

# Prevention and Intervention Before Removal: The Role of Lawyers

Thursday, December 10, 2020  
12:00 p.m. - 1:30 p.m.

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# Introduction & Welcome

- **Tiffany Crouch-Bartlett**  
Chair  
Child Protection Law Section  
State Bar of Texas

# Presenters

- **Judge Robin Sage**  
Judicial Consultant  
Casey Family Programs
- **Anne Heiligenstein**      Strategic  
Consultant                      Casey  
Family Programs
- **Sasha Rasco**  
Associate Commissioner  
Prevention and Early  
Intervention  
Dept. of Family & Protective  
Services



*“Don’t save me **from** my family;  
save my family **for** me”*

Washington State Foster Youth  
to parent advocate, Kimberley Mays

# Vision for Prevention in Texas



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## **Children thrive in safe, stable, nurturing families and communities:**

- DFPS preserves the parent-child bond through a variety of programs and strategies designed to keep families together.
- DFPS has the opportunity to elevate and strengthen its focus on family preservation.
- DFPS can work with state and community partners toward building a more robust continuum of preventative, data-driven, evidence-based solutions.

# DFPS Commissioner Jaime Masters



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“One of the most important things DFPS can do for Texas families is to proactively reach out to those that are struggling or stressed and offer them accessible lifelines that effectively address the challenges they face.”



**As a child welfare  
attorney, what does  
“prevention”  
mean to you?**

Discussion led by Sr. District Judge Robin Sage,  
now with Casey Family Programs



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# **Prevention Framework**

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**Prevention and Early Intervention  
Associate Commissioner  
Sasha Rasco**



# Support activities that all families can access and that contribute to the social well-being of the entire community

**We all benefit** from community support. Behind many families that **succeeded on their own** is a strong community that provided a way for the family to meet their needs. A community functioning in a strong and healthy way is all that many families need to succeed

Strong communities support the well-being of all families by having access to:

- Quality stable jobs
- Affordable and nutritious food
- Stable and affordable housing
- Well and sick care for the entire family
- Social and emotional support
- High quality education and childcare
- Activities that connect the family to others
- Media that supports and informs families
- Quality legal services and judiciary



# Support solutions in the community that help families overcome tough obstacles

Strong communities work to address the hard obstacles families can face **by helping families find solutions** or by working together as a community to remove the obstacle. These solutions and resources **help families get back on track** to succeeding “on their own.”

- ▶ These solutions are not for everyone in the community but should be easily accessible for families
- ▶ These solutions should strengthen and support the activities that contribute to the well-being of the entire community.

