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## **STATEMENT ON THE FEDERAL CHILD AND FAMILY SERVICES IMPROVEMENT AND INNOVATION ACT (HR 2883)**

The Center for Public Policy Priorities applauds and supports the bipartisan Child and Family Services Improvement and Innovation Act introduced on Monday by the Chairman Geoff Davis and Ranking Member Lloyd Doggett of the U.S. House Ways and Means Subcommittee on Human Resources. The bill provides needed support to help states better address child abuse and neglect and CPPP urges the U.S. House of Representatives to pass the bill as quickly as possible.

The Child and Family Services Improvement and Innovation Act reauthorizes federal funding under Title IV-B of the Social Security Act, which supports critical child welfare services. In 2010 in Texas, Promoting Safe and Stable Families (PSSF) program funding under Title IV-B accounted for 2 of every 3 dollars supporting child abuse and neglect prevention programs<sup>1</sup> and in 2009, PSSF paid for more than 30 percent of prevention services nationwide.<sup>2</sup> The Act also contains a provision to maximize the effectiveness of prevention funding by requiring states to identify and target services to populations with the highest child abuse and neglect risk. This requirement is especially important for states like Texas which have historically lacked a comprehensive and detailed strategy for targeting its prevention services.<sup>3</sup>

Within the PSSF funding, the Act continues the annual \$30 million set aside for the Court Improvement Program, which supports better evaluation, training and data collection among courts hearing child welfare cases. In Texas, this funding has been used to support the Supreme Court Permanent Judicial Commission on Children, Youth and Families. The Commission was created in 2007 to coordinate statewide efforts to improve the effectiveness of judges and attorneys involved in the child welfare system. The Commission has developed a practitioner's guide providing a comprehensive overview of what attorneys in Texas need to know to effectively handle child welfare cases, including practice tips and resources.<sup>4</sup> It has also developed a bench book for judges hearing child welfare cases and provides data analysis to help judges identify systemic barriers to achieving optimal outcomes in their particular jurisdiction.<sup>5</sup> It has supported research regarding the appointment of attorneys in child welfare cases and outcomes for children in the long-term care of the state and facilitated collaboration among judges, attorneys, state agency staff and leadership, advocacy groups, and private providers.<sup>6</sup>

The Act also contains a provision to improve the accuracy of reported data regarding child maltreatment deaths. Although the federal government collects child maltreatment data from the states, not all states report child maltreatment fatalities.<sup>7</sup> And even among the states that do report, there is significant variation in how they define, investigate and report when a child's death results from maltreatment, with some systems like the one in Texas seeming more robust than others.<sup>8</sup> As a result, the true extent of the problem is unknown, making it difficult to effectively target prevention services to those families most at risk.

The Act restores authority to the U.S. Health and Human Services Department to grant Title IV-E waivers. Federal law mandates that state child welfare systems try to keep children safe in their own homes whenever possible.<sup>9</sup> When that's not possible and removal is necessary, the federal government wants state child welfare systems to provide reunification services so the child can return home as soon as possible.<sup>10</sup> But the federal government does not spend its money supporting these outcomes. Instead, the vast majority of dedicated federal child welfare funding is under Title IV-E<sup>11</sup> which supports only foster care and adoption.<sup>12</sup> Under the proposed waiver program, however, states will be able to use Title IV-E funding to keep kids safe at home which is better for kids and cheaper for the state.



In January 2008, Texas implemented the Strengthening Families program, which helped families in neglect cases where poverty was a significant underlying problem.<sup>13</sup> An evaluation of the program found that the removal rate for families in the program was about 30 percent less,<sup>14</sup> which translated into net savings in both federal and state dollars of an estimated \$8.2 million.<sup>15</sup> Unfortunately, however, due to the revenue crisis in Texas, the program has been eliminated. A Title IV-E waiver could be used to restore it.

