



Testimony

HB 3041

Implementing the Family First Prevention Services Act

Testimony Submitted to the Texas Senate Health and Human Services Committee

By Andrew C. Brown, JD

Chair Kolkhorst 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 3041](#).

In 2018, the federal government enacted one of the most dramatic overhauls of child welfare policy in over 30 years. Known as the Family First Prevention Services Act, this landmark legislation aims to prevent children from entering foster care by focusing efforts on family preservation and reduce reliance on placing children in institutional settings. These goals represent a sea change in child welfare practice and are an important step toward creating a more compassionate and effective system.

Family First implementation presents a unique opportunity, but also a number of challenges. As the October 2021 compliance deadline approaches, the 87th Legislature is facing several critical decisions for how Texas will respond. House Bill 3041 provides a thoughtful, fiscally responsible path toward not only complying with Family First, but also sustaining long-overdue transformation.

A central pillar of House Bill 3041 is the creation of a pilot program for providing preservation services to families of children who are at risk of entering foster care. Under Family First, states may now spend federal funds received for foster care services under Title IV-E of the Social Security Act on activities designed to keep families together and prevent removal. Previously, these funds could only be used for the [“daily care and supervision” of children](#) who were already in the foster care system. This is a massive change in the culture and practice of child welfare and must be done in a way that ensures that prevention services go to those children who are most at risk of entering foster care. By creating a pilot program in two regions of the state—one urban and one rural—House Bill 3041 allows Texas to make this shift thoughtfully while considering the diverse needs of Texas families.

The pilot program also provides strategic alignment of the activities of the Department of Family and Protective Services with child and family service providers and the courts. This alignment will enable Texas to direct prevention services to populations that will benefit most and accurately measure whether or not these services are truly effective at achieving the core goal of reducing entries into foster care.

Although we support the bill’s proposal to pilot prevention services in one urban and one rural region of the state, we believe that both regions should be regions in which community-based care is operating. Currently, House Bill 3041 requires the pilot program to be implemented in at least one region operating under community-based care. As Texas moves toward full statewide implementation of the community-based care model, prevention services should follow suit. Implementing Family First solely in community-based care regions allows the state to continue building on the successes it has already achieved in reforming foster care while ensuring that Family First compliance is aligned with the future of child

welfare in Texas. It also avoids potential waste associated with attempting to implement prevention services under the old, obsolete system that is being replaced by community-based care.

Since 2017, Texas has been making strides toward improving our foster care system. The Family First Act provides an opportunity to build on this success but requires the state to think differently about its approach to child welfare. It also requires that the state have a plan in place for implementation by October of this year. The department requested [guidance from the Legislature](#) in creating this plan, which House Bill 3041 provides by establishing a framework for providing family preservation services to families at risk of having their children removed into foster care. HB 3041 would enable Texas to take a significant step forward in creating a more responsive child welfare system that prioritizes strengthening families and reducing the number of children who enter foster care. We respectfully request your favorable consideration of this important piece of legislation.

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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