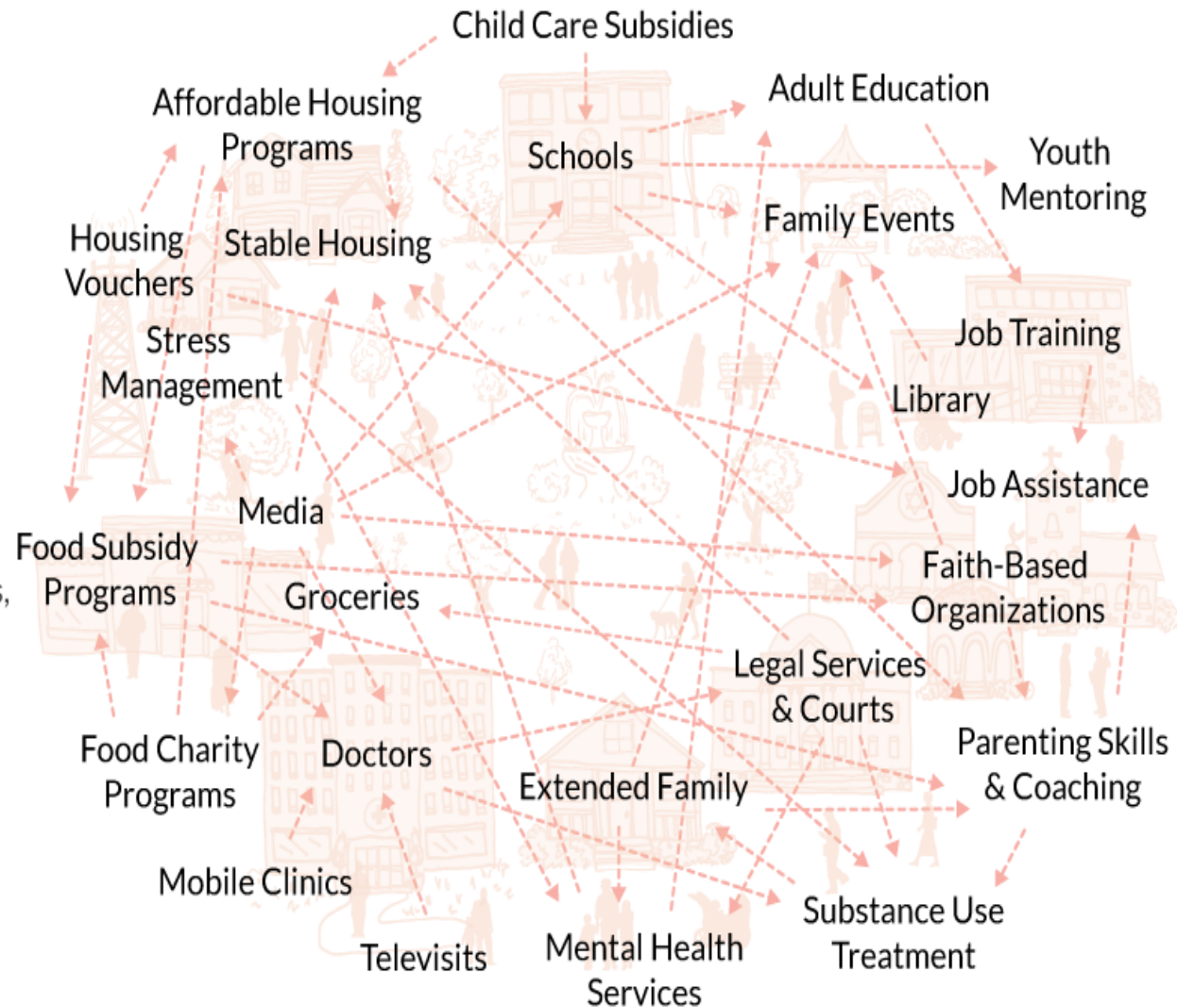


# Support activities that connect community resources to each other

Resources are not in the community **they are part of the community.** When a family walks in a door, they should find the solution they need, even if they walked in the wrong door.

Strong communities do not just have solutions for families, **they have connected resources and solutions** that are responsive to changing needs of families.

- ▶ Connection between these activities, solutions, and efforts maximizes the impact of all community-based efforts
- ▶ These **connections strengthen the community for all families**







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# Harvard University Fellows Program



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The Harvard Government Performance Lab (GPL) has launched a new collaboration with Texas's DFPS to help the agency bolster how and when families are connected to prevention services. This project will take a family-centered approach to design earlier prevention interventions to reduce child welfare involvement among families with complex needs and with young children.

A second project seeks to decrease the number of children DFPS removes into out-of-home care by helping caseworkers more quickly connect FBSS-involved parents to the best-fit behavioral health programs (mental healthcare and substance use treatment), as well as increase the share of parents starting and completing treatment



# What We Know

- The goal in child welfare should be to ensure the **safety, permanency and well-being of children and their families.**
- We know to support child and family well-being, it is important to **intervene as early as possible.**
- We know that the act of **removing children from their families and homes creates emotional distress and trauma** that should be avoided whenever possible.
- We know **some children can be better served by remaining safely at home** while their parents receive the community services and the support they need.

# What are the outcomes for children who grow up in foster care?

## **MENTAL AND PHYSICAL HEALTH**

- 39.0% have at least one mental health diagnosis in the prior year
- 44.1% have had substance abuse or dependence in their lifetime

## **EDUCATION AND TRAINING**

- Less than half have a high school diploma (48.4%)

## **MARRIAGE, RELATIONSHIPS, AND CHILDREN**

- 58.3% have given birth to or fathered a child
- 9.9% of those who have had a child have had a child placed in foster care

## **CRIMINAL JUSTICE INVOLVEMENT**

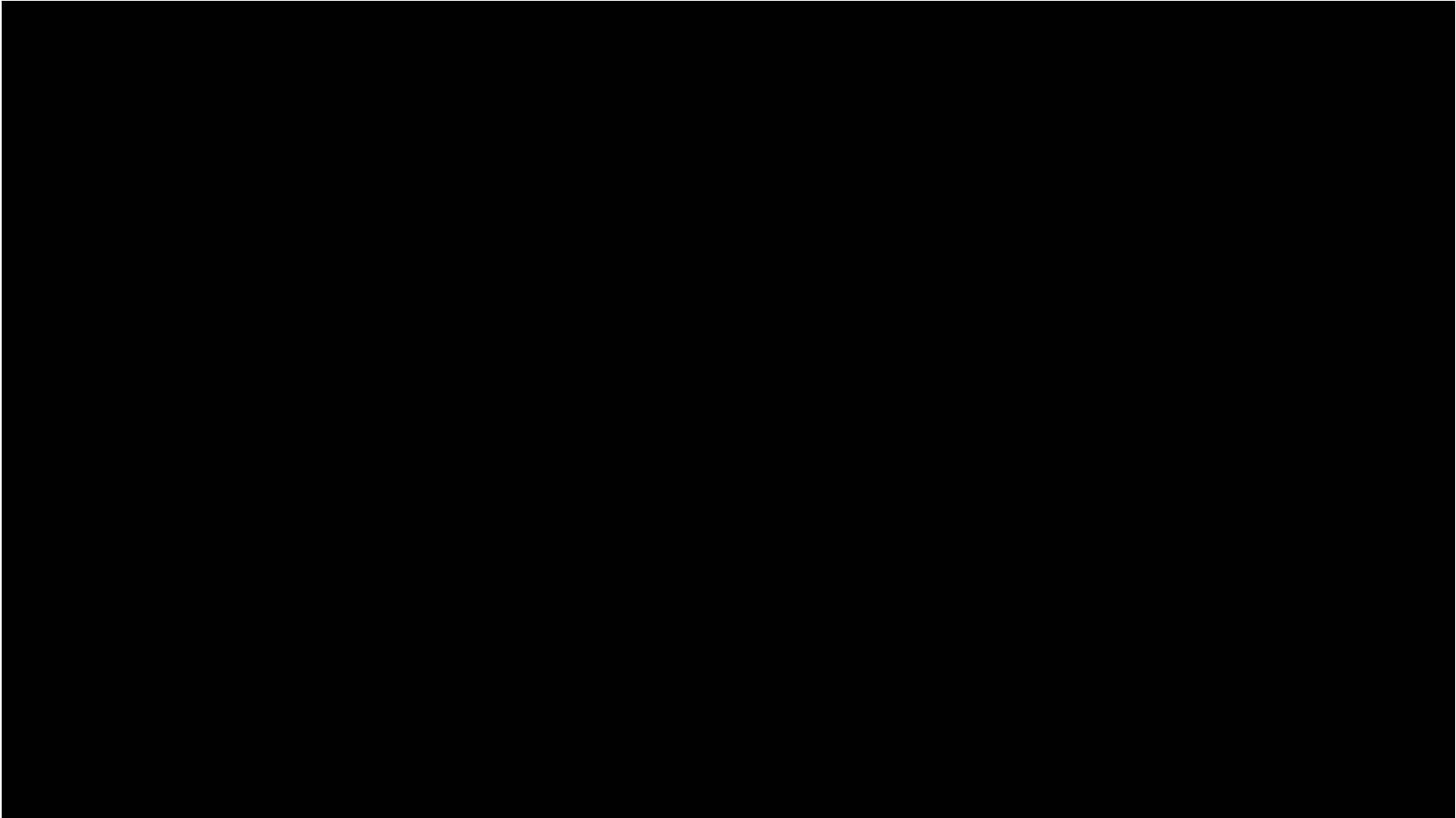
- 68.0% of males and 40.5% of females have been arrested since leaving foster care

