



**TEXAS**  
Department of Family  
and Protective Services

M.D., bnf Stuckenberg, et al. v. Abbott, et al.

# **Compliance Status Report**

---

January 2022



# Table of Contents

- Executive Summary ..... 2
  - DFPS Performance Summary – Fiscal Year 2021 and January – June 2021..... 3
    - Screening, Intake and Investigation of Maltreatment in Care Allegations ..... 3
    - Organizational Capacity ..... 6
- Screening, Intake and Investigation of Maltreatment in Care Allegations..... 8
  - Remedial Order 3 ..... 8
    - Statewide Intake ..... 8
    - Residential Child Care Investigations ..... 11
  - Timeliness of RCC Investigations: Remedial Orders 5 Through 11; 16 and 18 ..... 21
    - Remedial Orders 5 and 6: Timely Investigation Initiations..... 21
    - Remedial Orders 7 and 8: Timely Face-to-Face Contact ..... 23
    - Remedial Order 9: Tracking and Reporting on Timely Face-to-Face Contact ..... 25
    - Remedial Order 10: Timely Investigation Completions ..... 25
    - Remedial Order 11: Tracking and Reporting on Timely Investigation Completions..... 28
    - Remedial Order 16: Timely Investigation Documentation..... 29
    - Remedial Order 18: Timely Notification Letters ..... 29
  - Remedial Order A6: Points of Contact for Reporting ..... 31
  - Remedial Order B5: Caseworker Notification of Abuse/Neglect Allegations..... 33
  - Remedial Order 37: Home History Reviews ..... 35
- Organizational Capacity ..... 38
  - Remedial Order 1: CPS Professional Development Training ..... 38
  - Remedial Order 2: Graduated Caseloads ..... 39
  - Remedial Orders 35 and A-1 through A-4: CPS CVS Caseworker Caseloads..... 42
  - Remedial Orders B-1 through B-4: RCCI Investigator Caseloads ..... 48

# Table of Figures

Figure 1. Statewide Intake Calls, FY 2019 – FY 2021 .....	9
Figure 2. Statewide Intake Calls by Month, FY 2021.....	10
Figure 3. Statewide Intake Call Types, FY 2021.....	10
Figure 4. Intakes Reclassified to PN, FY 2021 – FYTD 2022.....	13
Figure 5. RCCI Monthly Intakes vs. Open Investigations, FY 2019 – FYTD 2022.....	13
Figure 6. RCCI Annual Intakes vs. Opened Investigations, FY 2019 – FY 2021.....	14
Figure 7. RCCI FTEs: Filled vs. Case Carrying Positions, FY 2019 – FY 2021.....	15
Figure 8. RCCI Timely Investigation Initiation by Priority Level, FY 2021 .....	22
Figure 9. RCCI Timely Priority 1 Initiations, FY 2021.....	22
Figure 10. RCCI Timely Priority 2 Initiations, FY 2021.....	23
Figure 11. RCCI Timely Face-to-Face Contact by Priority Level, FY 2021.....	24
Figure 12. RCCI Timely Priority 1 Face-to-Face Contact, FY 2021.....	24
Figure 13. RCCI Timely Priority 2 Face-to-Face Contact, FY 2021 .....	25
Figure 14. Timeliness of RCCI Investigations Closed, FY 2021 .....	26
Figure 15. RCCI Monthly Count of Open vs. Delinquent Investigations, FY 2019 – FY 2021.....	27
Figure 16. RCCI Notifications Sent within Five Days of Investigation Closure, FY 2021.....	30
Figure 17. RCCI Notifications Sent to Reporter within Five Days of Investigation Closure, FY 2021 .....	30
Figure 18. RCCI Notifications Sent to Provider within Five Days of Investigation Closure, FY 2021 .....	31
Figure 19. Intakes with Notice within 24 Hours, FY 2021 .....	34
Figure 20. DFPS Core Professional Development Completion – Caseworkers Hired Jan. 1, 2021 – July 31, 2021 .....	39
Figure 21. DFPS Graduated Caseloads within Guidelines, FY 2021.....	41
Figure 22. SSCC Graduated Caseloads within Guidelines, FY 2021.....	41
Figure 23. CPS Conservatorship Caseloads, FY 2019 – FY 2021.....	44
Figure 24. CPS Conservatorship Caseloads by Month, FY 2021 .....	45
Figure 25. Child Only Caseloads – All Staff (DFPS and SSCC), FY 2021 .....	45
Figure 26. Child Only Caseloads – DFPS, FY 2021.....	46
Figure 27. Child Only Caseloads – SSCC, FY 2021.....	46
Figure 28. Percentage of Caseworkers with More Than 17 SUB Stages, by Day, May – October 2021 .....	47
Figure 29. RCCI Average Daily Caseload, FY 2019 – FY 2021 .....	50
Figure 30. RCCI Staff with 17 or Fewer Investigations, FY 2021.....	51

# Table of Tables

Table 1. Statewide Intake Priority Designations.....	12
Table 2. RCCI Administrative Reviews of Investigation Findings, FY 2019 – FY 2021 .....	19
Table 3. CPS CVS Quality Assurance Case Reads – Rights Document, FY 2021 .....	32
Table 4. CPS CS Quality Assurance Case Reads – Home History Reviews, FY 2021.....	37
Table 5. RCCI Average Daily Caseload, FY 2020 – FYTD 2022 .....	49
Table 6. Monthly RCCI Investigator Caseloads, January – June 2021 .....	50

# Executive Summary

In March 2011, a New York-based national advocacy group filed a federal class-action lawsuit against the Governor of Texas, the Texas Health and Human Services Commission, and the Texas Department of Family and Protective Services (DFPS) asserting substantive due process claims on behalf of approximately 12,000 children in the Permanent Managing Conservatorship (PMC) of DFPS. The case is currently before Judge Janice Graham Jack of the Corpus Christi Division in the United States District Court, Southern District of Texas. A trial on the merits was held in December 2014. In December 2015, the district court issued a memorandum opinion and in January 2018, the district court entered a final order including an injunction against Texas. Texas appealed to the United States Fifth Circuit of Appeals and in October 2018, the Fifth Circuit issued an opinion upholding some provisions and modifying others. The District Court modified its final injunction in November 2018 and upon appeal, the Fifth Circuit issued an opinion in July 2019, overturning certain parts and upholding other parts of the district court's final injunction. The final injunction went into effect in July 2019. Since that time, a court-appointed monitoring team has been assessing the Defendants' compliance with the provisions of the district court's final injunction.

The court-appointed monitoring team grouped the Court's upheld remedial orders into five categories: General; Screening, Intake and Investigation of Maltreatment in Care Allegations; Organizational Capacity; Preventing Child-on-Child Sexual Aggression; and Regulatory Monitoring & Oversight of Licensed Placements. This report discusses DFPS' performance concerning all remedial orders relating to Demographics, Screening, Intake and Investigations (Remedial Orders 3, 5-11, 16, 18, A6, B5 and 37) and Organizational Capacity (Remedial Orders 1, 2, 35, A-1 through A-4, and B1 to B4). Subsequent DFPS compliance status reports will address the department's performance as to the remaining remedial orders not discussed herein.

Throughout this report, the data reporting periods by which DFPS evaluated certain performance metrics include state fiscal years (mainly fiscal year 2021 aggregate and monthly data) and state fiscal year quarterly reporting cycles. DFPS understands the Monitors' methodologies to evaluate the department's performance may include different data reporting periods (e.g., five- and six-month reporting cycles, one-month snapshots). However, the data reporting periods within this report include both snapshots and data reporting periods that are consistent with federal and state requirements DFPS must comply with to provide near real-time trend analysis and year-over-year comparisons.

As discussed further herein, DFPS has made substantial policy and practice improvements in compliance with the Court's remedial orders. However, additional work remains. DFPS appreciates and looks forward to the Court's ongoing feedback as we work together to keep children in care safe and continuously improve service quality.

# **DFPS Performance Summary – Fiscal Year 2021 and January – June 2021**

## **Screening, Intake and Investigation of Maltreatment in Care Allegations**

### **Remedial Order 3 (Screening and Investigating Abuse/Neglect Allegations)**

- During FY 2021, Statewide Intake received 599,248 calls reporting suspected abuse/neglect. Of these, 483,335 calls were handled (81%) and 115,913 calls abandoned (19%).
- On average, callers waited 4.3 minutes before the call was handled and four minutes before abandoning the call
- Compared to FY 2019, Statewide Intake received and handled slightly more calls in FY 2021 (1.6% and 2.7%, respectively) and slightly fewer calls abandoned (2.5%).
- Since October 2020, the proportion of intakes reclassified to Priority None (PN) have been between zero and 6%.
- Between January and June 2021, Statewide Intake received 306,267 calls reporting suspected abuse/neglect. Of these, 239,384 calls were handled (78%) and 66,883 calls abandoned (22%). During this same time period, 93% of intakes progressed to investigation (2,572 of 2,779 intakes).

### **Remedial Order 5 (Timely P1 Investigation Initiation)**

- During FY 2021, 82% of Priority 1 investigations were timely initiated. Since March 2021, Priority 1 investigation timeliness has predominantly improved, from 72% in March to 92% in August.
- Between January and June 2021, 79% of Priority 1 investigations were timely initiated.

### **Remedial Order 6 (Timely P2 Investigation Initiation)**

- During FY 2021, 87% of Priority 2 investigations were timely initiated. Since March 2021, Priority 2 investigation timeliness has been between 86% and 91%.
- Between January and June 2021, 86% of Priority 2 investigations were timely initiated.

### **Remedial Order 7 (Timely P1 Face-to-Face Contact)**

- During FY 2021, 85% of Priority 1 investigations had timely face-to-face contact. Since March 2021, face-to-face contact timeliness in Priority 1 investigations has predominantly improved, from 77% in March to 94% in August.
- Between January and June 2021, 83% of Priority 1 investigations had timely face-to-face contacts.

### **Remedial Order 8 (Timely P2 Face-to-Face Contact)**

- During FY 2021, 88% of Priority 2 investigations had timely face-to-face contact. Since December 2020, face-to-face contact timeliness in Priority 2 investigations has been between 87% and 92%.
- Between January and June 2021, 88% of Priority 2 investigations had timely face-to-face contacts.

### **Remedial Order 9 (Timely P1/P2 Face-to-Face Tracking)**

- DFPS submits monthly reports to the Monitors that include indicators for whether each face-to-face contact was timely or untimely; the date and time of the first face-to-face contact with the alleged victim (in investigations having one alleged victim); and whether all initial contacts for all alleged victims were timely (in investigations having more than one alleged victim).

### **Remedial Order 10 (Timely P1/P2 Investigation Completions)**

- During FY 2021, 66% of closed investigations were completed timely (1,298 out of 1,953 closed investigations).
- Between January and June 2021, 59% of closed investigations were completed timely (710 out of 1,210 closed investigations). During this same time period, the proportion of delinquent investigations was between 5% and 49%.
- Between April and August 2021 (following the investigation backlog project), 74% of closed investigations were completed timely. During this same time period, 86% of open investigations remained timely (i.e., were not in an overdue status).
- In April 2021, only 5% of open investigations were delinquent, a considerable improvement from a high of 76% delinquent investigations in December 2019.
- Between March and October 2021, between 5% and 20% of RCCI investigations were delinquent.

### **Remedial Order 11 (Tracking and Reporting on Timely Investigation Completions)**

- DFPS submits monthly RCCI investigation reports to the Monitors that include indicators for whether the investigation was completed timely; the date an investigation extension was approved; the reason an approved extension was requested; and the extension timeframe.

### **Remedial Order 16 (Timely P1/P2 Documentation)**

- RCCI policy and practice requires all documentation pertaining to the investigation to be completed by the date the investigation is completed, which is the same date the investigation is submitted to the supervisor in IMPACT for approval and closure.



### **Remedial Order 18 (Notifications to Reporter and Provider)**

- During FY 2021, 84% of RCCI investigations included timely notice to the reporter.
- Between January and June 2021, 80% of RCCI investigations included timely notice to the reporter.
- During FY 2021, 72% of RCCI investigations included timely notice to the provider.
- Between January and June 2021, 70% of RCCI investigations included timely notice to the provider.
- Since May 2021, the prevalence of timely notifications sent to the provider has been between 90% and 94%.

### **Remedial Order A6 (Points of Contact for Reporting Suspected Abuse/Neglect)**

- The CPS Rights of Children and Youth in Foster Care document, which includes contact information for the Statewide Intake abuse/neglect hotline and the Foster Care Ombudsman, is provided to all children and youth in CPS foster care. The Rights document must be signed by the child/youth, caregiver and DFPS staff and be uploaded to OneCase.
- During FY 2021, 86% of cases the CPS conservatorship (CVS) quality assurance team reviewed included a signed, uploaded Rights document. Between Q1 FY 2021 and Q4 FY 2021, the prevalence of cases that included a signed, uploaded Rights document improved by 19%, from 75% in Q1 FY2021 to 94% in Q4 FY 2021.

### **Remedial Order B5 (Caseworker Notification of Abuse/Neglect Allegations)**

- Following deployment of an IMPACT enhancement in October 2021, when a caseworker receives an alert on his/her workload and clicks on the alert, a pop-up window appears with a list of intakes involving the child. When the caseworker selects an intake, intake information displays, reducing the time required for a caseworker to access and assess the child's history.
- During FY 2021, 92% of intakes included notice to the child's caseworker within 24 hours.
- Likewise, between January and June 2021, 92% of intakes included notice to the child's caseworker within 24 hours.

### **Remedial Order 37 (Home History Reviews)**

- In January 2021, the process for reviewing a foster home's history transferred from CPS to the Statewide Intake division. Current policy requires the entire home history review process to be completed within 48 hours.
- During FY 2021 Q4,<sup>1</sup> in 89% of home history reviews (n=3), a staffing was held and documented within 48 hours of intake. In 100% of the reviews, the narrative contained a

---

<sup>1</sup> FY 2021 Q4 is the first quarter for which performance data is available following the new home history review completion timelines.

summary of the staffing, and in 88%, the narrative contained details of decisions/actions taken by the caseworker/supervisor. Finally, in 50% of the reviews, the narrative contained an accurate summary of the review.

## **Organizational Capacity**

### **Remedial Order 1 (Core Professional Development Training)**

- Among the 435 caseworkers hired between January 1, 2021 and July 31, 2021, 97.3% of caseworkers required to complete CPD training have completed CPD training (333 out of 342 caseworkers). The remaining 2.7% (9 caseworkers) were pending completion (seven caseworkers) or were not required to complete CPD training due to leaving DFPS or transferring to a non-CVS job (two caseworkers).

### **Remedial Order 2 (Graduated Caseloads)**

- During FY 2021, 87% of DFPS caseworkers were within graduated caseload guidelines at 30 days and 96% were within graduated caseload guidelines at 60 days.
- Between January and June 2021, 90% of DFPS caseworkers were within graduated caseload guidelines at 30 days and 96% were within graduated caseload guidelines at 60 days.
- During FY 2021, 95% of SSCC caseworkers were within graduated caseload guidelines at 30 days and 96% were within graduated caseload guidelines at 60 days.
- Between January and June 2021, 95% of SSCC caseworkers were within graduated caseload guidelines at 30 days and 95% were within graduated caseload guidelines at 60 days.

### **Remedial Orders 35 and A-1 through A-4 (CPS CVS Caseworker Caseloads)**

- Between FY 2019 and FY 2021, CVS caseloads have consistently decreased, from 18.0 children in FY 2019 to 15.6 children in FY 2021.
- Between January and June 2021, CVS caseloads were 15.4 children on average.
- Both during FY 2021 and between January and June 2021, almost 60% of Texas caseworkers (including both DFPS and SSCC staff) and DFPS-only caseworkers had caseloads of 17 or fewer children, in accordance with caseload guidelines.
- During FY 2021, SSCC caseworker caseloads experienced more variability, with between 48% and 60% of caseworkers having caseloads of 17 or fewer children.
- Between January and June 2021, 52% of SSCC caseworkers had caseloads of 17 or fewer children.

### **Remedial Orders B-1 through B-4 (RCCI Investigator Caseloads)**

- Between FY 2019 and FYTD 2022, RCCI investigators' average daily caseloads have progressively decreased, from a high of 24 in November 2019 to a low of 6.6 in October 2021.
- During FY 2021, RCCI investigators' average daily caseload was 11.3. The highest average daily caseload during this time period was 15.2; the lowest was 7.6.
- Between January and June 2021, 92% of RCCI investigators' average daily caseloads were either below 14 investigations (322 of 378) or between 14-17 investigations (27 of 378). Eight percent of investigations were above 17 (29 of 378).

# Screening, Intake and Investigation of Maltreatment in Care Allegations

## Remedial Order 3

Remedial Order 3: *DFPS shall ensure that reported allegations of child abuse and neglect involving children in the PMC class are investigated; commenced and completed on time consistent with the Court's Order; and conducted taking into account at all times the child's safety needs. The Monitors shall periodically review the statewide system for appropriately receiving, screening, and investigating reports of abuse and neglect involving children in the PMC class to ensure the investigations of all reports are commenced and completed on time consistent with this Order and conducted taking into account at all times the child's safety needs.*

## Statewide Intake

The DFPS Statewide Intake division operates 24 hours a day, seven days a week, as the centralized point of intake for reporting suspected incidents of abuse, neglect, and exploitation and child care licensing standards violations. The Statewide Intake contact center receives intakes of suspected abuse, neglect or exploitation via a toll-free phone number, internet reports, regular mail and a fax number. During fiscal year (FY) 2021, Statewide Intake received 773,919 contacts—on average more than 2,000 contacts per day. This is a 5% increase from FY 2020, during which Statewide Intake received 736,777 contacts.

Figure 1<sup>2</sup> depicts Statewide Intake year-over-year trends in total abuse/neglect calls received, handled and abandoned, from FY 2019 through FY 2021. During FY 2021, Statewide Intake received and handled slightly more calls than in FY 2019 (1.6% and 2.7%, respectively) and slightly fewer calls abandoned (2.5%).<sup>3</sup>

---

<sup>2</sup> Data Source: SWI 01/03. Data set excludes Youth Hotline and Supervisor calls because their inclusion materially alters performance metrics related to abuse/neglect call handling and abandon rates. Youth Hotline calls are typically from parents and teens who need local prevention services (e.g., concerning runaway incidents, substance abuse, suicidal ideations, depression, conflicts within the home). Supervisor calls are almost exclusively internal calls from intake specialists to supervisors for assistance with assessment decisions. Presumably, Statewide Intake received fewer intakes in FY 2020 because of the COVID-19 pandemic. As intakes return to numbers seen historically (and potentially increase further still), hold times are likewise increasing. Once Statewide Intake is fully staffed, DFPS anticipates hold times will again decrease.

<sup>3</sup> DFPS determines the abandonment rate by dividing the total number of calls abandoned by the total number of calls that navigated the phone system's Interactive Voice Response (IVR) and were placed into queue. Calls abandoned prior to completing the IVR navigation are not included in abandonment numbers as the caller was never required to hold and may have disconnected due to information heard in the IVR process informing the caller of the Internet reporting system.

