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December 7, 2016

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Schwertner Announces Major Reforms to State Foster Care System; Calls on Abbott to Make it an Emergency Item

As the state struggles to address challenges in child protection, Schwertner files Senate Bill 11 and asks Governor Abbott to fast-track the legislation as a top priority.

AUSTIN, TX -- Today, Senator Charles Schwertner (R-Georgetown) filed Senate Bill 11, a legislative package outlining substantial reforms to the way the Department of Family and Protective Services (DFPS) cares for the state's foster children. In announcing the legislation, Schwertner also called on Governor Greg Abbott to add issues of child protection and foster care to a list of emergency priorities that can be considered within the first 60 days of the 85th Legislative Session, which begins on January 10.

"Ensuring the safety and protection of our state's most vulnerable children is perhaps the Texas Legislature's most important responsibility," said Schwertner. "This is a problem that demands our undivided attention and one that deserves to be the top priority for each and every member of the legislature. That's why I'm asking Governor Abbott to designate child protection as an emergency agenda item, so the legislature can begin addressing these critical issues without delay."

SB 11 proposes a host of changes aimed at addressing the foster care capacity shortage and improving accountability within Child Protective Services (CPS). The bill will ensure that children have timely access to the kind of support services shown to improve child safety, permanency, and well-being. The legislation also strengthens and streamlines the CPS investigation process, focusing prevention and early intervention resources to areas of the state with the highest need.

"We have children going unseen for months at a time, we have children sleeping in office buildings because there's nowhere else for them to go, we have children dying," said Schwertner. "If this doesn't qualify as an emergency, frankly, I don't know what does."

Last month, Lt. Governor Dan Patrick named SB 11 as one of his top legislative priorities for the 85th Legislative Session. Joining Senator Schwertner as joint-authors of Senate Bill 11 are two longstanding advocates for child protection, Senators Jane Nelson (R-Flower Mound) and Carlos Uresti (D-San Antonio).

Just last week, the Texas Legislature approved \$150 million in emergency funding for the Department of Family and Protective Services so the agency can make initial contact with abused children more quickly and reduce the high level of caseworker turnover in CPS.

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The main provisions of Senate Bill 11 are outlined below:

Ensures timely and appropriate services for children in foster care.

- Requires the Health and Human Services Commission (HHSC) to work with the foster care managed care organization (STAR Health contractor) to implement a triage assessment system to help caseworkers identify high needs children and expedite appropriate services within 3-5 days of removal from the home.
- Requires Child Placing Agencies (CPAs) and STAR Health to ensure that 90% of children receive a comprehensive assessment within their first 30 days in foster care.
- Establishes a regional pilot program for a non-profit organization to provide comprehensive case management services for foster children with the most acute medical and behavioral health needs.

Increases the capacity of the foster care system by encouraging collaboration and enhancing Foster Care Redesign.

- Requires local CPS leadership to analyze DFPS data on capacity needs and work with foster care providers, faith-based communities, and advocate groups to develop comprehensive plans for increasing foster care capacity.
- Requires all future Foster Care Redesign contractors to be non-profit entities with a mission related to child welfare.
- Requires the development of a comprehensive readiness review prior to expanding Foster Care Redesign to new catchment areas, including assessment of a vendor's ability to provide high-quality case management and evidence-based services to children and families, as well as their ability to ensure sufficient foster care capacity.

Increases accountability for providers serving children in the CPS system.

- Implements a regional pilot program in two areas of the state that enlist a non-profit vendor to assume responsibility for the provision of Family-Based Safety Services (FBSS) and case management for children and families.
- Directs DFPS to work with outside groups to develop a series of quality metrics for both FBSS and post-adoptive services for inclusion in future provider contracts.
- Creates the Foster Care Oversight and Quality Assurance Division within DFPS to manage contract compliance and oversee performance outcomes for all foster care contractors responsible for providing services to children and families.
- Expands the current performance-based contracting program to include all foster care providers and directs DFPS to implement a system of financial incentives for meeting or exceeding established benchmarks, as well as penalties for substandard performance.

Strengthens the standards for investigating abuse or neglect of children in foster care and moves these investigations to the CPS Investigations Division.

- Moves investigations of child abuse and neglect that occur at residential child care facilities such as foster homes, residential treatment centers, and foster group homes to the CPS Investigations division and ensures that all investigations are held to a high standard. This includes 24-hour and 72-hour requirements for initial face-to-face contact with victims as opposed to the current 5-day standard.

A medical doctor by training, Dr. Schwertner currently serves as Chairman of the Senate Committee on Health and Human Services. Schwertner is currently serving his second term as the senator for Senate District 5, a ten-county region of central and east Texas.

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