*Casey Family Programs Foster Youth Alumni Study*

**The “system” isn’t working!  
The most expensive option for keeping children safe often results  
in poor long-term outcomes**



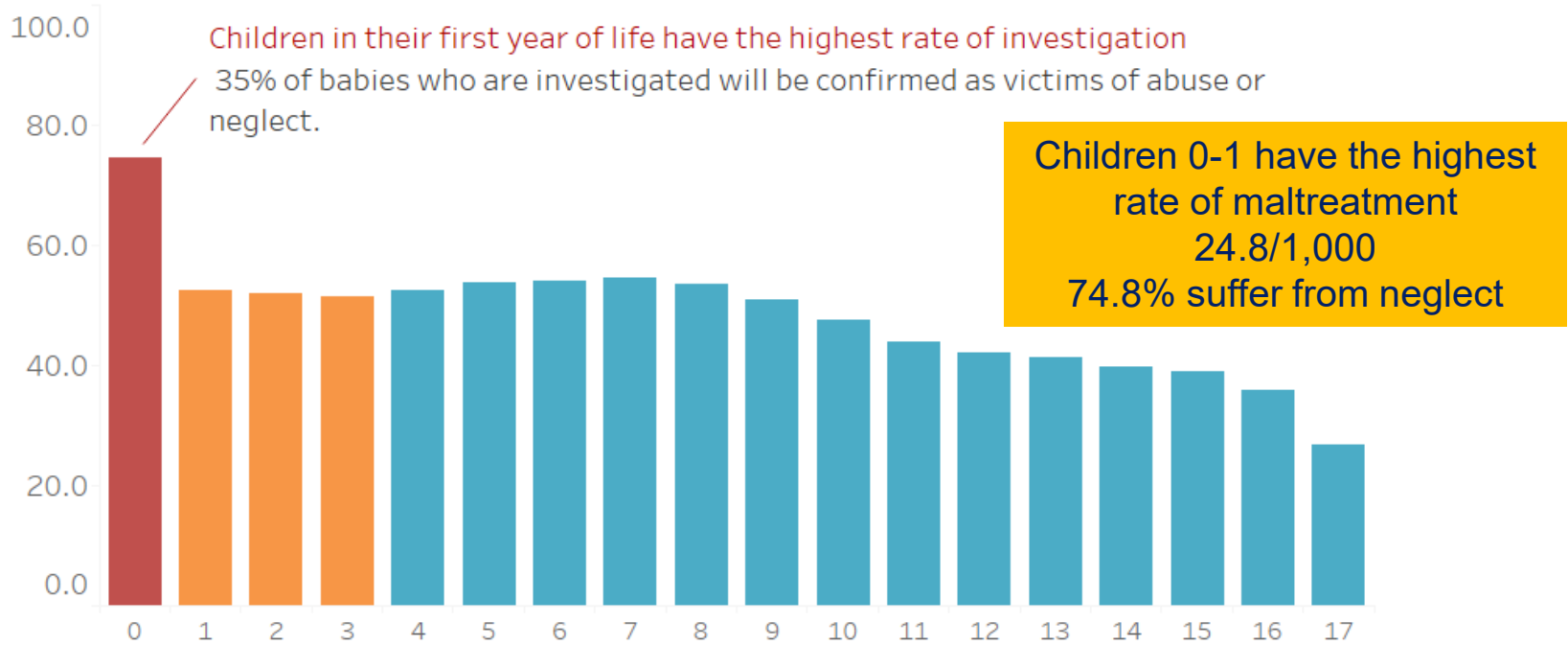
# Raven Sigure, 2019 Casey Excellence for Children Birth Mother Award Winner