Figure 1. Statewide Intake Calls, FY 2019 – FY 2021

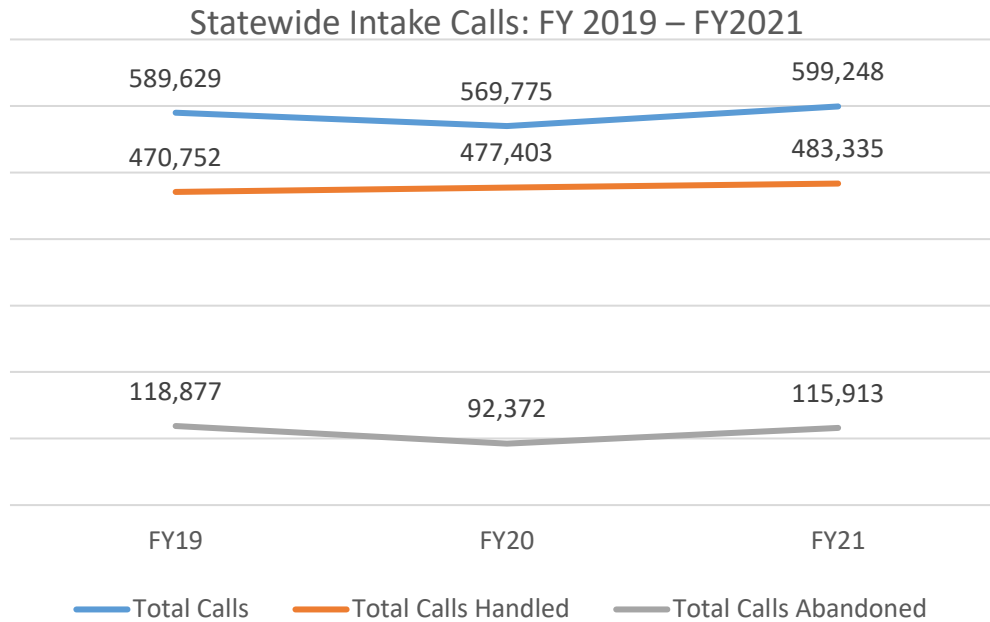


Figure 2<sup>4</sup> depicts FY 2021 Statewide Intake abuse/neglect call trends. During FY 2021, Statewide Intake received 599,248 calls reporting suspected abuse/neglect. Of these, 483,335 calls were handled (81%) and 115,913 calls abandoned (19%). On average, callers waited 4.3 minutes before the call was handled and 4 minutes before abandoning the call.<sup>5</sup> Based on a recent Statewide Intake analysis of FY 2021 calls, on average, 63% of abandoned calls dropped between 0 and 5 minutes; 27% dropped between 5 to 10 minutes and 10% dropped after holding for more than 10 minutes.<sup>6</sup> During FY 2021, the longest wait times before a call was either handled or abandoned occurred on December 4, 2020, a day during which Statewide Intake experienced long telephone and application downtimes.

Between January and June 2021, Statewide Intake received 306,267 calls reporting suspected abuse/neglect. Of these, 239,384 calls were handled (78%) and 66,883 calls abandoned (22%).

<sup>4</sup> *Supra* note 2. Including Youth Hotline and Supervisor calls would result in a FY 2021 total of 700,333 calls, 574,120 calls handled (82%) and 126,213 (18%) calls abandoned.

<sup>5</sup> *Id.*

<sup>6</sup> This data is based on Statewide Intake’s analysis of a FY 2021 report that provides data at the day level, not at the individual call level. Consequently, data is based on daily averages. For example, if 9 callers abandoned at one minute and one caller abandoned at 11 minutes, the average hold time before a call abandoned would be two minutes.

Figure 2. Statewide Intake Calls by Month, FY 2021

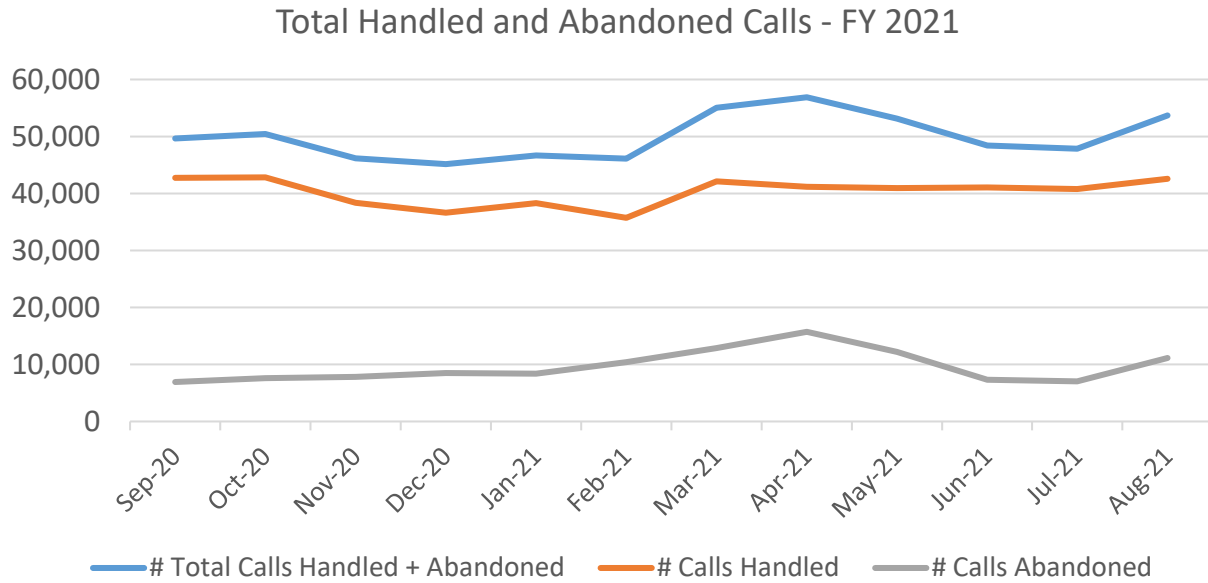
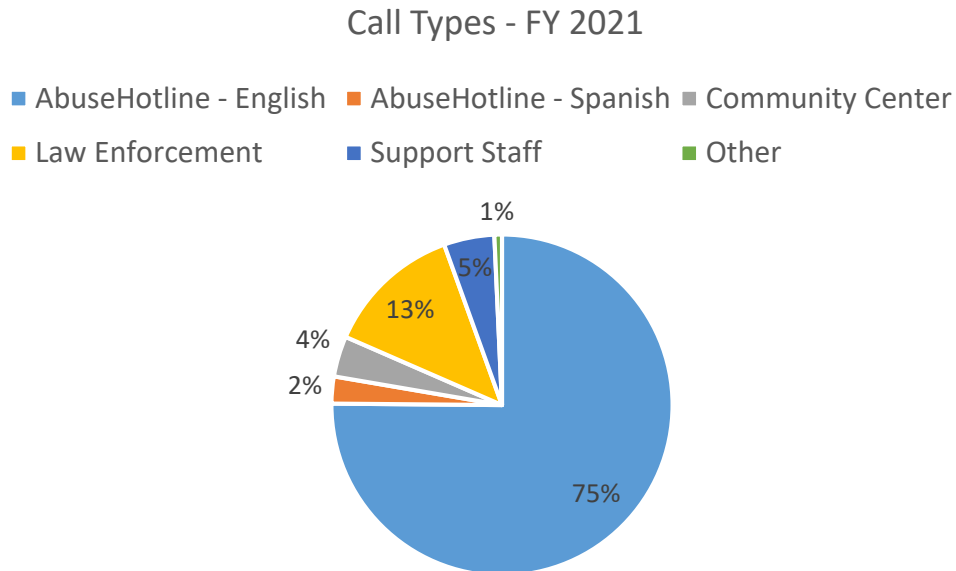


Figure 3<sup>7</sup> illustrates the proportion abuse/neglect calls Statewide Intake received during FY 2021 by call type. Most Statewide Intake abuse/neglect calls received during FY 2021 were routed through the AbuseHotline – English call queue.

Figure 3. Statewide Intake Call Types, FY 2021



<sup>7</sup> *Supra* note 2.

The Texas Legislative Budget Board (LBB) sets certain performance measure targets for Statewide Intake. For example, Statewide Intake must maintain an annual average hold time of 7.4 minutes or less for calls in the English Queue. In FY 2021, the average hold time for Statewide Intake's English queue was 5.2 minutes, a 13% increase compared to the previous year,<sup>8</sup> but 2.2 minutes less than the LBB's performance measure target of 7.4 minutes or less.

### **Statewide Intake LEAN Initiative**

In 2019, Statewide Intake and the DFPS Center for Learning and Organizational Excellence developed and launched a "LEAN" efficiency initiative that streamlined the intake process, allowing Statewide Intake to handle more calls in less time, and help more clients. This initiative included quick win policy updates/clarifications, a redesigned interview process, tools to help staff track and plan their work and a toolbox of resources and skills to reduce call-handling time. LEAN has been widely recognized for its success and other states (Connecticut, Georgia, Illinois and Michigan) have explored whether LEAN can help improve their processes as well.

Statewide Intake staff continue to apply the LEAN concepts learned in 2019 and in related staff trainings, with all staff averaging more than 1.8 calls per hour during the previous year. To supplement this effort, Statewide Intake is developing a new set of best practices for its workforce management team to ensure intake staff are assigned to the most appropriate workload queues at any given moment to promote call efficiency. Since August 2021, Statewide Intake has graduated two intake specialist training classes, with a third training class underway.

### **Statewide Intake Legislative Appropriations Requests**

During the 86<sup>th</sup> Texas Legislature (Regular Session, 2019), DFPS requested and received \$4.3 million for Statewide Intake frontline staff compensation alignment, a staff retention initiative designed to promote salary equity with CPS and other staff performing similar jobs in Texas. These additional funds were also intended to improve Statewide Intake staff performance through reductions in call hold times and call abandonment rates and increases in the numbers of calls handled.

## **Residential Child Care Investigations**

The DFPS Residential Child Care Investigations program is responsible for investigating allegations of abuse, neglect and exploitation of children and youth in 24-hour residential child care in Texas that is subject to regulation by the Texas Health and Human Services Commission (HHSC). This includes investigations of allegations in general residential operations, which

---

<sup>8</sup> As noted previously herein, presumably, Statewide Intake received fewer intakes in FY 2020 because of the COVID-19 pandemic. As intakes return to numbers seen historically (and potentially increase further still), hold times are likewise increasing. Once Statewide Intake is fully staffed, DFPS anticipates hold times will again decrease.

include residential treatment centers and emergency shelters, and child placing agencies, which include licensed foster homes. Intake reports are assigned a priority based on Statewide Intake policies and guidance. Priority designations include Priority 1 (P1), Priority 2 (P2) and Priority None (PN). Table 1 includes a description of each priority designation.<sup>9</sup>

*Table 1. Statewide Intake Priority Designations*

<b>Designation</b>	<b>Description</b>
Priority 1 (P1)	Intake report concerns either the death of a child or an immediate threat of serious physical or emotional harm or death of a child caused by abuse or neglect. P1 intakes may also be appropriate when an alleged perpetrator continues to have access and present an immediate danger to other children, even if the victim child has been removed from the situation.
Priority 2 (P2)	Intake report concerns an allegation of abuse or neglect that does not indicate immediate risk of death or serious harm.
Priority None (PN)	Intake report allegations are beyond RCCI jurisdiction or have already been investigated in a closed investigation and the intake report does not include new allegations (i.e., the intake involves the same incident, same alleged perpetrator and same alleged victim that was previously investigated)

### **Reclassification of Priority None Intakes**

Beginning in October 2020, an RCCI intake may only be reclassified as a Priority None (PN) if the allegations were previously investigated (same alleged victim/perpetrator and incident) or RCCI lacks jurisdiction to investigate. Since that time, the proportion of intakes reclassified to PN has been between 0 and 6% (Figure 4).<sup>10</sup> This policy and practice change immediately increased the proportion of intakes that progressed to investigation (Figure 5).<sup>11</sup>

<sup>9</sup> See Statewide Intake Policy & Procedures Section 9400 RCCI Priorities et seq. Available at: [https://www.dfps.state.tx.us/handbooks/SWI\\_Procedures/Files/SWP\\_pg\\_9000.asp#SWP\\_9400](https://www.dfps.state.tx.us/handbooks/SWI_Procedures/Files/SWP_pg_9000.asp#SWP_9400) (accessed December 2, 2021). See also Child Care Investigations Handbook Section 6211.1 RCCI Intake Reports Determined Appropriate for Priority None (PN) and Section 6221 Assessing an Intake Report for Type of Investigation et seq. Available at: [https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH\\_pg\\_6000.asp#LPPH\\_6221](https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH_pg_6000.asp#LPPH_6221) (accessed December 2, 2021).

<sup>10</sup> Source: RO3.1 RCI and CPI Intakes

<sup>11</sup> Source: Data Warehouse reports int\_01, ted\_01



Figure 4. Intakes Reclassified to PN, FY 2021 – FYTD 2022

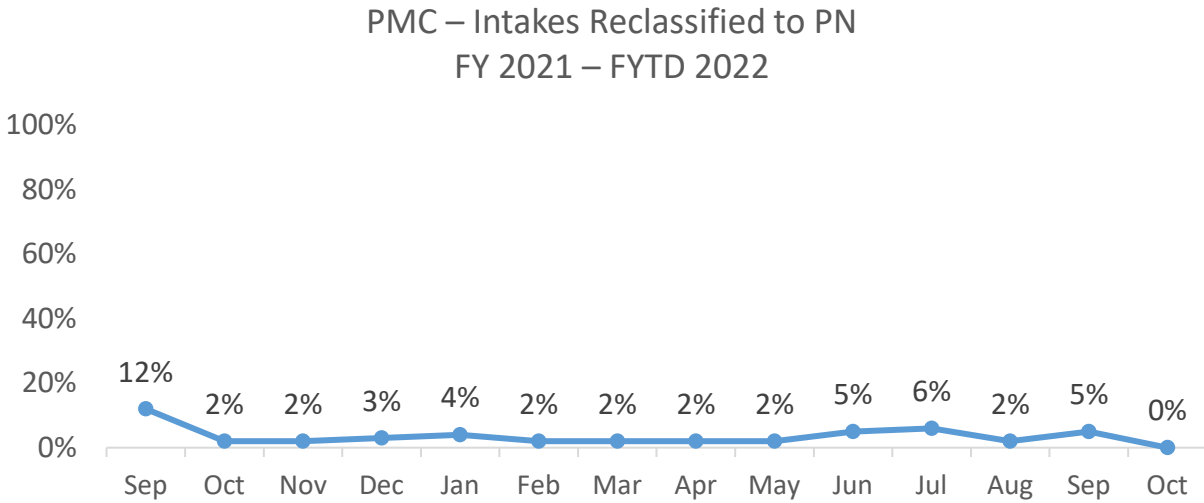
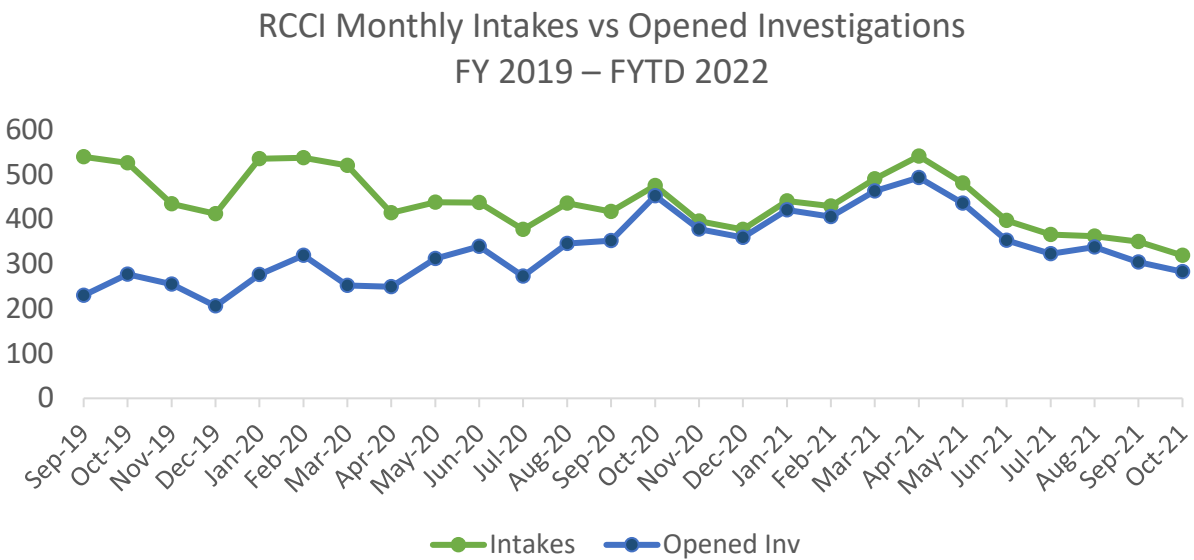


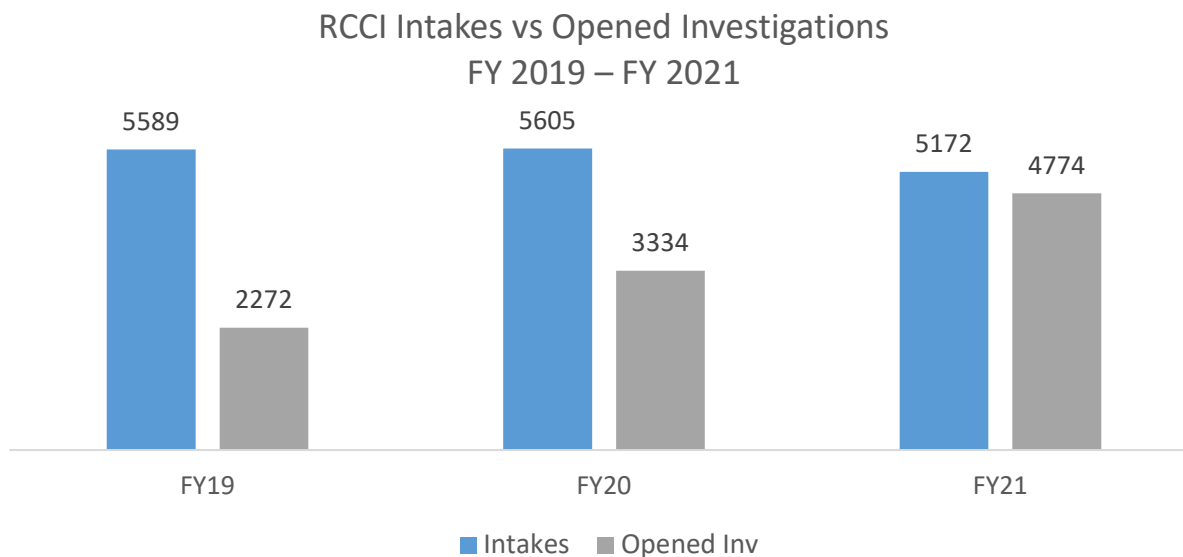
Figure 5. RCCI Monthly Intakes vs. Open Investigations, FY 2019 – FYTD 2022



During the previous three fiscal years, the rate of abuse/neglect reports to Statewide Intake have remained steady; yet, the number of abuse/neglect intakes that have progressed to investigation has more than doubled. From FY 2019 to FY 2021, the number of intakes has decreased by 7.5%

while the number of opened investigations has increased by 110% (Figure 6).<sup>12</sup> Between January and June 2021, 93% of intakes progressed to investigation (2,572 of 2,779 intakes).

