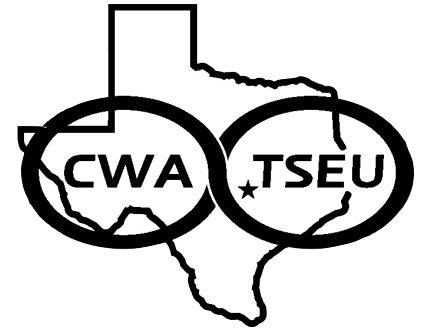


TSEU/DFPS CAUCUS MINI LOBBY DAY FEBRUARY 15, 2017



Our agency and the public we serve needs a commitment from Legislators to improve services. There are no substitutes for lowering caseloads to safe levels. Funding a pay raise for some but not all positions will create more problems in DFPS. Passing the problems to private contractors won't make obstacles disappear.

TSEU Members who have dedicated their careers to serving vulnerable Texans know what we need. We've also seen what doesn't work. We ask that you support and fund meaningful steps to reduce turnover, lower caseloads to safe levels, and avoid privatization experiments already failing in other states.

▶ **SAFE CASELOADS**

Each client deserves the time and attention needed to ensure the best outcome

▶ **ACROSS-THE-BOARD PAY RAISE**

Legislators recognized the need to improve pay for some positions, but the need is widespread

▶ **QUALITY STATE SERVICES**

Our agency has not kept up with the needs of Texas' growing population. Privatization of our agency won't fix that.

PREVENT THE NEXT TURNOVER CRISIS: *Support an Across-the- Board Pay Raise for ALL FPS Employees*

In December 2016, the Legislative Budget Board approved funding for a targeted pay for many positions in the agency. The Targeted Raises were a step in the right direction, however there is much more needed to be done to address the turnover crisis. Numerous employees who were included in the targeted job titles will receive the raise later than others, but even more employees were completely excluded from the targeted raise. A list of job titles included in the raise is on page 2, along with a list of job titles excluded from the raise. The twisted explanations given to employees on how the targeted pay raises were implemented and why many job titles were excluded have already damaged morale in the agency and will limit the ability of FPS to provide quality services as tenured employees leave the agency.

Less experienced, less tenured staff are being paid more than experienced employees

Some supervisors are making less than workers in their unit. For example, a caseworker receiving a \$12,000 raise along with additional pay for an advanced degree, earns about \$300 per month more than a supervisor with an advanced degree. This is partly because the 20% pay raise is calculated from base pay, not actual salary.

Job titles requiring years of experience were excluded from the targeted raise and are paid less than new hires

Throughout the agency, positions that are critical to the mission of DFPS are excluded from the raise. From Day Care Coordinators, Contract Specialists, Trainers, Family Group Decision Making, Investigation Screeners, Statewide Intake Specialists, Residential & Day Care Licensing Inspectors and Investigators, and Legal Specialists, the list of excluded positions has sent the message that these jobs are not as important as other positions. This has already caused employees to transfer, quit, or retire from these critical positions since the message from budget makers and the agency is clear. Exceptional Item #8 in the most recent DFPS budget request includes a small raise for some positions, but falls short of what's needed.

Jobs with similar turnover rates in other parts of the agency were excluded despite critical role in protecting and serving vulnerable Texans

APS and CCL, which protect the most vulnerable Texans, were completely excluded from the raise. Although CCL will be transferring to HHSC as part of the Transformation / Consolidation, these positions also had an alarmingly high turnover rate of 25%. In APS, the turnover rate is 24% for workers. The targeted pay raises in CPS will cause more APS employees to leave seeking higher pay. More vulnerable Texans will fall through the cracks because of the cascading problems caused by the turnover crisis in these Divisions. The Governor's hiring freeze will compound this problem as vacancies are left unfilled and caseloads rise to even higher levels.

