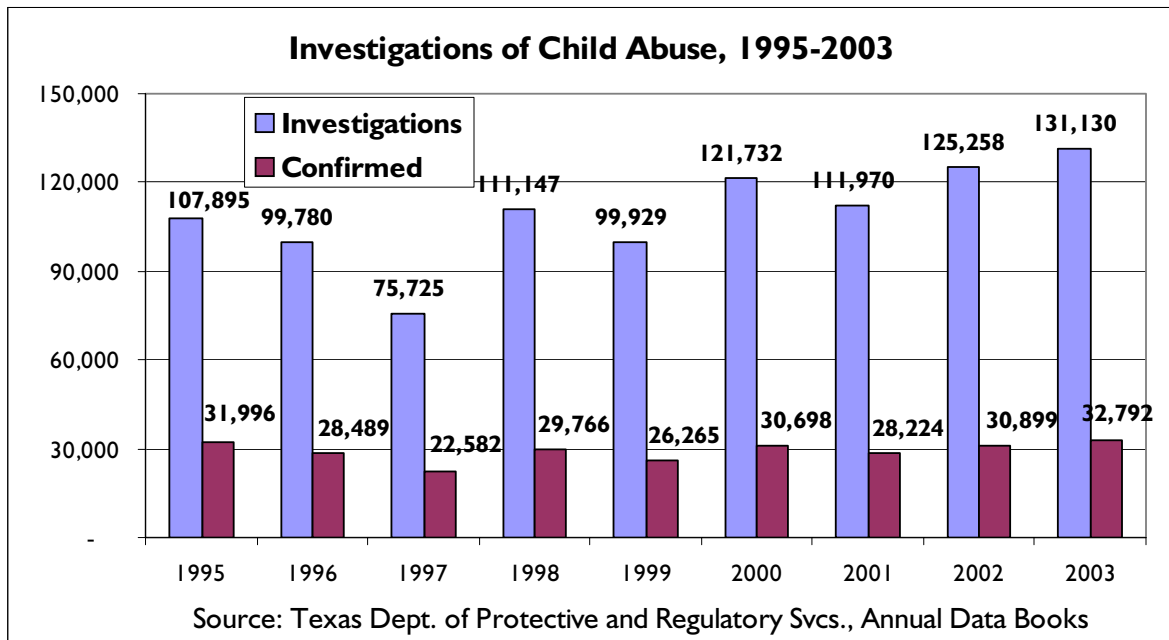
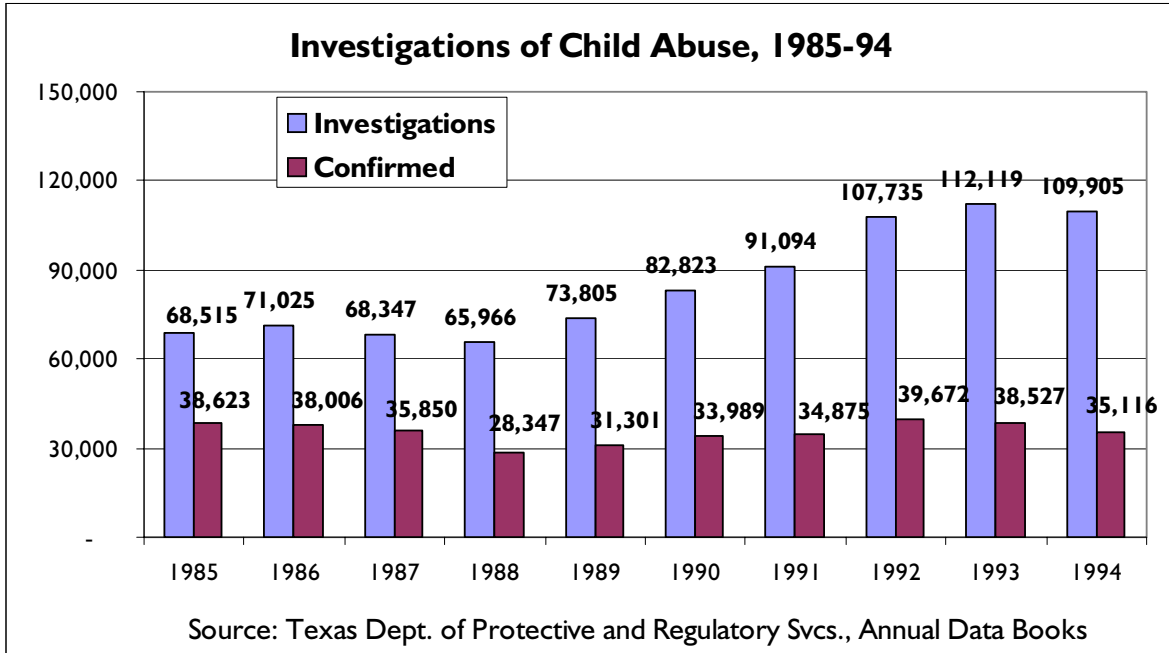
Texas has a tremendous number of children. Texas has the second largest child population, over six million, and one of the most rapidly growing, adding 350,000 children between 2000 and 2003; 183,000 children more than California. Texas has the second highest birth rate in the nation, which means many of these children are vulnerable infants. Over 20% of Texas children are in families