Figure 6. RCCI Annual Intakes vs. Opened Investigations, FY 2019 – FY 2021



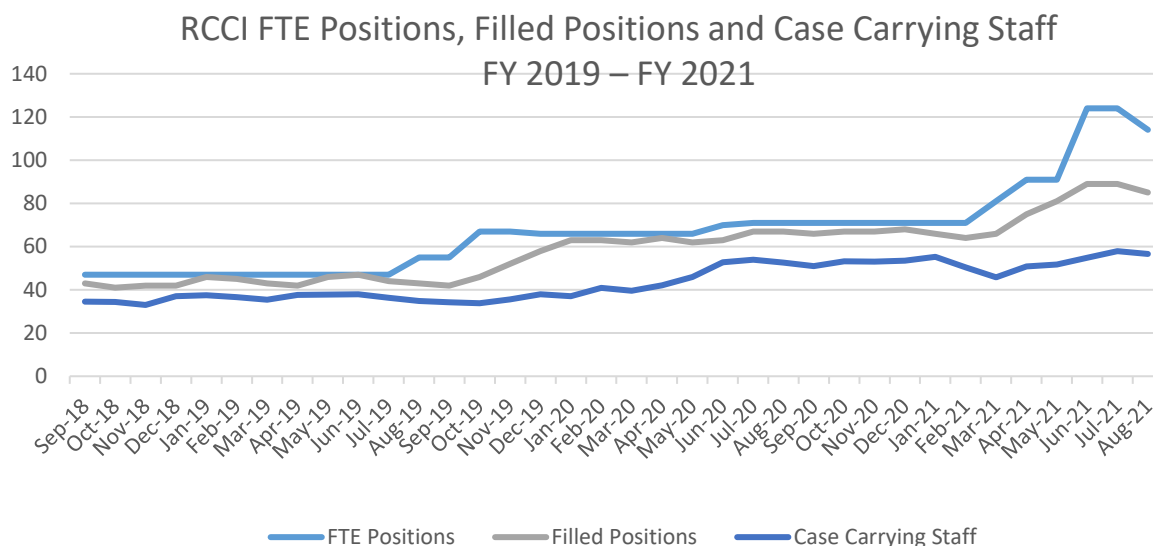
### RCCI Staffing Patterns

As indicated in Figure 7, since September 2018, the number of RCCI FTEs has increased by almost 150%; however, the number of case carrying RCCI staff struggles to keep pace.<sup>13</sup> RCCI has taken several actions to increase the number of case carrying staff, including aggressively filling 20 investigator positions by April 2021, partnering with the DFPS Center for Learning and Organizational Excellence to add Basic Skills Development training sessions in FY 2021 Q3 and FY 2022 Q1, quickly training newly hired investigators, and continuing to recruit and train mentors to increase the number of trainees with dedicated mentor support. Increasing the number of tenured staff should also lead to downstream improvements in both caseloads and investigation quality.

<sup>12</sup> *Id.*

<sup>13</sup> Source: Data Warehouse report ted\_01, Hiring Funnel.

Figure 7. RCCI FTEs: Filled vs. Case Carrying Positions, FY 2019 – FY 2021



### RCCI Quality Assurance and Quality Improvement Activities

RCCI has implemented a number of activities designed to improve investigation quality and timeliness. Quality efforts have focused on promoting safety decision-making, gathering critical information; thoroughly documenting; issue spotting; and conducting trend analysis, while timeliness efforts have focused on holding staffings between investigators and supervisors earlier in the investigation. Specific activities include:

- RCCI Quality Assurance Team Case Reviews
- Complex Investigation Division case staffing observations
- Secondary approval process for certain investigations
- Administrative Review of Investigation Findings (ARIF)
- IMPACT Multiple Referral (M-Ref) Indicator
- RCCI staff training

In addition to these activities, DFPS has leveraged the comments and observations within the Monitors three comprehensive quality reviews<sup>14</sup> of RCCI investigations to guide RCCI's quality

<sup>14</sup> The Monitors' first review found 71.4% of the sampled investigations were appropriately investigated and dispositioned. Their second review was more favorable, finding 82% of the sampled investigations were appropriately investigated and dispositioned. Upon receiving this feedback, DFPS undertook an extensive analysis of the remaining investigations the Monitors determined were inappropriately dispositioned and/or inadequately investigated. For 65% of these disputed investigations, DFPS either fully agreed with the Monitors' conclusions or agreed with the Monitors that the investigations were deficient, and that the disposition should have been changed even though the Monitors concluded an

improvement efforts. The Third Report of the Monitors included a review and discussion of 39 RCCI investigations the Monitors believe were incorrectly dispositioned and/or the investigation was deficient. RCCI swiftly analyzed these disputed investigations, carefully considering the Monitors' comments and analyses. RCCI agreed with the Monitors' analysis as to 22 of the disputed investigations (56%), partially agreed as to four (10%) and disagreed as to 13 (33%). Because RCCI investigations that do not involve a fatality/near fatality are confidential, DFPS did not file this detailed analysis with the Court and instead provided it directly to the Monitors.

The Third Report of the Monitors further noted that the majority of the 39 disputed investigations were not timely completed, in violation of Remedial Order 10. While the Court makes the ultimate determination regarding compliance, DFPS notes these investigations closed between January and April 2021. Following the investigation backlog project which ended in April 2021, the prevalence of timely investigation completions has substantially improved. Between April 2021 and August 2021, 74% of closed investigations were completed timely (511 out of 688 closed investigations). During this same time period, 86% of open investigations remained timely (i.e., were not in an overdue status). Despite this marked improvement, DFPS acknowledges that additional work remains and as discussed further herein, DFPS is committed to achieving and maintaining timely investigation completions going forward.

#### [RCCI Quality Assurance Team Case Reviews](#)

In August 2019, RCCI established a quality assurance team to evaluate the timeliness and quality of RCCI investigations and develop performance reports to guide practice improvements and field staff development. The RCCI quality assurance team shares case read reports with field staff who review their findings on a monthly basis to understand why any deficiencies were noted and make targeted improvements to investigative practice. In October 2021, the RCCI quality assurance team refined its case read tool, using the Monitors' comprehensive quality reviews as a guide to ensure the tool included questions designed to evaluate staff performance relating to certain quality metrics, including interviewing all parties; investigating new allegations; assessing adherence to safety plans; obtaining and reviewing all documents/records; seeking evidence to reconcile inconsistencies; reviewing prior incidents; and conducting quality interviews. As discussed further herein, RCCI has implemented a number of quality improvement initiatives focused on promoting safety decision-making, gathering critical information; thoroughly documenting; issue spotting; and conducting trend analysis. RCCI will closely monitor ongoing performance to evaluate whether these initiatives are positively impacting investigation quality. To the extent that further improvement initiatives are needed, RCCI is committed to pursuing those additional efforts.

---

appropriate disposition could not be determined. The Monitors' third review was more favorable still, finding 85.3% of the sampled investigations were appropriately investigated and dispositioned.

### Complex Investigation Division (CID) Case Staffing Observations

Case staffings are required throughout an investigation to ensure allegations are thoroughly investigated and tasks are completed prior to the investigation being submitted to the supervisor for approval. To evaluate the effectiveness of case staffings and whether appropriate guidance was provided, a CID workgroup was assembled in July 2021 to observe a random sample of case staffings between RCCI supervisors and investigators. During these case staffing observations, CID staff evaluated whether all pertinent information was identified and discussed, whether supervisors provided clear and appropriate direction to investigators, and how follow up case actions and tasks were evaluated. CID staff also evaluated how supervisors organize and manage case staffings (to identify efficiencies) and looked for regional variations in both the content and quality of case staffings (to ensure consistent application of quality investigative practices).

CID staff provided feedback to the RCCI supervisors and program administrators, highlighting both strengths and development needs. Through their observations, CID staff determined that case staffings were often timely but deficient. For example, CID staff noted that less tenured supervisors often should have asked more probative questions, solicited more information, better understood the allegations and provided better guidance to the investigator about completing investigative tasks and why those tasks are essential to an investigation's outcome.

CID staff conduct case staffing observations every six months or more often, upon request. The next round of case staffing observations will occur in January 2022, then again in July 2022. Following these case staffing observations, CID staff will continue to provide feedback to the RCCI supervisor and program administrator concerning any identified strengths and development needs.

### Secondary Approval Process for Certain Investigations

RCCI CID staff conduct secondary approvals to ensure investigations are thoroughly investigated and appropriately and consistently dispositioned. RCCI investigators may request CID staff to conduct a secondary review of any investigation. However, secondary approvals are required for investigations involving:

- child fatalities and near fatalities;
- physical abuse with serious injuries;
- sexual abuse cases with an RTB finding;
- cases with an Unable to Determine (UTD) finding;
- all cases with a prior consult with CID; and
- all cases that received an M-Ref review (defined and discussed further herein) at the onset of the case.

During the secondary review process, CID staff and the investigator discuss the evidence and the appropriate disposition before the investigation is submitted to the investigative supervisor for first line approval. Between June and November 2021, CID staff completed secondary approvals for 120 investigations.

### IMPACT Multiple Referral (M-Ref) Indicator

In July 2021, DFPS implemented an IMPACT indicator to alert RCCI staff when a general residential operation (GRO) has an apparent pattern of investigations based on the number of investigations a GRO receives during a six-month period<sup>15</sup>. In this event, IMPACT will generate a notice flagging the investigation for “M-Ref review.” If an investigation is flagged for M-Ref review, the RCCI supervisor will send an email to the RCCI Complex Investigation Division (CID) mailbox upon receipt of the intake report from Statewide Intake, notifying CID staff that an M-Ref review is required. Within 5 calendar days from the date the intake report was received from Statewide Intake, CID staff must document their M-Ref review findings as an IMPACT contact, which the RCCI investigator and supervisor will review. These M-Ref review findings will include:

- a detailed history of the operation, including any regulatory or contract actions, prior Reason to Believe (RTB) or Unable to Determine (UTD) dispositions, and heightened monitoring status;
- a pattern analysis;
- specific concerns the investigator should evaluate; and
- a determination whether the operation’s administrator and/or signatory authority must be included as an alleged perpetrator in the investigation (for failure to address systemic and ongoing issues).

As appropriate, CID staff will add the operation administrator and/or signatory authority as an alleged perpetrator for neglectful supervision (NSUP) to the IMPACT person list.<sup>16</sup> Upon reviewing the CID staff’s M-Ref review findings, the RCCI investigator must review the IMPACT person list and follow the CID staff’s directives. Once the RCCI supervisor approves the investigation, it is sent to CID for secondary approval.

### RCCI Administrative Review of Investigation Findings (ARIF)

Upon a designated perpetrator’s request, the DFPS RCCI division<sup>17</sup> conducts an administrative review of investigation findings (ARIF) when evaluating whether an individual was appropriately designated a perpetrator of abuse, neglect, or exploitation according to RCCI

---

<sup>15</sup> This IT enhancement applied prospectively. As the initial six-month lookback period began in July 2021, investigations involving GROs having an apparent pattern of investigations will start being flagged in December 2021.

<sup>16</sup> For operation administrators and/or signatory authorities whom CID staff has identified as an alleged perpetrator during the M-Ref review, the investigator will assess NSUP based on 40 TAC §707.801(b)(1)(K), (L), and (M).

<sup>17</sup> As of December 1, 2021, the RCCI Investigation Review Specialist staff who conduct ARIFS transitioned to the DFPS Office of Internal Affairs. This transition was designed to eliminate any perceived conflicts of interest and to promote fair and objective administrative reviews.

policy, administrative rules, and applicable statutes.<sup>18</sup> Since FY 2019, the total number of ARIFs has decreased by 28% and the total number of ARIFs resulting in a disposition change has decreased by 66%. Table 2 includes the total number of ARIFs RCCI conducted between FY 2019 – FY 2021 and the number and percent of ARIFs resulting in a disposition change.<sup>19</sup>

Table 2. RCCI Administrative Reviews of Investigation Findings, FY 2019 – FY 2021

<b>Fiscal Year</b>	<b>Total ARIFs (by case)</b>	<b>ARIFs Resulting in Disposition Change</b>	<b>Percent Resulting in Disposition Change</b>
2019	271	29	11%
2020	254	15	6%
2021	194	10	5%

To ensure that DFPS and HHSC are appropriately collaborating when abuse/neglect findings and/or citations are overturned following an administrative review, DFPS and HHSC have developed mutual policies requiring notice to the other.<sup>20</sup> In June 2021, DFPS shared these policies with the Monitors along with a flow chart illustrating the process by which DFPS and HHSC collaborate under these circumstances.<sup>21</sup>

#### RCCI Staff Training

RCCI has scheduled and coordinated several staff training events designed to improve the quality of investigations. In July 2021, approximately 95% of RCCI staff participated in the SPARK 2021 conference. Presenters included child abuse experts from the medical, legal, and law enforcement fields whose presentations addressed differentiating between accidentally and intentionally inflicted injuries, recognizing signs of human trafficking, working with multi-disciplinary teams and using interviewing techniques to maximize interviews with alleged perpetrators.

In October 2021, the RCCI division held a three-day all-staff training event. Training topics included writing effective investigation reports, note taking and conducting field interviews. CCI

<sup>18</sup> See DFPS Child Care Investigations Handbook Section 7710 Administrative Reviews. Available at: [https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH\\_pg\\_7600.asp#LPPH\\_7710](https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH_pg_7600.asp#LPPH_7710) (accessed November 20, 2021).

<sup>19</sup> Source: DRIT 104147-ARIF Totals by Case.

<sup>20</sup> See DFPS Child Care Investigations Handbook Section 7717.3 Notifying Child Care Licensing When the Administrative Review Overturns or Changes the Investigation Finding. Available at: [http://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH\\_pg\\_7600.asp#LPPH\\_7717\\_3](http://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH_pg_7600.asp#LPPH_7717_3) (accessed December 1, 2021). See also HHSC Child Care Regulation Handbook Section 7718 Notifying DFPS of an Overturned Citation for Abuse, Neglect or Exploitation. Available at: <https://www.hhs.texas.gov/handbooks/child-care-regulation-handbook/7000-voluntary-actions-enforcement-actions#7718> (accessed December 1, 2021).

<sup>21</sup> Email from Heather Bugg to Deborah Fowler and Kevin Ryan *ARIF Communication between DFPS and HHSC* (June 6, 2021).

is planning a one-day follow up training event in February 2022 focused on quality report writing, including disposition writing.

In addition to these targeted trainings, CCI is working with the DFPS Center for Learning and Organizational Excellence to enhance the CCI Basic Skills Development curriculum to better align with current practice and investigation workflows and incorporate targeted training, including quality report writing.

### **RCCI Legislative Appropriations Requests**

During the 86<sup>th</sup> Texas Legislature (Regular Session, 2019), DFPS requested and received \$1.7 million for 13.0 FTEs to reduce the average investigation caseload and facilitate quality investigations and timely investigation closures. In addition, DFPS requested and received \$1.1 million for 7.0 FTEs to improve the timeliness and quality of screening of certain Priority 2 intakes.

In September 2019, DFPS requested and received authority to create the following positions using existing legislative appropriations:

- 17.0 additional RCCI FTEs to facilitate timely face-to-face contacts with alleged victims, reduce the investigation backlog and handle increasing numbers of intakes and investigations; and
- 13.0 RCCI FTEs to promote quality investigations through improved screening and qualitative case reviews.

During the 87<sup>th</sup> Texas Legislature (Regular Session, 2021), DFPS requested and received \$8.1 million for 58.0 FTEs to address a 31% increase in investigations resulting from the change in policy regarding Priority None intake classifications.<sup>22</sup> Although these FTEs are required to support an increase in the number of investigations, it is anticipated that the addition of staff will positively impact outcomes related to the other RCCI remedial orders, including timely investigation initiations, face-to-face contact and investigation completions.

---

<sup>22</sup> In October 2020, DFPS implemented a policy and practice change that narrowly limited the circumstances in which an intake may be reclassified as a Priority None. Following this change, intakes may only be reclassified as a Priority None if the allegation was previously investigated or is not within RCCI's jurisdiction.



# **Timeliness of RCC Investigations: Remedial Orders 5 Through 11; 16 and 18**

## **Remedial Orders 5 and 6: Timely Investigation Initiations**

Remedial Order 5: *Within 60 days and ongoing thereafter, DFPS shall, in accordance with existing DFPS policies and administrative rules, initiate Priority One child abuse and neglect investigations involving children in the PMC class within 24 hours of intake. (A Priority One is by current policy assigned to an intake in which the children appear to face a safety threat of abuse or neglect that could result in death or serious harm.)*

Remedial Order 6: *Within 60 days and ongoing thereafter, DFPS shall, in accordance with existing DFPS policies and administrative rules, initiate Priority Two child abuse and neglect investigations involving children in the PMC class within 72 hours of intake. (A Priority Two is assigned by current policy to any CPS intake in which the children appear to face a safety threat that could result in substantial harm.)*

In January 2021, DFPS modified its practice to count an investigation initiation as timely only if *all* alleged PMC victims had face-to-face contact within required timeframes. For Priority 1 investigations, an initial contact is considered timely if it is made within 24 hours. For Priority 2 investigations, an initial contact is considered timely if it is made within 72 hours. DFPS submits monthly RCCI investigation reports to the Monitors that include an indicator for whether all initial contacts for all alleged victims in PMC for the investigation stage are timely. During FY 2021, 82% of Priority 1 investigations were timely initiated. The prevalence of timely Priority 1 investigation initiations was highest in January 2021 (100%) and lowest in March 2021 (72%). Since March 2021, Priority 1 investigation timeliness has predominantly improved, from 72% in March to 92% in August (Figures 8 and 9).<sup>23</sup>

Between January and June 2021, 79% of Priority 1 investigations were timely initiated.