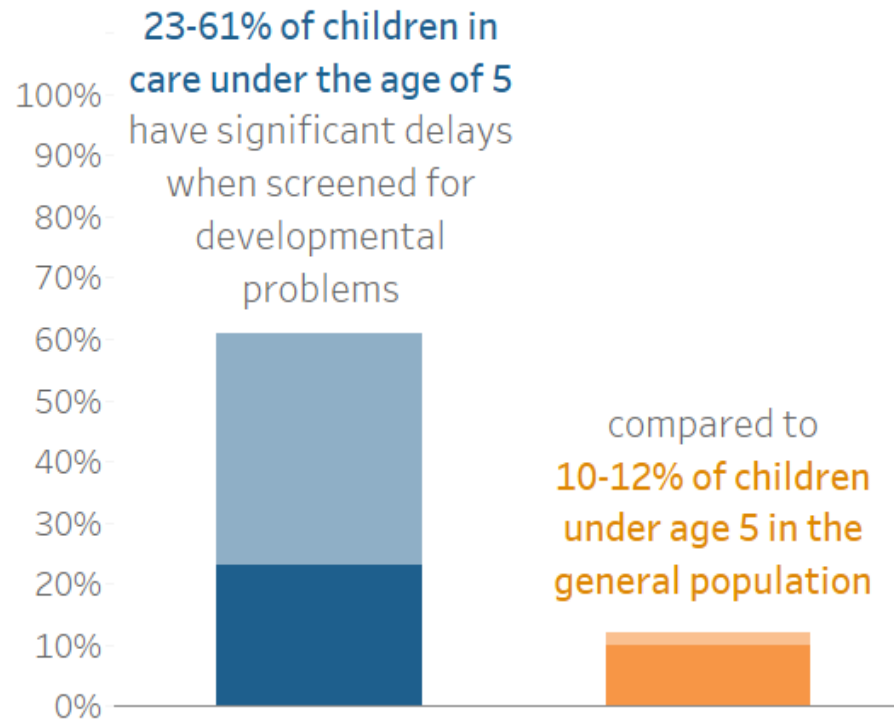
What does the data tell us  
about the **need for**  
**transformation?**

# Rate of Children Screened in for an Investigation or Assessment (per 1,000)



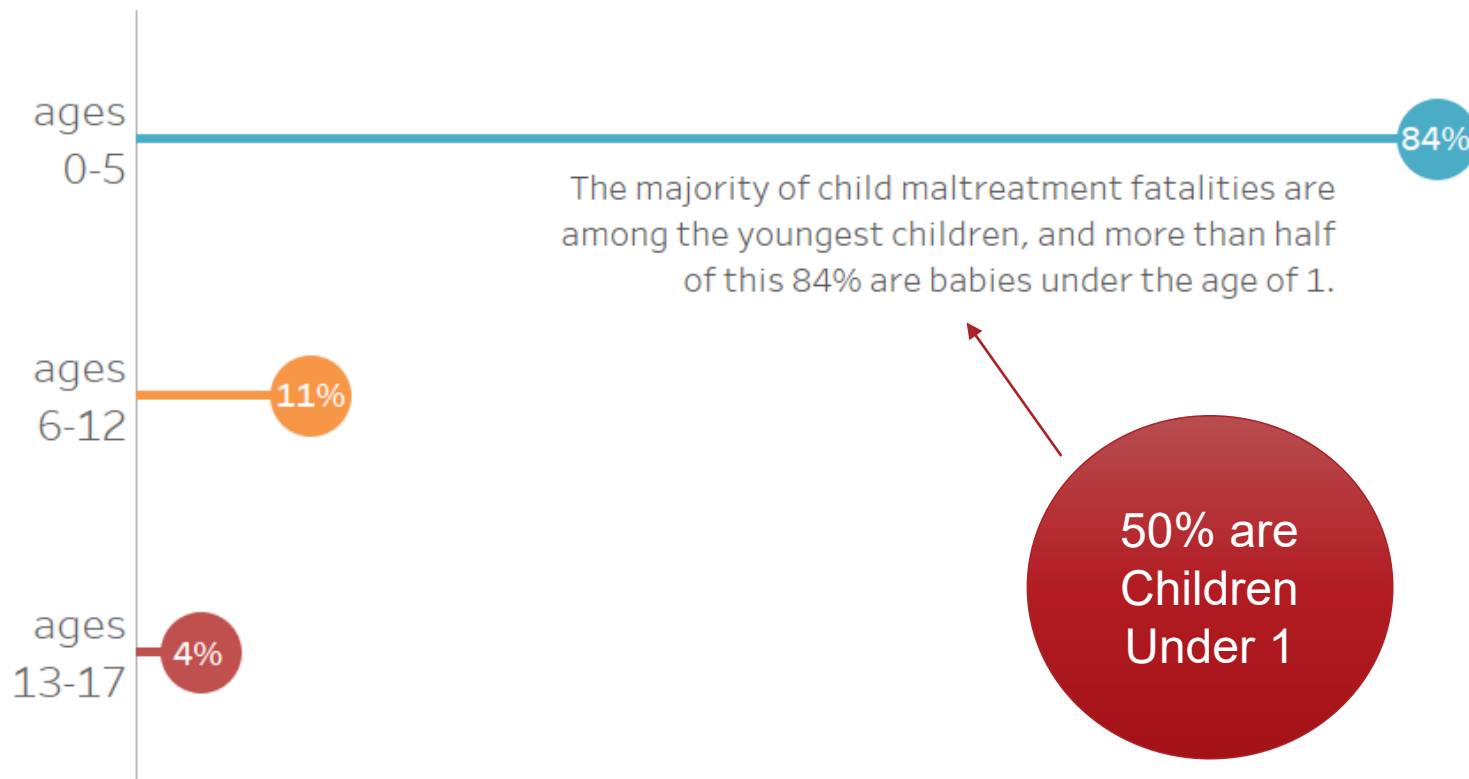
Source: NCANDS

# Impact of Foster Care on Young Children



Source: Stahmer et al, Dicker et al.

