



Children's Commission

SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

Parental Child Safety Placements Roundtable

August 23, 2015

Sponsored by the Children's Commission

Facilitated by F. Scott McCown
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The University of Texas School of Law

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Department of Family and Protective Services

Goals

- Understand improvements made to date
- Understand the problems that remain
- Brainstorm next steps
 - Practice
 - Policy
 - Legislation

Agenda

- Overview
- When to open a PCSP?
- How to support a PCSP?
- When to close a PCSP?
- How to close a PCSP?

Overview:

Parental Child Safety Placement (PCSP)

- A temporary, short-term, out-of-home placement
- Chosen by parent:
 - To address safety concerns raised by DFPS
 - To avoid removal and loss of CVS
- Used by DFPS:
 - To reduce risk while an investigation is underway or services are provided
 - To avoid doing a removal and obtaining CVS when facts are still being gathered or problems can be fixed in a short timeframe
- Used at all stages of service but generally starts during an Investigation
- Open only with Program Director approval and a signed agreement between parent and caregiver
- By 60 days decisions should be made for next steps
- No bright line end point

Big Picture

7.3 million children in Texas

1.7 million children in poverty

**273,091 alleged victims
of abuse or neglect**

**75,408 children in cases
opened for services**

54,090 (72%)

Family-Based Safety Services

**21,318 (28%)
Conservatorship
Services**

(At least one child removed.)

Informal Kinship Care

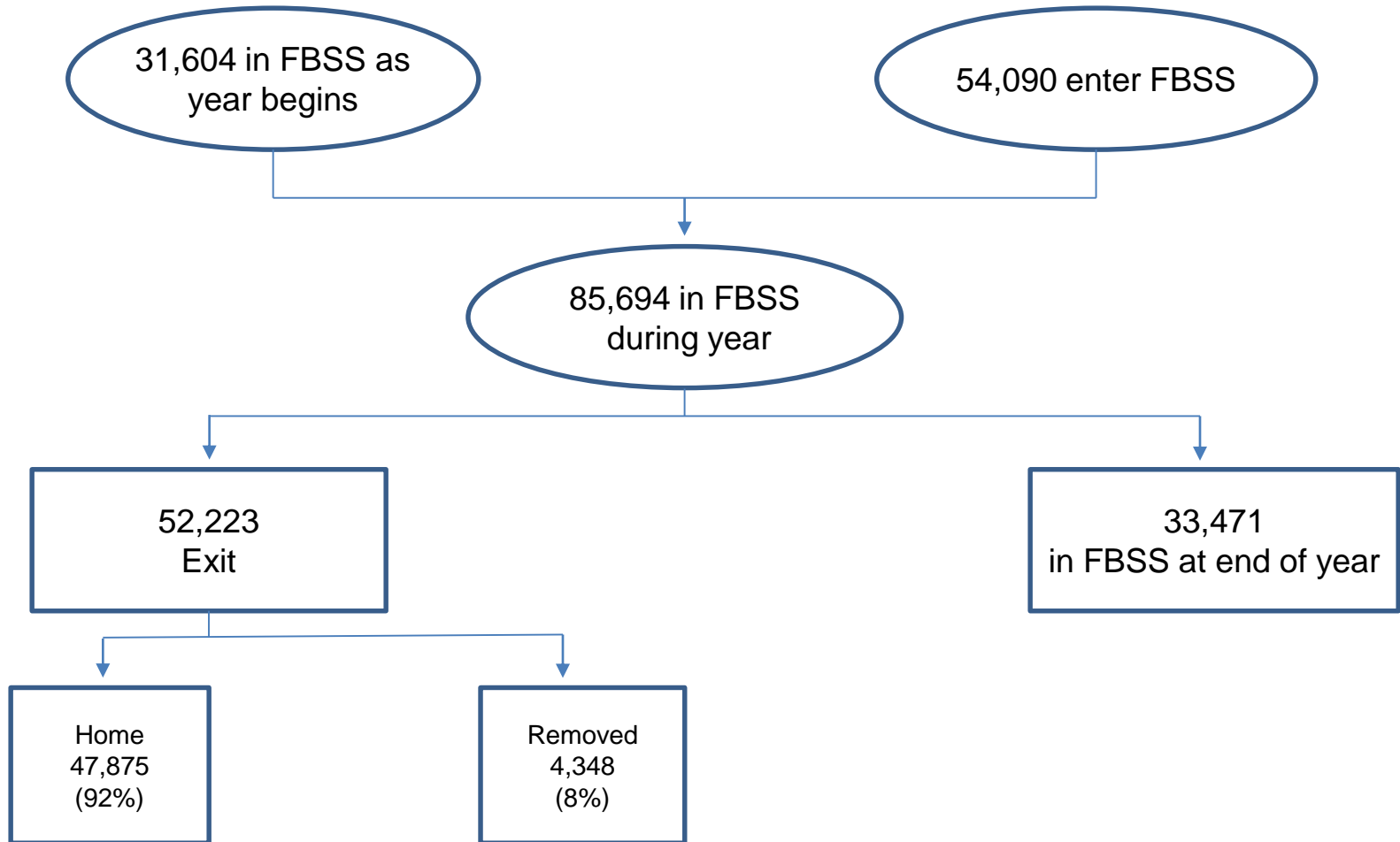
- 1 in 11 children in the US will at some point live in a relative's home without their parent.
- In 2013, in Texas, more than 250,000 children lived with a relative without their parent.
- Vast majority of these arrangements are informal—without the caregiver having legal custody.

