

March 27, 2020

Jaime Masters, Commissioner
Texas Department of Family and Protective Services
P.O. Box 149030
Austin, TX 78714-9030

Via electronic mail

Re: Recommendations for Protecting the Rights of Parents and Children During the COVID-19 Pandemic

Dear Commissioner Masters,

The outbreak of COVID-19 presents an unprecedented challenge to all Texans and an acute threat to children and families involved with the Department of Family and Protective Services (DFPS). DFPS is tasked with the important and difficult job of protecting children who are in imminent danger of abuse, and to carry out this responsibility in a restrained manner that respects the fundamental rights of families. Due to the unique hardships citizens are navigating during this time of crisis, it is even more critical for the department to strike the proper balance between protecting children and respecting the constitutional and statutory rights of all Texas families.

We understand the extraordinary challenges the COVID-19 pandemic presents to you and your team as you work to protect children and prevent the spread of the virus. However, we are concerned with reports of inconsistent practices across the state and potential violations of the rights of children and parents.

It is during times of uncertainty and crisis when children most need the love and security that can only be provided by family. In addition, the unique nature of the COVID-19 outbreak poses additional threats to the physical and mental health of children in the care of the state that must be mitigated. Accordingly, we urge you to work with various stakeholders, including attorneys representing the interests of parents and children, to take decisive action that will stem the flow of new entries into foster care, prevent prolonged separations of families, and mitigate trauma to families involved with the child welfare system.

As child welfare practitioners and stakeholders representing diverse communities across Texas and the nation, we respectfully present the following recommendations for immediate action.

- 1) Expedite reunifications of families and prevent prolonged separations by continuing to hold status and permanency hearings (via teleconference if necessary). Consider moving up timelines for reunifications and monitored returns where parents are making appropriate progress on service plans.
- 2) Consider either suspending all new investigations with the exception of Priority I reports or conducting Priority II investigations via phone or virtually. Utilize digital platforms to engage with parents and their representatives. Hold Family Team Meetings via phone conference to support families and promote family preservation when safety is not compromised.
- 3) Maintain in-person visitation to the maximum extent possible in order to minimize additional trauma to children unless there is a specific, compelling reason to suspend visitation for an individual family, such as evidence of COVID-19 infection. Increase use of virtual visitations, now federally-approved, for cases impacted by local stay-at-home orders.
- 4) Suspend the use of safety plans and Parental Child Safety Placements for all non-immediate or non-serious threats to a child's safety until after the Governor's state of disaster declaration has been lifted. Encourage the use of Parental Child Safety Placements as an alternative only in cases where removal is imminent.
- 5) Prevent removals for failure to comply with the terms of any safety or service plan that occur during the Governor's state of disaster declaration or any local mandates and following recovery period. Encourage virtual Family Team Meetings to support the needs of families and promote family preservation.
- 6) Suspend or alter service plan requirements that expose parents to a significant risk of exposure to COVID-19 or would require violation of local stay home/shelter-in-place orders. Prevent unnecessary delays to reunification by providing parents with means to progress on service plans through virtual appointments, online learning, telemedicine, and other technology.
- 7) Suspend drug-testing requirements during the Governor's state of disaster declaration due to laboratory closings, shifts to COVID-19 testing, changes in hours of operation and nonessential travel mandates. Waive requirements that parents submit to drug-testing as a precondition for visitation.
- 8) Prohibit caseworkers from marking parents' progress as "unsatisfactory" or "non-compliant" with service plan terms due to pandemic-related barriers.
- 9) In the event a foster placement disrupts as a result of the COVID-19 pandemic, prioritize reunification of the child with their parents via monitored return, fast-track relative or fictive kin placement approvals, and allow for temporary waiver of licensing and training requirements to facilitate placement with relatives or fictive kin.

For each of the above recommendations, ensure that directives are applied consistently across the state and that information is disseminated to all parties involved with meeting the needs of children and families. In addition, information should be provided to parents and caregivers in multiple languages and formats.

We, the undersigned, are committed to supporting children and families throughout the duration of this crisis and stand ready to assist you and your team with implementation of these recommendations. Please let us know if you have any questions.

Sincerely,

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