# Child Maltreatment Fatalities by Age Group



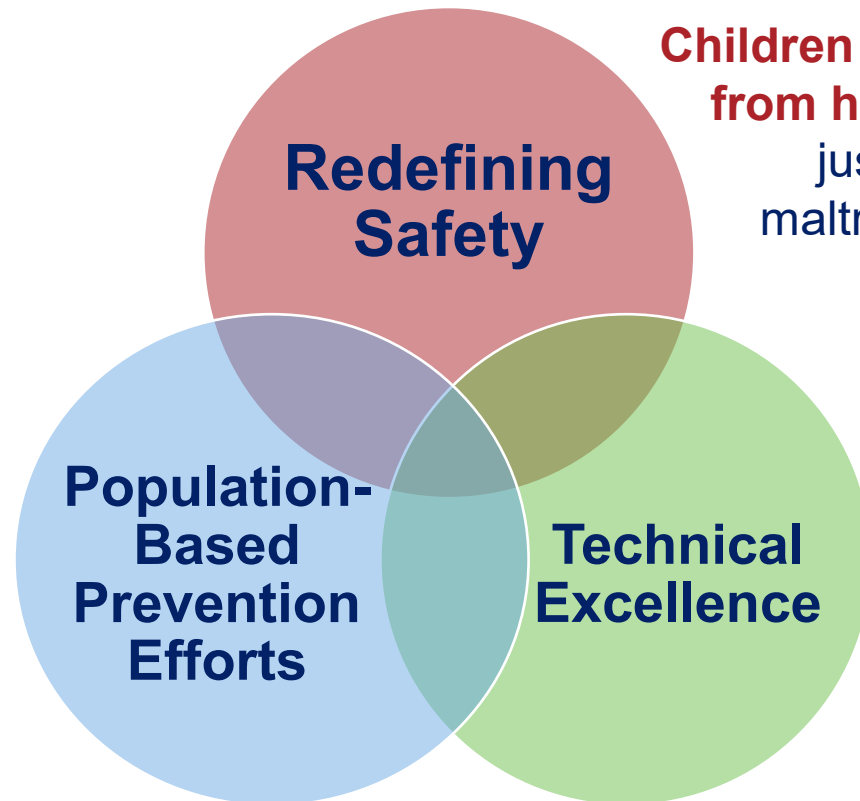
Data source: Child Maltreatment 2016



# **How do we build** a 21<sup>st</sup> Century Child and Family Well-Being System?

# Key Components

Prevention efforts are directed at the general population and **designed to prevent maltreatment before it occurs**



**Children are free from harm, not just repeat maltreatment**

Our system operates using the **best tools, interventions, and has a fully-supported workforce**

