

**AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT
FOSTER CARE AND ADOPTION ASSISTANCE
STATE/TRIBE OF TEXAS**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN'S BUREAU
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PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT

FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

STATE/TRIBE OF TEXAS

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

Texas Department of Family and Protective Services

(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> ▪ Texas Family Code: (TFC) ▪ Texas Administrative Code: (TAC) ▪ Child Protective Services (CPS) Handbook ▪ PSA- CPS Protective Services Action Memorandum
475(1)(D) 475(1)(B)	i. where appropriate for a child 14 or over: includes a written description of the programs and services which will help such child prepare for the transition from foster care to successful adulthood. With respect to a child who has attained 14 years of age, any revision or addition to the plan must be developed in consultation with the child and, at the option of the child, with up to 2 members of	CPS Handbook <ul style="list-style-type: none"> ▪ 6252 Participation in Development of the Child's Service Plan

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A State/Tribal agency may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child;</p>	<ul style="list-style-type: none"> ▪ 6274 Permanency Planning Meetings for Youth 14 and Over ▪ 10000 Services to Older Youth in Care ▪ 10111 Experiential Life Skills Training for Youth Age 14 and Older ▪ 10120 Transition Planning for Older Youth ▪ 10121 Permanency Planning Meetings for Youth Age 14 and Older

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
1356.21(f)	<p>2. Case Review</p> <p>The State/Tribal agency has a case review system which meets the requirements of sections 475(5), 475(6) and 475A of the Act and assures that:</p>	
475(5)(B)	<p>a. a review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:</p> <ul style="list-style-type: none"> i. determine the safety of the child, the continuing need for and appropriateness of the placement; ii. determine the extent of compliance with the case plan; iii. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and iv. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and v. for a child for whom another planned permanent living arrangement has been determined as the permanency plan, determine the steps the state/tribal agency is taking to ensure the child's 	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 263.306 Permanency Hearings: Procedure ▪ 263.503 Placement Review Hearings: Procedure ▪ 263.5031 Permanency Hearings Following Final Order (SB 206, 1407, and HB 825 made competing amendments to 263.306, 263.503,

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	<p>foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and</p>	<p>and 263.5031 The TFC has not been updated yet.)</p> <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 6251 Basic Description of the Child's Service Plan
475(6)	<p>b. if an administrative review is conducted, the following requirements will be met:</p> <ul style="list-style-type: none"> i. the review will be open to the participation of the parents of the child; and ii. the review will be conducted by a panel of appropriate persons, at least one of whom is not responsible for the case management of, or delivery of services to either the child or the parents who are the subject of the review. 	
1356.21(h) 475(5)(C)	<p>3. Permanency Hearing</p> <p>a. To meet the requirements of the permanency hearing, the State/Tribe holds permanency hearings for all</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	children under the responsibility for placement and care of the title IV-E/IV-B agency, including children for whom the State/Tribal agency claims Federal reimbursement for the costs of voluntary foster care maintenance payments.	
1356.21(h) 475(5)(C)	b. The permanency hearing takes place within 12 months of the date the child is considered to have entered foster care (as defined within the meaning of 475(5)(F)) and not less frequently than every 12 months thereafter during the continuation of foster care.	
1356.21(h)(2) 471(a)(15)(E)(i)	c. When a court determines that reasonable efforts to return the child home are not required, a permanency hearing is held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts to reunify the child and family are not required.	
1356.21(b)(3) 475(5)(C) 471(a)(15)(E)(i)	d. For the purposes of this requirement, a permanency hearing shall determine: i. the permanency plan for the child that includes	For Tribal IV-E agencies, the APPLA provisions that apply to 16 year olds are not

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>whether, and if applicable when, the child will be returned to the parent, or placed for adoption and the State/Tribe will file a petition for termination of parental rights, or referred to legal guardianship, or only in the case of a child who has attained 16 years of age (in cases where the State/Tribal agency has documented to the court a compelling reason for determining, as of the date of the hearing, that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement subject to section 475A(a) of the Act;</p> <p>ii. in the case of a child who will not be returned to the parent, the hearing shall consider in-State/Tribal service area and out-of-State/Tribal service area placement options;</p> <p>iii. in the case of a child placed out of the State/Tribal service area in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State/Tribal service area placement continues to be appropriate and in the</p>	<p>required until September 29, 2017.</p> <p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 263.306 Permanency Hearings Before Final Order: ▪ 263.5031 Permanency Hearings Following Final Order <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 5531 The Purpose of a Permanency Hearing ▪ 5535 Meeting the Content Requirements for the Permanency Progress Report ▪ Appendix 5531

