



# Testimony

## HB 2532 DFPS Accountability

### *Testimony Submitted to the Texas House Human Services Committee*

By Andrew C. Brown, JD

Chairman Frank and Members of the Committee:

My name is Andrew Brown, and I have the privilege of serving as a senior fellow of child and family policy at the Texas Public Policy Foundation. Thank you for the opportunity to offer testimony in support of [House Bill 2532](#).

The Texas child welfare system is in a time of significant transition. Since foster care reform was declared an emergency item by Governor Abbott in 2017, the Legislature, child welfare providers, and local communities have been working to turn around a system in crisis. Much of this work is bearing fruit, but there is still a long way to go.

A major continuing area of concern is transparency and accountability for the Department of Family and Protective Services. In June of last year, monitors appointed by United States District Court Judge Janis Jack in the ongoing *M.D. v. Abbott* lawsuit issued a report detailing the [department's failure to comply](#) with the court's remedial orders, continued deficiencies in its handling of investigations, and inconsistent oversight and enforcement practices—all of which contributed to what the monitors called a “disjointed and dangerous child protection system.” Beyond the lawsuit, a string of high-profile [wrongful removals](#) have raised [serious questions](#) regarding whether the department is too quick to remove children and the trauma caused by forcibly separating families.

Although considerable progress has been made on improving the Texas child welfare system, it is clear that sustaining these improvements and moving beyond a crisis-management footing will require robust systems of accountability. House Bill 2532 provides one tool for advancing this important goal.

Currently, if members of the public, including foster youth over the age of 18 and former foster youth, have a complaint against the Department of Family and Protective Services, they are required to [file their complaint with the Office of Consumer Relations](#), which is housed within the department. So, if you feel that the department has wronged you in some way, you have to seek redress from the very agency you believe is at fault.

This is not how it is supposed to work. To borrow a quote from the recently published community-based care [process evaluation](#), “agencies should not evaluate themselves.” Transparency and accountability require public trust. One of the best ways for any organization, especially an organization with the power to make life-altering decisions, to build trust is to subject its decisions to independent evaluation.

House Bill 2532 would help strengthen public trust and promote true transparency and accountability for DFPS by transferring the responsibility for investigating and responding to complaints against DFPS to the Health and Human Services Commission Office of Inspector General. Under the bill, all existing responsibilities and resources currently housed within OCR will be transferred to the Office of Inspector General within 3 months of the legislation's effective date. The Inspector General will have full authority to investigate complaints, obtain necessary data, and make recommendations for corrective or remedial actions and ensure compliance with those recommendations.

House Bill 2532 is just one step toward rebuilding trust in the Department of Family and Protective Services and improving the effectiveness of our state's child welfare system, but it is a powerful one.

Thank you for your time, and I look forward to answering your questions.

## ABOUT THE AUTHOR



**Andrew C. Brown, JD**, is the distinguished senior fellow of child and 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 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.

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