Vital support staff who receive pay low enough to qualify for public assistance were passed over

Excluding support staff from the pay raise is especially damaging. Human Service Techs and Administrative Assistants average under \$27,000 per year. Many qualify for Children's Medicaid or SNAP benefits because the pay is so low. From transporting clients and families to ensuring case files are complete and in order, support staff are a critical part of our agency. Under valuing their role and ignoring the critical need for a real pay raise will lead more support staff to seek better pay outside of the agency.

Internal surveys indicate low pay "A central concern and reason for discontent."

In an annual Survey of Employee Engagement, FPS employees indicated low pay was a problem and that it wasn't comparable to other organizations. The recent targeted pay raise does address this concern for some employees, but other employees continue to experience stagnant pay. In 2013, legislators successfully addressed high turnover among State Troopers by funding an across the board raise. A similar approach is long overdue in DFPS.

AGENCY WEAKNESSES

Areas of Concern

Pay	Score: 211
The pay construct captures employees' perceptions about how well the compensation package offered by the organization holds up when compared to similar jobs in other organizations. Lower scores suggest that pay is a central concern or reason for discontent and is not comparable to similar organizations.	
Job Satisfaction	Score: 334
The job satisfaction construct captures employees' perceptions about the overall work situation and ability to maintain work-life balance. Lower scores suggest that employees feel overworked, unable to perform at their best and unhappy with their work.	
Benefits	Score: 351
The benefits construct captures employees' perceptions about how the benefits package compares to packages at similar organizations and how flexible it is. Lower scores suggest that employees perceive benefits as less than needed or unfair in comparison to similar jobs in the community.	

INCLUDED IN PAY RAISES APPROVED BY LBB:

Caseworker raises in following programs get an additional \$1,000 / month

Supervisor raises get an extra 20% / month

- Conservatorship
- Foster and Adopt
- Family Based Safety Services
- I See You
- Investigation
- Kinship
- Special Investigator
- Preparation for Adult Living
- Central Placement Units

Administrator raises for titles listed below get an additional 10% / month

- Program Director
- Program Director (SIs)
- Program Administrator
- Assistant Regional Director
- Deputy Regional Director
- Regional Director

EXCLUDED FROM PAY RAISE APPROVED BY LBB:

• All APS Employees

APS employees investigate claims of abuse and neglect against anyone 18 or older, and provide services for those in need.

AVG PAY: \$37,007, AVG TENURE: 2.25 yrs, TO RATE: 19.2%
SUPERVISOR AVG PAY: \$43,300, AVG TENURE: 10 years

• All CCL/RCCL Employees

CCL licenses day care providers and investigate allegations of abuse and neglect in facilities. RCCL performs the same functions, but for Residential operations

AVG. PAY INSPECTORS AND SPECIALIST: \$35,526,
AVG TENURE: 2 years, TO RATE: 25%

• All Support Staff

Human Service Technicians and Administrative Assistants help keep the agency functioning where it matters most. From transporting clients and families to ensuring case files are accurate, support staff interact daily with clients, courts, and everybody involved in a case.

AVG PAY: \$27,737, AVG TENURE: 6.25 yrs

Job titles excluded from the pay raise require experienced, tenured employees who understand how our agency and local jurisdictions work, as well as the providers and community resources available for our clients. A short list of some of the titles left out of the targeted raise is below-

- Family Group Decision Making, Family Group Conferencing, Circle of Support (Work with families, communities, and children to address problems and concerns)
- Field Training Supervisors (Train and directly supervise new hires.)
- Day Care Coordinators (Coordinate day care payments for children in care)
- Contract Specialists- (Monitor and enforce contracts with a wide array of providers)
- Eligibility Specialists and SSI Coordinators (Responsible for coordinating enrollment of children in benefit programs so they can receive support, treatments, and therapy)
- Intake Specialists (Process all reports of abuse and neglect from the public and professionals)
- Attorneys and Paralegals (Represent the agency in court, and prepare cases for hearings and trials)

SUPPORT SENATE BILL 571 BY SENATOR MENENDEZ

Creates a career ladder for employees to reduce turnover.