---

<sup>23</sup> Source: FCL report RO3.2 RCI Investigations

Figure 8. RCCI Timely Investigation Initiation by Priority Level, FY 2021

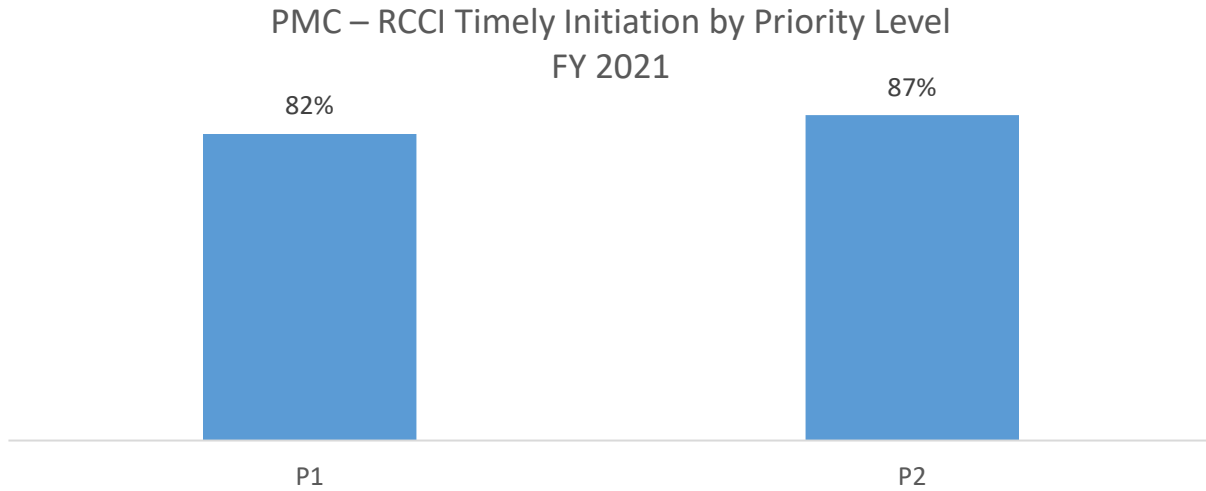
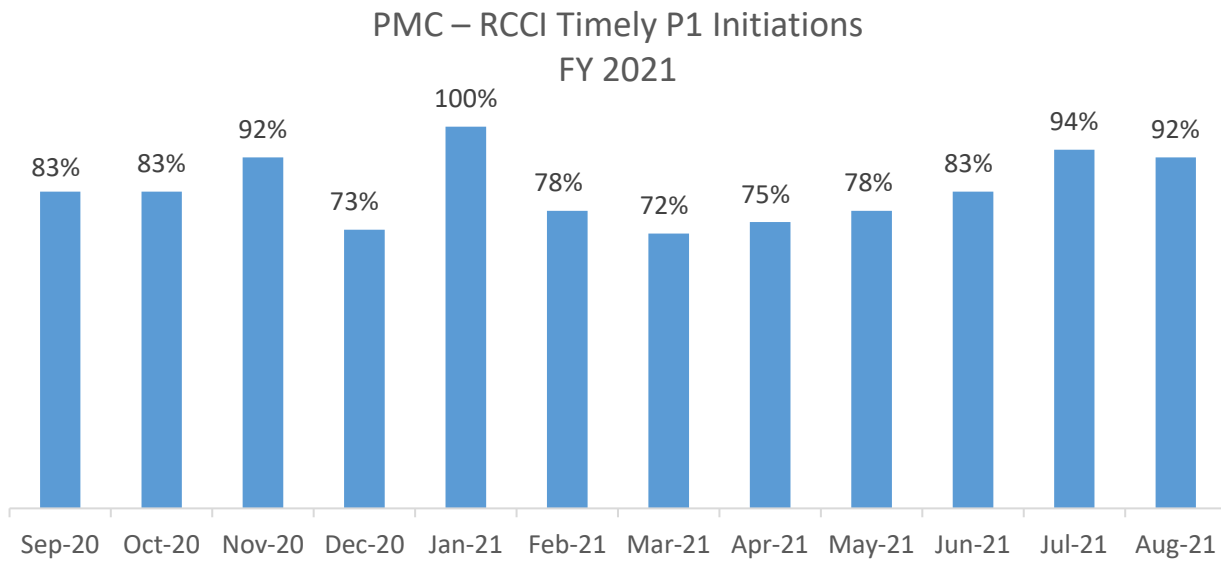


Figure 9. RCCI Timely Priority 1 Initiations, FY 2021

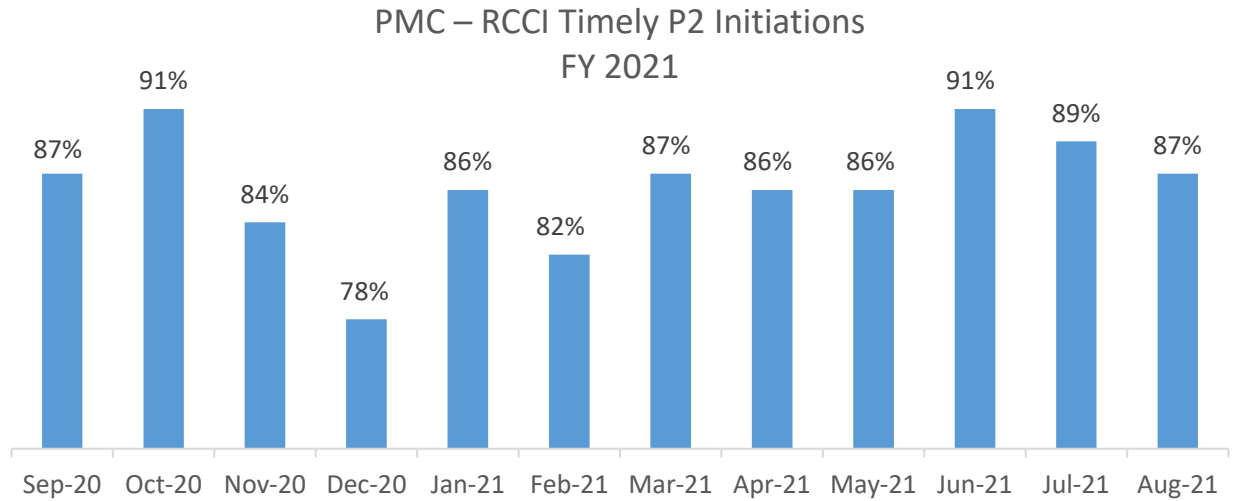


During FY 2021, 87% of Priority 2 investigations were timely initiated. The prevalence of timely Priority 2 investigation initiations was highest in October 2020 and June 2021 (91%) and lowest in December 2020 (78%); Since March 2021, Priority 2 investigation timeliness has been between 86% and 91% (Figures 8 and 10).<sup>24</sup>

Between January and June 2021, 86% of Priority 2 investigations were timely initiated.

<sup>24</sup> *Id.*

Figure 10. RCCI Timely Priority 2 Initiations, FY 2021



## Remedial Orders 7 and 8: Timely Face-to-Face Contact

Remedial Order 7: *Within 60 days and ongoing thereafter, DFPS shall, in accordance with DFPS policies and administrative rules, complete required initial face-to-face contact with the alleged child victim(s) in Priority One child abuse and neglect investigations involving PMC children as soon as possible but no later than 24 hours after intake.*

Remedial Order 8: *Within 60 days and ongoing thereafter, DFPS shall, in accordance with DFPS policies and administrative rules, complete required initial face-to-face contact with the alleged child victim(s) in Priority Two child abuse and neglect investigations involving PMC children as soon as possible but no later than 72 hours after intake.*

For Priority 1 investigations, a contact is considered timely if it is made within 24 hours. For Priority 2 investigations, a contact is considered timely if it is made within 72 hours. During FY 2021, 85% of Priority 1 investigations had timely face-to-face contacts. The prevalence of timely face-to-face contacts in Priority 1 investigations was highest in January 2021 (100%) and lowest in March 2021 (77%). Since March 2021, face-to-face contact timeliness in Priority 1 investigations has predominantly improved, from 77% in March to 94% in August (Figures 11 and 12).<sup>25</sup>

Between January and June 2021, 83% of Priority 1 investigations had timely face-to-face contacts.

<sup>25</sup> *Id.*

Figure 11. RCCI Timely Face-to-Face Contact by Priority Level, FY 2021

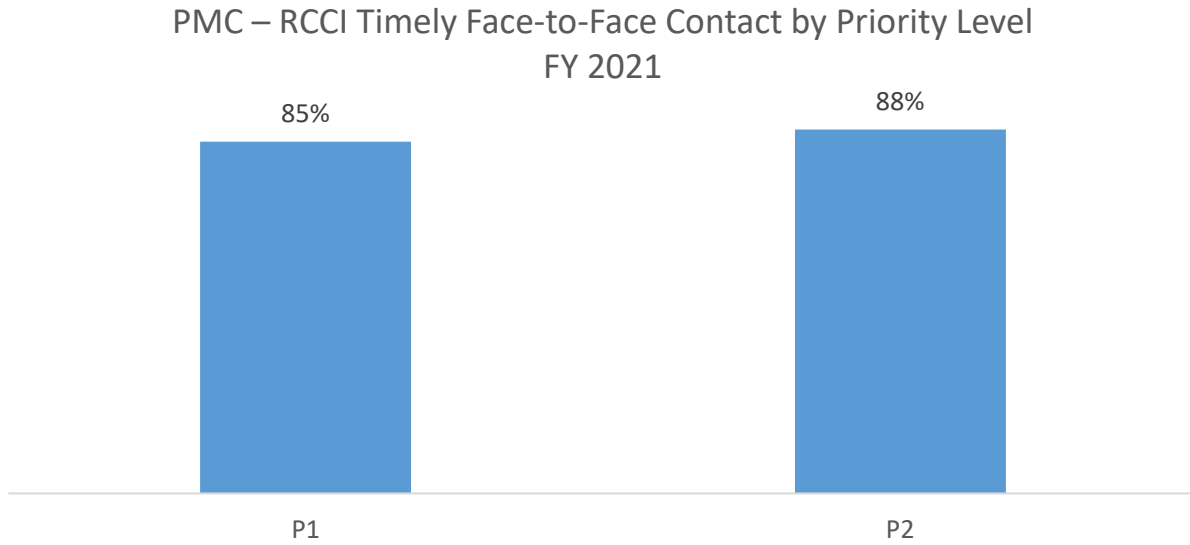
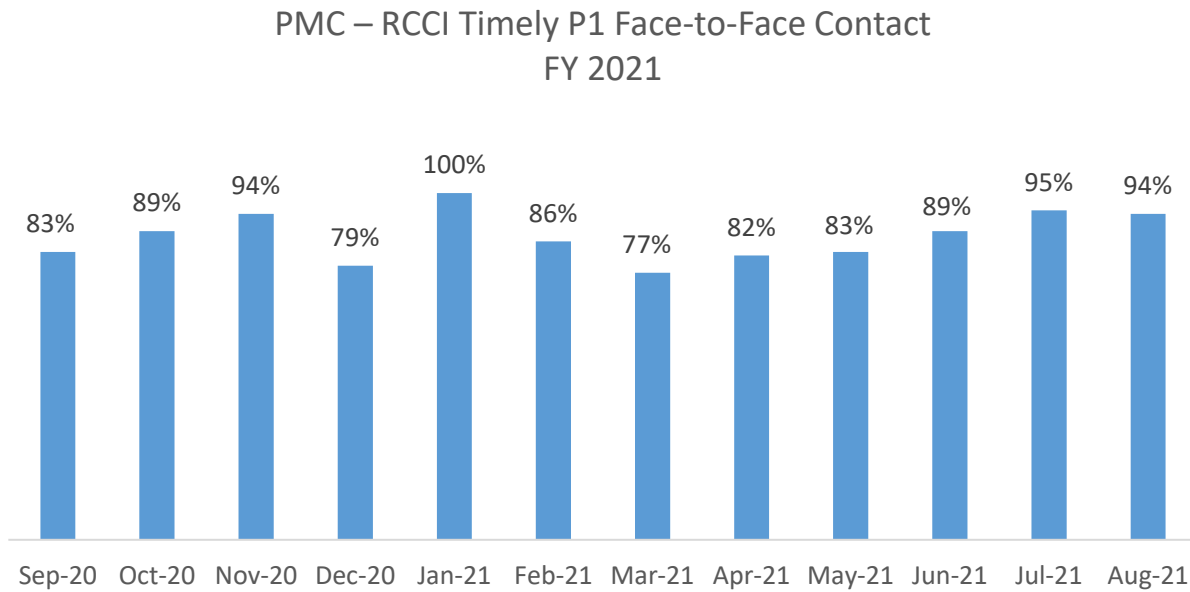


Figure 12. RCCI Timely Priority 1 Face-to-Face Contact, FY 2021

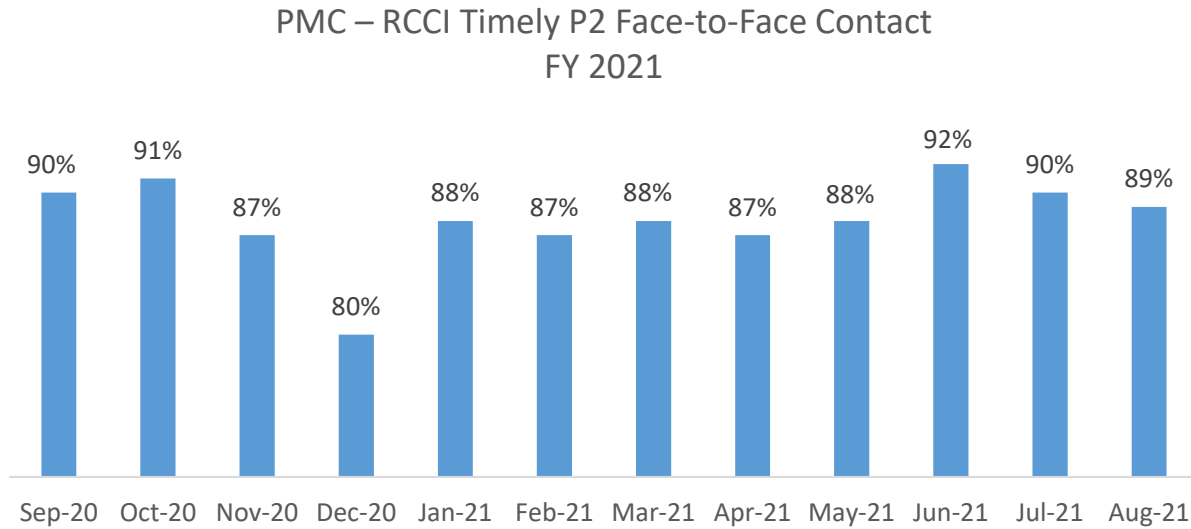


During FY 2021, 88% of Priority 2 investigations had timely face-to-face contact. The prevalence of timely face-to-face contacts in Priority 2 investigations was highest in June 2021 (92%) and lowest in December 2020 (80%). Since December 2020, face-to-face contact timeliness in Priority 2 investigations has been between 87% and 92% (Figures 11 and 13).<sup>26</sup>

Between January and June 2021, 88% of Priority 2 investigations had timely face-to-face contacts.

<sup>26</sup> *Id.*

Figure 13. RCCI Timely Priority 2 Face-to-Face Contact, FY 2021



**Remedial Order 9: Tracking and Reporting on Timely Face-to-Face Contact**

Remedial Order 9: *Within 60 days and ongoing thereafter, DFPS must track and report all child abuse and neglect investigations that are not initiated on time with face-to-face contacts with children in the PMC class, factoring in and reporting to the Monitors quarterly on all authorized and approved extensions to the deadline required for initial face-to-face contacts for child abuse and neglect investigations.*

As noted previously herein, in January 2021, DFPS modified practice to count an investigation initiation as timely only if all alleged PMC victims had face-to-face contact within required timeframes. DFPS submits monthly RCCI investigation reports to the Monitors that include indicators for:

- whether the face-to-face contact documented in IMPACT on a closed investigation was timely or untimely;
- the date and time of the first face-to-face contact with the alleged victim in PMC; and
- whether all initial contacts for all alleged victims in PMC for the investigation stage were timely.

**Remedial Order 10: Timely Investigation Completions**

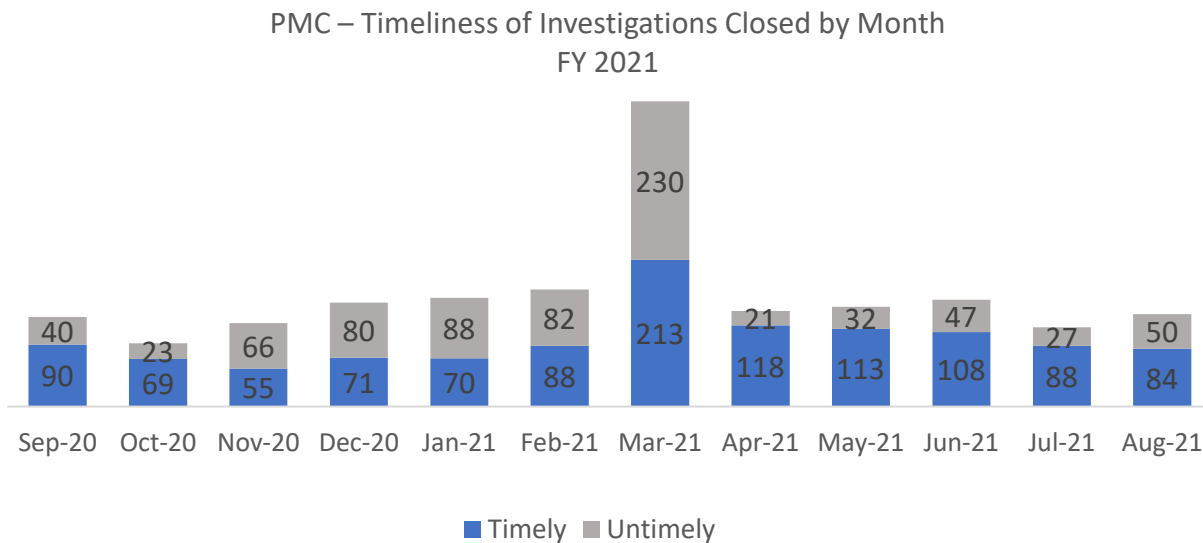
Remedial Order 10: *Within 60 days, DFPS shall, in accordance with DFPS policies and administrative rules, complete Priority One and Priority Two child abuse and neglect investigations that involve children in the PMC class within 30 days of intake, unless an extension has been approved for good cause and documented in the investigative record. If an investigation has been extended more than once, all extensions for good cause must be documented in the investigative record.*

DFPS submits monthly RCCI investigation reports to the Monitors that include indicators for:

- the date the investigation stage was closed in IMPACT;
- the date the investigator first submitted the investigation for supervisor approval and closure in IMPACT;
- the date the supervisor approved and closed the investigation in IMPACT;
- the total number of days in which a caseworker has to complete an investigation (30 days plus any approved extension days); and
- whether the investigation was completed timely (if total days to completion is equal to or less than 30 days plus any approved extension days).

During FY 2021, 66% of closed investigations were completed timely (1,298 out of 1,953 closed investigations) (Figure 14).<sup>27</sup> Between January and June 2021, 59% of closed investigations were completed timely (710 out of 1,210 closed investigations). Following the investigation backlog project discussed further herein and which ended in April 2021, the prevalence of timely investigation completions has substantially improved. Between April 2021 and August 2021, 74% of closed investigations were completed timely (511 out of 688 closed investigations). During this same time period, 86% of open investigations remained timely (i.e., were not in an overdue status).