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>best interests of the child;</p> <p>iv. in the case of a child who has attained age 14, the services needed to assist the child to make the transition from foster care to successful adulthood;</p> <p>v. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to successful adulthood, procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child; and</p> <p>vi. if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the state or tribal agency may reject an individual so selected by the child if the agency has good cause to believe that the individual would not act in the best</p>	<p>and 5535: Requirements for the Court in a Permanency Hearing</p> <ul style="list-style-type: none"> ▪ 6212.4 Another Planned Permanent Living Arrangement ▪ 6252 Participation in Development of the Child's Service Plan ▪ 6274 Permanency Planning Meetings for Youth 14 and Over ▪ 10000 Services to Older Youth in Care

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>interests of the child, and 1 individual so selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child.</p>	<ul style="list-style-type: none"> ▪ 10120 Transition Planning for Older Youth ▪ 10121 Permanency Planning Meetings for Youth Age 14 and Older
475(5)(I)	<p>6. Annual Credit Reports</p> <p>Each child in foster care under the responsibility of the State/Tribal agency who has attained 14 years of age receives without cost a copy of any consumer report (as defined in section 603(d) of the Fair Credit Reporting Act) pertaining to the child each year until the child is discharged from care, and receives assistance (including, when feasible, from any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.</p>	<p>CPS Handbook:</p> <ul style="list-style-type: none"> ▪ 10620 Credit Reports for Youth in Foster Care ▪ 10621 Credit Reports for Youth in Foster Care ▪ 10622 How to Obtain Credit Reports for Youth Ages 14 Up to Age 18

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> ▪ 10623 Credit Reports for Young Adults in Extended Foster Care
475(5)(I)	<p>7. Official Documents.</p> <p>Each child leaving foster care by reason of having attained 18 years of age or such greater age as the State has elected under 475(8), unless the child has been in foster care for less than 6 months, must be discharged from care with an official or certified copy of the United States birth certificate of the child, a social security card issued by the Commissioner of Social Security, health insurance information, a copy of the child's medical records and a driver's license or identification card issued in accordance with the requirements of section 202 of the REAL ID Act of 2005.</p>	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 264.014 Provision of Copies of Certain Records (SB 206 Sections 55 and 56, effective 9/1/15, moved 264.014 into 264.121. The TFC has not been updated yet.) <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 10130 Personal Documents Provided to Youth ▪ 10131 Personal Documents Provided to

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		<p>Youth at Age 16</p> <ul style="list-style-type: none"> ▪ 10132 Personal Documents Provided to Youth at Age 18 ▪ 10132.1 Designating a Medical Power of Attorney ▪ 10132.2 Provision of Documents
471(a)(24)	<p>L. TRAINING</p> <p>Before a child in foster care is placed with prospective foster parents, the prospective foster parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of the child. As necessary, such preparation is continued after placement of the child, and includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive,</p>	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 264.125 Age-Appropriate Normalcy Activities; Standard of Care (This is an amended section of the code passed in the 84th session from SB 1407.

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities.</p>	<p>It is effective 9/1/15. The TFC has not been updated yet.)</p> <p>Texas Administrative Code (TAC) Title 40, Part 19)</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter F, 749.881 Training and Professional Development ▪ Chapter 749, Subchapter F, 749.941 Training and Professional Development ▪ Chapter 749, Subchapter M, 749.2593 Foster Homes: Screenings and Verifications

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<ul style="list-style-type: none"> ▪ Chapter 749, Subchapter M, 749.2594 Foster Homes: Screenings and Verifications <p>Residential Child Care Licensing (RCCL) Note: RCCL will review current minimum standards in Chapter 749 relating to normalcy and the reasonable and prudent parent standard and amend as needed to ensure consistency with SB 1407 and HR 4980. If new rules are needed they will be proposed in January 2016. If adopted, the</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>rules will become effective June 1, 2016.</p> <p>The FY 2016 Residential Contracts incorporate the Reasonable and Prudent Standard Language. It also includes a training requirement. (A copy of this contract is included in the citation binder See Appendix 3).</p>