Oppose Privatization of DFPS Services and Programs to avoid Florida-style collapse:

Proposals to privatize Family Based Safety Services and case management in Foster Care Redesign are a move in the wrong direction.

Questions Surrounding Privatization:

How could a private agency represent a foster child in court, when the State of Texas is the Conservator for the Child?

How will judges hold the agency accountable when nobody representing DFPS is actually seeing children?

Who is the responsible party for providing court ordered services?

Senate Bill 11, (companion HB 914), includes provisions related to Foster Care Redesign which increase accountability for lead contractors, create a readiness review prior to rolling out new areas and would prohibit for-profit companies from being the lead contractor, or Single Source Continuum Contractor (SSCC). However SB 11 also includes provisions that would transfer all case management from DFPS to the private contractors in “Redesigned” areas. Other sections would establish privatization pilots in Family Based Safety Services (FBSS) in 2 regions and Conservatorship in one region. Agency leaders have already indicated El Paso will be one of the FBSS privatization pilots. Another bill, House Bill 6, calls for the statewide privatization of all case management and services for children and families

Transferring more responsibility to private contractors will decrease accountability, creates conflicts of interest, and undermines the ability of DFPS to represent the best interest of children in court. Rebranded as “Community Care,” the proposed privatization of CPS programs and services fails to address systemic problems in our agency, while creating new obstacles to overcome.

Privatization Proposals in SB 11/ HB 914

- **SECTION 3 - Calls for a privatized pilot program in one region to serve foster children with most severe medical and behavioral healthcare needs.**

In 2013 and 2014, DFPS conducted a successful pilot with the Casey Family Foundation in Harris and Bexar Counties to serve Foster Children who had high level needs and frequent placement break-downs. The pilot, called the Intense Permanency Initiative, created CPS units with a maximum of 8 cases per worker that would work closely with these foster children. Lower caseloads allowed more time for quality casework, and additional resources from the Casey Foundation ensured children in care received additional services they needed, from Therapy to Band Uniforms. Despite the success of the pilot program, DFPS cancelled the pilot and dissolved the units.

- **SECTION 4 - Calls for privatization of case management in redesigned areas and two pilot programs for FBSS privatization**

In current and future Foster Care Redesign areas, SSCCs would be responsible for case management, which would include making all case related decisions, developing goals and plans, and all interactions with courts and judges, and families of foster children.

A caseworker would be working directly for the private contractor, which receives funding from the state under a performance based contract that rewards or punishes private agencies on whether a certain percentage of children in their care meet prescribed benchmarks. Decisions about a foster child’s home, school, services, therapy, and what’s in the child’s best interest would be made by an SSCC that has a bottom line and performance targets to meet. The particular needs of any child could conflict with the SSCC’s interest to keep a foster child on the path that is best for their own financial interest. Children would not have a state caseworker assigned to them, limiting their ability to communicate concerns beyond the private contractors making decisions about their lives.

Two regions in the state would undergo a pilot program to privatize Family Based Safety Services. Currently, CPS employees work with families in FBSS so that issues can get resolved and the home can be a safer environment. The best interest of the child drives decisions. Decisions made by private contractors, even with performance based contracts, will be influenced by what is best for the contractor’s bottom line and performance targets.

What Happened to the ‘Florida Success Story’?

The privatization of the Florida Department of Children and Families has been touted as an example of how privatization works best. Based on a Federal Children’s and Families Service Review (CFSR), contracting out case management has created lapses that endangered children. From not investigating claims of abuse, to not providing services for children in care and not following safety plans, FDCF administrators must come up with a plan to make improvements in 11 out of 14 categories. Florida officials have not been able to hold lead contractors accountable, and persistent turnover of the subcontracted providers they use has created confusion and chaos while more children fall through the cracks. Federal officials have given the Florida DCF 90 days to come up with a plan to immediately address the foster care crisis.