Source:

Stepping Up for Kids, Annie E. Casey Foundation, 2012

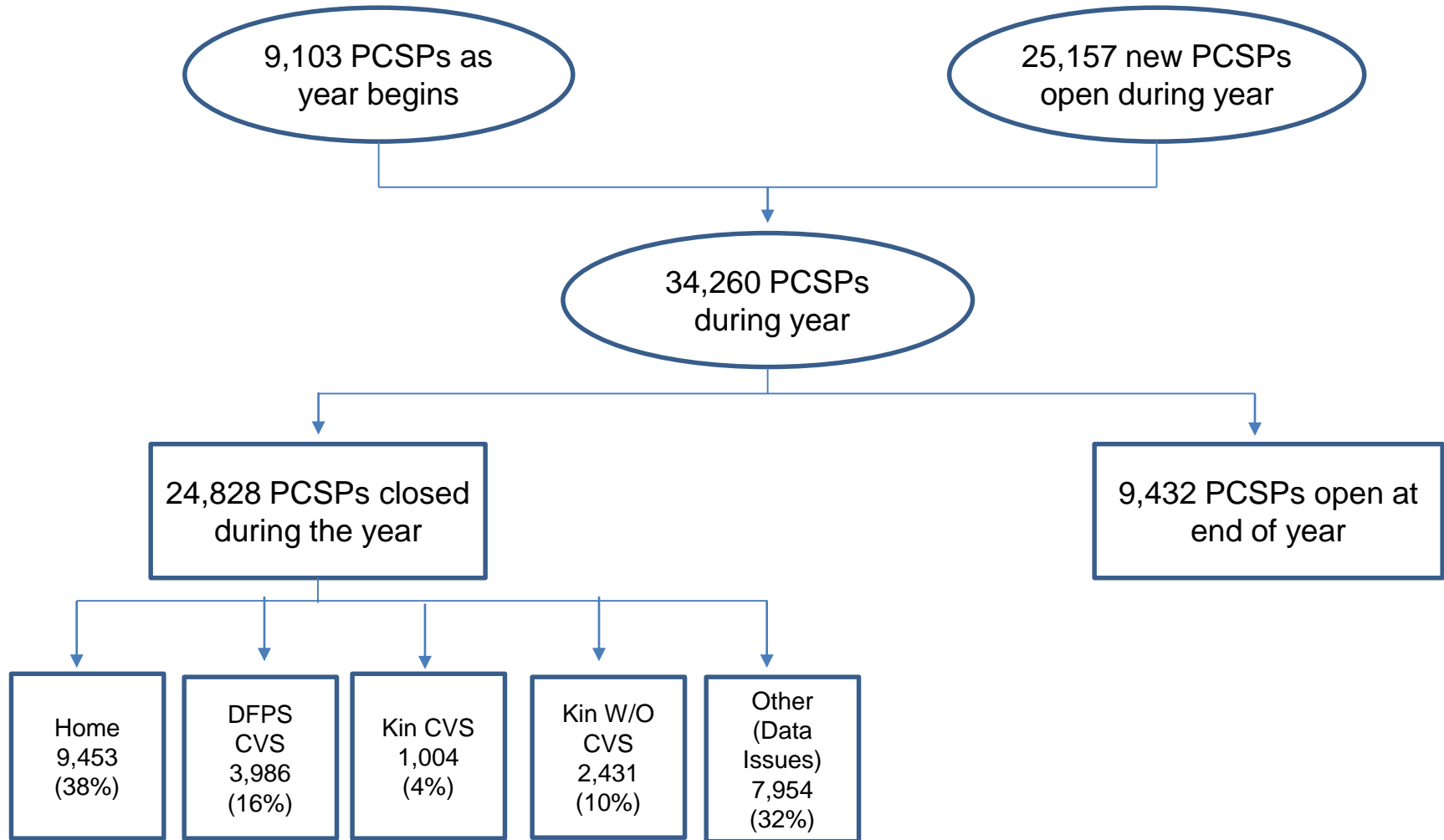
KIDS COUNT Data

Children in DFPS Family-Based Safety Services



Source: DFPS Data Book and data warehouse fam_05;
Number who start, exit, and return home are an estimate.