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475A(a)	<p>N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT</p> <p>In the case of any child for whom another planned permanent living arrangement is the permanency plan determined for the child under section 475(5)(C), State/Tribal agency follows case plan and case system review procedures that include:</p> <ol style="list-style-type: none"> 1. At each permanency hearing held with respect to the child, the State/Tribal agency documents the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children. 2. At each permanency hearing held with respect to the child, the court or administrative body appointed or approved by the court conducting the hearing on the permanency plan for the child must: <ol style="list-style-type: none"> a. Ask the child about the desired permanency outcome for the child. 	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 263.3026 Permanency Goals; Limitation. ▪ 263.306 Permanency Hearings Before Final Order: ▪ 263.5031 Permanency Hearings Following Final Order <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 5531 The Purpose of a Permanency Hearing ▪ 5535 Meeting the Content Requirements for the Permanency Progress Report

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>b. Make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to—</p> <ul style="list-style-type: none"> i. return home; ii. be placed for adoption; iii. be placed with a legal guardian; or iv. be placed with a fit and willing relative. <p>3. At each permanency hearing held with respect to the child, the State/Tribal agency shall document the steps the agency is taking to ensure that—</p> <ul style="list-style-type: none"> a. the child’s foster family home or child care institution is following the reasonable and prudent parent standard; and b. the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities). 	<ul style="list-style-type: none"> ▪ Appendix 5531 and 5535: Requirements for the Court in a Permanency Hearing ▪ 6212.4 Another Planned Permanent Living Arrangement

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
471(a)(35)(A)	<p>O. ABSENCES FROM CARE</p> <p>The State/Tribal agency has protocols for:</p> <ol style="list-style-type: none"> 1. Expeditiously locating any child missing from foster care, 2. Determining the primary factors that contributed to the child's running away or otherwise being absent from care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements, 3. Determining the child's experiences while absent from care, including screening the child to determine if the child is a possible sex trafficking victim, and 4. Reporting such related information as required by the Secretary. 	<p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 6314.1 Minor Child Missing from Foster Care Placement ▪ 6314.2 When a Missing Child Returns to Care <p>Meeting In a Box</p> <ul style="list-style-type: none"> ▪ Locating a Missing Children in CPS Conservatorship Resource Guide (See Appendix 2)

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
475A(b)	<p>P. RIGHTS</p> <p>The State/Tribe must include in the case plan for any child in foster care who has attained 14 years of age:</p> <ol style="list-style-type: none"> 1. A document that describes the rights of the child with respect to education, health visitation, and court participation, the right to be provided with the documents specified in section 475(5)(I) in accordance with that section, and the right to stay safe and avoid exploitation; and 2. a signed acknowledgement by the child that the child has been provided with a copy of the documentation and that the rights contained in the document have been explained to the child in an age-appropriate way. 	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 263.008 Foster Children's Bill Of Rights <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 6315 Rights of Children and Youth in Foster Care

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
473A(b)(3)	<p>E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING (Not applicable to Tribes.)</p> <p>1. States that are eligible for adoption incentive funds must be in compliance with the data requirements in section 473A(b)(2) of the Act; and</p> <p>2. Provide health insurance coverage to any child with special needs (as determined under section 473(c)) for whom there is in effect an adoption assistance agreement.</p>	<p>Texas is meeting all Administration for Families and Children Analysis and Reporting (AFCARS) reporting requirements.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 4. GENERAL PROGRAM REQUIREMENTS	
471(a)(10)	<p>A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard.</p> <p>The standards so established are applied by the State/Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The standards shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or</p>	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 264.125 Age-Appropriate Normalcy Activities; Standard of Care (This is an amended section of the code passed in the 84th session from SB 1407. It is effective 9/1/15. The TFC has not been updated yet.) <p>Texas Administrative Code (TAC) Title 40, Part 19)</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter F,

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	<p>developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24).</p> <p>The standards for foster family homes and child care institutions shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.</p> <p>The State/Tribal agency may provide waivers of such standards only on a case-by-case basis for non-safety standards (as determined by the State/Tribe) in relative foster family homes for specific children in care.</p> <p>(Tribes, see section 7)</p>	<p>749.881 Training and Professional Development</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter F, 749.941 Training and Professional Development ▪ Chapter 749, Subchapter M, 749.2593 Foster Homes: Screenings and Verifications ▪ Chapter 749, Subchapter M, 749.2594 Foster Homes: Screenings and Verifications <p>Residential Child Care Licensing (RCCL) Note: RCCL will review current minimum</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>standards in Chapter 749 relating to normalcy and the reasonable and prudent parent standard and amend as needed to ensure consistency with SB 1407 and HR 4980. If new rules are needed they will be proposed in January 2016. If adopted, the rules will become effective June 1, 2016.</p> <p>Attached: Minimum Standards Memo - January 12, 2015 Revision (SEE Appendix 1) The FY 2016 Residential Contracts incorporate the Reasonable and</p>

