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# Promoting Family Preservation Through Service Choice

## Key Points

- Families of children in foster care who are actively involved with service planning are statistically more likely to successfully reunite with their children.
- Current practice by the Department of Family and Protective Services limits families to receiving services only from providers who are under contract with the department.
- Allowing families to receive services from a qualified or licensed provider of their choosing will increase the quality and availability of reunification services.

## Introduction

In recent years, the benefits of actively involving families whose children have been removed and placed into foster care in service planning have become evident. In a literature review on the role of parents and caregivers in assessments and interventions, Robertson (2006) “identified the importance of including parents, foster parents, or the child’s parenting caregiver in the assessments of young children in foster care” (p. 187). A 2019 publication from the United States Department of Health and Human Services Children’s Bureau called for a meaningful shift from parental compliance to family engagement in all areas of child welfare, including parental choice of services ([Children’s Bureau, 2020](#)).

The Texas Legislature should heed the Bureau’s advice and expand reimbursed services for at-risk families beyond the limited list of entities currently contracted with the Texas Department of Family and Protective Services (DFPS).

## A Move Toward Family Engagement

One way DFPS works to better engage families in service planning is through Family Group Decision Making (FGDM). FGDM “describes a variety of practices to work with and engage children, youth, and families in safety and service planning” (DFPS, n.d.). Children whose families participate in FGDM are 51% less likely to be removed from their home compared with children whose families did not participate ([Lambert et al., 2017, p. 92](#)). Wang et al. (2012) found that a Family Group Conference<sup>1</sup> after removal “increased the odds of family reunification by 28% and placement with relatives by 7.3%” (p. 848).

Texas can build on the success of involving families in service planning by providing greater flexibility to families in selecting service providers that best meet their needs. [Texas Family Code Section 263.102\(a\)\(3\)](#) requires the service plan to be prepared in collaboration with the child’s parents. However, no procedures or statutes exist to facilitate their inclusion, creating a stark power imbalance. Moreover, current practice limits the services available to families to providers who have a contract with DFPS, which reduces the options families have and can

<sup>1</sup> A Family Group Conference is defined “a process where families join with relatives and friends to develop a plan that ensures children are cared for and protected from future harm” ([Wang et al., 2012, p. 846](#)).

hinder their ability to quickly obtain services. By clarifying that families have the right to receive court-ordered services from a provider of their choosing regardless of whether that provider is under contract with DFPS, the Legislature can help increase service capacity and make it easier for families to make changes necessary to reunite with their children successfully.

Providing greater flexibility for families to select locally available services, with appropriate guardrails and standards to ensure quality, can also help address capacity challenges in many areas of the state and reduce the time children spend in foster care ([Brown, 2023, pp. 1-2](#)). Pre-petition legal representation models operating in other states provide a useful case study in how greater flexibility and choice in selecting a service provider can improve outcomes.

### Pre-Petition Programs

The emergence of pre-petition representation programs across the country provides a compelling case study for how additional flexibility for families in obtaining services can improve outcomes in child welfare cases. Pre-petition representation involves “the provision of legal services to families after they have come to the attention of the child protection agency,” but before the agency files legal action against the family in court ([National Preventive Legal Advocacy Partnership, n.d., para. 1](#)). These programs often include other proactive services intended to preserve the integrity of the family and prevent the removal of the child into foster care. Since the child protection agency has not yet taken legal action, families receiving pre-petition services have full freedom to obtain resources and services from the community to address the factors placing their child at risk of removal.

### Examples of Pre-Petition Services

**Detroit Center for Family Advocacy:** In 2009, the University of Michigan Law School’s Child Advocacy Law Clinic created the Detroit Center for Family Advocacy (CFA). CFA is a pre-petition model that uses legal planning and social work advocacy to prevent removals and expedite permanency by providing multidisciplinary services to at-risk families.

- During the first three years, CFA served 55 families with a total of 110 children and achieved its legal objectives by providing housing, aid in guardianship, or public benefits in 98.2% of prevention cases.

Although this pre-petition model has only been tested on a small scale, none of the children involved entered the foster care system; rather, their families received sufficient aid prior to department intervention.

- It costs the state more than \$45,000 annually to care for each child in foster care. By conservatively assuming only 25% of the 110 children CFA served would have otherwise entered foster care, the overall cost reduction for the Michigan child welfare system would have amounted to approximately \$1.3 million per year with a net savings of over \$500,000 after funding the model ([Sankaran, 2014, p. 9](#)).

**Vermont Parent Representation Center (VPRC):** In 2011, VPRC began providing families in crisis with free legal assistance and social work services to enable children to stay with their parents safely ([Vermont Parent Representation Center, n.d.-a](#)).

- VPRC cared for 18 families with a total of 43 children from 2011 to 2013.
- VPRC prevented 81.4% of children served from entering any form of out-of-home care. Of those who entered out-of-home care, 62.5% returned to their families ([Vermont Parent Representation Center, n.d.-b, p. 1](#)).
- VPRC estimated saving public state systems a minimum of \$250,000 over two years, with more significant long-term savings predicted ([Sankaran, 2014, p. 10](#)).

### A Texas-Based Example

In Texas, the McLennan County Parent Advocacy Pilot Program is implementing a multidisciplinary prevention program that consists of aid from social workers and parent advocates—much like the examples above that aim to prevent child removal, rather than react to it. This program connects parents with experienced attorneys and social service support after their first contact with DFPS. The program’s goal is to help families identify and solve problems early in their relationship with the department and avoid the need to start legal proceedings, which often results in the child’s removal ([Witherspoon 2022; Parent Advocacy Program, 2021](#)).

## Conclusion

While current law promotes collaboration between parents and the department, the current choice of services is limited and not all-encompassing. Furthermore, the current system disadvantages parents because they often lack legal representation. Introducing models like family group decision-making or preventative advocacy that work

to prevent child removal are proven to have positive effects on family preservation. These models provide greater flexibility for parents to choose the services they wish to receive under the current reactionary system and work as preventative measures that benefit all parties. Families remain intact, the department conserves resources, and overburdened case workers are relieved. ★

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Andrew has dedicated his career to serving vulnerable children and strengthening families through community-focused, liberty-minded solutions. As an attorney, he has represented children in the child welfare system, advocated for the rights of parents, and helped build families through domestic and international adoption.

Andrew earned his BA magna cum laude in political science from Baylor University and his JD from Southern Methodist University Dedman School of Law. He is licensed to practice law in Texas and Virginia. His work on international adoption law and other child welfare issues has been published in leading legal journals and respected media outlets.



**Abigail Gorden** is a research associate with the Right for Families campaign at the Texas Public Policy Foundation. Abigail is passionate about preserving the family unit and protecting the family freedoms that established American prosperity.

Beyond her political interests, Abigail is a nursing student at Austin Community College but will transfer to Texas State University in the fall to pursue a career in Labor and Delivery.

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