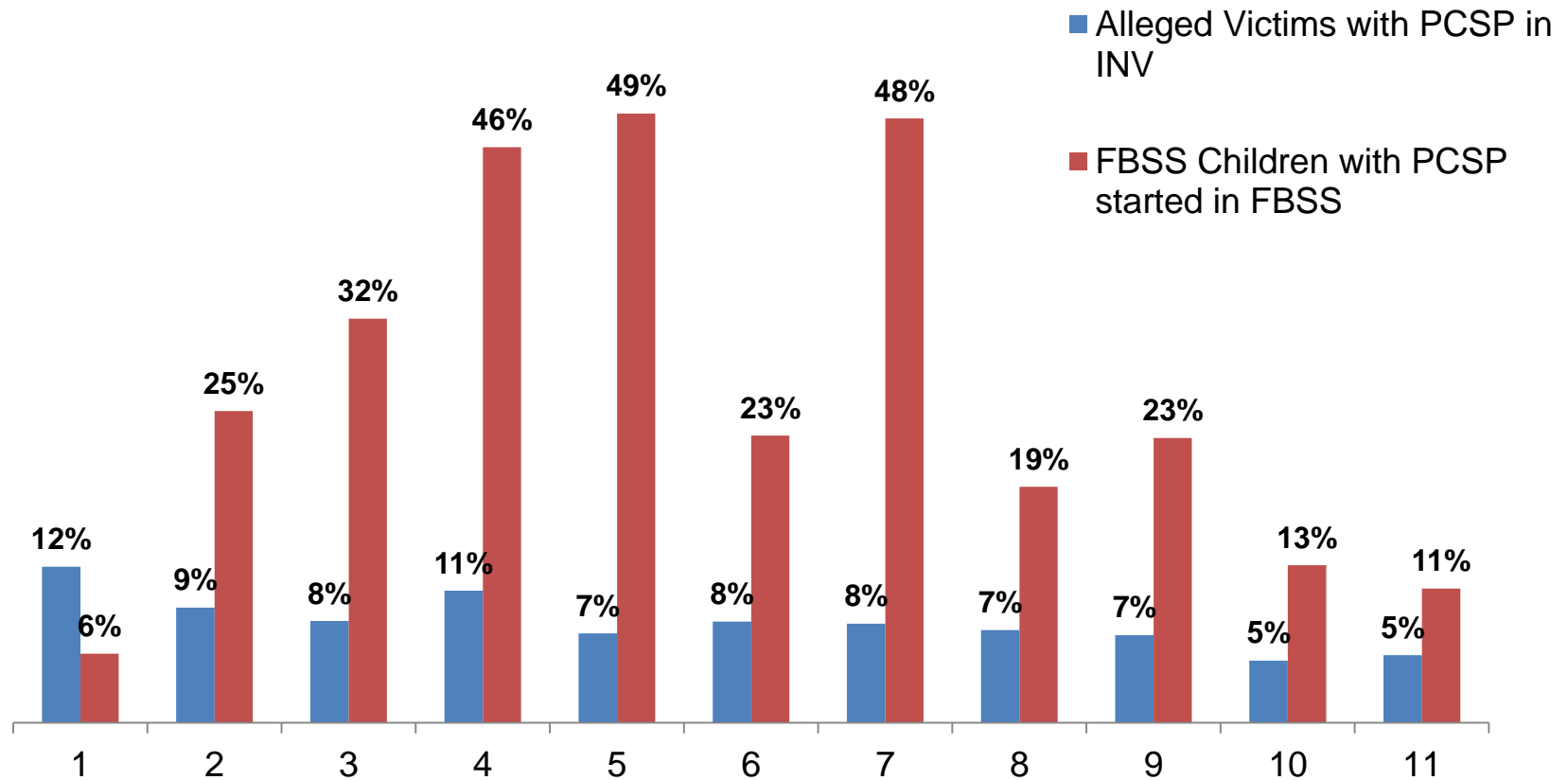
Parental Child Safety Placements 2014



Source: PCSP_01 and 2014 Data Book.