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		Prudent Standard Language. It also includes a training requirement. (A copy of this contract is included in the citation binder See Appendix 3).
471(a)(22)	<p>L. QUALITY STANDARDS</p> <p>1. The State/Tribal agency has developed and implemented standards to ensure that children in foster care placements in public or private agencies are provided quality services that protect the safety and health of the children.</p>	
471(a)(24)	<p>2. The State/Tribal agency will ensure that prospective foster parents are adequately trained with the appropriate knowledge and skills to provide for the needs of the child and that the preparation will be continued, as necessary, after the placement of the child and that the preparation shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities, including knowledge and skills</p>	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 264.125 Age-Appropriate Normalcy Activities; Standard of Care (This is an amended section of the code

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	<p>relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.</p>	<p>passed in the 84th session from SB 1407. It is effective 9/1/15. The TFC has not been updated yet.)</p> <p>Texas Administrative Code (TAC) Title 40, Part 19)</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter F, 749.881 Training and Professional Development ▪ Chapter 749, Subchapter F, 749.941 Training and Professional Development ▪ Chapter 749, Subchapter M, 749.2593 Foster Homes:

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Screenings and Verifications</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter M, 749.2594 Foster Homes: Screenings and Verifications <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 6251 Basic Description of the Child's Service Plan <p>Residential Child Care Licensing (RCCL) Note: RCCL will review current minimum standards in Chapter 749 relating to normalcy and the reasonable and prudent parent standard and amend as needed to ensure consistency</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>with SB 1407 and HR 4980. If new rules are needed they will be proposed in January 2016. If adopted, the rules will become effective June 1, 2016.</p> <p>Attached: Minimum Standards Memo - January 12, 2015 Revision (SEE Appendix 1)</p> <p>The FY 2016 Residential Contracts incorporate the Reasonable and Prudent Standard Language. It also includes a training requirement. (A copy of this contract is included in the citation binder SEE Appendix</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		3).
475(9), (10), (11) and (12)	<p>O. DEFINITIONS</p> <p>For the purposes of the titles IV-B and IV-E of the Act:</p> <p>1. The term 'sex trafficking victim' means a victim of-</p> <p>a. sex trafficking (as defined in section 103(10) of the Trafficking Victims Protection Act of 2000); or</p> <p>b. a severe form of trafficking in persons described in section 103(9)(A) of such Act.</p> <p>2. The term 'reasonable and prudent parent standard' means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State/Tribe to participate in extracurricular, enrichment, cultural, and social activities. In this context, 'caregiver' means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.</p>	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 264.125 Age-Appropriate Normalcy Activities; Standard of Care (This is an amended section of the code passed in the 84th session from SB 1407. It is effective 9/1/15. The TFC has not been updated yet.) <p>Texas Administrative Code (TAC) Title 40, Part 19)</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter F, 749.881 Training and Professional

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>3. The term 'age or developmentally-appropriate' means—</p> <p>a. activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and</p> <p>b. in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.</p> <p>4. The term 'sibling' means individual who satisfies at least one of the following conditions with respect to a child:</p> <p>a. The individual is considered by state/tribal law to be a sibling of the child.</p> <p>b. The individual would have been considered a sibling of the child under State/Tribal law but for a termination or other disruption of parental rights, such as the death of a</p>	<p>Development</p> <ul style="list-style-type: none"> ▪ Chapter 749, Subchapter F, 749.941 Training and Professional Development ▪ Chapter 749, Subchapter M, 749.2593 Foster Homes: Screenings and Verifications ▪ Chapter 749, Subchapter M, 749.2594 Foster Homes: Screenings and Verifications <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 2113 Statutory Definitions of Child Abuse and Neglect ▪ 2113.1 Definitions of Abuse