FLORIDA FAILS TO MEET 11 OF 14 QUALITY MEASURES

Florida was found to not be in Substantial Conformity and needing improvement in the following areas during the Child and Family Services Review, Florida Final Report 2016

- Safety Outcome 1: Children are, first and foremost, protected from abuse, neglect.
- Safety Outcome 2: Children are safely maintained in their homes whenever possible and appropriate.
- Permanency Outcome 1: Children have permanency and stability in their living situations.
- Permanency Outcome 2: The continuity of family relationships and connections is preserved for children.
- Well-Being Outcome 1: Families have enhanced capacity to provide for their children's needs.
- Well-Being Outcome 2: Children receive appropriate services to meet their educational needs.
- Well-Being Outcome 3: Children receive adequate services to meet their physical and mental health needs.
- Statewide Information System
- Case Review System
- Service Array, Resource Development
- Foster and Adoptive Parent Licensing, Recruitment, and Retention

The Round 3 CFSR assesses state performance with regard to substantial conformity with 7 child and family outcomes and 7 systemic factors. Each outcome incorporates 1 or more of the 18 items included in the case review, and each item is rated as a Strength or Area Needing Improvement based on an evaluation of certain child welfare practices and processes in the cases reviewed in the state.

In over half of applicable cases, the agency failed to make concerted efforts to provide services, removed children without providing appropriate services, or did not monitor safety plans and engage the family in needed safety-related services. Case reviews revealed that in most cases in which such issues were rated as an Area Needing Improvement, the safety assessments were inadequate or inaccurate. In nearly half of these cases, there were either no safety plans in place or the safety plans were not adequately monitored.

The CFSR found that the state was not in substantial conformity with meeting the educational, physical health, and mental/behavioral health needs of children being served. Case reviews found that in nearly all applicable cases, the agency accurately assesses the children’s educational, physical health, dental, and mental/behavioral needs. However, once assessments are completed, there are challenges in providing appropriate services to meet the identified needs of the children.

The state’s challenges with the service array systemic factor affect the state’s ability to meet safety and well-being needs. There are concerns with gaps in key services, long waiting lists, insurance barriers, and an inability to tailor services to meet the cultural needs of the diverse population.

[NEWS EXCERPT]

Florida child welfare system underperforming for foster kids, study finds January 20, 2017 Tampa Bay Times

TAMPA — A federal agency has given the Florida Department of Children and Families 90 days to come up with a plan to improve its care of foster kids after a study found the state is underperforming in critical areas.

The “Children and Family Services Review” analyzed the DCF’s handling of 80 foster care cases from April 1 to Sept. 30. In more than half of those cases, child welfare agencies removed children from homes without first providing appropriate services and were lax in following safety plans, the report states.

Florida also is struggling to provide counseling and therapy for every foster kid who needs them.

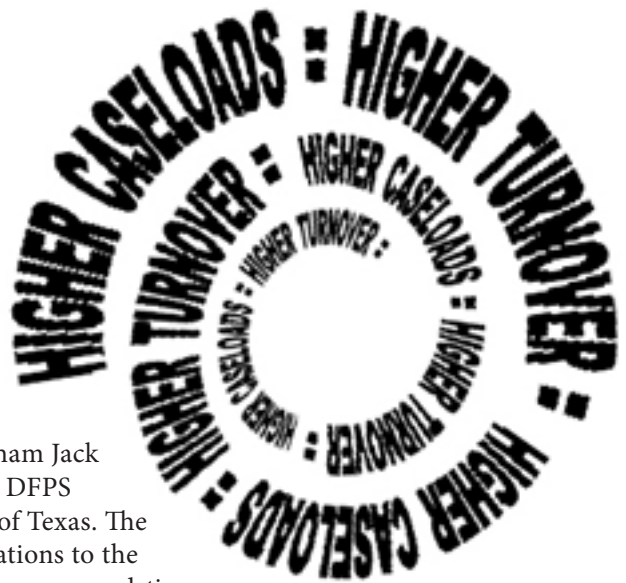
Overall, the DCF’s performance was rated as needing improvement in 11 of 14 categories. The report was compiled by the Children’s Bureau, part of the U.S. Department of Health and Human Services.