Regional Variation

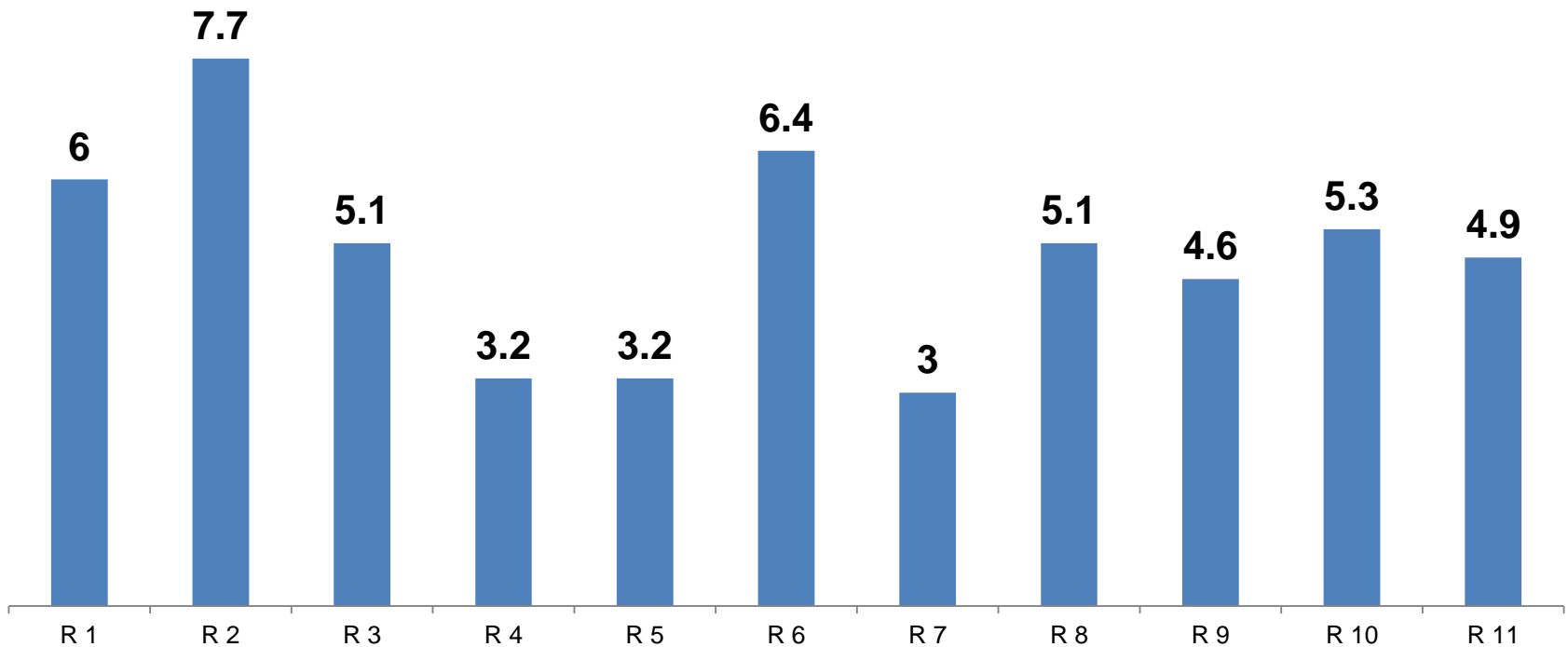
FY 2014



Data Source: DW report PCSP_01 – modified by DRIT; databook

Regional Variation

Average Time to Closure (in months)
FYTD 15
(State Avg = 5 months)



Data Source: DW report PCSP_04

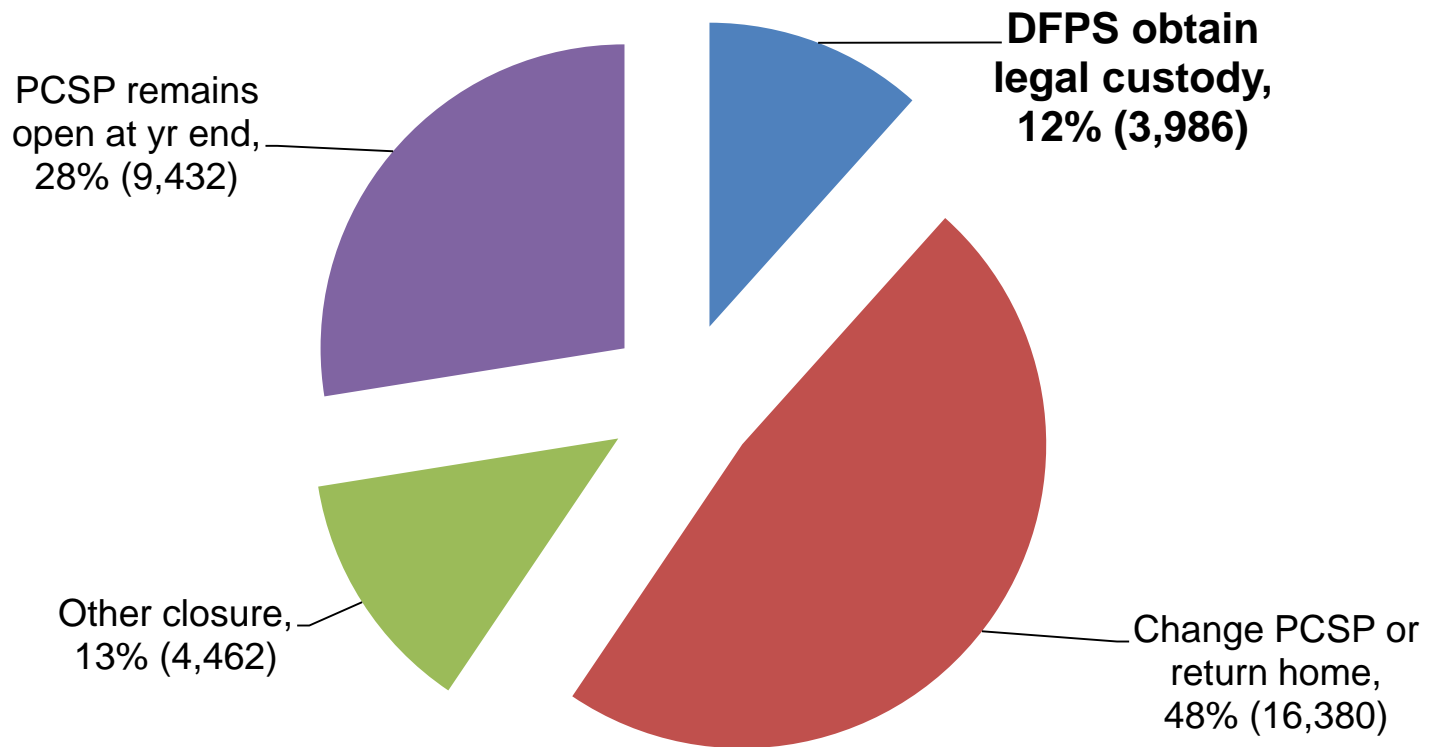
What's Good about PCSPs?

