



Testimony

Interim Charge 4: Implementation and Expansion of Community-Based Care *Testimony Submitted to the Texas House Appropriations Subcommittee on Article II*

by Andrew C. Brown, J.D.

Chairwoman Davis and Members of the Subcommittee:

My name is Andrew Brown, and I serve as a distinguished senior fellow of child and family policy at the Texas Public Policy Foundation. Thank you for the opportunity to submit testimony on the state’s ongoing efforts to implement and expand community-based care.

The 85th Legislature enacted transformational reforms targeted at making the Texas foster care system more responsive to the needs of children by increasing the role of local private and nonprofit charities in caring for children who enter foster care. Since 2017, the Department of Family and Protective Services has been tasked with rolling community-based care out statewide. Currently, four regions of the state—Region 1 (Lubbock/Amarillo), Region 2 (Abilene/Wichita Falls), Region 3b (Fort Worth), and Region 8a (San Antonio/Bexar County)—are operating under this new, localized mode. A little more than 6,000 children, roughly 12% of the Texas foster care population, are being served under community-based care.

Preliminary results from the four active regions show that community-based care is doing exactly what it was designed to do. Local providers are showing positive gains in key performance indicators such as child safety, placement stability, and placement in the least restrictive setting. According to the most recent [Rider 15 Report](#), released in March by the Department of Family and Protective Services (DFPS), 100% of children are safe in their placement, placement stability is meeting or exceeding goals, and more children are being placed within 50 miles of their removal address than prior to community-based care implementation. Additional details on results being achieved in the four active regions can be seen in **Table 1**.

Notably, community-based care is already generating improvements in two key areas of focus for recent federal foster care reform that will come into force for Texas in October 2021. The Family First Prevention Services Act is one of the most dramatic overhauls of federal spending on child welfare services in the last 30 years. Among its many goals, Family First seeks to ensure that children in foster care are placed in the least restrictive setting and reduce the number of children placed in institutional settings.

Across the active community-based care regions, 75% of children are in the least restrictive placement. This is due, in part, to improved foster care recruitment efforts within CBC regions that have yielded increases in the availability of family foster homes. In Region 8a, for example, an intensive foster home recruitment campaign yielded an [11% increase](#) in foster home capacity in just 3 months—well in excess of the 4-6% increase generated by most national foster family recruitment

Table 1.
FY20 Q3 Key Stage I Performance Outcomes

Measure	3b-OCOK	R2-2INgage	8a-Family Tapestry	R1-St. Francis*
Safe in Foster Care	99.1%	99.5%	99.8%	99.9%
Close to Home (50 miles)	77% 74%	43% 47%	85% 75%	46% 45%
Family Home Setting	80% 75%	78% 78%	72% 70%	77% 69%
Siblings Placed Together	65% 63%	57% 67%	63% 64%	65% 61%
PAL Completion by Age 18	87% 86%	100% 91%	92% 88%	100% 92%

Performance is compared to the historical catchment baseline (shown in italics) which differs by area.
Region 3b is continued reporting of Stage I measures.
Region 1 is shared DFPS-St. Francis year to date performance in transition.
Note. From *Family and Protective Services Council Meeting: September 11, 2020*, Texas DFPS, 2020. p. 36 (https://www.dfps.state.tx.us/About_DFPS/Public_Meetings/Council/2020/2020_09_11_Presentation.pdf).

campaigns. Region 3b has also generated impressive results, [increasing the number of available foster homes by 36%](#) since launching operations, including increases as high as 300% in traditionally underserved rural areas.

Increases in foster home capacity have also contributed to a reduction in the number of children placed in institutional or congregate care settings. For example, Region 3b saw a [55% decrease](#) in the number of children placed in emergency shelters and a [17% decrease](#) in residential treatment center placements over the course of just 1 year. In Region 8a, the increase in percent of days spent in a family foster home coincided with an [increase in the number of teens entering care](#), a population that is more likely to be placed in institutional settings. This trend indicates that more children, especially those who are harder to serve, are being placed with families rather than in institutions.

As the Legislature considers options for implementation of Family First, it should note the success that community-based care is already having moving Texas toward achieving the goals of that legislation. Any action taken on Family First must, therefore, be linked with efforts to expand and improve community-based care.

In many ways, the current state of child welfare in Texas is a tale of two systems. While the majority of the state's foster children are still being served by the old, centralized system that was recently described as "[disjointed and dangerous](#)," an increasing number of them are transitioning to the care of a community-led system that is more innovative and responsive to their needs. Yet, progress toward the full, statewide implementation of community-based care has progressed slowly.

