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Lawmakers revisit CPS reforms

2005 fix caused new problems with foster care services

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Two years after Texas overhauled its child abuse investigations, lawmakers and advocates for children say Child Protective Services investigators are removing abused and neglected children from their families faster than caseworkers can place them in foster care.

Occasionally, when there is nowhere safe for them to go, children sleep in state CPS offices, officials said. Many state caseworkers are leaving their jobs. And several Texas children have died in recent months while in foster homes chosen by private companies hired by the state.

The situation is not what lawmakers envisioned when they revamped CPS in 2005 after the deaths of several children in the state's care.

"Quite candidly, oversight has broken down in our foster system," Sen. Jane Nelson, R-Lewisville, said last month in announcing a foster care proposal that a Senate panel will consider today. Rep. Patrick Rose, D-Dripping Springs, has filed an identical measure in the House.

Nelson says her proposal would help push foster care back on track by increasing oversight of child placement agencies and reducing caseloads for state workers who monitor the progress of children who have been removed from their families. But critics are sounding alarms about a provision of Nelson's bill that would privatize some of that monitoring.

Meanwhile, the agency is struggling to place children in foster care, particularly those with special emotional or behavioral needs, a spokesman said.

CPS recently started keeping track of the number of children sleeping in agency offices across the state. In January, 37 children spent at least one night in an office, and in February, 42 did, said Patrick Crimmins, a spokesman for the Department of Family and Protective Services, which oversees Child Protective Services.

It can happen when children are removed from a home too late at night to find a place for them or when a child runs away from a foster home, Crimmins said.

"It's an acknowledged problem, although in perspective, there are more than 19,000 children in foster care," he said.

In 2004, after the high-profile deaths of some children in the state's care, Gov. Rick Perry ordered a review of CPS and concluded that failed investigations had left children in dangerous situations. Lawmakers mandated changes in 2005.

Since then, the agency has hired more than 3,200 caseworkers, supervisors and clerical workers and has strengthened investigations by, for example, expanding training for CPS employees to work with law enforcement.

"The bottom-line goal of reform was to improve the care and services we provide to the most vulnerable members of our population," Crimmins said. "We think we have done that."

But bolstering investigations seems to have overwhelmed the system.

None of the additional \$200 million approved for CPS in 2005 was designated for the so-called back end of the system — placing children in foster care or with relatives, and monitoring them until they turn 18, are adopted or are returned to their families.

In 2005, "it was generally understood that if you invest more in intervention, you're going to have more people who need help," said Scott McCown, a retired state district judge who was in the forefront of calls for reform. "It was seen as really a two-step problem. In 2005, the Legislature took the first step by investing in intervention and now, in 2007, the Legislature needs to take the second step and invest in treatment."

With more caseworkers visiting homes to investigate allegations of abuse or neglect, the number of children removed from their homes increased from 13,431 in 2004 to 17,547 in 2006, said McCown, executive director of the Center for Public Policy Priorities, which advocates for low- and middle-income Texans.

The average daily caseloads of workers who place children in foster care grew from 40 in the 2005 budget year to 45 in 2006. Juggling that many

cases does not allow time for state workers to see the children often enough, Crimmins said, adding that visits should ideally happen at least once a month.

"This is unacceptable," said state Rep. Elliott Naishtat, D-Austin. "We can't expect workers to continue doing their job protecting and serving children if we continue to deny these workers resources necessary to pay proper attention to each case."

Between December and February, 33 percent of investigators and 28 percent of case managers left their jobs, Crimmins said.

"The largest problem by far is caseworker turnover," said Tiffany Roper, a policy analyst at the Center for Public Policy Priorities. "Caseworkers leave their jobs and other caseworkers have to take on their responsibilities. You just can't make good decisions when you're carrying caseloads that high."

Nelson's proposal requires the agency to reduce caseloads.

But the privatization portion of the bill is stirring up criticism. Nelson's bill would, by 2009, transfer to private companies at least 10 percent of case management, which involves monitoring a child's progress.

It's a step back from the 2005 plan, which called for outsourcing 100 percent of case management to private companies by 2011. That plan was put on hold in the fall after problems awarding a contract in the San Antonio pilot area.

Some critics say that in light of Texas' problems privatizing social services enrollment, Nelson's proposal goes too far with privatization.

Last week, the state canceled a contract originally worth \$899 million with Accenture LLP after Texans reported having trouble signing up for programs such as food stamps and Medicaid.

"I would hope that we would learn from that experience," said Naishtat, who has filed a bill that would allow — but not require — the state agency to privatize portions of case management. "I'm not convinced, and many members of the Legislature are not convinced, that the private sector is able to do a better job than the state. Nelson's requirements to privatize, I believe, would take resources from the rest of the system and leave us, once again, with a fragmented and underfunded system."

Mary Katherine Stout, vice president of policy at the Texas Public Policy Foundation, said there is a "well-established pedigree" for successful privatization of many traditional government services.

"I certainly don't think that the change in plan for (social services enrollment) points to any flaw in privatization, merely in the contract negotiations . . . over the execution of that particular instance," she said.


As lawmakers consider Nelson's bill today, they'll hear from the public on how they should proceed with CPS changes. The House Human Services Committee will also take up the issue in the next few weeks.

"Sen. Nelson's bill is a good starting point," said Rose, chairman of the House panel. "We need to look at (the 2005 legislation), and what is right and what is wrong, and move forward to do what's best for the kids."

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