Figure 14. Timeliness of RCCI Investigations Closed, FY 2021

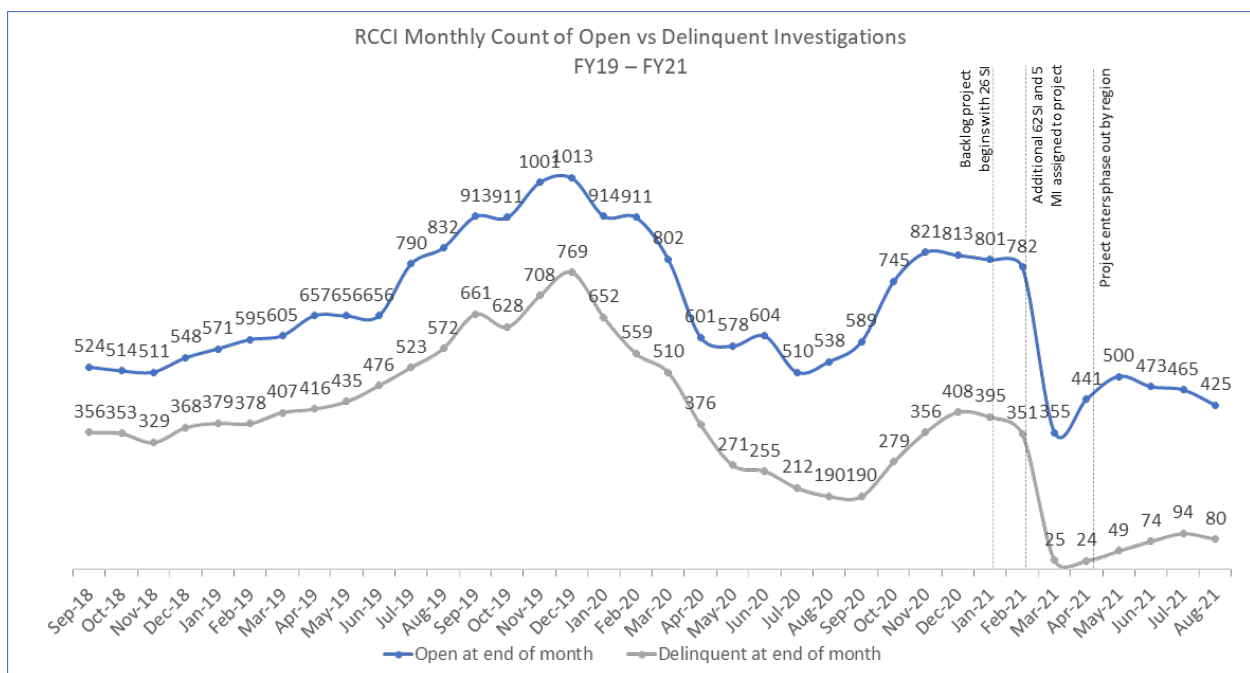


In November 2019, RCCI launched what would become an almost 18-month case closure project. Initially, the project was designed to assist regions experiencing a high backlog of investigations. However, the project soon became a statewide effort, requiring the temporary reassignment of staff from other program areas to help close overdue investigations and begin working new investigations. In December 2019, the backlog reached a high of 769 delinquent cases (Figure

<sup>27</sup> *Id.*

15).<sup>28, 29</sup> Owing to the enduring efforts of the many staff throughout Texas who were temporarily reassigned to work the overdue cases, between December 2019 and September 2020, the investigation backlog decreased by 75%, from 769 to 190, respectively. In October 2020, the investigation backlog again began to climb following the policy and practice change limiting the reclassification of intakes to Priority None. The number of delinquent investigations grew from 190 in September 2020 to 408 in December 2020, a 115% increase. Since December 2020, the backlog has decreased by 80% and DFPS continues to carefully monitor investigations to ensure they are timely completed.

Figure 15. RCCI Monthly Count of Open vs. Delinquent Investigations, FY 2019 – FY 2021



Between January and June 2021, the proportion of delinquent investigations was between 5% and 49%. By April 2021, 5% of open investigations were delinquent, a considerable improvement from a high of 76% delinquent investigations in December 2019. Since April 2021, the proportion of delinquent investigations has been between 10% and 20%.

Although the number of delinquent investigations has slightly increased since April 2021, RCCI is taking several actions to prevent future investigation backlogs, including:

<sup>28</sup> Source: Data Warehouse reports inv\_04\_05\_06\_07, inv\_lic\_01

<sup>29</sup> An investigation is considered timely completed if the total days to completion is equal to or less than 30 days plus any approved investigation extension days. Likewise, an investigation is considered delinquent if the total days to investigation completion is greater than 30 days plus any approved investigation extension days.

- Beginning in August 2021, RCCI supervisors and investigators must conduct an additional case staffing by the 20<sup>th</sup> day of the investigation. This earlier staffing allows the supervisor and investigator to discuss the progress of the investigation well in advance of the 30<sup>th</sup> day and allows the investigator time to conduct any outstanding tasks prior to the investigation being submitted for approval.
- In an effort to identify and provide additional support to staff with development needs, RCCI is analyzing FY 2021 investigation data to identify trends in case rejection rates, including staff with multiple case rejections and common rejection reasons. In addition to improving staff performance, this activity should lead to fewer case rejections and fewer delinquent investigations. Following this initial review, data will be analyzed monthly, as needed. In addition, RCCI quality assurance staff modified its case reading tool to include case rejection data.
- RCCI leadership regularly reviews the investigation dashboard to identify and address concerning trends (e.g., triaging other units to assist with overdue cases due to staff shortages, addressing investigation extensions before they expire).<sup>30</sup>
- In August 2021, RCCI began conducting exit surveys to identify common staff departure reasons, elicit detailed, program-specific feedback and address staff concerns.
- Beginning in October 2021, RCCI supervisors must provide weekly status reports for all delinquent investigations, including a summary of the investigation, reason(s) the investigation is delinquent and a closure plan.
- Beginning in October 2021, RCCI instituted mandatory overtime for investigators and supervisors with delinquent investigations.

## **Remedial Order 11: Tracking and Reporting on Timely Investigation Completions**

*Remedial Order 11: Within 60 days and ongoing thereafter, DFPS must track and report monthly all child abuse and neglect investigations involving children in the PMC class that are not completed on time according to this Order. Approved extensions to the standard closure timeframe, and the reason for the extension, must be documented and tracked. If an investigation has been extended more than once, all extensions for good cause must be documented in the investigative record.*

DFPS submits monthly RCCI investigation reports to the Monitors that include indicators for:

- whether the investigation was completed timely;
- the date an investigation extension was approved;
- the reason an approved extension was requested; and
- the extension timeframe.

---

<sup>30</sup> The investigation dashboard launched in November 2020. As a result of recent staff infusions and realignments (i.e., additional investigator, supervisor and program administrator positions (thereby reducing staff span of control) and new deputy director and manager positions to increase oversight of field staff), RCCI has additional support and oversight to better utilize and more readily act upon trends identified by the dashboard.



## **Remedial Order 16: Timely Investigation Documentation**

Remedial Order 16: *Effective immediately, the State of Texas shall ensure RCCL investigators, and any successor staff, complete and submit documentation in Priority One and Priority Two investigations on the same day the investigation is completed.*

RCCI policy and practice requires all documentation pertaining to the investigation to be completed by the date the investigation is completed, which is the same date the investigation is submitted to the supervisor in IMPACT for approval.

## **Remedial Order 18: Timely Notification Letters**

Remedial Order 18: *Effective immediately, the State of Texas shall ensure RCCL investigators, and any successor staff, finalize and mail notification letters to the referent and provider(s) in Priority One and Priority Two investigations within five days of closing a child abuse and neglect investigation or completing a standards investigation.*

Within 5 calendar days of the investigation being closed in IMPACT, the investigator sends notification of the completion of the investigation to the reporter(s) by generating a CCI Reporter Letter in IMPACT.<sup>31</sup> Likewise, within 5 calendar days after the supervisor or secondary approver approves an investigation in IMPACT, CCI administrative staff mail a notification letter to the operation's controlling person or designee.<sup>32</sup> DFPS submits monthly RCCI investigation reports to the Monitors that include indicators for:

- whether the reporter was provided notice from IMPACT within five days of the investigation being closed;
- the date the reporter was provided notice;
- whether the reporter was anonymous;
- whether the provider was given notice within five days of the investigation being closed; and
- the date the provider was given notice.

During FY 2021, 84% of RCCI investigations included timely notice to the reporter (Figures 16 and 17).<sup>33</sup> The prevalence of timely notifications sent to the reporter was highest between

---

<sup>31</sup> See 40 Tex. Admin. Code § 707.745. See also DFPS Child Care Investigations Handbook Section 6633 Notifying the Reporter of Investigation Results. Available at: [https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH\\_pg\\_6600.asp#LPPH\\_6630](https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH_pg_6600.asp#LPPH_6630) (accessed December 4, 2021). The investigator is not required to send notice to the reporter if there is a reasonable likelihood that notifying the reporter will jeopardize the reporter's safety; DFPS does not have the reporter's mailing address; or the reporter is anonymous.

<sup>32</sup> See DFPS Child Care Investigations Handbook Section 6630 Notifying Relevant Parties of the Results of an Investigation. Available at: [https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH\\_pg\\_6600.asp#LPPH\\_6630](https://www.dfps.state.tx.us/handbooks/CCI/Files/LPPH_pg_6600.asp#LPPH_6630) (accessed December 4, 2021).

<sup>33</sup> *Supra* note 24.

September through December 2020 (97-98%) and was the lowest in May 2021 (74%). Since May 2021, the prevalence of timely notifications sent to the reporter has been between 81% and 85%.

Between January and June 2021, 80% of RCCI investigations included timely notice to the reporter.

Figure 16. RCCI Notifications Sent within Five Days of Investigation Closure, FY 2021

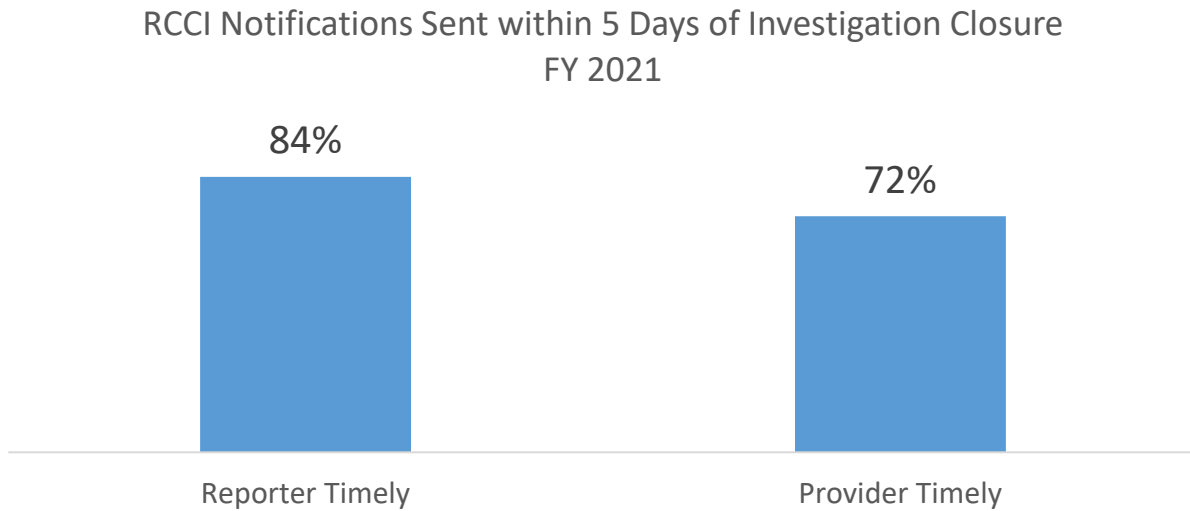
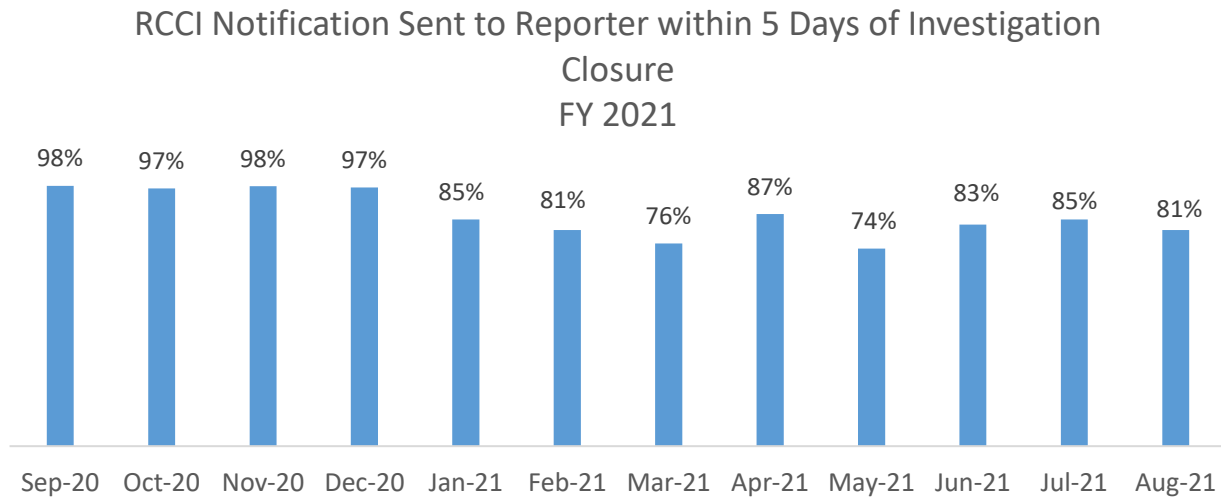


Figure 17. RCCI Notifications Sent to Reporter within Five Days of Investigation Closure, FY 2021

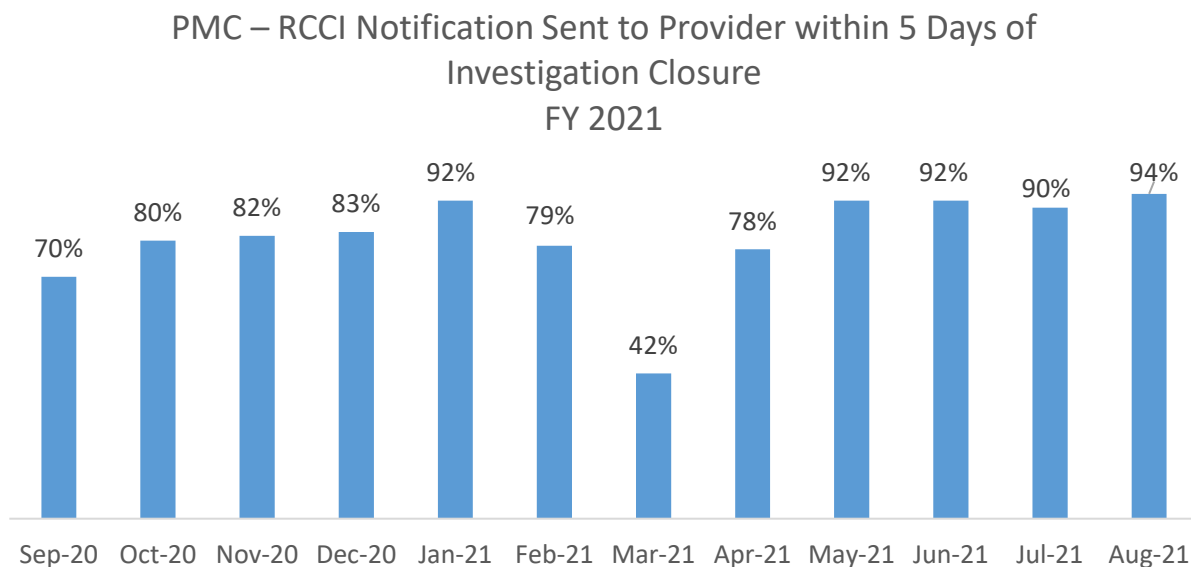


During FY 2021, 72% of investigations included timely notice to the provider (Figures 16 and 18).<sup>34</sup> Between January and June 2021, 70% of RCCI investigations included timely notice to the provider. Performance appeared to dramatically decrease in March 2021 due to a data lag

<sup>34</sup> *Id.*

following a process change in mid-March requiring staff to select a new purpose code in IMPACT when entering documentation that the provider notification letter was sent. On June 25, 2021, DFPS alerted the Monitors of this data issue.<sup>35</sup> Since May 2021, the prevalence of timely notifications sent to the provider has been between 90% and 94%.

Figure 18. RCCI Notifications Sent to Provider within Five Days of Investigation Closure, FY 2021



## Remedial Order A6: Points of Contact for Reporting

Remedial Order A-6: *Within 30 days of the Court’s Order, DFPS shall ensure that caseworkers provide children with the appropriate point of contact for reporting issues relating to abuse or neglect. In complying with this order, DFPS shall ensure that children in the General Class are apprised by their primary caseworkers of the appropriate point of contact for reporting issues, and appropriate methods of contact, to report abuse and neglect. This shall include a review of the Foster Care Bill of Rights and the number for the Texas Health and Human Services Ombudsman. Upon receipt of the information, the PMC child’s caseworker will review the referral history of the home and assess if there are any concerns for the child’s safety or well-being and document the same in the child’s electronic case record.*

The CPS Rights of Children and Youth in Foster Care document includes contact information for the Statewide Intake abuse/neglect hotline and the Foster Care Ombudsman. In accordance with state law and CPS policy, caseworkers are required to provide the Rights document to all children and youth in CPS foster care and review the document with the child and caregiver within 72 hours of the child coming into foster care.<sup>36</sup> Children and youth also receive the Rights document

<sup>35</sup> Email from Heather Bugg to Deborah Fowler and Kevin Ryan *ROI8 Reporting* (June 25, 2021).

<sup>36</sup> See Tex. Fam. Code § 263.008. See also Child Protective Services (CPS) Handbook Section 6420 Rights of Children and Youth in Foster Care. Available at:

each time their plan of service is updated and upon placement into a DFPS foster/adoptive home.<sup>37</sup> Upon completing the review, the child or youth, caregiver and DFPS staff must each sign the document. Once reviewed and signed, the Rights document must be uploaded into OneCase.

CPS caseworkers also provide children ages 10 and older with a copy of the Texas Foster Care Handbook for Children, Youth & Young Adults when they enter foster care or turn age 10 while in foster care. This handbook includes the CPS Rights of Children and Youth in Foster Care. Additionally, residential child care providers must post Foster Care Ombudsman posters in residential facilities, including GROs and foster homes, which is verified through DFPS contract monitoring.<sup>38</sup>

The CPS CVS quality assurance team conducts qualitative case reads to evaluate whether the Foster Care Bill of Rights is consistently provided and uploaded to OneCase. During FY 2021, 86% of cases the CVS quality assurance team reviewed (1,548 out of 1,798 cases) included a signed, uploaded Rights document. Between Q1 FY 2021 and Q4 FY 2021, the prevalence of cases that included a signed, uploaded Rights document improved by 19%. Table 3 includes detailed FY 2021 quarterly care read data.

*Table 3. CPS CVS Quality Assurance Case Reads – Rights Document, FY 2021*

Reporting Period	Cases Read	Cases with Signed Rights Document	Percent of Cases with Signed Rights Document
Q1 FY 2021	392	293	75%
Q2 FY 2021	430	373	87%
Q3 FY 2021	508	441	87%
Q4 FY 2021	468	441	94%

The Third Report of the Monitors noted that “[o]f youth interviewed who were without an authorized placement, also known as Children Without Placement (“CWOP” or “CWOP Settings”), most knew that they could call the SWI hotline to report abuse, neglect, or exploitation. However, a smaller percentage knew how to reach the hotline if needed. Far fewer children were familiar with the Foster Care Ombudsman (“FCO”) or how to reach the FCO to make a complaint. Because CWOP Settings are unlicensed, the State has not required posters with FCO and hotline numbers to be posted.” DFPS has now placed Foster Care Ombudsman and Statewide Intake abuse/neglect hotline information in all CWOP settings.

---

[https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_6400.asp#CPS\\_6420](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_6400.asp#CPS_6420) (accessed December 5, 2021).

<sup>37</sup> *Id.*

<sup>38</sup> See DFPS 24-Hour Residential Child Care Requirements – Residential Contracts (RCC), Sections 1110, 3300 and 3400. Available at:

[https://www.dfps.state.tx.us/Doing\\_Business/Purchased\\_Client\\_Services/Residential\\_Child\\_Care\\_Contracts/](https://www.dfps.state.tx.us/Doing_Business/Purchased_Client_Services/Residential_Child_Care_Contracts/) (accessed December 5, 2021).

