



# Texas Department of Family and Protective Services

Commissioner  
Jaime Masters

May 11, 2021

Ms. Sarah Hicks, Director of Policy and Budget  
Governor's Office of Budget, Planning and Policy  
1100 San Jacinto, 4th Floor  
Austin, TX 78701

Mr. Jerry McGinty, Director of Legislative Budget Board  
Legislative Budget Board  
1501 North Congress Avenue, 5th Floor  
Austin, TX 78701

Dear Ms. Hicks and Mr. McGinty:

Enclosed is the agency's FY 2021 Financial Report as of March 2021. The following is a narrative summary of budget adjustments during the month, budget variances, significant changes from appropriated funding, capital budget issues, and other key budget issues at this time.

Schedules are updated to meet the reporting requirements in Rider 6, Other Reporting Requirements. A.1.1, Statewide Intake Services, and D.1.1, APS Direct Delivery Staff, are added to Schedule 11, which provides 5-year detail of actual and projected expenditure information by Object of Expense and Method of Finance. Also in accordance with Rider 6, Other Reporting Requirements, Statewide Intake performance measures are included in Schedule 9, Select Performance Measures. Revenue for Object Code 3770, Administrative Penalties, is included in the Revenue Schedule for Appropriated Receipts (0666) to meet the requirements for Rider 34, Contractor Penalties and Incentives.

## **BUDGET ADJUSTMENTS**

The budget adjustments listed below apply to the appropriation year 2021 as of the end of March 2021. Adjustments to Department of Family and Protective Services (DFPS) appropriation pattern as detailed in the Conference Committee version of H.B.1, 86th Legislature, Regular Session are described below:

- A. This adjustment reflects the appropriation pursuant to Art IX, Sec 18.74, Contingency for Senate Bill 781, Relating to the Regulation of Child-care Facilities.

- B. Pursuant to Art IX, Sec 13.01, Federal Funds/Block Grants, adjustments have been made to align federal funds/block grants with award amounts and re-budget federal funds/block grants between FY20 and FY21. Total amounts by CFDA are listed below.

93.556.003 - Title IV-B, Part 2 – Kinship Navigator \$1,073,616  
93.556.004 - Title IV-B, Part 2 – NEICE \$349,000  
93.556.005 - Title IV-B, Part 2 – FFTA \$2,849,309  
93.590 - Community-Based Child Abuse Prevention Grants \$1,406,605  
93.599 - Title IV-E ETV \$459,236  
93.603 - Adoption Incentive Payments (\$1,556,000)  
93.643 - Children's Justice Grants to States \$137,898  
93.645.001 - Title IV-B, Part 1 Child Welfare Services State Grant CARES Act \$3,312,999  
93.669 - Child Abuse and Neglect State Grants \$5,471,084  
93.674 - Chafee Foster Care Independence Program \$1,025,000  
93.747 - Elder Abuse Prevention Interventions Program \$314,158  
93.870 - Home Visiting Grant – Formula \$2,711,457

- C. This adjustment reflects changes in estimated federal entitlement funds (gains or losses) pursuant to Art IX, Sec 13.01, Federal Funds/Block Grants Fed Entitlements. Total amounts by CFDA are listed below.

93.090.050-Title IV-E Guardianship Assistance - Administration \$573,340  
93.090.060- Title IV-E Guardianship Assistance – FMAP \$550,694  
93.658.050-Title IV-E Foster Care – Administration (\$7,195,694)  
93.658.060-Title IV-E Foster Care – FMAP \$3,430,846  
93.658.075-Title IV-E Foster Care-Training-75% \$2,926,185  
93.659.050-Title IV-E Adoption Assistance - Administration \$897,271  
93.659.060- Title IV-E Adoption Assistance – FMAP \$7,477,530  
93.659.075-Title IV-E Adoption Assistance-Training-75% (\$3,014)  
93.778.003-Medical Assistance Program 50% (\$414,842)

- D. This adjustment reflects changes in estimated interagency contracts pursuant to Art IX, Sec 8.02, Reimbursements and Payments.

- E. This adjustment reflects changes in estimated conference fee collection pursuant to Art IX, Sec 8.07, Conference Fees.