Texas has the solution and the opportunity to make our state a national model for successful child welfare reform. All that is needed is the will to finish the job. We urge the 87th Legislature to commit to community-based care as the future of Texas foster care and expand the model to every region of the state by the end of FY 2025 through full funding of implementation efforts and the establishment of clear deadlines for transitioning responsibilities from DFPS to local providers.

The Facts

- In 2019, there were 51,417 children in the care of DFPS.
- More than 6,000 children—roughly 12% of the state's foster care population—are currently being served by the community-based care model.
- Regions operating under the community-based care model are already generating positive results, often outperforming the state-run legacy system, for children in their care. According to data released by DFPS, in regions operating under community-based care:
 - › 100% of children are safe in their foster care placements.
 - › 75% of children are in the least restrictive placement setting.
 - › Placement stability is meeting or exceeding goals.
- The 86th Texas Legislature funded the expansion of community-based care into two regions—Region 1 (Lubbock/Amarillo) and Region 8b (Region 8 counties surrounding Bexar County)—and Stage 2 implementation in three regions—Region 2 (Abilene/Wichita Falls), Region 3b (Fort Worth), and Region 8a (Bexar County)—during the 2020-21 biennium.
 - › Regions 2 and 3b are currently in Stage 2.
 - › Region 1 launched in 2019.

- ▶ Region 8b is expected to launch in 2021.

Recommendations

- Expand community-based care to every region of the state by the end of FY 2025 through full funding of implementation efforts and setting deadlines for transitioning responsibilities from DFPS to local providers.
- In preparation for the October 2021 deadline for compliance with the federal Family First Prevention Services Act (FFPSA), transfer primary responsibility for services or programs intended to prevent children from entering foster care, such as prevention and early intervention (PEI) services and family-based safety services (FBSS), to local community-led agencies.
- Facilitate innovation in programs and services by increasing flexibility in funding provided to community-led agencies.
- Provide for greater predictability and consistency in community-based care implementation by requiring the DFPS to publish and abide by a uniform set of guidelines by which to assess each community-led agency's ability to satisfy the responsibilities and administrative requirements for delivering services.
- Ensure good governance in community-based care regions by granting preference to prospective lead agencies that are based in Texas and have demonstrated substantial community connections and investment.

Thank you for your time and consideration. I look forward to continuing to work with each of you during the upcoming session in service of all Texas children.

Resources

[*The Texas Two-Step: Community-Based Care and the Family First Prevention Services Act*](#) by Andrew C. Brown and Charissa Huntzinger, Texas Public Policy Foundation (July 2020).

[“A Tale of 2 Systems: Monitors’ Report Underscores Need for Community-Based Child Welfare Reform”](#) by Andrew C. Brown, *Texas Lawyer* (July 1, 2020).

[DFPS Rider 15 Report for Community-Based Care](#) by Texas Department of Family and Protective Services (March 2020).

[Family and Protective Services Council Meeting: September 11, 2020](#) [Presentation], by Texas Department of Family and Protective Services, (Sept. 2020).

[“Community Based Care Is Answer to Unsafe Foster Placement”](#) by Nicole Pressley, *Austin American-Statesman* (Jan. 31, 2020).

[“Community-Based Care”](#) by Texas Department of Family and Protective Services (2020).

[“Local Control, Not Government Control, Will Fix Texas Foster Care”](#) by Andrew C. Brown, *Dallas Morning News* (Nov. 29, 2019).

[Community-Based Care: Bringing Kids Home](#) [Status Report] by Our Community Our Kids (Feb. 2019).

[Community-Based Care, Testimony Before the Texas Senate Finance Committee](#) by Andrew C. Brown, Texas Public Policy Foundation (Feb. 2019).

[“CPS Conservatorship: Children in DFPS Legal Responsibility”](#) by Texas Department of Family and Protective Services, DFPS Data Book (2019).

[“CPS Conservatorship: Children Exiting DFPS Legal Custody”](#) by Texas Department of Family and Protective Services, DFPS Data Book (2019).

[Community-Based Care](#), Texas Family Code Chapter 264, Subchapter B-1 §§ 264.151 - 264.170 (2017).

[The Community-Based Solution for Texas Foster Children](#) by Brandon Logan, Texas Public Policy Foundation (March 2017).

ABOUT THE AUTHOR



Andrew C. Brown, JD, is the distinguished senior fellow of child & family policy at the Texas Public Policy Foundation.

Brown 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 B.A., magna cum laude, in political science from Baylor University and his J.D. 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.

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