## **Remedial Order B5: Caseworker Notification of Abuse/Neglect Allegations**

*Remedial Order B-5: Effective immediately, DFPS shall ensure that RCCL, or any successor entity, promptly communicates allegations of abuse to the child's primary caseworker. In complying with this order, DFPS shall ensure that it maintains a system to receive, screen, and assign for investigation, reports of maltreatment of children in the General Class, taking into account at all times the safety needs of children.*

Prior to December 2019 and in accordance with RCCI policy, RCCI staff were required to notify CPS CVS caseworkers via email or phone of an abuse or neglect intake involving a child on their caseload. RCCI quarterly qualitative case reviews evaluated whether notification practices consistently aligned with policy. To improve agency practice, tracking and compliance reporting, DFPS deployed an IMPACT enhancement in December 2019 by which RCCI staff provided an automated alert to caseworkers and supervisors of an abuse or neglect intake involving a child on their caseload. Once an alert appeared on the caseworker's IMPACT work list, the caseworker was required to review the allegation information in IMPACT. Following the September 2020 show cause hearing, DFPS began evaluating additional technology enhancements to further streamline the IMPACT caseworker notification alerts. In December 2020, the Court held Defendants in contempt of RO B-5, noting that RO B-5 "requires that the State "promptly communicates" the allegations, themselves, including their substance, to the caseworkers."

In January 2021, DFPS deployed a short-term solution to ensure that allegations of abuse or neglect were promptly and substantively communicated to the child's CPS caseworker. Specifically, when Statewide Intake (SWI) received an intake with a report of abuse or neglect of a child in care, SWI created an information and referral (I&R) notification and sent it to the child's CPS caseworker.<sup>39</sup> The I&R included the child's IMPACT person ID, information about the alleged victim and alleged perpetrator and a narrative including the substance of the allegation(s). The I&R was prominently displayed at the top of the caseworker's IMPACT workload. The CPS caseworker immediately reviewed the intake, discussed the intake with the supervisor and as needed, contacted the investigator for further information. By the next business day, the CPS caseworker was also required to consult with the program director and document the contact as an I&R notification staffing in the child's electronic case record. The documentation was required to include a copy of the I&R, discussions with the supervisor and program director, consideration of the child's safety needs and any related actions, and any plans for future actions.

In April 2021, DFPS sent the Monitors a description of a long-term IT solution with screen shots demonstrating how the notification would appear on the caseworker's IMPACT workload and invited the Monitors to provide feedback. Following deployment of the long-term IT solution in

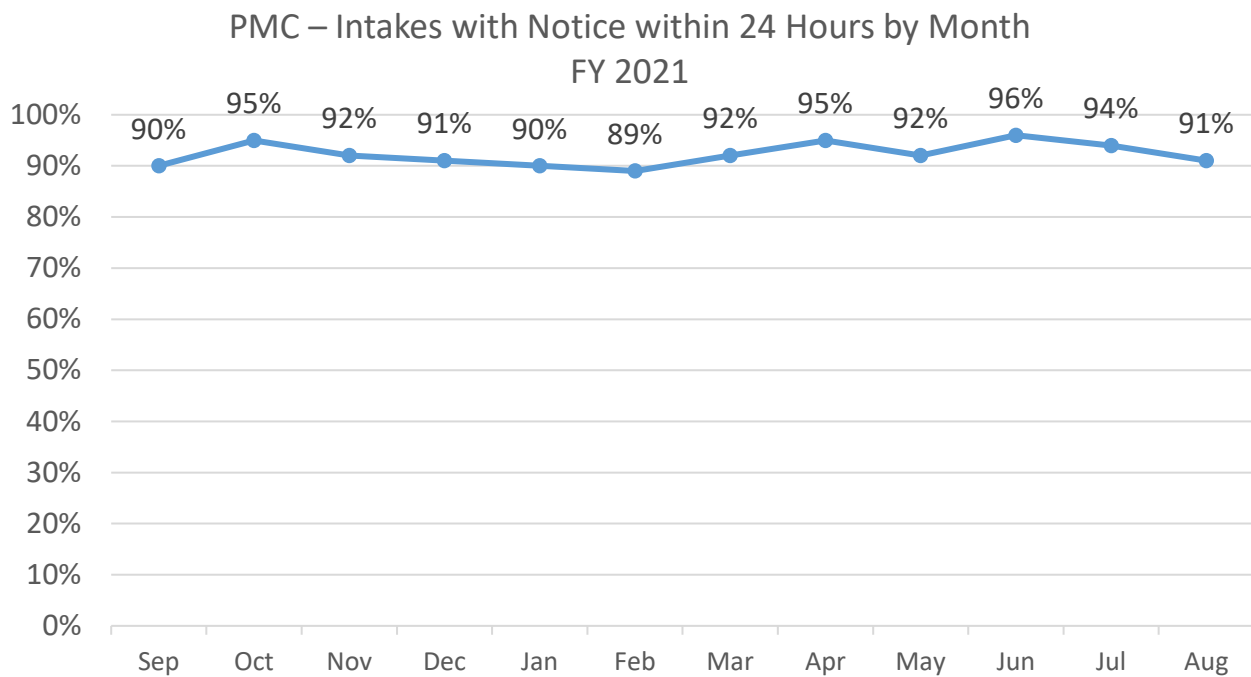
---

<sup>39</sup> As a redundancy, SWI staff also notified caseworkers of intakes via email.

October 2021, when a caseworker receives an alert on his/her workload and clicks on the alert, a pop-up window appears with a list of intakes involving the child. When the caseworker selects an intake, intake information displays, reducing the time required for a caseworker to access and assess the child’s history.

DFPS submits monthly RCCI intake reports to the Monitors that include indicators to enable the monitoring team to calculate whether notice was provided within 24 hours of intake.<sup>40</sup> During FY 2021, 92% of intakes included notice to the child’s caseworker within 24 hours (Figure 19).<sup>41</sup> Between January and June 2021, 92% of intakes included notice to the child’s caseworker within 24 hours.

Figure 19. Intakes with Notice within 24 Hours, FY 2021



**Third Report of the Monitors—Performance Validation**

The Third Report of the Monitors noted that “[o]f the 654 RCCI intakes reviewed for the sample period, the monitoring team found an I&R Notification Staffing contact in IMPACT in 406 (62%).” CPS staff reviewed intake data provided to the Monitors during the monitoring period, which included 1,093 intakes. Of these, 774 were already identified in the Third Report of the Monitors as having an I&R intake documented. Consequently, CPS staff conducted case reads for the

<sup>40</sup> The RO3.1 RCI and CPI Intakes report includes fields for “Auto Notice to CVS Caseworker and Supervisor” and “Intake Start Date and Time.” Subtracting “Auto Notice to CS Caseworker and Supervisor” from “Intake Start Date and Time” yields the time to auto notice (in days), from which staff may calculate the prevalence of auto notice within 24 hours.

<sup>41</sup> *Supra* note 11.

remaining 319 RCCI intakes and determined that 115 I&R staffings were documented; 42 were correctly documented as an I&R A/N Notification Staffing and 73 were incorrectly documented (e.g., either as an incorrect contact type or in the wrong stage of service). Taken together, CPS staff concluded that of the 1,093 intakes during the monitoring period, an I&R Notification Staffing contact was documented in IMPACT in 889 (81%).

The Monitors' report also noted that "the monitoring team found an I&R Notification Staffing contact in only 110 of 373 (29%) of the intakes. Similarly, of the PI intakes reviewed, the monitoring team found an I&R Notification Staffing in only 47 (40%) of intakes. CPS staff reviewed intake information provided to the Monitors during the monitoring period, which included 547 CPI intakes. Of these, 263 had a documented I&R Notification Staffing; 196 were correctly documented as an I&R A/N Notification Staffing and 67 were incorrectly documented (e.g., either as an incorrect contact type or in the wrong stage of service). Taken together, CPS staff concluded that of the 547 CPI intakes during the monitoring period, an I&R Notification Staffing contact was documented in IMPACT in 263 (48%).

Following this review, CPS determined to take the following actions:

- A revised communication will be sent to staff detailing required Remedial Order B5 processes.
- CPS staff will review intake data on a weekly basis to verify the I&R staffing documentation contact is correctly recorded in IMPACT.
- CPS staff will develop monthly reports identifying noted strengths, gaps and improvement needs and share this report with CPS regional directors.
- CPS, CPI and Statewide Intake will work together to refine the process by which CPS CVS caseworkers/supervisors are notified of new intakes.

## **Remedial Order 37: Home History Reviews**

*Remedial Order 37: Within 60 days, DFPS shall ensure that all abuse and neglect referrals regarding a foster home where any PMC child is placed, which are not referred for a child abuse and neglect investigation, are shared with the PMC child's caseworker and the caseworker's supervisor within 48 hours of DFPS receiving the referral. Upon receipt of the information, the PMC child's caseworker will review the referral history of the home and assess if there are any concerns for the child's safety or well-being, and document the same in the child's electronic case record.*

As mentioned previously herein, as of October 2020, an intake may only be reclassified as Priority None under limited circumstances (i.e., previously investigated allegations or RCCI lacks jurisdiction). As a result of this policy and practice change, the number of intakes reclassified as Priority None and the number of corresponding home history reviews have precipitously decreased.

In January 2021, the process for reviewing a foster home's history transferred from CPS to the Statewide Intake division. When Statewide Intake staff designates an intake as Priority None (PN) related to a foster home in which a child in DFPS managing conservatorship is placed, the Statewide Intake staff immediately notifies all primary CPS caseworkers and supervisors assigned to all children placed in the foster home.<sup>42</sup> The notification is generated in IMPACT as an alert on the caseworker and supervisor's to do list in the child's SUB stage, and an alert icon also displays on the caseworker's IMPACT workload.<sup>43</sup>

Statewide Intake staff who designate an intake as a PN must review the foster home's history concerning compliance with minimum standards and abuse or neglect investigations, write a report detailing the home's history and email the report to each caseworker, supervisor and regional director assistant, so they may assess whether there are concerns for the child's safety or well-being.<sup>44</sup> Following a recent policy change, if a PN is designated on an abuse/neglect allegation in an out-of-state foster home, Statewide Intake staff will request an out-of-state history on the foster home and complete the home history review.<sup>45</sup>

Upon receiving the home history review report, the caseworker and supervisor will review the report, assess whether there are any concerns for the child's safety or well-being and document in IMPACT a summary of the report, assessment of safety and well-being, and any decisions resulting from the staffing.<sup>46</sup> The caseworker must also file the report in each child's electronic case record.<sup>47</sup> The entire home history review process should be completed within 48 hours.

The CPS CVS quality assurance team conducts quarterly case reads for all Priority None intakes involving PMC children placed in a foster home at the time of review. The quarterly case reads are designed to determine if the RCCI screeners completed reviews of all Priority None intakes received on children in foster care placements and to determine if, upon receipt of the information in the home history review, the child's caseworker reviewed the home's referral history, assessed with the supervisor whether there were any concerns for the child's safety or well-being, and documented the staffing in IMPACT. Table 4 includes a summary of the CPS CVS quality assurance team's FY 2021 case reviews. CPS CVS quality assurance staff provided technical

---

<sup>42</sup> See CPS Handbook Section 4221.1 RCCI Notifying CPS of Alleged Abuse or Neglect in Foster Homes. Available at: [https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_4000.asp#CPS\\_4221\\_1](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_4000.asp#CPS_4221_1) (accessed November 21, 2021). For intakes received outside of normal business hours, the Statewide Intake staff must also notify the on-call caseworker and on-call supervisor for the child's region. The on-call caseworker and supervisor will perform an immediate safety assessment and document in IMPACT a summary of the report and the assessment and decisions made as a result of the staffing.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> See CPS Handbook Section 4221.1 RCCI Notifying CPS of Alleged Abuse or Neglect in Foster Homes. Available at: [https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS\\_pg\\_4000.asp#CPS\\_4221\\_1](https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_4000.asp#CPS_4221_1) (accessed January 4, 2022).

<sup>46</sup> *Supra* note 42.

<sup>47</sup> *Id.*



assistance as needed (e.g., to update documentation to include an accurate summary of the home history review or details of decisions or actions taken by the caseworker).

Table 4. CPS CS Quality Assurance Case Reads – Home History Reviews, FY 2021

	FY 2021 Q1	FY 2021 Q2	FY 2021 Q3	FY 2021 Q4
# HHRs required	4	2	0	3
# HHRs completed	4	2		3
# HHRs timely completed (within 24 hours of intake)	N/A – pre-dates new timeframes <sup>48</sup>	N/A – pre-dates new timeframes		3
HHR staffing held and documented within 48 hours of intake	N/A – pre-dates new timeframes	N/A – pre-dates new timeframes		89% <sup>49</sup>
Staffing narrative contained accurate summary of HHR team’s review	75%	33%		50%
Staffing narrative contained summary of staffing with supervisor	100%	100%		100%
Summary of staffing contained details of decisions or actions taken by caseworker/supervisor	100%	100%		88%

### Legislative Appropriations Requests

In September 2019, DFPS requested and received authority to use existing legislative appropriations to create 3.0 FTEs to assess and review placement referral histories.

<sup>48</sup> At the time of the FY 2021 Q2 case review, DFPS policy contemplated a seven-day time frame for the primary caseworker and supervisor to staff and document the staffing. In January 2021, policy was updated to require all actions to be completed within 48 hours of the intake. The quality assurance case review process was modified to address this new timeframe.

<sup>49</sup> Nine children were placed within the three homes. Eight of the nine staffings (89%) were held and documented timely.

# Organizational Capacity

## Remedial Order 1: CPS Professional Development Training

Remedial Order 1: *Within 60 days, the Texas Department of Family Protective Services (“DFPS”) shall ensure statewide implementation of the CPS Professional Development (“CPD”) training model, which DFPS began to implement in November 2015.*

Since 2015, the Core Professional Development (CPD) training model has been implemented statewide and all caseworkers must complete CPD training before becoming case assignable. In Community Based Care (CBC) regions, the Single Source Continuum Contractors’ (SSCC) CPD-equivalent training must mirror DFPS CPD training. In May 2021, CPD curriculum enhancements deployed. These enhancements were designed to better align the CPD curriculum with current best practice and maximize proteges’ hands on, practical experience with casework tasks. The ratio of classroom to field training remained the same; however, the distribution of this training across the 13-week CPD training period shifted to focus on practical application of classroom content and casework decision-making under a mentor’s supervision.

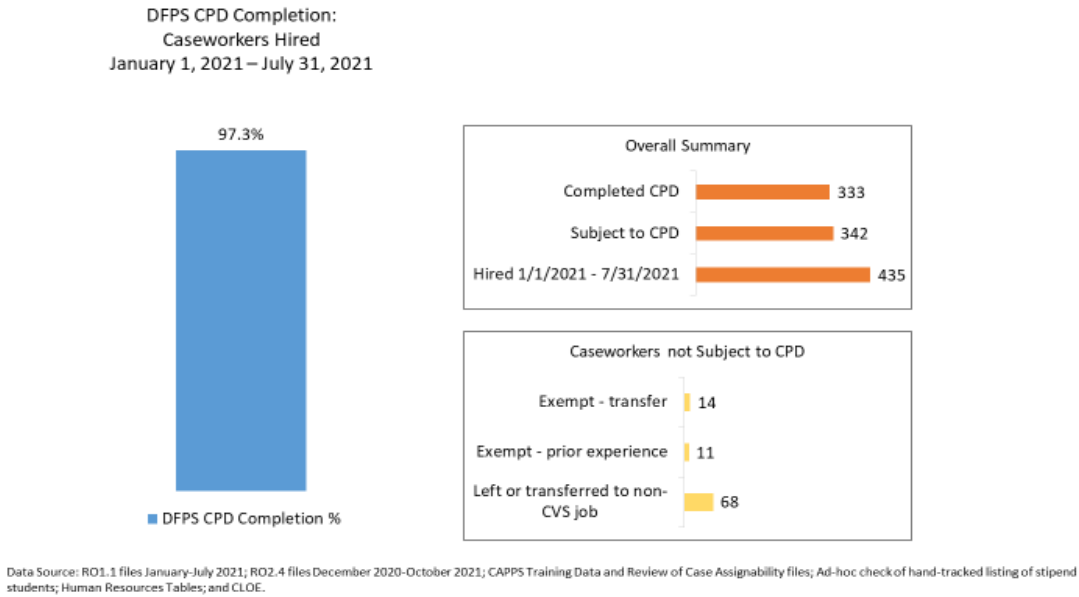
Figure 20<sup>50</sup> depicts CPD completion rates among caseworkers hired between January 1, 2021 and July 31, 2021, who were expected to complete CPD by October 31, 2021. Among the 435 caseworkers hired between January 1, 2021 and July 31, 2021, 93 were not required to complete CPD due to leaving DFPS or transferring to a non-CVS job (68), being exempt due to transfer status (14) or being exempt due to prior experience (11). Among the remaining 342 caseworkers required to complete CPD, 333 (97.3%) have completed CPD.<sup>51</sup>

---

<sup>50</sup> Data Source: RO1.1 files January-July 2021; RO2.4 files December 2020-October 2021; CAPPS Training Data and Review of Case Assignability files; Ad-hoc check of hand-tracked listing of stipend students; Human Resources Tables; and CLOE.

<sup>51</sup> At the time of this writing, among the nine staff who had not yet completed CPD, seven were pending completion and two were not required to complete CPD due to leaving DFPS or transferring to a non-CVS job.

Figure 20. DFPS Core Professional Development Completion – Caseworkers Hired Jan. 1, 2021 – July 31, 2021



## Remedial Order 2: Graduated Caseloads

Remedial Order 2: *Within 60 days, DFPS shall ensure statewide implementation of graduated caseloads for newly hired CVS caseworkers, and all other newly hired staff with the responsibility for primary case management services to children in the PMC class, whether employed by a public or private entity.*

A new CPS conservatorship (CVS) caseworker should be assigned no more than six children during the first month and no more than 12 children during the second month after becoming case assignable. During the third month after becoming case assignable, the caseworker may receive a full caseload.

### Daily Caseload Tracking Tool

In January 2021, DFPS developed a daily caseload tracking tool and provided the Monitors with a demonstration of the tool, including current and future capabilities.<sup>52</sup> The daily caseload tracker allows real time caseload monitoring at the state, region, county and caseworker levels. In March 2021, a graduated caseloads indicator was added to the daily caseload tracking tool, denoting caseworkers in their first and second months of service. CPS supervisors, program directors, program administrators and regional directors are required to consult the tracker at least monthly for reference during staff conferences and are encouraged to consult the tracker weekly to make

<sup>52</sup> The SSCC caseload tracker deployed in May 2021. At present, it does not have the same graduated caseload functionality that DFPS has. However, DFPS is evaluating whether a future iteration may include this functionality.

case assignments, allocate staff resources, assess case distribution and monitor compliance with generally applicable internal caseload standards.

CPS works with Human Resources to ensure that hiring practices are informed by data from the daily caseload tracker; regional directors meet with hiring specialists to discuss where a position should be hired based on regional needs and information from the caseload tracker.