- Increases safety during investigation
 - When child can't be removed otherwise
- More children stay with family or others with whom they have an established, significant relationship
- More children remain in their home communities
- More children continue to attend same school
- Children diverted from foster care
- Decreases time to reunification and case closure
- Others?

PCSPs Prevent Removals

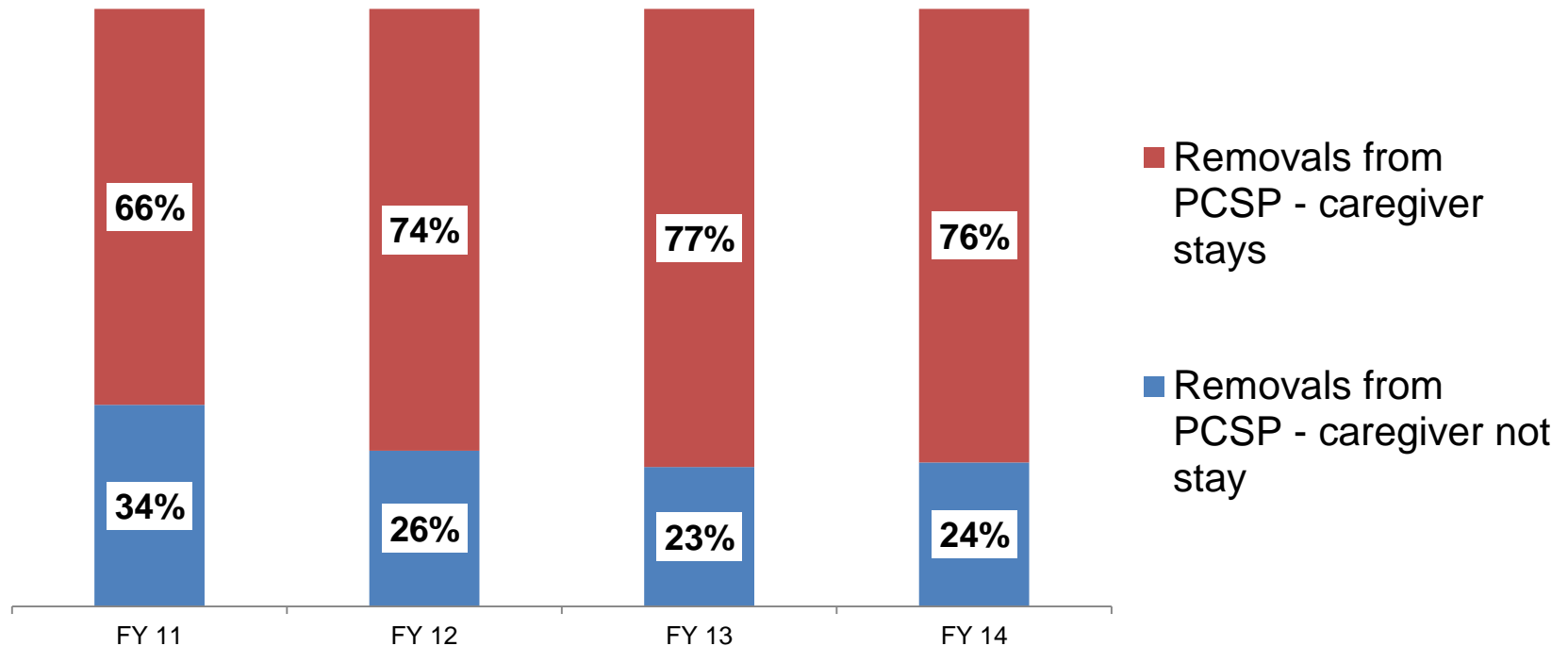
Less Than 1 in 8 PCSP Placements End with DFPS Getting Legal Custody During Year