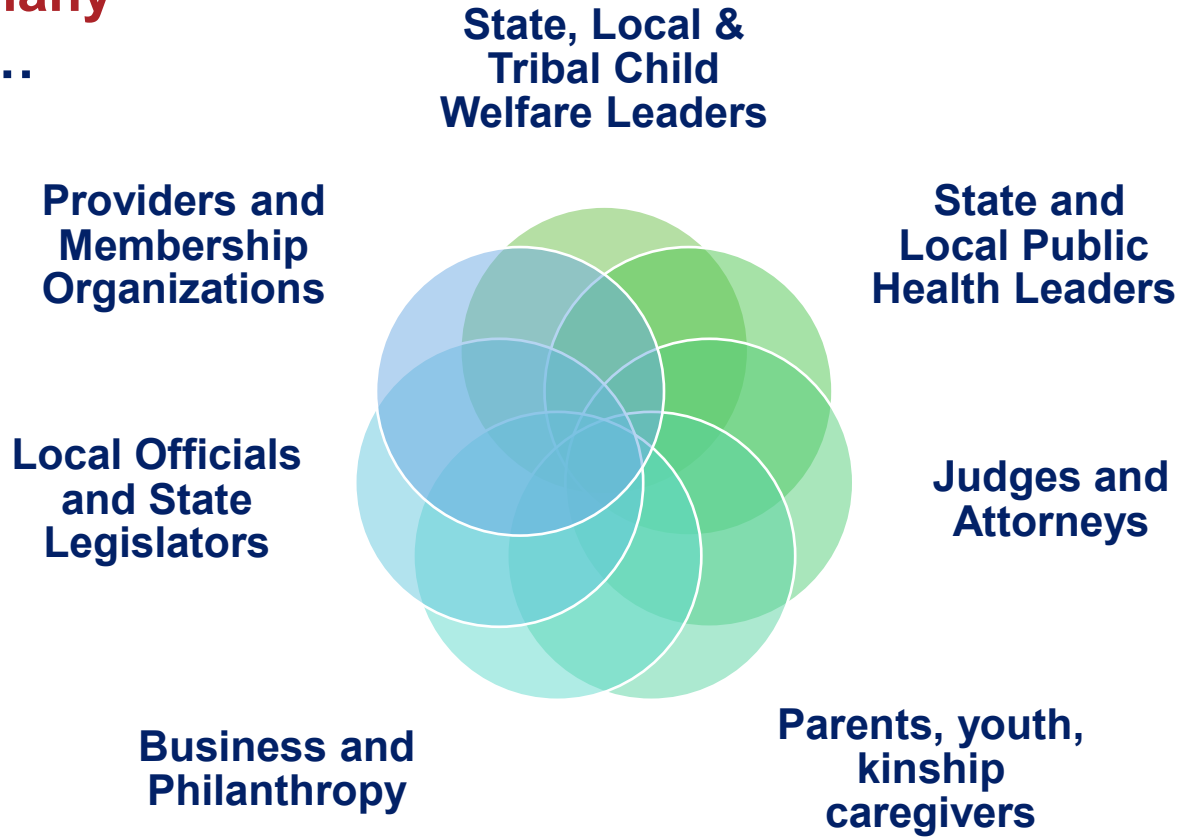






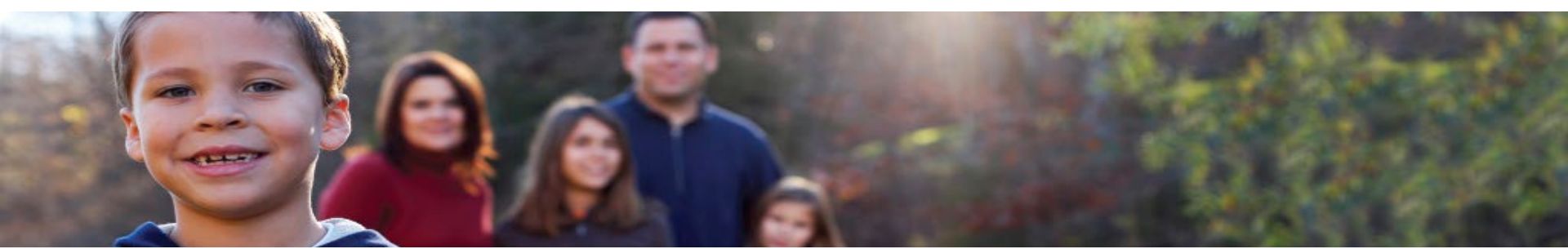
# 21st Century System Partners

And **many**  
more...



# Discussion

- Is it your role to help prevent families from entering the child welfare system?
- If so, how can you assist with prevention efforts before a case is filed?
  - As a community leader
  - Access to legal assistance to keep families out of system
  - Early identification of families needing attention



# Changing the Child Welfare Paradigm

## The Family First Prevention Services Act

# Family First Prevention Services Act

**Fundamentally changes the “system” from a “remove the children and protect them from their parents” to a “preserve the family” approach.**

**For judges, attorneys, CASAs – the Act:**

- A.** Addresses federal child welfare financing of trauma informed, evidence-based prevention services under Title IV-E;
- B.** Defines appropriate placements;
- C.** Outlines conditions for placement of children in Qualified Residential Treatment Programs (QRTPs) and court involvement; and
- D.** Describes necessary CIP training, ICPC improvements, Chaffee Act extensions, and court involvement in state plans, and child fatality plans and programs.

# Family First encourages prevention and better outcomes

What this may mean for child welfare attorneys:

- Seeking more intentional and explicit reasonable efforts findings
- More awareness of and confidence in child/family specific prevention services
- Fewer cases approved for removal
- Faster reunifications with child and family supports
- Congregate care only in limited circumstances: more relative care
- More efficient interstate placements

Family First Act funding can provide Texas families, including relative caregivers, with greater access to:



**Substance abuse prevention and treatment for children, parents**



**Mental Health services for children and parents**



**Intensive parent skill-building programs**

- a) Parenting Skills
- b) Parent Education
- c) Individual and family counseling

# What child welfare attorneys need to know

What is the risk of harm in the child's home?

Why can't the child be kept safe in the child's home?

What services were offered to the family?

What services were actually provided?

If needed services were not provided or offered, why?

Did the agency make RE to identify, locate, and make available needed services?

What services are identified in the child's prevention plan?

# Family Voices

Nationally, research has repeatedly shown that the most effective interventions are those where parents with lived experience are involved in the design and creation of projects and plans for building stronger families.

No longer can our work be “the system” vs. the family.



# Disproportionality in child welfare

Data clearly shows that we have great racial disparity and disproportionality in the child welfare system. It flows from investigation and removal all the way through to exits and aging out.

One clear means to avoid the racial inequities is to keep families out of the system, i.e., if a family never enters the system, they will not receive disparate treatment.

# Discussion

- Do Family First prevention services make sense for your clients?
- What type of prevention services are needed in your community to make a difference in removal of children in your practice?