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	parent.	<ul style="list-style-type: none"> ▪ 2113.2 Definitions of Neglect <p>Residential Child Care Licensing (RCCL) Note: RCCL will review current minimum standards in Chapter 749 relating to normalcy and the reasonable and prudent parent standard and amend as needed to ensure consistency with SB 1407 and HR 4980. If new rules are needed they will be proposed in January 2016. If adopted, the rules will become effective June 1, 2016.</p> <p>Attached: Minimum Standards Memo - January 12, 2015</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Revision (SEE Appendix 1)</p> <p>The FY 2016 Residential Contracts incorporate the Reasonable and Prudent Standard Language. It also includes a training requirement. (A copy of this contract is included in the citation binder SEE Appendix 3).</p>
471(a)(9)(C)	<p>P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN</p> <p>1. The State/Tribal agency has developed, in consultation with State and local law enforcement, juvenile justice, health care providers, education agencies, and organizations with experience in dealing with at-risk youth, policies and procedures (including relevant training for caseworkers) for identifying, documenting in agency records, and determining appropriate services for:</p>	<p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 2113 Statutory Definitions of Child Abuse and Neglect ▪ 2113.1 Definitions of Abuse

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a. any child or youth over whom the State/Tribal agency has responsibility for placement, care, or supervision and who the agency has reasonable cause to believe is, or is at risk of being, a sex trafficking victim (including children for whom an agency has an open case file but who have not been removed from the home, children who have run away from foster care and who have not attained 18 years of age or such older age as the State has elected under section 475(8) of this Act, and youth who are not in foster care but are receiving services under section 477 of this Act); and</p> <p>b. at the option of the State/Tribal agency, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the agency;</p>	<ul style="list-style-type: none"> ▪ 2113.2 Definitions of Neglect ▪ 2114 Statutory Definition of Person Responsible for Child's Care, Custody, or Welfare ▪ 2380 Child Trafficking (Sex and Labor Trafficking) ▪ 6314.1 Minor Child Missing from Foster Care Placement ▪ 6314.2 When a Missing Child Returns to Care <p>Meeting In a Box</p> <ul style="list-style-type: none"> ▪ Locating Missing Children in CPS

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Conservatorship Resource Guide (See Appendix 2)</p> <p>DFPS MEMORANDUM Note: DFPS requires all direct delivery staff to complete Human Trafficking Training. Protective Service Announcement (PSA)</p> <ul style="list-style-type: none"> ▪ 15-001 Mandatory Human Trafficking Training <p>DFPS has consulted with other specified agencies having experience with at risk youth and; 2) developed policies and procedures (including caseworker training) to identify, document,</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>and determine appropriate services.</p> <ul style="list-style-type: none"> In 2009, the Texas Legislature passed House Bill 4009, which created the statewide Texas Human Trafficking Prevention Task Force (Task Force). DFPS is a participating member of the Task Force, which includes other agencies and NGOs who have experience dealing with at-risk youth. These agencies include children at Risk, the Texas Juvenile Justice Division, Children's

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Advocacy Centers of Texas; Catholic Charities; and multiple law enforcement agencies.</p> <ul style="list-style-type: none"> • The Task Force, with input from DFPS, put together a manual for educators so that they can identify potential victims they may come into contact with in schools. • DFPS, with input from the Task Force member Children at Risk, put together Computer-Based training on identifying human trafficking cases. From September

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>2014-July 2015, 6,048 frontline CPS staff were trained.</p> <p>Texas does not plan to adopt the following item in subsection b. at the option of the State/Tribal agency, any individual who has not attained 26 years of age, without regard to whether the individual is or was in foster care under the responsibility of the agency;</p>
471(a)(35)(B)	2. For each child and youth described in 471(a)(9)(C)(i)(I) of the Act, the State/Tribal agency shall report immediately, and in no case later than 24 hours after receiving, information on missing or abducted children to the law enforcement authorities for entry into the National Crime Information Center (NCIC) database of the Federal Bureau of Investigation, and to the	<p>*Not required until September 29, 2016. **Texas is already meeting this requirement with respect to children in conservatorship (CVS).</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	National Center for Missing and Exploited Children.	<p>Texas Family Code</p> <ul style="list-style-type: none"> ▪ 264.122 Court Approval Required For Travel Outside United States By Child In Foster Care. <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 6314.1 Minor Child Missing from Foster Care Placement ▪ 6314.2 When a Missing Child Returns to Care <p>Attachment: Memorandum of Understanding (MOU) Between Texas Department of Family and Protective Services</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>(DFPS) and National Center for Missing and Exploited Children (NCMEC) (SEE Appendix 4)</p> <p>Meeting In a Box</p> <ul style="list-style-type: none"> ▪ Locating a Missing Children in CPS Conservatorship Resource Guide (See Appendix 2)
471(34)(A)	3. For each child or youth described in 471(a)(9)(C)(i)(I), the state/tribal agency shall report immediately, and in no case later than 24 hours after receiving information on children or youth who have been identified as being a sex trafficking victim, to local law enforcement.	<p>*Not required until September 29, 2016</p> <p>**Texas is already meeting this requirement with respect to children in conservatorship (CVS).</p> <p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 6314 When a Child or Youth is