- F. This adjustment reflects transfers between non-capital and capital budget items pursuant to Art IX, Sec 14.03(h), Limitation on Expenditures – Capital Budget (2020-21 GAA). Includes approved RTE (DFPS-2020-A-006), 08/24/2020 - Authority to expend FFTA funding on a new capital project) as well as transfer from Capital Budget item to another Capital Budget items within 25% authority. [See Schedule 8 for project detail]

- G. This adjustment reflects changes in estimated gift revenue collected pursuant to Art IX, Sec 8.01, Acceptance of Gifts of Money.
- H. This adjustment reflects transfers between appropriations within 20 percent limitation to cover projected expense pursuant to Art IX, Sec 14.01(a), Appropriation Transfers (2020-21 GAA)
- I. This adjustment reflects appropriation adjustment pursuant to Art II, Rider 43, Community-based Care Oversight Staff (2020-21 GAA), FSU.
- J. This adjustment reflects appropriation adjustment pursuant to Art II, Rider 29, Community-based Care Payment (2020-21 GAA), FSU.
- K. Pursuant to Art IX, Sec 14.01 (d)(1) Appropriation Transfers, this adjustment reflects transfers from one appropriation item to another appropriation item within the same Indirect Administrative goal without limitation as to the amount of such a transfer.
- L. This adjustment reflects the carry forward of unexpended capital balances from FY20 to FY21 for Strategy F.1.1, Agency-Wide Automated Systems pursuant to Art IX, Sec 14.03 (i), Limitation on Expenditures – Capital Budget UB (2020-21 GAA). [See Schedule 8 for project detail].
- P. Pursuant to Article IX, Sec. 14.05. Unexpended Balance Authority Between Fiscal Years within the Same Biennium, the adjustment reflects carry forward from 2020 to 2021 per approved RTE (DFPS -2020-A-0005).

## **BUDGET VARIANCES**

Schedules 1, 4, and 5 of this report reflect the agency's current projections for program expenditures, the 2021 Conference Committee forecast for entitlement programs (Foster Care and Adoption Subsidy/PCA), Contracted Day Care services, and the Relative Other Designated Caregiver program as well as an entitlement budget adjustment for the enhanced FMAP. Projections for forecasted programs have been further adjusted to reflect anticipated general revenue savings from the enhanced FMAP rates approved through the CARES Act through the end of the fiscal year. The agency has also increased projections to account for the increased costs of supplemental payments to providers for 24-hour awake supervision requirements.

This report reflects an agency surplus of \$70.8 Million all funds consisting of a surplus \$59.7 million in General Revenue and a surplus of \$11.1 million in Federal Funds.

- Appropriations that are anticipated to result in lapsed budget authority are expressed as a positive variance:
  - 0001 – General Revenue
  - 0758 - GR- Medicaid Match

- 8008 – GR Title IV-E FMAP
  - 93.558 – Temporary Assistance to Needy Families (TANF)
  - 93.090.060 – Title IV-E Guardianship Assistance – FMAP
  - 93.658.050 – Title IV-E Foster Care – Administration
  - 93.658.060 – Title IV-E Foster Care - FMAP
  - 93.658.075 - Title IV-E Foster Care-Training-75%
  - 93.659.050 – Title IV-E Adoption Assistance – Administration
  - 93.659.075 - Title IV-E Adoption Assistance-Training-75%
  - 93.778.003 - Medical Assistance Program 50%
- Appropriations for which expense is projected to exceed the adjusted budget are reflected as a negative variance:
    - 93.090.050 – Title IV-E Guardianship Assistance – Administration
    - 93.090.060 – Title IV-E Guardianship Assistance – FMAP
    - 93.659.060 – Title IV-E Adoption Assistance – FMAP

The projected general revenue variances are summarized as follows:

- Entitlement Programs - \$4.5 million shortfall
- Non-Entitlement Programs - \$64.2 million lapse

## **SIGNIFICANT CHANGES FROM PREVIOUS REPORT**

This is the seventh Monthly Financial Report for FY 2021.

## **OTHER KEY BUDGET ISSUES**

This month's report reflects an updated Conference Committee forecast for entitlement programs (Foster Care and Adoption Subsidy/PCA), Contracted Day Care services, and Relative Other Designated Caregiver program. The forecast resulted in a shift in variances as the updated end date for enhanced FMAP rates is included in the forecast and projections are reduced based on updated factors.