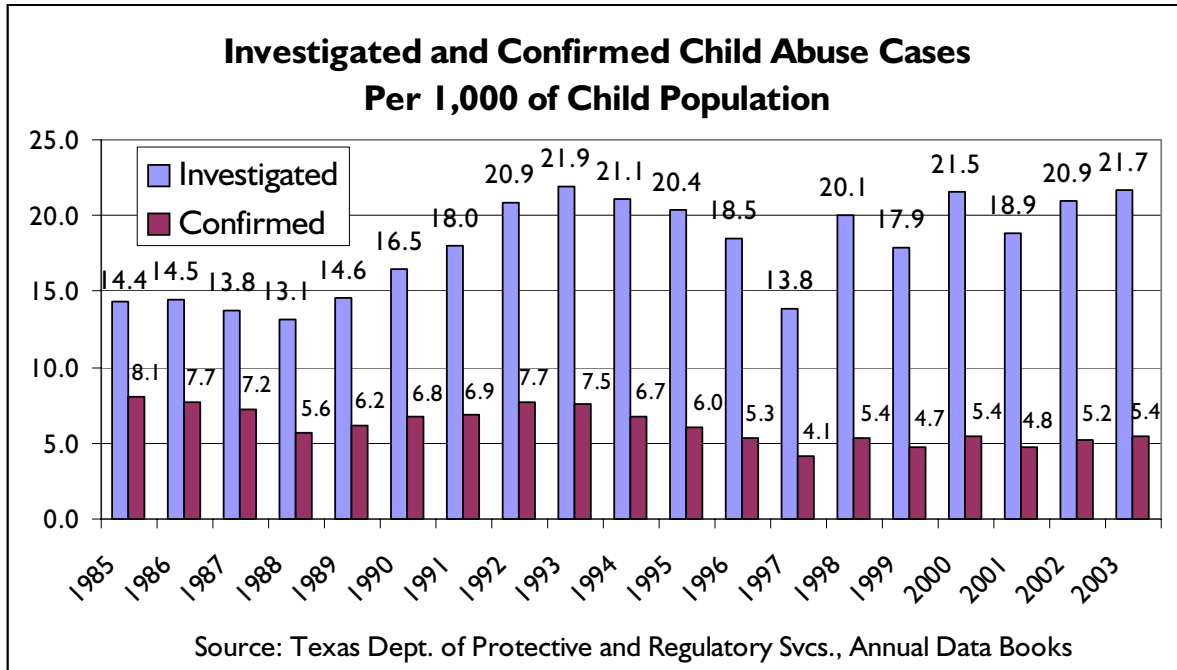
living in poverty, while 50% are in economically disadvantaged families, meaning that many of these family boats can easily capsize.

While the number of children is rapidly increasing, the CPS boat is growing more overloaded. In 1985, Texas had only 5,200 children in care on the CPS boat. By 2003, Texas had 16,000 children in care on the CPS boat. The two charts below track this growth. As a consequence, more money must go to caring for the children on the CPS boat, money that could otherwise have gone to rescuing children in the water and helping right capsized family boats.



Because of more children and an increasingly overloaded CPS boat, CPS has had to do an ever tighter triage of those children it can rescue and those families it can help. The following charts document 1) the flat-line CPS response in absolute numbers, and 2) the declining CPS response as a rate of child population.





Once abuse or neglect is confirmed, Texas has few berths aboard the CPS boat because Texas has a very tiny boat compared to other states, as this data from the federal government establishes:

	Population 17 and under, 2002 (thousands)	In care, end of Fiscal 2002	Rate in care (per 1,000 children)
Calif.	9,452	100,451	10.6
Texas	6,102	21,353	3.5
New York	4,613	40,753	8.8
Florida	3,882	31,963	8.2
Illinois	3,255	24,344	7.5
U.S.	72,894	524,274	7.2

In fiscal 2003, our understaffed CPS removed 8,595 children from dangerous homes, out of a total population of 6 million children—less than one-quarter of 1 percent of Texas children.ⁱ Texas had only 16,267 children in foster care on average in fiscal 2003—less than one-half of 1 percent of Texas children.ⁱⁱ Texas ranks 47th nationally in the number of children in foster care per 1,000 children in the state.ⁱⁱⁱ If Texas merely had the average number of children in care per 1,000, it would have 53,114 children in foster care.^{iv} This would be a good thing only if Texas had less child abuse or stronger family preservation than others, but with a rapidly growing, high-poverty child population and under funded family preservation programs, it is not likely. CPS does not have the family services, the foster homes, and the adoptive homes it would need to increase its response rate.

