

PUBLIC COMMENTS

HB 3041

HOUSE COMMITTEE ON HUMAN SERVICES

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Hearing Date: March 30, 2021 8:00 AM

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Brandon Logan, Dr.

One for Kids

Midland, TX

Testimony IN FAVOR of HB 3041:

The Family First Prevention Service Act (FFPSA - P.L. 115-123) includes both mandatory and optional sections related to federal Title IV-E child welfare funding for states.

States with an approved Title IV-E plan have the option to use Title IV-E funds for prevention services that would allow “candidates for foster care” to stay with their parents or relatives. States will be reimbursed for prevention services for up to 12 months. A written, prevention plan must be created, and services must be evidence-based.

The Administration for Children and Families (ACF) created the Title IV-E Prevention Services Clearinghouse where it maintains a list of evidence-based practices that have been reviewed and approved for FFPSA funding. The process of review and approval has been slow and unwieldy. To date, the Clearinghouse has only approved 29 evidence-based programs for FFPSA funding. Additionally, federal guidance on FFPSA implementation has been lacking, leaving states to largely speculate on compliant programs and processes.

Given the uncertainty and lack of actionable information from the federal government, Texas is right to take a measured approach in adopting the optional provisions of FFPSA. Nevertheless, FFPSA prevention services do signal an important policy shift away from removing children who can be safely served in their homes. Texas should begin taking action to increase the focus and quality of its family preservation efforts.

HB 3041 reflects a careful balance between signaling the state's commitment to supporting and preserving families while also guarding against flawed FFPSA implementation and unintended consequences, like substantially increasing state intervention in families through a broad definition of candidacy while also prematurely tying funding to programs that are not available in the state.

HB 3041 provides due process protections and quality oversight to the State's family preservation efforts. The candidacy definition in Section 1 is consistent with Congressional intent that funding results in fewer removals and targets interventions to those children most at risk of removal, rather than diluting funding and interventions across a broad population of children who are not at risk of removal.

Implementation of FFPSA through pilots in one urban region and one rural region allows the state to address the differences in services and service populations that exist across the state. The rate of removal, factors related to removal, and services and supports available to prevent removal vary widely between urban and rural regions.

A one-size-fits-all approach to FFPSA implementation in Texas will create or increase disparities in rural Texas. The bill's thoughtful approach to implementation, utilization, and evaluation will improve the quality and effectiveness of services across Texas, prevent removals and preserve families, and inform the statewide implementation of FFPSA.

Amber Marin

Protect tx fragile kids

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Sugar Land, TX

I oppose this bill

Tina Freeman

self/retired District Clerk

Lockhart, TX

I'm in support of this bill. There needs to be a way to KEEP children IN THE HOME with their parents while issues are addressed, and services NARROWLY tailored to fit any allegations. A safety plan (NO COURT involved at this point) was required after my daughter was assaulted by her husband and he admitted to using a narcotic. My daughter felt FORCED to get a protective order (i use the word HARRASSED), although she was no longer in the home with him. Because she didn't get one, and then delayed getting a drug test too, (no concerns that she was using, but because HE admitted use) CPS used her NON COMPLIANCE against her. When she didn't go get one soon enough, a family member on dad's side made a false report to the hotline. (text proves) Immediately, she was no longer allowed to be alone with the kids, and we were signing a SAFETY PLAN at my house at midnight on a Saturday night. (The false report wasn't that the children were being harmed, but that parents were using drugs. Car keys were passed between the two parties, and person calling wasn't even present at the time to see that, but the call was "drug related".) The safety plan I discovered later "will cease" when they "get ready". (1st caseworker just disappeared on us.) (And some judges will defer to CPS and whatever they decide is a good safety plan once suit is filed.) At the time a petition was filed for Required Participation, which would mean court hearings with a judge, my daughter had been assaulted and had a negative UA, yet she was included in the suit with her husband. (he was in jail at the time for an incident at the same neighbor who helped my daughter after her assault) Currently, No court appointed attorneys are provided for in this type of suit even if the parties are indigent. In too many instances, parties are "required" to get drug tested, and then discover that they have NO RIGHT to their drug test results. Although the CPS handbook requires that the parent be notified by caseworker of negative results, that does not happen. It may take a while to get a copy from CPS, but both the facility doing the test AND the lab testing indicated that they cannot provide results. I asked the facility why not, and mentioned HIPPA and the PIA. Answer was "they are donors, NOT PATIENTS". Considering the fact that Brandy Murrah out of Alabama was just convicted for falsifying lab results, the policy needs changing on this as well.

Years ago, when my 11 yr old granddaughter was in the NICU, her dad was calling telling the nurses that my daughter was "not bonding with the baby". He was not allowed at the hospital after being kicked out. All of the sudden, my daughter did not have the same rights in the NICU as other parents. I'm assuming "social services" at the hospital made that decision. Little did I know that was nothing compared to what power they have. CPS involvement with my grandchildren right now HAS NOT BEEN in their best interest.

Julia Hatcher, Esq.

Texas Association of Family Defense Attorneys; self-atty

GALVESTON, TX

TAFDA supports this Bill as it strives to preserve families by keeping children in their home. We feel it is important to not only reduce trauma, but also allows for families to complete helpful services that will facilitate their rehabilitation while keeping families together.

Maggie Luna

Texas Criminal Justice Coalition/Self

Austin, TX

My name is Maggie Luna and I am representing myself as a mother who has been directly impacted by this system. I believe that if there were a program in place as an option other than removal my family would still be together. Texas removes children and invests in strangers to take care of these children. Why not invest in their parents or relatives if they are willing? I was a good mom and I fight every single day for women like me. The pain of living without your children is a pain that never dulls. Please vote in favor of this bill and keep kids with their families. No matter how much we invest into these foster systems our children

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never give up on us, they only want their family.