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# **Child Maltreatment and Prevention in Your Community Today**

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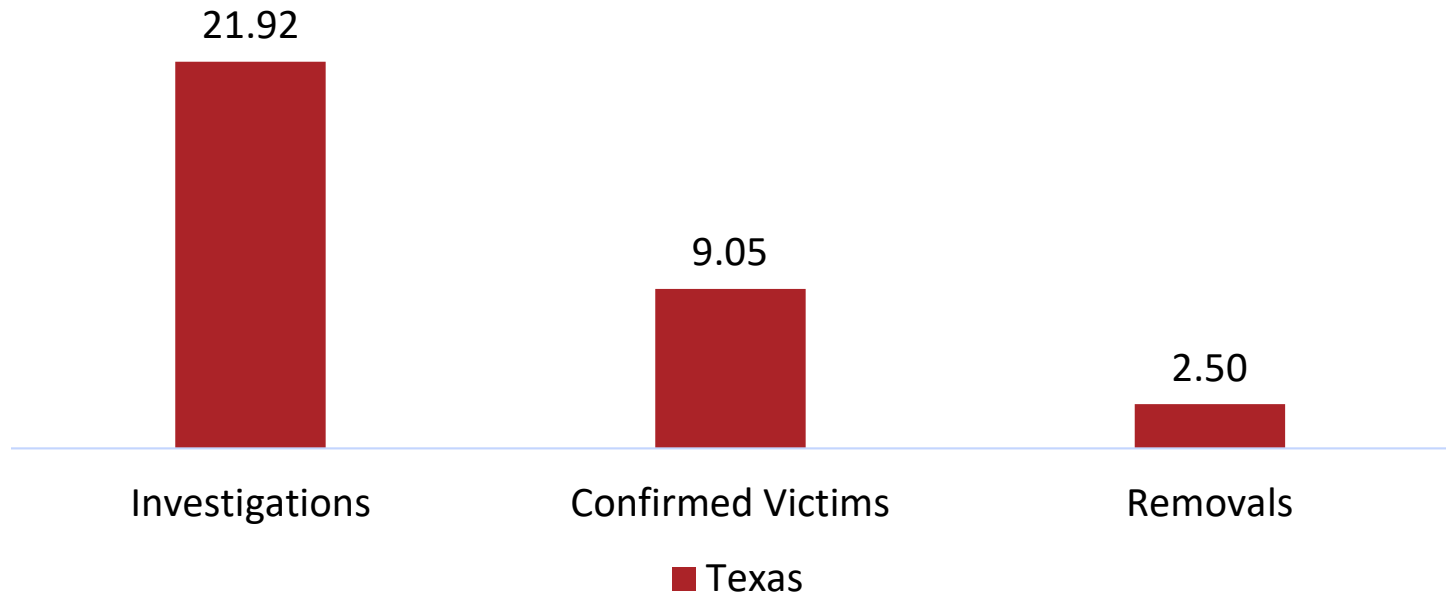
**PEI Associate Commissioner  
Sasha Rasco**

# Community Risk – Child Maltreatment Rates



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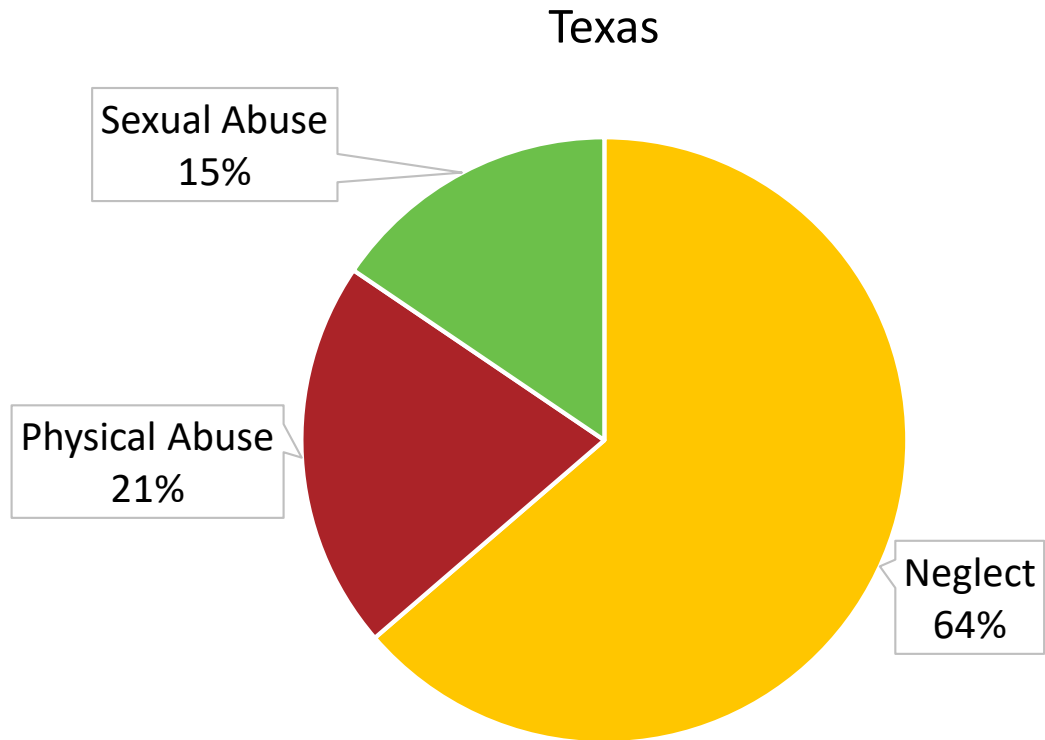
FY 2019 Maltreatment Outcomes  
per 1,000 children



# Community Risk - Child Maltreatment Allegations FY 2019



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# Discussion

- Where does a family in your community go to get legal services that might prevent loss of their children such as preventing evictions or guardianships? Bankruptcy?
- Is pro bono or lower cost legal aid readily available? Could receipt of these legal services help to keep families together and out of the child welfare system?