A separate problem is the CPS workload. Workloads for Texas CPS staff are the highest in the nation—in fact, more than twice as high as the national average. We are even further from accreditation standards. The Child Welfare League of America founded the Council on Accreditation for Children and

Family Services, which sets standards for public and private child welfare agencies, like the Joint Commission that accredits hospitals. The next chart shows how far we are from the being able to meet accreditation standards and how much it would have cost to meet those standards in FY 2003.

Standard	Requirement	DFPS/FY 2003	Cost Analysis:
S10.7.07	Under no circumstances does a CPS caseworker's caseload exceed a) 15 cases at one time that involve intensive intervention investigation; b) 30 cases at one time that involve case coordination, continuing services or follow up; and/or c) a proportionate mix of the above.	Investigations: 56.2 FBSS 20.9 Intensive FBSS: 13.7 Substitute Care: 35.4 FAD: 22.5 Generic: 36.4 All: 38.7	1,809 ADDITIONAL caseworkers and 143 ADDITIONAL supervisors FY 2006-07 Biennium Cost: \$177,559,602

For FY 2004-05, a tough budget cycle, the Legislature did give CPS money to maintain caseloads, but nevertheless required CPS to do too much with too little. Here is what the Legislature budgeted for 2004-05:

	2004	2005
CPS Caseload Per Worker: Investigation	54	54.4
CPS Caseload Per Worker: Family Based	21.3	21.6
CPS Caseload Per Worker: Substitute Care	36.3	37
CPS Caseload Per Worker: Foster/Adoptive	23	23.4
CPS Caseload Per Worker: Generic	33.1	33.7

Even though the Legislature hoped to maintain caseloads, the recent report of Executive Commissioner Hawkins shows that caseloads have grown beyond projections. In the fourth quarter of FY 2004, investigators carried a monthly average of 61.4 cases rather than the 54.4 budgeted.

Workloads in Texas have always been high, but really went off track in 1995 when CPS had to terminate over 600 staff. In 1997, the Legislature added back 433 staff. In 1999, the Legislature added 220 staff. But these merely got CPS back to pre-1995 levels. Then in 2001 the Legislature added 160 staff, and in 2003 the Legislature added 356 staff, but these were merely to maintain already high caseloads.

The HHSC Inspector General tells us in his recent CPS report:

The data indicates that CPS caseworkers are being overwhelmed with the volume of work. This is causing them to ignore policy and use all possible means to close cases. This overload condition results in legitimate cases being dropped, children being left in a documented states of abuse or

neglect (in 24% of cases) and numerous subsequent referrals which further compound the overloading problem.

I disagree with this in only one particular. Caseworkers don't ignore policy; with caseloads this high, they simply don't have enough hours in the day to comply with policy.

In short, our system is terribly under funded. In 2000, the most recent year for which national comparisons are available, the state spent \$645 million on child protection, for an average of \$110 per Texas child.^v This is 60 percent lower than the U.S. average of \$277 per child—low enough to rank Texas 48th nationally. To reach the national average in 2000, Texas would have had to spend an additional \$984 million in state and federal funds. The huge difference between Texas and the national average is not explained by a lower cost of doing business in Texas. Texas spent 40% less than the Southern-states average. Even to reach the Southern-states average (\$186 per child) in 2000, Texas would have had to spend \$447 million more on child protection in state and federal funds.

To get these horrible stories of tragedy out of the papers, you must quickly increase staff. But staff alone won't be enough. You have to provide the family services, the foster homes, the adoptive homes, and everything else that other states provide to protect children. It would be a wonderful day for Texas children if you made it the state's goal to meet accreditation standards in four years. A caseworker said once: Children don't slip through cracks in the system; they slip through the fingers of our hands. Please do not let more children slip through your hands.

Respectfully submitted,

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ⁱ Texas Department of Family and Protective Services (DFPS) Letter to Select Committee on Child Welfare and Foster Care (2004).

ⁱⁱ DFPS, 2003 Data Book.

ⁱⁱⁱ Kendra and Harold Hovey, *CQ's State Fact Finder 2004*, CQ Press. This comparison uses the unduplicated number of children in foster care, a much higher figure than the average number.

^{iv} *CQ's State Fact Finder 2004*.

^v Spending data from Urban Institute, *The Cost of Protecting Vulnerable Children III: What Factors Affect States' Fiscal Decisions?*, December 2002; child population data from U.S. Bureau of the Census, State Population Estimates.