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HOUSE BILL 1629

Dear Members of the Committee,

Thank you for allowing me the opportunity to submit written testimony in support of House Bill (H.B.) 1629 by Representative Naishtat which seeks to address the needs of foster children who are committed to the Texas Youth Commission (TYC) or released under supervision of TYC.

BACKGROUND

Texas took a first step at protecting the needs and rights of foster children with the establishment of the Child Protection Program in 1931 which eventually lead to the Department of Family and Protective Services (DFPS)¹. In 2004, Texas Comptroller Carole Keeton Strayhorn released a report detailing the many flaws and abuses within the DFPS and other components of foster care in Texas, noting that, "They are everybody's children, and nobody's children. They are the forgotten children." Since that report was released, there have been a number of sweeping reforms and new efforts launched to better address the needs of foster children. Most recently, the Supreme Court of Texas created the Foster Care Consultative Group in 2006 and the Permanent Judicial Commission for Children, Youth and Families in 2007 in a major push toward achieving a comprehensive response to children and families in the child protection system.

PROBLEM

In Texas, as in many other states, children in foster care often fall through the cracks of the system. In 2004, Texas was ranked 47th in a national assessment of spending per individual on child protection² - \$139 per child, which is 58% lower than the national average.³ An additional challenge arises when foster children are committed to TYC. These children do not have any of the support mechanisms of children with parental involvement. Everything from rehabilitation and treatment efforts to legal assistance are more difficult for foster children to access and thoroughly utilize.⁴ For example, medical history for children in the foster care system is often sparse and piecemeal due to the lack of oversight by a single parent figure or guardian, leading to inaccurate or insufficient treatment and/or medication, which can have long-term, detrimental consequences for the youth's health.⁵ Without the proper supervision and guidance from a legal guardian, youth in TYC are unlikely to benefit from rehabilitation programs or to successfully reintegrate into their community upon release.

SUPPORTING FACTS

- H.B. 1629 directly responds to the recommendations put forth by the Texas Supreme Court's Task Force on Child Protection *and* the Permanent Judicial Commission for Children, Youth and Families⁶ by effectively addressing oversight mechanisms and processes, collaboration between agencies, and access to education, treatment and legal services for foster youth in TYC.
- Both the 65th District Court in El Paso County and the 126thth District Court in Travis County are designated as model child protection courts by the National Council of Juvenile and Family Court Judges (NCJFCJ).⁷ H.B. 1629 will further the efforts of other Texas courts by replicating these best practices.
- H.B. 1629 complements national trends to improve the court system's response to children and families involved in the foster care system, such as the Adoption and Safe Families Act which furthers the role of the court in overseeing child welfare cases and places a deliberate emphasis on permanence.⁸

SOLUTION: SUPPORT H.B. 1629 BY REPRESENTATIVE NAISHTAT.

Representative Naishtat's bill is a comprehensive response to the extensive array of needs of youth in the custody of TYC that are both dually delinquent and dependent. For far too long, the critical needs of these extraordinarily vulnerable have been neglected. HB 1629 would ensure communication between supervisory agencies, collaboration in developing reporting guidelines, and access to necessary services, legal support and supervision for foster youth in the custody of TYC.

¹ Stephen M. Ryan, "Texas Foster Care: Current Issues, Reform Efforts and Remaining Problems", *Texas Appleseed*, September 2007, 1.

² Kendra and Harold Hovey, *CQ's State Fact Finder 2004*, CQ Press.

³ *Strengthening Child Protective Services: An Analysis of DFPS's LAR and Senate Bill 758*, CPPP POLICY PAGE (Center for Public Policy Priorities, Austin, Texas), March 5, 2007, p. 1.

⁴ Carole Keeton Strayhorn, "Foster Children: a Texas Health Care Claims System Special Report", *Texas Comptroller of Public Accounts*, December 14, 2006, iii.

⁵ *Id.*

⁶ See <http://www.supreme.courts.state.tx.us/children/resources.asp>

⁷ Permanent Judicial Commission for Children, Youth and Families, *Better Courts for Kids and Families Through Judicial Leadership*, 2008, 12.

⁸ *Id.*, at note 4.