



Let My People Go Home: Reducing Foster Care Trauma by Prioritizing the Use of Monitored Return

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Key Points

- In Texas, removals of children by Child Protective Services has sharply increased since 2009, rising from 12,057 removals that year to nearly 20,000 removals in FY 2017.
- Children who may have already experienced the trauma of maltreatment will experience further trauma when removed from the home.
- Monitored returns allow the child to transition from substitute care to the parent while the parent completes their service plan, helping families reunify and protecting children against further trauma.

Introduction

The child welfare system is an unpleasant necessity, existing to protect children who face an immediate risk to their physical health and safety and psychological well-being. However, as modern child welfare practice increasingly recognizes the traumatic impacts of removing children from their families, even for short periods of time, it is critical that the child welfare system embrace innovative approaches that prioritize reducing the number of removals while still protecting those children who are in danger of harm.

More attention today is being given to seeking new ways of reducing trauma to children by strengthening families. The goal of these innovations is to reduce instances of unnecessary removals, lessen the need for other removals through the use of family-based services, and more quickly achieve permanency—with a stated priority for family reunification—for children who have been removed ([DFPS 2018](#)).

The prioritization of family reunification is rooted in decades of research showing that the quick, successful reunification of a child with his or her family produces optimal outcomes for the child and family (Goerge). This knowledge combined with a growing understanding of the trauma of removal and the damage done to children while in the foster care system should cause the current system to rethink practices that are often too quick to remove children from their homes and expose them to these risks.

As Texas continues working to improve its child welfare system, the state must prioritize solutions focused on returning children who are properly removed from their home to their families as quickly as possible once the immediate danger has passed. One strategy for making sure children can return to their homes as quickly and safely as possible is by strengthening state policies to put a greater emphasis on the use of monitored return during all stages of a child protection case.

Impacts of Removal and Entry into Foster Care

While government child welfare systems continually attempt to implement new strategies for reducing the number of children removed into the foster care system and ameliorating the traumatic impacts of foster care, the success of these initiatives is mixed. Data shows that state child welfare systems are still too quick to remove children from their homes. Nationally, the number of children in foster care has increased every year since 2012, with the number of children in care at 443,000 as of the end of FY 2017 ([Administration on Children 2018](#)). In Texas,

removals of children by Child Protective Services has sharply increased since 2009, rising from 12,057 removals that year to nearly 20,000 removals in FY 2017 ([DFPS 2017b](#)). More than 70 percent of confirmed cases of maltreatment in Texas during FY 2017 were related to neglect, which is broadly defined in code as any one of a number of acts or omissions that could place the child at risk of harm ([DFPS 2017c](#); [Tex. Fam. Code Section 261.001\(4\)](#)). The same year, roughly 13 percent of confirmed cases of maltreatment were for physical abuse and 9 percent were for sexual abuse ([DFPS 2017c](#)). While confirmed cases of physical abuse have trended downward and confirmed cases of sexual abuse have remained relatively steady since 2008, there has been an overall increase in neglect cases ([DFPS 2017c](#)).

Sadly, the rise in removals between 2009 and 2017 has contributed to a 23 percent increase in the number of children in substitute care during that same time period ([DFPS 2017d](#)). A child who is removed into substitute care in Texas will spend, on average, 13.1 months away from home before they are reunified with their family, and only about 30 percent of children who enter substitute care will achieve reunification ([DFPS 2017a](#)).

