



Public Comment

Texas House Human Services Committee Public Comment

by Andrew C. Brown, J.D.

Crises plaguing DFPS, including the recent allegations of sexual exploitation of residents at a state-licensed facility and the high number of “children without placement” (CWOP), are just the latest symptoms of long-recognized structural and cultural issues within the department. Although the Legislature has done admirable work for most of the last decade giving DFPS the tools and financial resources needed to turn things around and enacting reforms necessary to transform the state’s child welfare system, the system will continue to lurch from crisis to crisis until the department’s internal problems are resolved.

These structural and cultural issues have been well-known since at least 2014, when the state engaged The Stephen Group to conduct an [“Operational Assessment of the Texas Child and Protective Services Agency.”](#) The Stephen Group’s top-to-bottom review of DFPS highlighted a number of possible reforms, many of which both the department and Legislature took action to implement. Recent struggles and subsequent reviews of the agency by third parties, however, reveal that efforts at transformation are being held back by agency culture and management practices. One key finding of The Stephen Group was that the department suffers from a culture that providers and even its own employees described as “punitive” (Assessment/Findings, pp. 202, 313), “crisis-driven” (Assessment/Findings, pp. 185, 207), fear-based (Assessment/Findings, pp. 13, 19, 56, 114, 312), and lacking a unifying vision with clear guiding principles (Recommendations Report, p. 4). In 2016, two years after delivering its recommendations, The Stephen Group provided the Legislature with a [progress report](#) on agency transformation activities. Although this progress report found that changes were being made, it warned that sustaining this transformation continues to be a challenge as many changes have not been “embedded into practice” or sustained ([p. 7](#)). According to The Stephen Group, sustaining transformation requires the department to actively “promote a culture of Transformation.”

These findings were echoed in [recommendations](#) submitted this past January to Federal District Court Judge Janis Jack by an expert panel engaged in connection with the M.D. v. Abbott lawsuit. Like The Stephen Group, this expert panel found that the department’s approach to compliance with the court’s remedial orders was often characterized by providers and foster families as “unnecessarily burdensome and punitive” ([p. 6](#)). Foster families interviewed by the expert panel, in particular, expressed “fear of being cited for minor infractions” as a major challenge of working with the system ([p. 7](#)). The expert panel, again echoing The Stephen Group’s 2014 recommendations, highlighted the need for both DFPS and HHSC to “immediately adopt and apply a set of shared values and principles to all work with children and families” ([p. 14](#)).

While it is easy to blame these challenges on top-level leadership, the department’s recent history reveals that it is not that simple. Since the M.D. v. Abbott lawsuit was filed in 2011, the department has gone through five different commissioners, all of whom were focused on repairing the state’s struggling foster care system. It is critical for Texas and the Legislature to identify the factors within DFPS that are contributing to this high turnover and create a plan for promoting leadership stability that addresses these factors.

Changing culture is one of the most difficult undertakings for any organization, but it can also be one of the most powerful ways to turn a failing organization around. Consistent with the recommendations made in the M.D. v. Abbott expert panel report, the Legislature should work with the department to bring in “an external consultant (or team)” to assist with solving the placement crisis and implementing agency transformation initiatives ([p. 17](#)). It is critical that this external consultant be fully independent of the department and empowered to actually implement the structural and cultural changes needed

to effect agencywide transformation. The Legislature should also work with the external consultant to identify legislative actions it can take to effectuate necessary structural changes to the department.

As you well know, there is no silver bullet that will immediately solve the myriad challenges the Texas child welfare system is experiencing. The work that the Legislature has done over the last several years is moving the needle, albeit slowly. This work is hard, but valuable. If done right and with persistence, it will eventually generate the desired outcomes. In order for reforms to be successful, however, the agency implementing them must be healthy and functional. Unfortunately, this is currently not the case with the Department of Family and Protective Services. It is critical that the Legislature take action to overhaul DFPS's structure and culture to allow the agency to fully and finally implement the reforms enacted over the last several sessions. ★

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