Parental Child Safety Placements Roundtable
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Sponsored by the Children’s Commission

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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.)

Source: DFPS 2014 Data Book and Texas KIDS Count
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—which 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

31,604 in FBSS as year begins

54,090 enter FBSS

85,694 in FBSS during year

52,223 Exit

Home 47,875 (92%)

Removed 4,348 (8%)

33,471 in FBSS at end of year

Source: DFPS Data Book and data warehouse fam_05; Number who start, exit, and return home are an estimate.
Parental Child Safety Placements 2014

9,103 PCSPs as year begins

25,157 new PCSPs open during year

34,260 PCSPs during year

24,828 PCSPs closed during the year

9,432 PCSPs open at end of year

Home 9,453 (38%)
DFPS CVS 3,986 (16%)
Kin CVS 1,004 (4%)
Kin W/O CVS 2,431 (10%)
Other (Data Issues) 7,954 (32%)

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

- DFPS obtain legal custody, 12% (3,986)
- Change PCSP or return home, 48% (16,380)
- Other closure, 13% (4,462)
- PCSP remains open at yr end, 28% (9,432)

Data Source: DW report PCSP_01
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.

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 Exit to Relative in FY 13, Report and RTB within 12 Months
(includes any perpetrator – not necessarily caregiver)

Data Source: DRIT 73105 and 73107
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 polices 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

- **Safety Decision**
  - Can the child safely remain in the home?
  - Can Caregiver provide for Child Safety and Well-Being Needs?

- **PCSP Initiation**
  - 24-hour Safety Assessment Tool
  - PCSP Initial Assessment Tool

- **Case Closure**
  - Coordination with Caseworker and PCSP Caregiver
  - Safety assessment is continuous
  - Formal Closure and Contact Plan/Chapter 34 Agreement

- **Plan Sustainability/Caregiver Resources**
  - 6- & 12-month contact/Survey Tool

**Legal Staffing/Court Decision**

**Structured Contacts/Assessment**

**Look Back**

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