Children who are removed into foster care endure a number of traumatic experiences. The trauma of the initial maltreatment incident is compounded by the trauma of the child's removal from his or her family and the additional trauma that the child experiences while in the foster care system. One-third of all youth who spent time in foster care report experiencing maltreatment in a foster placement (Pecora, et al.). Additional trauma occurs the longer the child is in care due to the increasing likelihood that the child will experience situations that disrupt the stability of life like changes in foster placements, schools, caseworkers, and service providers (Herrick and Piccus). Instability in the life of a child in foster care makes the child exceedingly vulnerable to complex trauma, which ultimately leads to an increased risk for a number of long-term negative outcomes, including disproportionate rates of homelessness, drug abuse, mental and physical health challenges, poor educational performance, and incarceration (Baker et al.; Conn et al.; [Courtney et al.](#); Riebschleger, et al.; Vaughn, et al.). Studies further indicate that any kind of contact with the foster care system, regardless of the length of time spent in care, can have long-term negative impacts on the child ([Lawrence et al., 71-72](#); [Administration on Children 2015, 3](#)). Given the additional damage that the child welfare system causes to children who may have already experienced the trauma of maltreatment, it is imperative to find ways to limit its scope by preventing removals and, in cases where removal is necessary, taking

steps to expedite the process of reunification to minimize the amount of time children spend away from home.

Monitored Return as a Tool for Achieving Early Reunification

During the 85th regular session, the Texas Legislature passed a comprehensive redesign of the states foster care system intended to address the detached, bureaucratic system that routinely fails the children it is charged with protecting. This landmark reform increased the role of local communities and empowered them to take the lead in caring for foster children.

Part of this legislation made improvements to the section of the Texas Family Code that addresses the monitored return of the child to the parent by adding language allowing the court with jurisdiction over the case to transition the child from substitute care to the parent while the parent is in the process of completing the remaining requirements of their service plan ([Tex. Fam. Code Section 263.403\(a\)\(2\)\(B\)](#)).

Taken in connection with DFPS's stated priority for reunifying children with their families, the ultimate goal of service planning is to create, through a collaborative process that involves the family, a roadmap that outlines clear, specific steps the family needs to take to achieve reunification ([Tex. Fam. Code Section 263.102](#)).

Rather than being a help, however, service plans often become a series of hoops that parents are required to jump through *before* they can get their children back—under the added threat of permanently losing their children if they fail to satisfactorily complete the steps within a certain period of time. Thus, what should be a tool to help parents achieve the goal of providing a safe, healthy home for their children devolves into yet another hammer for the state to bring down.

The new language of Section 263.403(a) is a move toward realizing the goal of achieving reunification by returning the child home before the parents have completed every single requirement of the service plan, giving the family the opportunity to demonstrate that they are capable of providing a safe and healthy environment for their child. If implemented correctly, the monitored return process under Section 263.403(a) provides a powerful incentive for parents to complete the remaining requirements of their service plan by recognizing and reinforcing the positive steps they've taken. The return of the child home before the plan is completed can provide the added motivation that parents need to clear the last few hurdles while also providing them with a safety net to address any adjustment issues that may arise once the child is back in the home.

Conclusion

While the new language of Section 263.403(a) is a step in the right direction, it lacks the strength necessary to truly unleash the power of monitored return in support of families in need. There are two primary weaknesses in the language that the Legislature can easily fix to fully realize the potential of this powerful tool. Under current code language, monitored return is one of several things the court “may” do as an alternative to dismissing the case after the expiration of the one-year time limit imposed by Section 263.401. The placement of the monitored return provision at Section 263.403, following language directly referencing the one-year time limit of Section 263.401, creates a misperception that monitored return can only be used as an alternative to dismissing the case at the one-year expiration date.

Recommendation

Rather than just being another option on a menu placed in front of the judge, Texas should create a presumption

in favor of utilizing monitored return in all cases where reunification is the goal, unless the court finds that there is a continuing danger to the physical health and safety of the child, and the return of the child to his or her parents at that time is contrary to the welfare of the child. Texas should also clarify that monitored return is a tool that can be used at any point during the lifecycle of a CPS case to further the goal of reunification. Language firmly establishing a presumption in favor of monitored return—subject to appropriate limits that protect children from immediate danger—and emphasizing its use at any point during the lifecycle of a CPS case will not only minimize the traumatic impacts of foster care on children by allowing them to come home sooner, but also help achieve more successful reunification by providing parents with a safety net as they make the changes necessary to provide a safe, loving home for their children. ★

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