34,260 PCSPs Placements in FY14



When DFPS Obtains Legal Custody, PCSPs Provide Placement Stability

When a Removal Happens, PCSP Usually Remains as
Caregiver



Data Source: DW report PCSP_01

PCSPs Are Generally Safe

- More than 99% of PCSP placements had no abuse or neglect by a caregiver
 - Comparable to foster care and relative placements
- Of the 3,320 surveys of unannounced home visits, caseworkers identified safety issues that necessitated taking the child out of the PCSP in 14 cases (less than 0.5%). In most instances, DFPS sought legal custody.

Data Source: DRIT 73520, unannounced visit survey, AFCARs and databook

What's Bad about PCSPs?

- Can be coercive for parent
- Can be disruptive to children
- Can lead to multiple placements
- Others?

Alternatives?

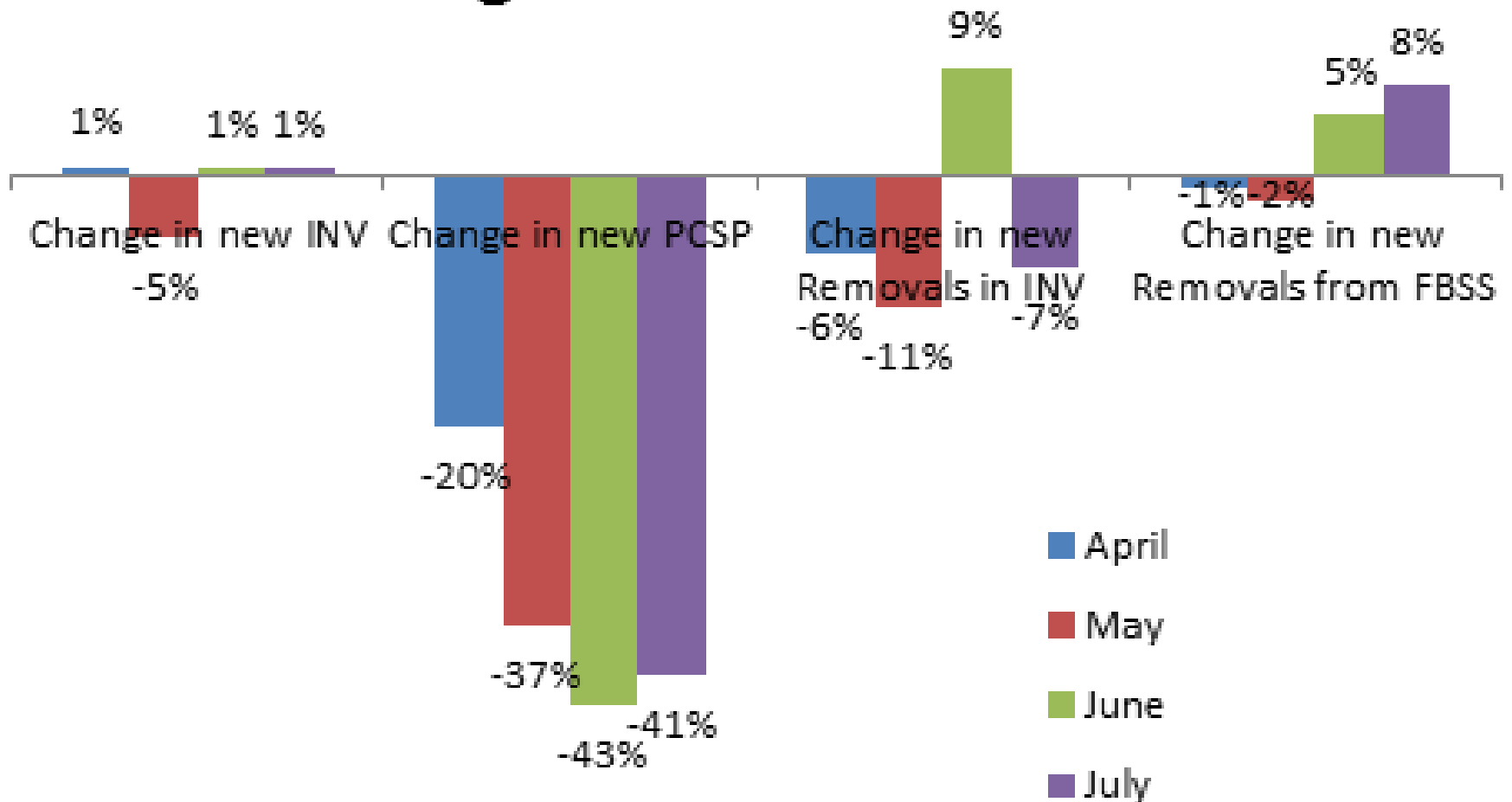
- Provide supportive services to parent
- Perpetrator moves out
- Relative moves in with parent
- Parent moves in with relative
- Removal
 - With kinship placement
 - Without kinship placement