### **Exemptions from Graduated Caseload Requirements**

DFPS has formalized a process to document caseworkers who are exempt from graduated caseloads. These exemptions are granted when a caseworker has previous service with DFPS within certain timeframes, when a caseworker transfers within the agency, or when it is necessary to keep sibling groups with the same caseworker. Graduated caseload reports are reviewed each month to identify any caseworkers who exceeded caseload guidelines for any amount of time. Typically, when a caseworker exceeds caseload guidelines, he/she has a valid exemption. If a caseworker does not have a valid exemption (e.g., if a supervisor miscalculated the timeframe for case assignability), the caseworker is immediately returned to being within caseload guidelines.

### **Monthly Graduated Caseload Reports**

DFPS submits monthly DFPS and SSCC graduated caseload reports to the Monitors that include indicators for:

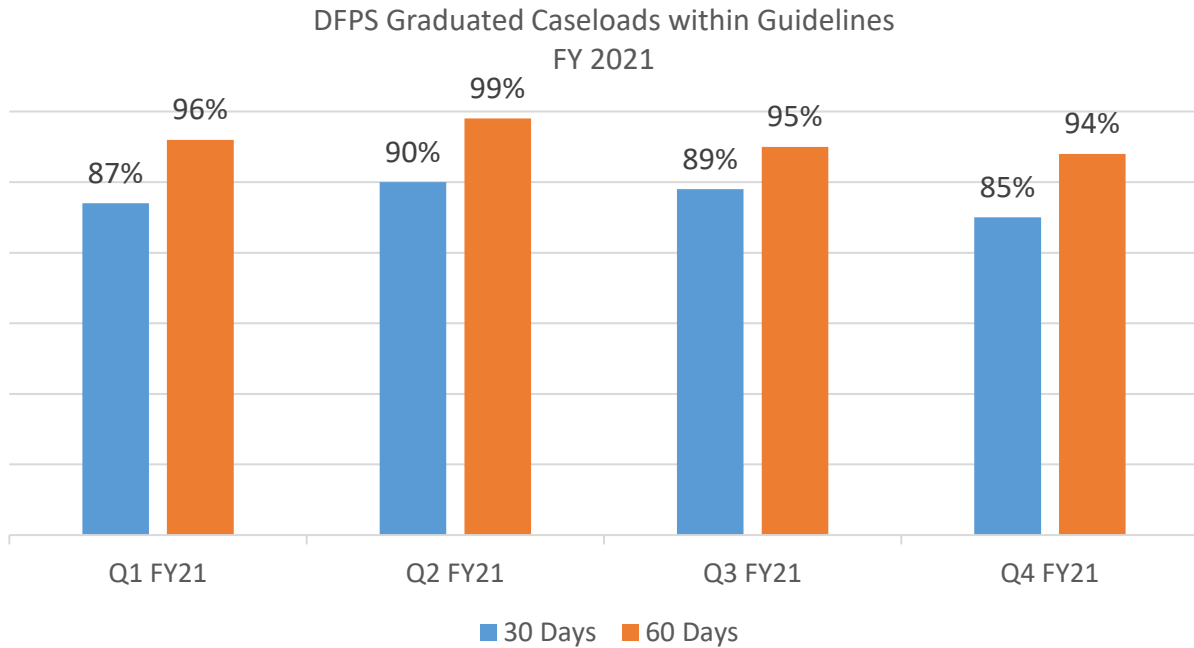
- the date the caseworker completed CPD and became eligible to be assigned primary on cases;
- the count of children assigned to the caseworker on the 15<sup>th</sup> day after becoming case assignable;
- whether the caseload is above the first month guideline of six children;
- the number of days the caseworker's caseload was above six from the date the caseworker became case assignable to the 30<sup>th</sup> day;
- the count of children assigned to the caseworker on the 45<sup>th</sup> day after becoming case assignable;
- whether the caseload is above the second month guideline of 12 children; and
- the number of days the caseworker's caseload was above 12 from the 31<sup>st</sup> day to the 60<sup>th</sup> day.

During FY 2021, 87% of DFPS caseworkers were within graduated caseload guidelines at 30 days and 96% were within graduated caseload guidelines at 60 days. (Figure 21).<sup>53</sup> Between January and June 2021, 90% of DFPS caseworkers were within graduated caseload guidelines at 30 days and 96% were within graduated caseload guidelines at 60 days.

---

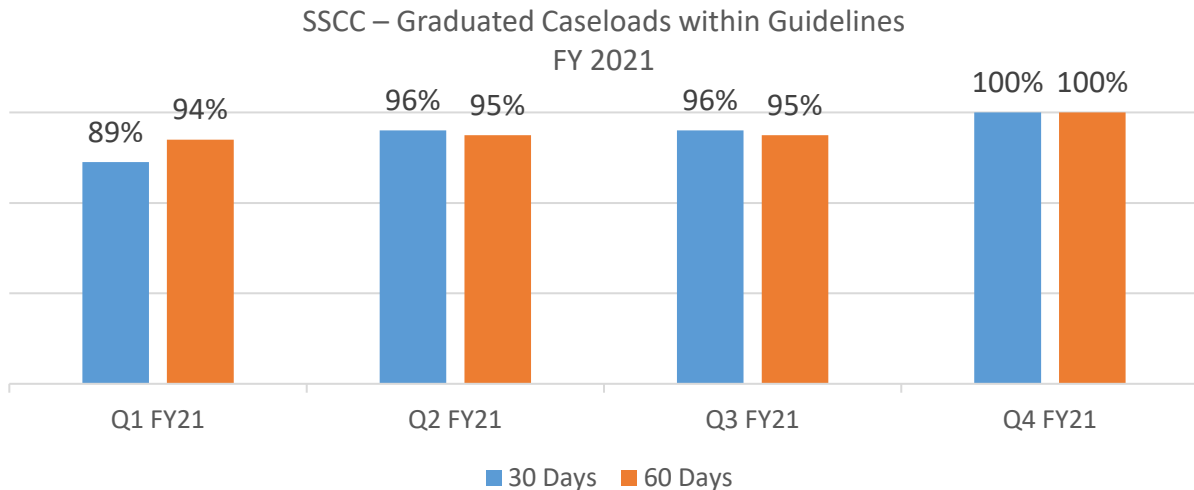
<sup>53</sup> Data Source: RO2.1 CVS, RO2.4 and RO1.1 DFPS CVS Grad CL and CPD grad.

Figure 21. DFPS Graduated Caseloads within Guidelines, FY 2021



During FY 2021, 95% of SSCC caseworkers were within graduated caseload guidelines at 30 days and 96% were within graduated caseload guidelines at 60 days. (Figure 22).<sup>54</sup> Between January and June 2021, 95% of SSCC caseworkers were within graduated caseload guidelines at 30 days and 95% were within graduated caseload guidelines at 60 days.

Figure 22. SSCC Graduated Caseloads within Guidelines, FY 2021



<sup>54</sup> Data Source: ROI.1 CPD and Graduated Caseloads for 2INgage and OCOK (September 2020 – August 2021); data is self-reported by the SSCC.

## **Remedial Orders 35 and A-1 through A-4: CPS CVS Caseworker Caseloads**

Remedial Order 35: *Effective immediately, DFPS shall track caseloads on a child-only basis, as ordered by the Court in December 2015. Effective immediately, DFPS shall report to the Monitors, on a quarterly basis, caseloads for all staff, including supervisors, who provide primary case management services to children in the PMC class, whether employed by a public or private entity, and whether full-time or part-time. Data reports shall show all staff who provide case management services to children in the PMC class and their caseloads. In addition, DFPS's reporting shall include the number and percent of staff with caseloads within, below and over the DFPS established guideline, by office, by county, by agency (if private) and statewide. Reports will include the identification number and location of individual staff and the number of PMC children and, if any, TMC children to whom they provide case management. Caseloads for staff, as defined above, who spend part-time in caseload carrying functions and part-time in other functions must be reported accordingly.*

Remedial Order A-1: *Within 60 days of the Court's Order, DFPS, in consultation with and under supervision of the Monitors, shall propose a workload study to generate reliable data regarding current caseloads and to determine how many children caseworkers are able to safely carry, for the establishment of appropriate guidelines for caseload ranges. The proposal shall include, but will not be limited to: the sampling criteria, timeframes, protocols, survey questions, pool sample, interpretation models, and the questions asked during the study. DFPS shall file this proposal with the Court within 60 days of the Court's Order, and the Court shall convene a hearing to review the proposal.*

Remedial Order A-2: *Within 120 days of the Court's Order, DFPS shall present the completed workload study to the Court. DFPS shall include as a feature of their workload study submission to the Court, how many cases, on average, caseworkers are able to safely carry, and the data and information upon which that determination is based, for the establishment of appropriate guidelines for caseload ranges.*

Remedial Order A-3: *Within 150 days of the Court's Order, DFPS shall establish internal caseload standards based on the findings of the DFPS workload study, and subject to the Court's approval. The caseload standards that DFPS will establish shall ensure a flexible method of distributing caseloads that takes into account the following non-exhaustive criteria: the complexity of the cases; travel distances; language barriers; and the experience of the caseworker. In the policy established by DFPS, caseloads for staff shall be prorated for those who are less than full-time. Additionally, caseloads for staff who spend part-time in the work described by the caseload standard and part-time in other functions shall be prorated accordingly.*

Remedial Order A-4: *Within 180 days of the Court's Order, DFPS shall ensure that the generally applicable, internal caseload standards that are established are utilized to serve as guidance for supervisors who are handling caseload distribution and that its hiring goals for all staff are informed by the generally applicable, internal caseload standards that are established. This order shall be applicable to all DFPS*

*supervisors, as well as anyone employed by private entities who is charged by DFPS to provide case management services to children in the General class.*

In December 2019, the Court approved an agreed motion by the parties requesting that in lieu of conducting workload studies, DFPS and HHSC would establish as guidelines for the determination of generally applicable internal caseload and investigation standards 14-17 children per conservatorship caseworker, 14-17 investigations per DFPS CCI investigator and 14-17 tasks per RCCL inspector.<sup>55</sup> The Court directed that “[t]he guidelines...shall not be used or interpreted as a “caseload cap” or an “enforced caseload range.”<sup>56</sup>

### **CPS Supervisor-Level Management of Caseload Assignments**

CPS supervisors should continuously monitor caseworker caseloads to ensure an equitable number of cases among caseworkers, while also monitoring the complexity of cases when making determinations about case assignments. To do this, supervisors use information management tools, including INSIGHT, a daily caseload tracker (discussed further herein) and monthly caseload reports, and regular staff meetings to discuss case assignments and workloads.

CPS Supervisors receive training on CPS Generally Applicable Internal Caseload Standards in Supervisor Basic Skills Development (BSD) training. The BSD training curriculum is being updated and is scheduled to go live on December 20, 2021, after which DFPS will provide Stage II SSCCs storyboards from which to train their supervisors.

To improve CPS leadership’s ability to evenly distribute and manage caseloads, DFPS developed a daily caseload tracking tool in January 2021 and provided the Monitors with a demonstration of the tool’s present and future capabilities. Using the daily caseload tracker, CPS leadership can monitor caseloads in real time, on any given day, at the state, region, county and caseworker levels.

### **Monthly Caseload Reports**

DFPS tracks caseloads on a child-only basis and provides the Monitors with monthly DFPS and SSCC caseload and graduated caseload reports. The monthly caseload reports provide 33 data elements, including:

- caseloads for all DFPS and SSCC staff who provide primary case management services to children in the PMC class;
- the number of staff with caseloads within, below or above the 14-17 guideline;
- each staff member’s identification number, job title, supervisor, unit, county and region;
- the number of PMC and TMC children assigned to each staff member;
- secondary assignments; and

---

<sup>55</sup> Order (December 17, 2019), ECF No. 722.

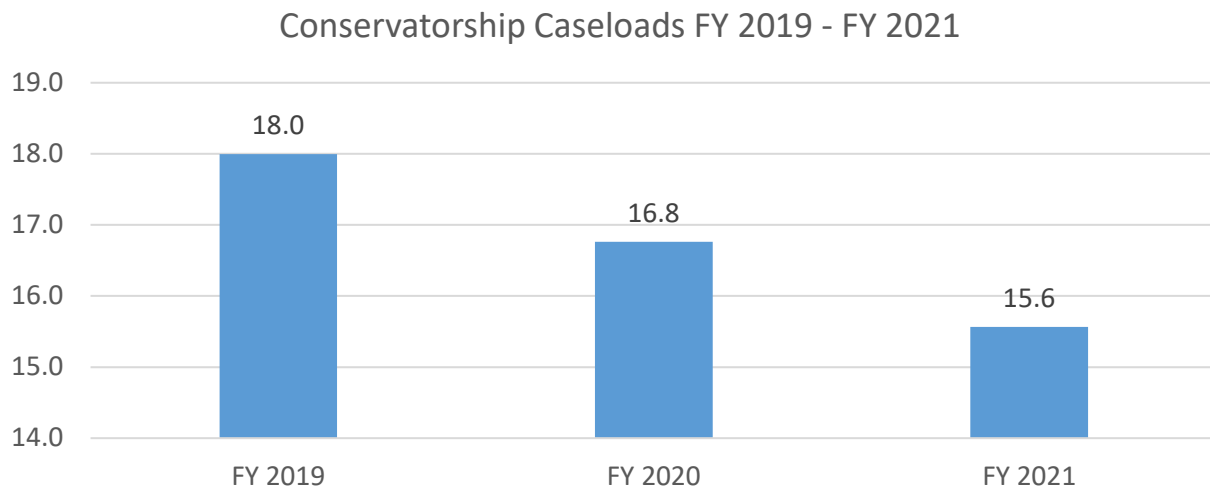
<sup>56</sup> *Id.*

- each child’s name and identification number.

In addition to providing the Monitors with monthly caseload and graduated caseload reports, DFPS and SSCC caseworkers and supervisors participate in monthly caseload verification interviews with the Monitors’ staff. The monitoring team recently asked DFPS staff about producing off-cycle caseload reports to validate whether data in the monthly caseload reports is representative of caseworkers’ caseloads throughout the month. DFPS staff explained the process by which caseload data is frozen and extracted and suggested INSIGHT may be a better and faster data source for the monitoring team to pull and analyze a random sample of caseloads on any given day.<sup>57</sup>

Between FY 2019 and FY 2021, CVS caseloads have consistently decreased, from 18.0 children on average in FY 2019 to 15.6 children on average in FY 2021. (Figure 23).<sup>58</sup> Between January and June 2021, CVS caseloads were 15.4 children on average. Between April and September 2021, caseloads steadily, albeit slightly, increased, from 15.2 to 16.1 children on average, respectively. However, caseloads began to decrease in October 2021. (Figure 24).

Figure 23. CPS Conservatorship Caseloads, FY 2019 – FY 2021

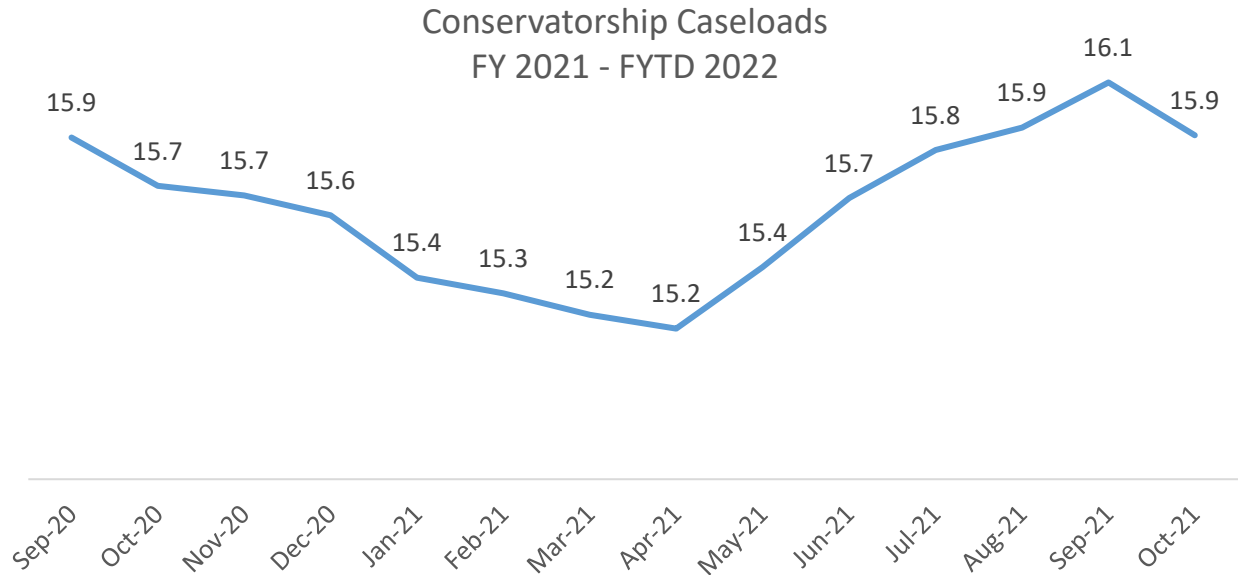


<sup>57</sup> See Email from Ross Baxter to monitoring team *RE: Caseload question* (September 28, 2021).

<sup>58</sup> Data Source: child count ted\_01

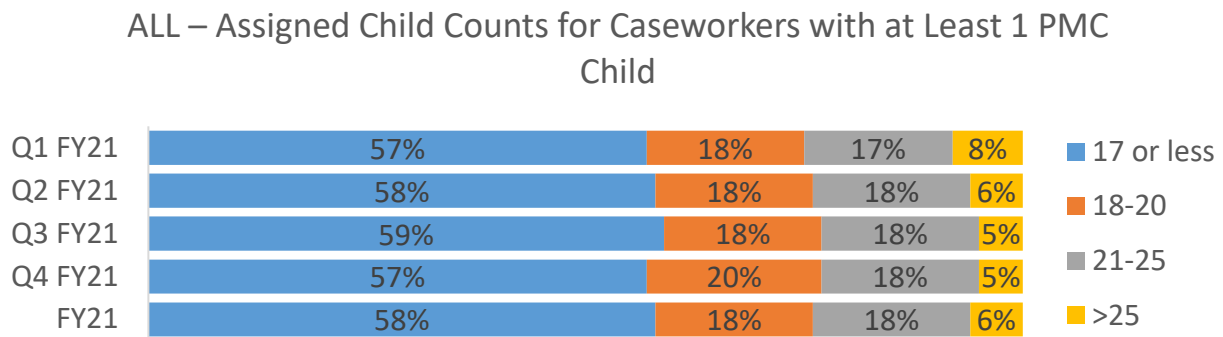


Figure 24. CPS Conservatorship Caseloads by Month, FY 2021



Figures 25 through 27 include quarterly and fiscal year aggregate caseload counts for Texas caseworkers (including both DFPS and SSCC staff), DFPS staff and SSCC staff.<sup>59</sup> Both during FY 2021 and between January and June 2021, almost 60% of Texas caseworkers had caseloads of 17 or fewer children. DFPS quarterly and fiscal year aggregate caseload counts are substantially similar. During FY 2021, SSCC caseworker caseloads experienced more variability, with between 48% and 60% of caseworkers having caseloads of 17 or fewer children. Between January and June 2021, 52% of SSCC caseworkers had caseloads of 17 or fewer children.

Figure 25. Child Only Caseloads – All Staff (DFPS and SSCC), FY 2021



<sup>59</sup> Data Source: RO2.1 CVS Caseloads.

