

**HOUSE OF REPRESENTATIVES
COMPILATION OF PUBLIC COMMENTS**

Submitted to the Committee on Juvenile Justice & Family Issues
For HB 730

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Hearing Date: March 29, 2023 10:30 AM - or upon final adjourn./recess or bill referral if permission granted

Tina Freeman
self/retired District Clerk
Lockhart, TX

I support this bill.

I retired from county government, and then experienced CPS first hand when my daughter was a victim of fam. violence, so I've seen both sides. Decisions made were NOT in the best interest of my grandchildren.

I believe the following statistics are relevant to this bill and others:

*2022 Completed Investigations by CPI (source: CPS Databook)

Of the 356K+ allegations, over HALF of those are under "Neglectful Supervision" 181,764 ; Emotional Abuse 10k ; Physical Abuse 63k; Sexual Abuse 59k; Physical Neglect 22k; Medical Neglect 15k; Physical Neglect 22k; plus a few others. What exactly defines neglectful supervision? And how is it interpreted between DFPS regions and the 254 counties?

If at all possible, children should remain with their parents. THAT is in their best interest. The attitude shouldn't be that "there are nice people here who want to adopt and they'd make better parents".

Ex Parte hrgs should not only be recorded, but be made available to the parties in a TIMELY manner/free to parties if they are indigent. [In our case, it took us quite a while to get a transcript from the initial hearing, I paid for it, as my daughter didn't have the funds. I've spoken to another parent recently, who waited 90 days for her DE NOVO hearing (30d in statute) because they were waiting on the court reporter.]

Notification of Rights is important, especially right to withhold consent to release of med. records, and refuse to submit to a drug test. After my daughter was a victim of fam. violence, although there was no allegation that she was using a controlled substance, CPS told her she HAD to test. When I questioned the investigator about it, he said she needed to because she had an old drug charge. (over a decade prior). Members, please realize that if the allegations are INJURY TO A CHILD or SEXUAL abuse of a child, LAW ENFORCEMENT will be/should be involved too, to help ensure the safety of the children. I had a discussion with our prosecutor, mentioning problems with our case. I mentioned that both the regional director and the domestic violence advocate acknowledged the issues. Basically his response was that It's the "parent's fault" for getting cps involved in the first place.

Unless you have experienced CPS for yourself, you can't understand the emotional harm IT can cause to children. Even safety plans can bring separation. My 13 year old granddaughter is STILL suffering after 2-3 years, blaming some of CPS's decisions on a parent. Saf.Plans dictate ACCESS - before AND after a suit is filed. My daughter went from supervised unrestricted access (in initial hearing) one minute, down to only 4-6 hours a week the next minute. No reason provided. Transcript backs this up.

PCSPs and C.O. services cases should be included in required reporting. It should also include WHY they were required – it'll show just how much interpretation of the statutes differs between the regions/counties.

Brandon Logan, Dr.
One Accord for Kids
Midland, TX

I am the Executive Director of One Accord for Kids, which serves as a community development non-profit serving Midland and the Permian Basin. Our mission is to strengthen families and connect communities, specifically to increase services and improve outcomes for children and families involved in the child welfare system. Our work includes supporting the entire continuum of child welfare interventions from prevention through post-adopt services. Prior to my current role, I served as an attorney and guardian ad litem for children and families involved in DFPS cases.

HB 730 provides much-needed clarity regarding the rights of citizens and limits on government during pre-removal stages of DFPS intervention. The Texas Family Code details the procedures involved when a child is in DFPS conservatorship. However, the Code is currently inadequate to protect the fundamental rights of children and families prior to removal.

Of more than 350,000 allegations of abuse and neglect in 2022, less than 18 percent were confirmed to be true. The same year, more than 100,000 families were subjected to DFPS investigations in which abuse and neglect were ruled out. DFPS investigations disproportionately punish Black children and families. Half of all Black children in Texas' largest counties will be subjected to a DFPS investigation by age 18 (Edwards, Wakefield, et al., 2021).

The fundamental rights at issue, the high rate of unsubstantiated allegations, and the extreme power imbalance between state actors and citizens under investigation argue for extensive due process protections. However, little to no meaningful protections exist prior to removal (after which parties have the benefit of counsel and court oversight). Yet, once removal occurs, only one-third of children will return to the care of their parents. Therefore, the uninformed decisions of parents and unaccountable actions of DFPS during the investigations stage are often sweepingly dispositive of the rights of children and their parents.

Actions taken by DFPS during investigations often result in placement of children outside of their homes in a system that resembles foster care but, again, without the crucial due process protections triggered by formal removal. The lack of transparency and accountability in this informal, de facto foster care system has prompted some to call it "hidden foster care" (Gupta-Kagan, 2019). There is currently no way to know how many children are in the state's shadow foster care system but prior reports indicate it could be as large as the formal system.

HB 730 represents a thoughtful and effective approach to honoring the fundamental rights of children and families while respecting the state's compelling interest in protecting children from abuse and neglect. HB 730 also provides crucial due process protections to address power inequalities that produce unjust outcomes.

For these reasons, One Accord encourages the Committee to favorably report HB 730.

Kerrie Judice
TexProtects
Dallas, TX

TexProtects supports the bill as substituted.