

Reducing Risk in Parental Child Safety Placements

In some cases when the Department is investigating allegations of child abuse or neglect or working with a parent to provide in-home services (also known as family-based safety services), the Department may determine that the child is at risk with the parent. While legal grounds for removal may not exist at the outset in many of these cases, they nevertheless present a risk to child safety. Such risk can often develop into circumstances requiring removal. To help prevent removal of the child from the parent's custody and placement in foster care, the Department will work with the parent to allow placement of the child with a relative or close family friend to reduce risk to the child's safety while the Department completes the investigation or continues to provide the parent with the necessary family-based safety services. The Department vets the caregiver placement for safety and formalizes the placement with a Parental Child Safety Placement (PCSP) Agreement as required under Texas Family Code, Chapter 264. Thereafter, the Department monitors the placement and visits the caregiver and child at least once a month, pursuant to CPS Policy. (Handbook §3215).

There are three primary outcomes for a PCSP: (1) the child returns home; (2) the Department obtains legal custody; or (3) a return to the home or legal custody are not available, but the child is safe with the PCSP caregiver so the Department closes the case with the child still in the PCSP. With the last outcome, the PCSP caregiver usually does not have legal conservatorship of the child. Annually, approximately 2,400 children, or about seven percent of all PCSP placements, remain in a PCSP with no formal conservatorship in place after the Department has closed its case.

As directed by Governor Abbott, the Department has developed a multi-pronged strategy to reduce the number of children who fall into the last category of remaining in a PCSP when the caregiver does not have formal custody.

1. First and foremost, the Department will determine whether a case is appropriate for a PCSP.
 - The Department has already implemented policies and practices designed to improve caseworker decision-making related to PCSPs, including a new structured decision-making tool that includes both a safety and risk assessment. The safety assessment is already in use statewide and the risk assessment will be rolled out statewide in August 2015.
 - The Department has published a comprehensive PCSP resource guide for caseworkers to help guide work and support best practices in this area.
 - The Department requires the caseworker to visit the PCSP monthly and assess its continuing appropriateness with the caseworker's supervisor.
 - The Department is developing an initial PCSP assessment and decision tool for caseworkers, which will be operational statewide in October 2015.
 - The Department will support parents and PCSP caregivers in executing an Authorization Agreement for Nonparent Relative under Chapter 34 of the Texas Family Code. This Agreement, once signed by a parent, provides the caregiver with the legal right to obtain needed medical and educational services for the child. The form of the agreement is statutorily controlled but may need

streamlining for ease of use. The Department will study whether and what possible streamlining to the Agreement could be recommended to the legislature in 2017.

- The Department has updated the Voluntary Caregiver Manual to ensure instructions and tips in critical areas including safe sleep, water safety and gun safety, and to now include a copy of the Authorization Agreement for Nonparent Relative.
2. To address concerns related to when and under what circumstances the Department should close a PCSP with the child in the PCSP without formal custody, the Department convened a work group that includes the Texas Supreme Court Commission on Children, Youth, and Families. Preliminarily, the workgroup recommends that the Department change policy and practice to reduce the number of PCSPs closed with children placed with PCSP caregivers without conservatorship orders. Cases potentially affected by the new policy and practice would include:
- About 30 percent of the cases closed with a child in a PCSP with no formal legal protection involve either a caregiver in the process of obtaining custody or the parent obtaining services in the community. Going forward, all cases in this category will be handled within the Department for support of the family until the caregiver has filed suit and obtained an initial court order granting custody or the parent has made appropriate progress such that the child could safely return home.¹
 - The remaining 70 percent of cases closed with a child in a PCSP with no formal legal protection usually involve an uncooperative, incarcerated, or whereabouts-unknown parent. Going forward, and in order to ensure that all legal avenues are thoroughly explored prior to case closure with the child in the PCSP, the assigned caseworker will staff the case with the Legal agency representing DFPS per local practice (District Attorney, County Attorney, or Regional Attorney) to determine what legal action(s) the Department can take based on evidence. If the Department's legal representative determines that legal grounds exist for a removal from the PCSP caregiver's home, and consequently the parent's legal custody, a Suit Affecting the Parent Child Relationship (SAPCR) will be filed.
3. In some cases, however, legal conservatorship to the caregiver, safe return to the parent, or successful legal intervention by the Department will be unavailable. To enhance safety in these cases with the PCSP funding authorized in the last session, the Department will:

¹ It is not a requirement that a case be kept open until a parent completes services because services may be ongoing indefinitely, e.g., accessing and taking medication for a mental health problem, obtaining therapy for the parent and child, obtaining daycare for a young child. Instead, the case would remain open until the risk was controlled.

- Prior to case closure:
 - Whenever possible, encourage and assist the caregiver and parent in executing an Authorization Agreement for a Non Parent under Texas Family Code Chapter 34 before case closure.
 - Conduct a pilot in Region 3 with specialized PCSP staff who will work directly with the parents and caregiver to ensure that appropriate plans and services are in place.
 - In the rest of the state, specialized staff will conduct a structured case review, following up with the assigned caseworker to ensure that appropriate plans and services are in place.
 - All caregivers will be provided with an individual's name, phone number and e-mail address who can be contacted after case closure to assist the caregiver with any needed services or changes in circumstance.
 - Analyze data from these cases to identify needed resources or policy and practice changes.
- After case closure, conduct three different levels of follow-up which will include collecting and analyzing data regarding outcomes to make recommendations regarding statewide implementation:
 - In Region 3 the specialized PCSP staff will do a face-to-face follow up with the PCSP caregiver within a specified time period to check that circumstances have not changed and the caregiver is still able to care for the child. During a "check in," the PCSP staff will determine whether any needs have arisen that could be met by referrals to available community services or whether circumstances have changed such that a new referral of child abuse or neglect should be made. The specialized PCSP staff will discuss this "check in" process with the PCSP caregiver prior to closing the case.
 - In all other areas of the state, the specialized case review staff will do follow up phone calls with the PCSP caregiver within a specified time period to check that circumstances have not changed and the caregiver is still able to care for the child. During a "check in," the staff will ask about whether any needs have arisen that could be met by referrals to available community services or whether circumstances have changed such that a new referral of child abuse or neglect should be made. The assigned caseworker will discuss this "check in" process with the PCSP caregiver prior to closing the case.
 - The CPS Analytics and Evaluation Team will develop a tool to capture data related to the circumstances and conditions noted during the "check-in". The Team will also use predictive analytics to identify patterns and trends on the cases that do experience recidivism to further inform needed policy and practice changes.

This memo outlines the direction in which we are working. Detailed plans and budgets will be developed. We are optimistic and excited, though, about the potential to reduce risk to children and strengthen families. The Department is working with the Children's Commission to host a roundtable on August 28, 2015 with advocates, Department staff, attorneys and judges to educate them on PCSPs and to seek their input. We anticipate additional ideas will be generated through the Roundtable.