Figure 26. Child Only Caseloads – DFPS, FY 2021

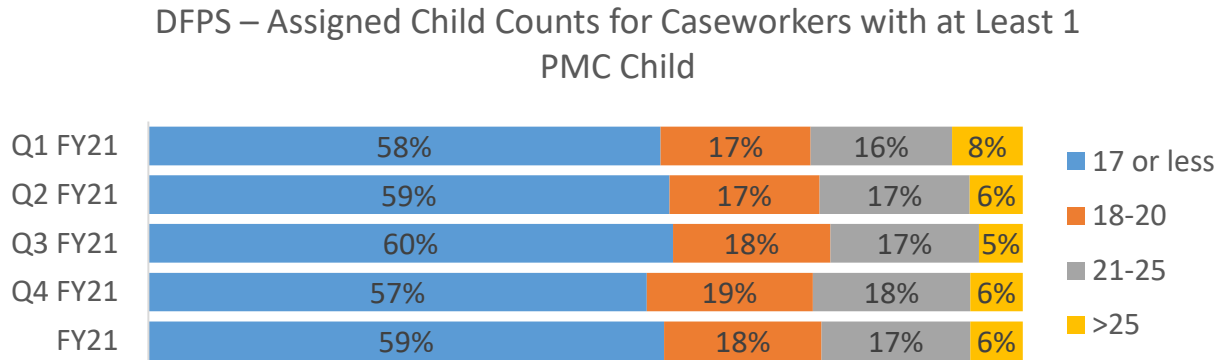
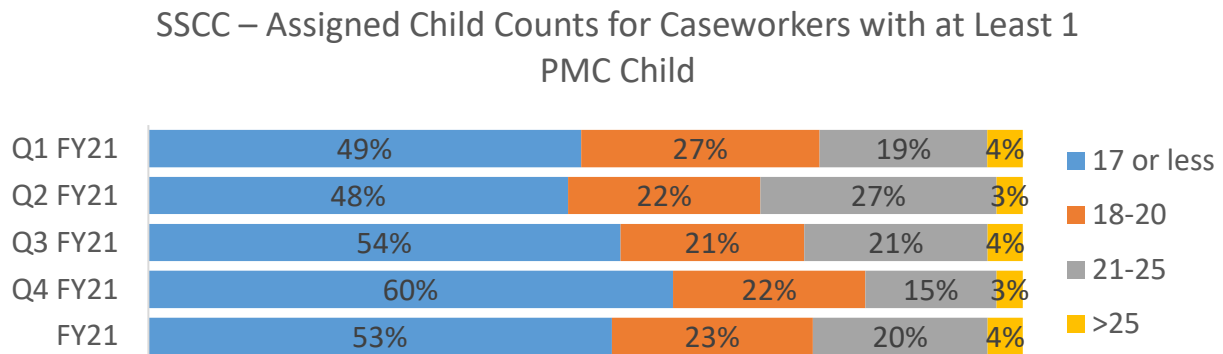


Figure 27. Child Only Caseloads – SSCC, FY 2021



### CPS Legislative Appropriations Requests

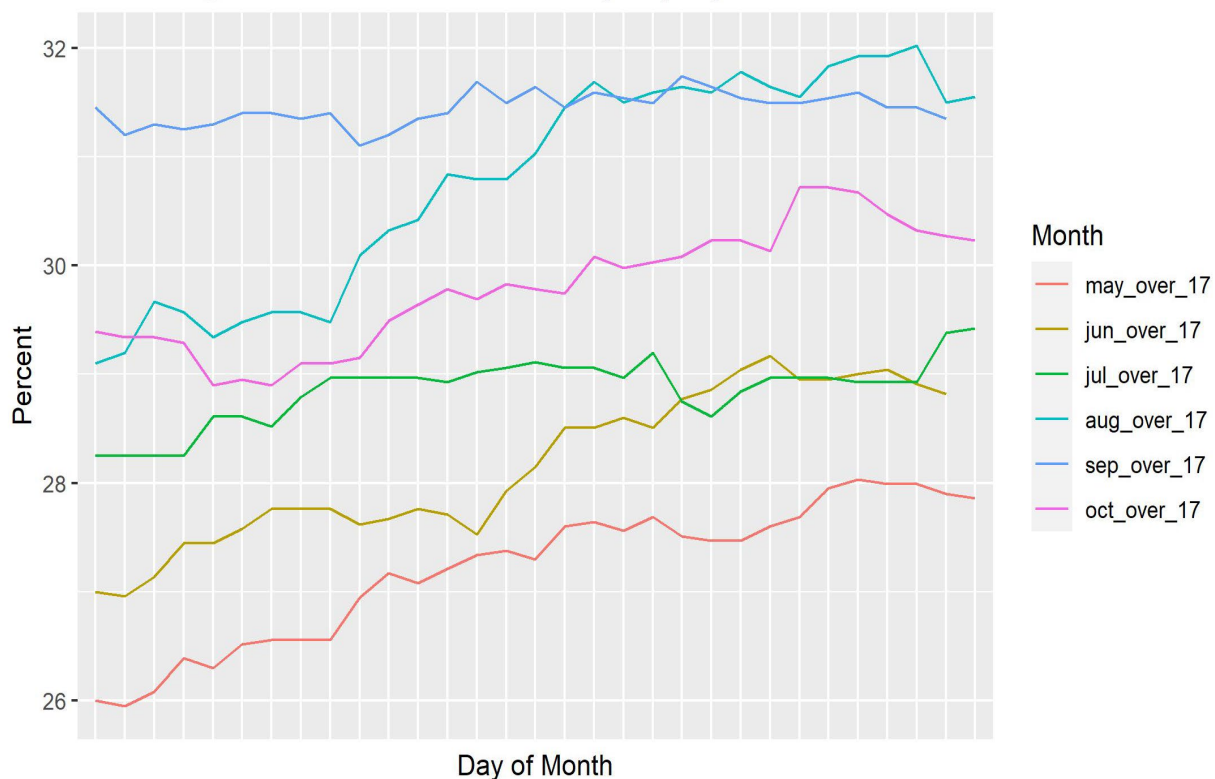
Maintaining adequate numbers of CVS caseworkers or even keeping pace with exits is a challenge. Unabated, this staffing challenge may soon impact the Department’s ability to remain within the caseworker guidelines in accordance with the Court’s remedial orders concerning caseloads and caseworker training. Between February and July 2021, DFPS hired 319 CVS caseworkers. During the same time period, 309 CVS caseworkers terminated their employment. According to exit surveys CVS caseworkers submitted during 2021, 86% cited work-related stress as a reason for terminating their employment (up from 40% in 2020); 43% cited safety concerns (up from 23% in 2020) and 35% cited inadequate training (up from 14% in 2020).

During the 87<sup>th</sup> Texas Legislature (Regular Session, 2021), DFPS requested and received \$40.2 million for 312.0 FTEs to maintain CVS caseworker caseloads within guidelines.

## Six Month Daily Caseload Trend Analysis

In November 2021, the DFPS Office of Data and Systems Improvement (DSI) conducted a trend analysis of caseworkers' daily caseloads from May through October 2021. The purpose of this trend analysis was to determine whether caseloads materially increase or decrease throughout the month and/or at month end. The analysis included anyone identified as having a PMC child assigned primary on their workload. Figure 28 includes the percentage of caseworkers with more than 17 substitute care (SUB) stages<sup>60</sup> on each day of the month for the six months of the analysis. With the exception of September 2021, the percentage of caseworkers with more than 17 SUB stages remained fairly flat or trended slightly upward throughout each month of the analysis.

Figure 28. Percentage of Caseworkers with More Than 17 SUB Stages, by Day, May – October 2021



<sup>60</sup> When conducting this analysis, DSI evaluated caseload data based on stages, not children, as the data infrastructure was not readily available to identify unique children day over day throughout the six-month period. Generally, each SUB stage represents a unique child; however, one child may have both a SUB and adoption (ADO) stage open. To the extent that any children have both an open SUB stage and open ADO stage, caseloads will be slightly over-represented due to duplicated counts.

## **Remedial Orders B-1 through B-4: RCCI Investigator Caseloads**

Remedial Order B1: *Within 60 days of the Court's Order, DFPS, in consultation with and under supervision of the Monitors, shall propose a workload study to: generate reliable data regarding current RCCL, or successor entity, investigation caseloads and to determine how much time RCCL investigators, or successor staff, need to adequately investigate allegations of child maltreatment, in order to inform the establishment of appropriate guidelines for caseload ranges; and to generate reliable data regarding current RCCL inspector, or successor staff, caseloads and to determine how much time RCCL inspectors, or successor staff, need to adequately and safely perform their prescribed duties, in order to inform the establishment of appropriate guidelines for caseload ranges. The proposal shall include, but will not be limited to: the sampling criteria, timeframes, protocols, survey questions, pool sample, interpretation models, and the questions asked during the study. DFPS shall file this proposal with the Court within 60 days of the Court's Order and the Court shall convene a hearing to review the proposal.*

Remedial Order B2: *Within 120 days of the Court's Order, DFPS shall present the completed workload study to the Court. DFPS shall include as a feature of their workload study submission to the Court, how many cases, on average, RCCL inspectors and investigators, or any successor staff, are able to safely carry, and the data and information upon which that determination is based, for the establishment of appropriate guidelines for caseload ranges.*

Remedial Order B3: *Within 150 days of the Court's Order, DFPS, in consultation with the Monitors, shall establish internal guidelines for caseload ranges that RCCL investigators, or any successor staff, can safely manage based on the findings of the RCCL investigator workload study, including time spent in actual investigations. In the standard established by DFPS, caseloads for staff shall be prorated for those who are less than full-time. Additionally, caseloads for staff who spend part-time in the work described by the RCCL, or successor entity, standard and part-time in other functions shall be prorated accordingly.*

Remedial Order B4: *Within 180 days of this Order, DFPS shall ensure that the internal guidelines for caseload ranges and investigative timelines are based on the determination of the caseloads RCCL investigators, or any successor staff, can safely manage are utilized to serve as guidance for supervisors who are handling caseload distribution and that these guidelines inform DFPS hiring goals for all RCCL inspectors and investigators, or successor staff.*

As discussed previously herein, in December 2019, the Court approved an agreed motion by the parties requesting that in lieu of conducting workload studies, DFPS and HHSC would establish as guidelines for the determination of generally applicable internal caseload and investigation standards 14-17 children per conservatorship caseworker, 14-17 investigations per DFPS CCI investigator and 14-17 tasks per RCCL inspector.<sup>61</sup> The Court directed that “[t]he

---

<sup>61</sup> Order (December 17, 2019), ECF No. 722.

guidelines...shall not be used or interpreted as a “caseload cap” or an “enforced caseload range.”<sup>62</sup>

### **RCCI Supervisor-Level Management of Caseload Assignments**

RCCI supervisors are advised to assign investigations when possible using a modified round-robin rotation method, assigning investigations in a rotational order, usually from the top to the bottom of the list of case assignable investigators. Supervisors should continuously monitor caseloads to ensure workload equity. When assigning investigations and monitoring caseloads, supervisors should consider the complexity of investigations, travel, language barriers, removal of investigators from rotation, and investigators’ tenure and experience. To do this, RCCI supervisors use information management tools, including INSIGHT, a daily caseload tracker and monthly caseload reports, and regular staff meetings to discuss caseloads and deadlines. In May 2021, the RCCI daily caseload tracking tool deployed and DFPS provided the Monitors with a demonstration of the tool.

### **Monthly Caseload Reports**

DFPS provides the Monitors with monthly RCCI caseload reports, which include:

- the number of investigations assigned to each staff member;
- whether the number of investigations is within, below or above the 14-17 guideline;
- each staff member’s identification number, job title, supervisor, unit, county and region;
- the total number of alleged victims in each investigation assigned to the staff member, alleged victim ID, case ID and investigation stage ID; and
- secondary assignments.

Table 5 includes average daily caseloads from FY 2020 through FYTD 2022, as well as the highest and lowest average daily caseloads during each fiscal year.<sup>63</sup>

*Table 5. RCCI Average Daily Caseload, FY 2020 – FYTD 2022*

<b>Fiscal Year</b>	<b>Avg. Daily Caseload</b>	<b>Highest Avg. Daily Caseload</b>	<b>Lowest Avg. Daily Caseload</b>
<b>2020</b>	16.8	24	9.6
<b>2021</b>	11.3	15.2	7.6
<b>2022 (to date)</b>	6.7	6.8	6.6

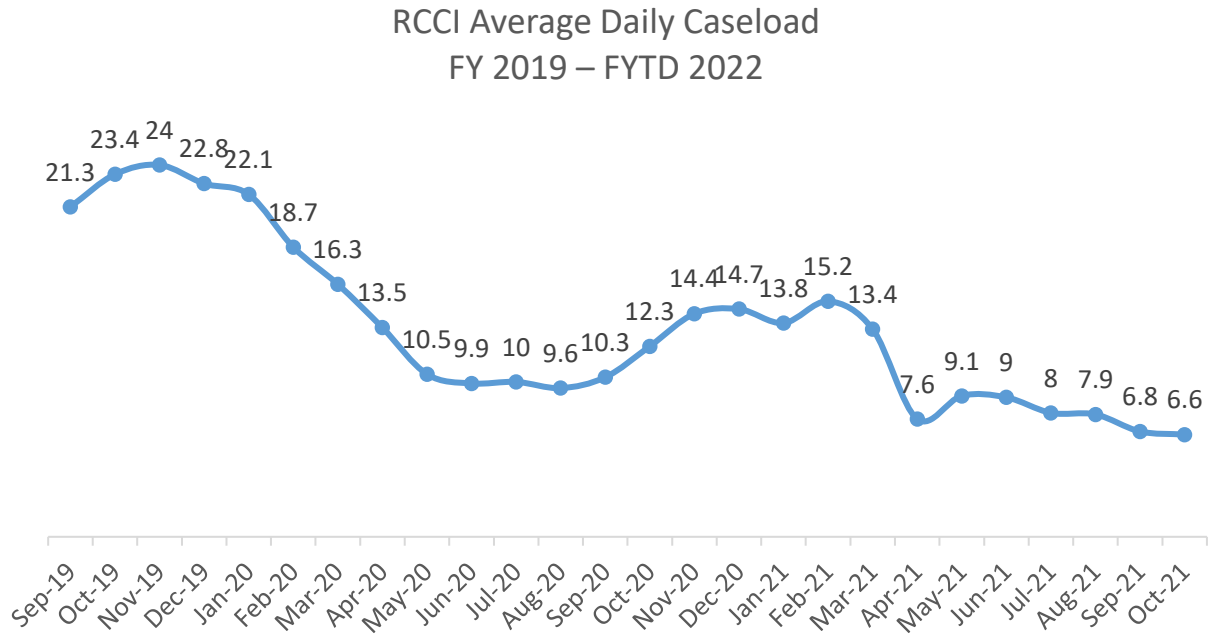
---

<sup>62</sup> *Id.*

<sup>63</sup> Source: Data Warehouse report ted\_01

Between FY 2019 and FYTD 2022, RCCI investigators’ average daily caseloads have progressively decreased (Figure 29).<sup>64</sup>

Figure 29. RCCI Average Daily Caseload, FY 2019 – FY 2021



Between January and June 2021, 92% of RCCI investigators’ average daily caseloads were either below 14 investigations (322 of 378) or between 14-17 investigations (27 of 378). Eight percent of investigations were above 17 investigations (29 of 378) (Table 6).<sup>65</sup>

Table 6. Monthly RCCI Investigator Caseloads, January – June 2021

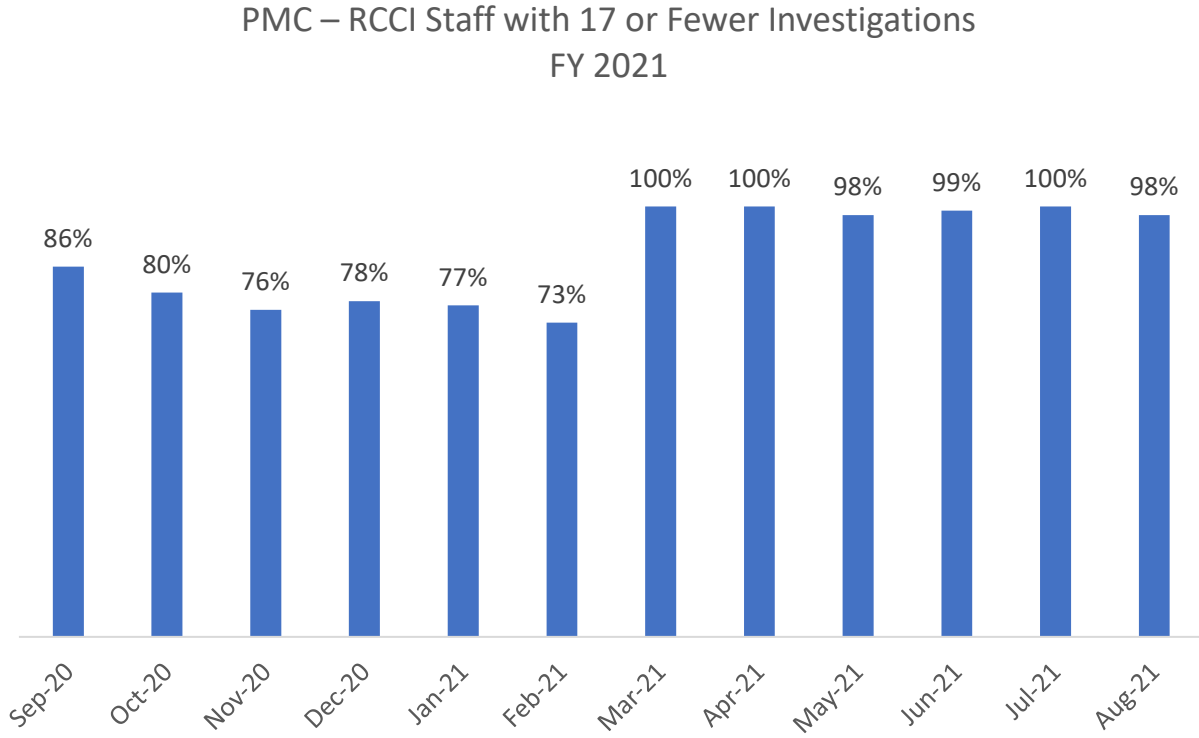
Month (2021)	Under 14		14 – 17		More Than 17		Highest Caseload
	#	%	#	%	#	%	
January	44	71%	5	8%	13	21%	57
February	43	70%	4	7%	14	23%	46
March	57	97%	2	3%	0	0%	15
April	59	97%	2	3%	0	0%	15
May	56	86%	8	12%	1	2%	19
June	63	90%	6	9%	1	1%	20
<b>Total</b>	<b>322</b>	<b>85%</b>	<b>27</b>	<b>7%</b>	<b>29</b>	<b>8%</b>	

<sup>64</sup> *Id.*

<sup>65</sup> Source: RO B.1 RCI Caseloads. For each month, data includes any individual assigned as primary to at least one RCCI investigation on the last calendar day of the month.

Figure 30<sup>66</sup> illustrates the marked increase in the number of staff with 17 or fewer investigations beginning in mid-FY 2021.

Figure 30. RCCI Staff with 17 or Fewer Investigations, FY 2021



---

<sup>66</sup> *Id.*