Legal Burden for Removal

The strong presumption that the best interest of a child is served by appointing a natural parent as managing conservator is deeply embedded in Texas law. See *Lewelling v. Lewelling*, 796 S.W.2d 164, 166 (Tex.1990). To overcome this presumption, a nonparent must prove by a preponderance of the evidence that appointment of the parent as managing conservator would significantly impair the child's physical health or emotional development. See Tex. Fam.Code Ann. § 153.131(a) (Vernon 2008); see also *Lewelling*, 796 S.W.2d at 167. The evidence cannot merely raise a suspicion or speculation of possible harm. See *In re De La Pena*, 999 S.W.2d 521, 528 (Tex.App.-El Paso 1999, no pet.). Instead, the evidence must support the logical inference that some specific, identifiable behavior or conduct of the parent will probably harm the child. *Id.* Evidence that a nonparent would be a better custodian of the child is wholly inadequate to meet this burden. See *Lewelling*, 796 S.W.2d at 167.

In re B.B.M., 291 S.W.3d 463, 467 (Tex. App. 2009).

Change from FY 14 to FY 15



When to Open a PCSP?

- Two uses
 - Need time to investigate in context of danger
 - Identified a family problem can be fixed in short timeframe
- Ruled out less restrictive alternatives
- Parent cooperative and supportive
- Placement cooperative and appropriate
- Have a written agreement

Governor Abbott

Governor Abbott to Commissioner Specia by Letter of March 25, 2015, “I would like to see the following measures incorporated into the standard of care for each child in the protective care or foster care environment:

- Develop and implement a Parent-Child Safety Placements (PCSP) caregiver/home screening tool to thoroughly assess the appropriateness and ability of each potential PCSP caregiver.”

Chapter 34

Authorization Agreements

- Texas Family Code, Chapter 34, creates an authorization agreement for nonparent relative, allowing a parent to designate a child's grandparent, adult sibling, or adult aunt/uncle to make certain decisions regarding the child, including medical, educational, and public benefits decisions.
- DFPS developed a standard form that is available to public and posted on DFPS and TEA websites.
- Is the form:
 - Written in plain English?
 - Understandable to DFPS population?
 - Cumbersome?
 - Notary?
 - Two attempts to notify other parent?
 - CMRR?
 - CCJ?
 - Is what the form says even true?
- Could the form be:
 - Simplified?
 - Streamlined?

How to Support a PCSP?

When to Close a PCSP?

Most Problems with PCSPs are Occurring at or after 60 days

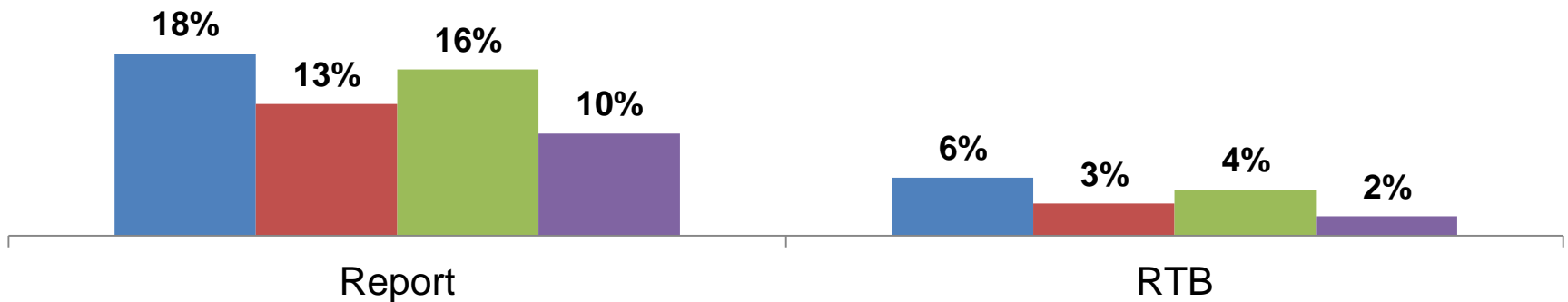
- Abuse and neglect by caregiver is rare but, when it happens, 74% is occurring after 60 days
- When PCSP placements break down, happening, on average, around 60 days
- When CPS is forced to seek legal custody, happening around 90 days

How to Close a PCSP?