It also found the DCF lacking in how well children are protected from abuse while under the state’s watch and whether they have stable lives while in foster care. In some cases, the agency did not meet deadlines for initiating investigations of reported child abuse.

“This holds up a light to the people in the state and helps us see how our agency is doing,” said Robin Rosenberg, deputy director of Florida’s Children First, a statewide advocacy organization focused on children’s rights. “For so many areas to be falling below standard is a wake-up call.”

Child welfare in Florida was privatized by state lawmakers over a period of several years through 2005. The DCF contracts with 17 different “lead” agencies to manage and run foster placement and case management in 20 districts known as circuits across the state. Lead agencies subcontract with other local care providers.

Lower caseloads to improve services and outcomes



The Texas Department of Family and Protective Services is plagued by high caseloads that prevent staff from spending the time they need with each child, family, or vulnerable adult. As a result, Texans in need of help often fall through the cracks, sometimes with tragic consequences.

In December 2015, the ruling from US District Judge Janis Graham Jack focused even more attention on the systemic problems that prevent DFPS from effectively protecting children that are in custody of the State of Texas. The Special Masters appointed by Judge Jack released their recommendations to the court on how to correct numerous issues with the agency. Among their recommendations is to lower caseloads with CPS Conservatorship to a range of 14-17 cases in each county and each office.

The December 15 ruling from Judge Jack also brought attention to the need for accurate information and a better process to count cases. DFPS has been using lower caseload numbers in reports and in court by including workers on leave, workers not assigned cases, and “fictive workers” made up out of overtime hours worked by real employees. Using “stages” instead of cases, and counting stages differently, further complicates the problem. Judge Jack wrote the following about DFPS caseload methodology:

“One child, then, could represent several stages simultaneously. She could be in the Child Substitute Care and Adoption stages while her family was in the Family Substitute Care one. DFPS’s way of counting caseloads is unique to Texas. (D.E. 302 at 50; D.E. 303 at 4-5). Defendants’ and Plaintiffs’ experts could barely understand the stage-counting approach, let alone explain it to the Court.” (Page 161)

Current Legislation seeks to address this problem. HB 696 sets a methodology to count and track assigned cases.

Besides the Federal Court Ruling, reports from the Casey Family Program, Texas Adoption Review Committee, Texas Applesseed, the Texas Comptroller, the Sunset Advisory Committee, and the Stephen Group have indicated the need for dramatic improvements to reduce caseloads.

A chart comparing recommended caseload levels to what DFPS has requested is below. **We ask that you support HB 482 and HB 696 to establish caseload standards in DFPS and to clarify how caseloads are measured.** The recom-

mendations from the Special Masters only apply to children in the permanent managing conservatorship of the state. The caseload crisis in our agency is not limited to conservatorship. Waiting for the next crisis to hit before taking action to lower caseloads will cause more Texans to fall through the cracks.

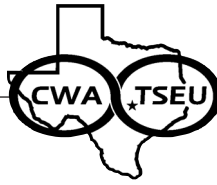
We ask that elected leaders take action by passing HB 482, funding enough positions to make these standards a reality, and funding a real pay raise for all FPS employees. Without taking significant steps to lower caseloads and increase retention rates, the same systemic problems will continue to hamper DFPS’s ability to function.

Previous Legislatures have significantly increased funding levels for DFPS, however these increases have not kept up with the needs of Texas’ growing population. Also, previous funding increases have not been combined with the establishment of caseload standards, which are needed to hold our agency accountable.