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Missing from Care

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 5. GENERAL PROVISIONS	
471(a)(34)(A) and 471(a)(35)(B)	<p>f. the disclosure of information pursuant to 471(a)(34)(A) to the appropriate authorities with respect to children or youth identified in 471(a)(9)(C)(i)(I) of the Act who have been identified as being a sex trafficking victim; and</p> <p>g. the disclosure of information pursuant to 471(a)(35)(B) to appropriate authorities with respect to children identified in 471(a)(9)(C)(i)(I) of the Act who are missing or abducted.</p>	<p>CPS Handbook</p> <ul style="list-style-type: none"> ▪ 2380 Child Trafficking (Sex and Labor Trafficking) ▪ 6314 When a Child or Youth is Missing from Care <p>Meeting In a Box</p> <ul style="list-style-type: none"> ▪ Locating a Missing Children in CPS Conservatorship Resource Guide (See Appendix 2)

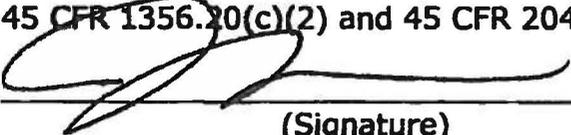
Title IV-E Plan – State of Texas

PLAN SUBMISSION CERTIFICATION

Instructions: This Certification must be signed and submitted by the official authorized to submit the title IV-E plan, each time the state/tribal submits an amendment to the title IV-E plan.

I John J. Specia, Jr. (name) hereby certify that I am authorized to submit the title IV-E Plan on behalf of Texas Department of Family and Protective Services (State/Tribal Agency). I also certify that the title IV-E plan was submitted to the governor or tribal leader for his or her review and approval in accordance with 45 CFR 1356.20(c)(2) and 45 CFR 204.1.

Date 9-28-15



(Signature)

COMMISSIONER

(Title)

APPROVAL
DATE 4/11/16

EFFECTIVE
DATE:


(Signature, Associate Commissioner, Children's Bureau)

TITLE IV-E ADOPTION ASSISTANCE PROGRAM SAVINGS REPORTING ASSURANCES

Instructions: Once this Certification is signed and submitted, it remains in effect on an ongoing basis. The Certification must be re-submitted if there is a change in any of the certifications below.

I hereby assure that the title IV-E agency administering the title IV-E programs will:

a. calculate the savings (if any) resulting from the application of paragraph 473(a)(2)(A)(ii) to all applicable children for a fiscal year, using a methodology specified by the Secretary or an alternate methodology proposed by the agency and approved by the Secretary.

b. annually report to the Secretary—

- the methodology used to make the calculation, without regard to whether any savings are found;
- the amount of any savings; and
- how such savings are spent, accounting for and reporting the spending separately from any other spending reported to the Secretary under part B or this part.

c. spend an amount equal to the amount of the savings (if any) in agency expenditures under this part resulting from the application of paragraph 473(a)(2)(A)(ii) to all applicable children for a fiscal year, to provide to children of families any service that may be provided under part B or this part. A title IV-E agency shall spend not less than 30 percent of any such savings on post-adoption services, post-guardianship services, and services to support and sustain positive permanency outcomes for children who otherwise might enter into foster care under the responsibility of the state or tribe, with at least 2/3 of the spending by the state or tribe to comply with such 30 percent requirement being spent on post-adoption and post-guardianship services.

d. use any title IV-E agency spending of any savings calculated from the application of paragraph 473(a)(2)(A)(ii) to all applicable children for a fiscal year to supplement, not supplant, any Federal or non-Federal funds used to provide any service under part B or this part.

On behalf of

Texas Department of Family and Protective Services
(Designated State Agency)

Date 9.28.15



(Signature)

COMMISSIONER

(Title)

APPROVAL
DATE 4/11/16

EFFECTIVE
DATE: _____



(Signature, Associate Commissioner, Children's
Bureau)