



NEWS Bulletin

The pressure builds on DFPS- “reduce caseloads and stop contracting out!”

Privatization pilot draws scrutiny, calls for delayed rollout grow

The pilot for privatization of Family Based Safety Services in El Paso has drawn the attention of local lawmakers, thanks to the work of TSEU Members. State Representatives from El Paso have asked for a delay in the transfer of cases to the private contractor, Pathways, until a transition plan is developed and released by the agency. DFPS announced the contract was signed on January 10th, with Pathways slated to start receiving new FBSS cases March 1st. Prior to entering the contract, Pathways has not operated in El Paso or Region 10, and has no staff or infrastructure in the area. A total of 55 positions will be eliminated by the privatization. The majority of employees impacted will transfer to other DFPS positions in the area.

DFPS did not require Pathways to develop a transition plan for current FBSS cases. This pilot represents the only active contract for any case management responsibilities in any part of DFPS. Under the Foster Care Redesign model, children in state custody still have a state caseworker. Contractors under the new Community Based Care (CBC) model would assume case management responsibilities, but no contracts have been announced or released publicly.

The privatization of case management raises serious questions about accountability, transparency, and the use of resources. Florida, which has privatized nearly all aspects of their CPS system, has struggled to hold contractors accountable for keeping track of and providing services to children in foster care. Media investigations have also revealed the private contractors have paid their Executives extravagantly, while providing minimal services for foster kids. Judges have publicly vented about their inability to hold the state or contractors responsible when court orders are ignored.

TSEU members and our allies will continue to fight the privatization of our agency. The families and communities we serve deserve better.

Federal Lawsuit, Legal Wrangling Continue

On Friday, January 19th, Judge Janis Graham Jack issued the Final Order in the federal lawsuit brought against DFPS by the advocacy organization, Children's Rights. In December 2015, Judge Jack ruled that Texas' foster care system violated the constitutional right of foster children to be kept free of harm by the State. The 2015 ruling called for Special Masters to be appointed who would work with DFPS and the plaintiffs to develop an Implementation Plan to ensure the safety and well-being of foster children. The plan developed by the Special Masters was released last month to allow more input from DFPS and the plaintiffs before being issued as the Final Order from Judge Jack.

A critical part of the Implementation Plan is the mandate that DFPS- or any private agency contracted to perform case management- keep CPS Conservatorship caseloads in the 14-17 children per worker range. The Implementation Plan recognizes the clear need to set caseload standards to improve outcomes for children in foster care. Since the lawsuit was focused on children in Texas' custody, the caseload standards would only directly apply to CPS Conservatorship.

After Judge Jack issued the Final Order, the State won a temporary stay from the 5th Circuit Court of Appeals to stop Judge Jack from enforcing mandates contained in the Order. A hearing on the emergency stay will be held in roughly a month, according to coverage from the Dallas Morning News. Texas Attorney General Ken Paxton has already announced plans to appeal the Final Order, which could take a year or more to pass through the process. So far, Texas has lost every appeal related to this case at the 5th Circuit since the lawsuit was originally filed in 2011.

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