

Video Emphasizes Need for Foster Care Reform



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The [video](#) is disturbing. A young man stands over a girl, his fists clenched, stomping on her as she screams for help that never comes. A caseworker with the Department of Family and Protective Services, which has custody of the children, stands nearby watching the abuse unfold, but never intervenes. As difficult as it is to watch, the video viscerally displays the harm caused by the utter failure of DFPS to fix problems that have plagued the Texas foster care system for decades. And it underscores the need for the immediate implementation of transformational reforms enacted by the Legislature.

The two youths in the video are among the hundreds of Texas foster children who are unable to be placed in a foster home or licensed facility. Known to the system as “children without placement” (or “CWOP”), these children spend multiple nights sleeping in state offices, hotel rooms, or unlicensed temporary shelters.

CWOP is supposed to be a last resort, reserved for emergency situations, but it has increasingly become the norm over the last year. According to [DFPS](#) records, the number of children without placement rose dramatically from 47 to 416—a 785% increase—between August 2020 and July 2021. The length of time children spent without placement rose by more than 1000% from a low of 1.6 nights in December 2019 to a high of 18.2 nights in August 2021.

Unfortunately, this problem is nothing new. In 2011, a [class action lawsuit](#) was filed against Texas on behalf of children in the permanent care of DFPS who, the lawsuit alleged, were systematically subjected to an unreasonable risk of harm. In 2015, United States District Judge Janis [Jack ruled in favor of the plaintiffs](#), finding that children routinely leave the Texas foster care system more damaged than when they entered. In the six years since the ruling, DFPS has been working to comply with Judge Jack’s remedial orders.

Aiding in this effort, the Texas Legislature has taken a leading role in passing reforms and providing financial resources designed to repair and fundamentally transform the state’s struggling foster care system. The centerpiece of these reforms

is a reorganization of the system that expands opportunities for local communities to care for and manage the cases of children in foster care. Known as “community-based care,” this revolutionary reform was designed to specifically address the deficiencies brought to light by the federal lawsuit, including the CWOP issue.

Transition to the new model has been slow, however, and it is currently operational in only four regions of the state. To address the slow pace of implementation, the 87th Legislature funded expansion of the model to four new regions of the state by the end of fiscal year 2023 and passed [Senate Bill 1896](#), which addressed a number of deficiencies identified in DFPS’s rollout of the model and created a new, independent office to oversee the transformation. The solutions and tools are there, all that remains is for the department to fully implement the changes.

Beyond enacting critical systemic changes to the state’s foster care system, the Legislature has also poured money into DFPS to help fix the problems identified by the lawsuit. Since the 2014-2015 biennium, the budget cycle that immediately preceded Judge Jack’s ruling, the Legislature has increased the DFPS budget by more than \$1.5 billion. During the second called special session this past summer, the Legislature approved an emergency appropriation of [an additional \\$55 million](#) beyond what it had already budgeted in direct response to the CWOP crisis. Clearly, funding is not the issue.

The Department of Family and Protective Services has been given every opportunity and ample resources to right the ship. It is unconscionable that these severe problems still persist within the state-run system, and the department’s glacially slow pace at implementing legislatively directed reforms only makes things worse. At this point it is clear that the state’s ongoing foster care crisis is rooted in structural and cultural failings within DFPS, and a complete overhaul of the bureaucracy is needed. How many more chances will the department get and how many more children will be harmed in the meantime?

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