The report reflects a projected shortfall in CPS Purchased Client Services, which maintains FY20 projected spending levels. Additionally, the report reflects available lapses identified as part of the governor's request for a 5% reduction in general revenue.

A request to exceed authority to transfer Fiscal Year 2020 appropriations to address funding needs in Strategy B.1.9, Foster Care Payments was submitted on January 28, 2021 (DFPS-2021-A-001).

In accordance with Article IX, Section 6.10, DFPS is providing notification of paid FTEs exceeding the appropriated FTE cap. As referenced in Schedule 2 of the enclosed monthly financial report, DFPS has paid an average of 12,766.6 full-time equivalents (FTEs) through the end of February. This exceeds the general appropriations act (GAA) FTE level of 12,103.5. The

GAA FTE level was established to account for reductions in FTEs associated with the implementation of Community Based Care (CBC), some of which are not scheduled to occur until later in the year. Specifically, the FTE reduction associated with the implementation of catchment areas 8A stage II, and 8B, stage I. Additionally, in consultation with the Legislative Budget Board, it was determined the FTE reduction associated with the implementation for catchment area 3B (initially scheduled for FY 2019) was duplicated, thus lowering the FTE level below the appropriated level of funding in the FY 2020- 2021 biennium. As referenced in the Adjusted Cap column of Schedule 2, the GAA FTE level has been increased to account for the 3B duplicated reduction, and to temporarily account for the FTEs in catchment areas 8A and 8B. The adjusted cap in Schedule 2 will be updated at the time these catchment areas are implemented. Lastly, DFPS has created 171 positions necessary to support the Foster Care Lawsuit which has contributed to the excess in paid FTEs. Although the FTEs exceed the GAA FTE limitation, the cost for the FTEs is projected to remain within appropriated funding.

## CAPITAL BUDGET ISSUES

The budget in Schedule 8 (Capital Projects) reflects the DFPS 2020-2021 capital appropriation levels. Future adjustments will be reflected in Monthly Financial Reports as revenues are realized and/or actual adjusting entries are processed in the Uniform State Accounting System.

C. This adjustment reflects changes in estimated federal entitlement funds (gains or losses) pursuant to Art IX, Sec 13.01, Federal Funds/Block Grants Fed Entitlements.

F. This adjustment reflects transfers between non-capital and capital budget items pursuant to Art IX, Sec 14.03(h), Limitation on Expenditures – Capital Budget (2020-21 GAA). *[See Schedule 8 for project detail]*

L. This adjustment reflects the carry forward of unexpended capital balances from FY20 to FY21 for Strategy F.1.1, Agency-Wide Automated Systems pursuant to Art IX, Sec 14.03 (i), Limitation on Expenditures – Capital Budget UB (2020-21 GAA). *[See Schedule 8 for project detail].*

## STATUS OF PENDING TRANSFERS AND AUTHORITY REQUIRING PRIOR APPROVAL

Schedule 10 contains a full listing of request for approval and notifications that DFPS has submitted for the fiscal year. The items listed below are pending or newly approved.

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<b>Letter Topic</b>	<b>HHSC/DFPS</b>	<b>LBB</b>	<b>Governor</b>
<b>Appropriation Year</b>	<b>Letter Date</b>		
Request for Approval for Carry Forward to meet Court Ordered Heightened Monitoring Requirements [DFPS-2020-A-004]	June 19, 2020	Amended, Pending final response on FY21 transfers	Y
Request for Approval to transfer Fiscal Year 2020 appropriations to address funding needs in Strategy B.1.9, Foster Care Payments [DFPS-2021-A-001]	January 28, 2021	Partial, Pending final response.	N

Please feel free to contact me at 512-438-2022 if you have any questions or require additional information.

Sincerely,



Lea Ann Biggar  
Budget Director

cc: Garnet Coleman, State Representative  
Elizabeth Farley, Governor's Office  
Jessica Olson, Lieutenant Governor's Office  
Molly Czepiel, Speaker's Office  
Stacey Gilliam, Senate Finance Committee  
Alyssa Jones, Senate Finance Committee  
Julie Lindsey, Legislative Budget Board  
Andrea Nikic, Legislative Budget Board  
Nicole Delaney, Legislative Budget Board  
Rob Coleman, Director of Fiscal Management