# Where to start? Community Risk Maps

Factor	Example Indicators
<b>Families in Poverty</b>	Child poverty, Adults without health insurance, Families using SNAP or WIC, Fathers not on birth certificate, Low education
<b>Health and Disability</b>	Smoking during pregnancy, Adults receiving disability, Low rates of breastfeeding in hospital
<b>Low-Income</b>	Low employment in managerial positions, high employment in service sector and sales, low median home value, Low educational attainment
<b>Child Safety and Health</b>	Hospitalization due to non-abuse injury among children, Emergency department visits among infants, Motor vehicle injuries <18
<b>Other factors</b>	Infant mortality rates, Assaults needing medical attention, School enrollment 3-4 year-olds, School enrollment 18-19 year-olds

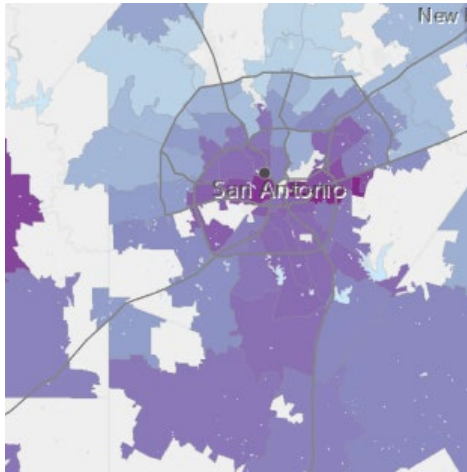
The risk maps are publicly available to stakeholders through [UT Population Health's website](#).



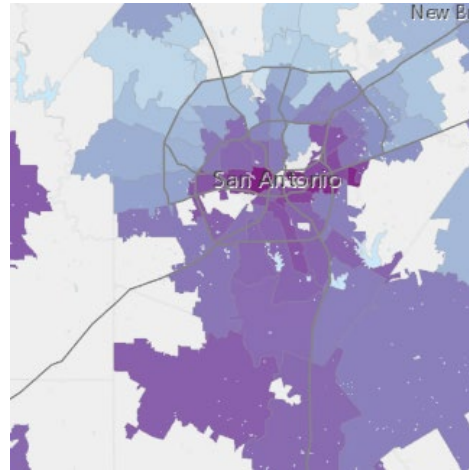
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Infants



Age 1 to 4



### Key Community Factors Related to Maltreatment in Early Childhood:

- Child Health & Safety (especially prenatal drug exposure)
- Low-Income
- Assaults Needing Medical Attention\*
- Unaffordable Rent\*
- Infant Mortality\*
- Health and Disability\*

### EXAMPLE: Highest Risk Zip Codes in San Antonio for Early Childhood Maltreatment:

- 78202
- 78203
- 78207
- 78220

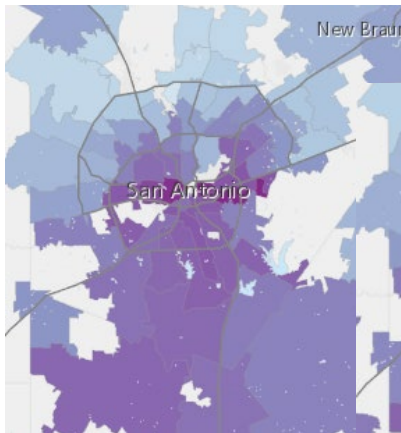




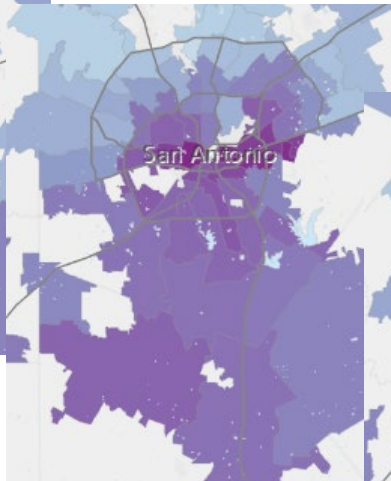
# TEXAS

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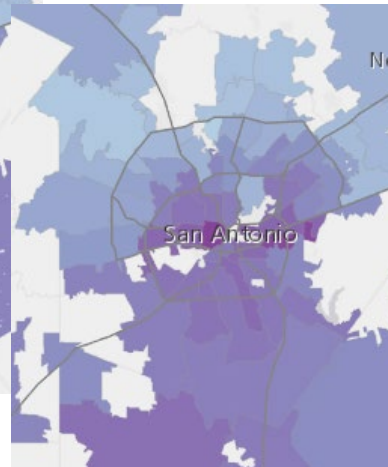
Age 5 to 9



Age 10 to 14



Age 15 to 17



### Key Community Factors Related to Maltreatment in School Age:

- Child Health & Safety
- Low-Income
- Health & Disability\*
- Assaults Needing Medical Attention\*
- Families in Poverty\*

### EXAMPLE Highest Risk Zip Codes in San Antonio for School Age Maltreatment:

- 78202
- 78203
- 78207
- 78220

# Discussion

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- Have you seen examples of attorneys doing this type work in your communities?
- What could you do in your community?

**Provide Additional Feedback  
at:  
PEltraining@dfps.state.tx.us**

**Thank You!**