	2018-2019 FPS Requested Caseload	Recommended Caseload Level from DFPS Caseload Advisory Committee
CPS Investigations	16.29	12
CPS Family Based Safety Services	12.68	12
CPS Conservatorship	25.47	14-17* * recommendation from Special Masters
CPS Kinship	27.5	15
Foster and Adoptive Development (FAD)	20	15
APS In Home	31.5	22
State Wide Intake	7.2 minutes	5 minutes

Key Recommendations from Specials Masters related to workforce and caseloads

- **1.1** - *We recommend to reduce the risk of this harm to PMC children that DFPS policy require that caseworkers' visits with children include quality time with the child separate from the caregiver(s) and other children*
- **11.1** - *The DFPS (Work Measurement Study) Executive Summary concludes, and the DFPS study author confirmed to the Special Masters, that DFPS caseworkers expended an average of 9.7 hours per month on case profiles most often associated with PMC children, and that these workers had an average of 137.9 hours per month to spend on their casework. The study's author reported to the Special Masters that dividing the average number of case hours (137.9) by the average number of hours per month spent on case profiles most often associated with PMC cases (9.7) yields the average caseload for CVS workers serving children in the PMC class based on the amount of time available to them: 14 cases. This number, which represents DFPS' reported average PMC caseload, strongly informs our recommendation to the Court. The Special Masters did not independently verify whether CVS caseloads for workers serving PMC children were, in fact, averaging 14 children per worker. The December 2015 Opinion of the Court concluded, based on evidence presented at trial, that CVS caseloads are unmanageable. Although we do not recommend a fixed caseload cap, which would inhibit DFPS' ability to assign cases, we do recommend the Court adopt DFPS' own finding and we recommend DFPS implement a caseload standard in the range of 14 to 17 PMC cases for CVS caseworkers who are assigned to the role of serving PMC children and who work full-time in that role.*
- **11.2** - *We recommend to reduce the risk of harm to PMC children that DFPS submit a plan with specific timeframes, subject to Court approval, to ensure that CVS staff who serve children in the PMC class have caseloads between 14 and 17 children statewide.*
- **12.1** - *We recommend in order to reduce the risk of harm to PMC children that DFPS propose and implement a plan to the Court with specific timeframes to reduce CVS caseworker turnover, subject to Court approval, which includes: A. A model of graduated caseloads for newly hired and qualified caseworkers through the first 9 months of their onboarding and training. B. Phasing in a mentorship program for newly hired caseworkers by more experienced CVS staff C. A model of training that balances field-based experiential learning with classroom-based learning, D. A plan to complete implementation of the DFPS Child Protective Services Salary Study 2012 recommendations. E. A plan to implement a ratio of 1 supervisor for 5-6 CVS caseworkers within 18 months of the Court's Order. F. An updated DFPS Child Protective Services Salary Study with proposals to address inadequate compensation as one of the main causes for caseworker turnover.*



WE ASK FOR YOUR SUPPORT OF:

ACROSS-THE-BOARD PAY RAISE FOR ALL EMPLOYEES

The recent emergency pay raise for portions of DFPS is a step in right direction, but a real pay raise needed throughout the entire agency

SB 571 BY MENENDEZ to create a career ladder for employees

CASELOAD STANDARDS - Lower caseloads to improve outcomes

HB 482 BY WALLE to establish officially recognized levels for safe caseloads;

HB 696 BY WU to improve method of counting and distributing cases

QUALITY STATE SERVICES - Texans we serve need our help

End the hiring freeze that will stretch critical services even thinner and create obstacles for Texans in need

WE ASK YOU TO OPPOSE:

PRIVATIZATION OF DFPS PROGRAMS AND SERVICES

The systemic problems our agency faces will not be solved by passing responsibility to private contractors and subcontractors.

SECTIONS OF SB 11, (Companion House Bill 914); and HB 6