A Title IV-E waiver program could also be used to help states redesign their foster care system so that it better supports reunification. Texas is currently in the process of such a redesign.<sup>16</sup> Using a Title IV-E waiver, Texas could use funds to support the redesign's efforts to return children home faster. For example, if Texas could use Title IV-E funding for services to support the family after the child returns home (e.g., family counseling), it could reduce the time the child has to spend in foster care.

There are many other provisions in the Act that will improve outcomes for families and children involved in the child welfare system. CPPP urges the U.S. House to pass this bill without delay.

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<sup>1</sup> Texas Department of Family and Protective Services 2010 Operating Budget. Based on 3 primary child abuse and neglect prevention programs: Texas Families: Together and Safe, Community Based Child Abuse Prevention and Family Strengthening Services.

<sup>2</sup> *Child Maltreatment 2009*, U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau. 2009.

<sup>3</sup> Burstain JM. *Child Abuse and Neglect Prevention: How to Do It Better*. Center for Public Policy Priorities. September 2010.

<sup>4</sup> Burstain JM. *The Guide to Texas Child Protective Services*. Center for Public Policy Priorities. December 2010.

<sup>5</sup> Burstain JM. *The Guide to Texas Child Protective Services*. Center for Public Policy Priorities. December 2010.

<sup>6</sup> Burstain JM. *The Guide to Texas Child Protective Services*. Center for Public Policy Priorities. December 2010.

<sup>7</sup> For federal fiscal year 2009, Alaska, Massachusetts and North Carolina did not report child abuse and neglect fatalities to the federal government.

<sup>8</sup> Burstain JM. *Child Abuse and Neglect Deaths in Texas*. Center for Public Policy Priorities. December 2009.

<sup>9</sup> Once a state has to intervene in a family to protect a child from abuse or neglect, federal law requires the state to first try in-home services designed to keep the child safe in their own home with the parents retaining legal custody. (42 U.S.C. §671(15)(B)).

<sup>10</sup> When a child is removed, federal law requires that, absent aggravated circumstances, the state provide reunification services to help the parents regain custody. (42 U.S.C. §671(15)(B) and (D)).

<sup>11</sup> The 2004 survey by the Urban Institute of state child welfare funding in 2004 found that, nationwide, states spent \$639 million in Title IV-B funds and \$5,849 million in Title IV-E funds.

<sup>12</sup> 42 U.S.C §670.

<sup>13</sup> *Strengthening Families through Enhanced In-Home Support in Child Protective Services: Status Update*. Texas DFPS. December 2009. At: [http://www.dfps.state.tx.us/documents/about/pdf/2009-12-15\\_SFI\\_Report.pdf](http://www.dfps.state.tx.us/documents/about/pdf/2009-12-15_SFI_Report.pdf).

<sup>14</sup> Using a logistic regression and controlling for differences in risk assessments between the participating families and a comparison group of families who did not participate resulted in an odds ratio of .689. This means that the removal rate for families participating in the program, after controlling for differences in risk, was 31.9 percent lower than the comparison group. The removal rate in the comparison group was 15 percent. Reducing this rate by 31.9 percent gives a removal rate for families participating in the program of 9.6 percent.

<sup>15</sup> A total of 1,312 families participated in the program. The expected removal rate absent participation was 15 percent or 197 families. The removal rate after participation was 9.6 percent or 126 families, or 71 fewer families than expected. The average number of children in families participating in the program was 3.5 children multiplied by 71 families means 248 fewer children than expected were removed. The average monthly cost of the foster care payment per child in 2008 was \$1,794. (Texas DFPS 2010-11 Legislative Appropriations Request). The average time in state custody for children who left state custody during state fiscal year 2009 was 2 years. (DFPS data). That means that if these children had gone into foster care, they would have been in foster care for an average of 2 years, costing a total of \$10.7 million. The state spent \$2.5 million on the Strengthening Families program

<sup>16</sup> A description of and resources regarding the redesign is available on DFPS' website at: [http://www.dfps.state.tx.us/Child\\_Protection/Foster\\_Care/redesign.asp](http://www.dfps.state.tx.us/Child_Protection/Foster_Care/redesign.asp).