Children Who Remain in PCSP at Case Closure Experience Another Report and RTB at a Higher Rate Than Other Relative Placements

**For Children Who Exited to Relative in FY 13, Report and RTB within 12 Months
(includes any perpetrator – not necessarily caregiver)**

■ Still in PCSP no legal ■ Still in PCSP legal ■ Relative PMC ■ Relative PCA



Data Source: DRIT 73105 and 73107

Governor Abbott

Governor Abbott to Commissioner Specia by Letter of March 25, 2015, “I would like to see the following measures incorporated into the standard of care for each child in the protective care or foster care environment:

- Develop and implement a policy to prohibit closing a PCSP investigation without wraparound or follow-up services in place.”

Governor Abbott

Governor Abbott to Commissioner Specia by Letter of March 25, 2015, “I would like to see the following measures incorporated into the standard of care for each child in the protective care or foster care environment:

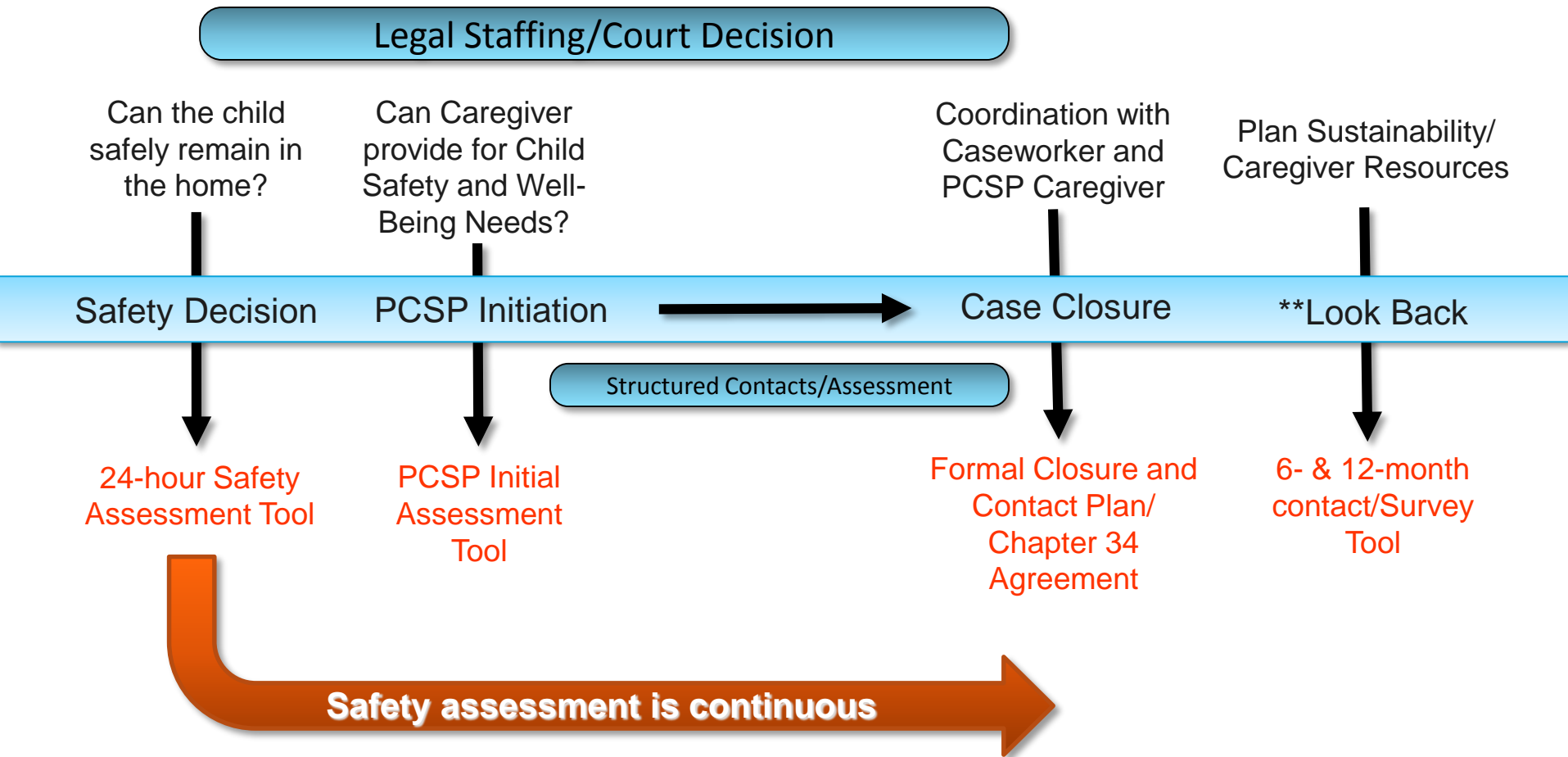
- Research and implement new policies as needed to address recidivism related to safety of children in PCSP placements.”

“I thank you for your dedication to this mission and look forward to working with you and your staff and stakeholders to make Texas as safe as possible for all children.

Governor Abbott

March 25, 2015

TEXAS PCSP PLAN: PROJECT CHILD SAFE



**Conducted by PCSP Workers in Pilot Area/QA Specialists Non-pilot Areas