

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

M.D., b/n/f Sarah R. Stukenberg, et al.,	§	
	§	
Plaintiffs,	§	
v.	§	
	§	
GREG ABBOTT, in his official capacity	§	Civil Action No. 2:11-CV-00084
as Governor of the State of Texas, et	§	
al.,	§	
	§	
Defendants.		

**Monitors' Update to the Court Regarding  
PMC Children Without a Licensed Placement**

A. Background

The Department of Family and Protective Services (DFPS) reports the number of children in Permanent Managing Conservatorship (PMC) without licensed, regulated placements under DFPS Supervision to the Monitors every week.<sup>1</sup> The DFPS reports provide information about all PMC children who were without licensed, regulated placements the prior week, including details about their characteristics (age, sex, level of care), their care team (caseworker, supervisor, region, and county) and the period without a licensed, regulated placement (first night without, treatment needs and diagnoses, other characteristics and location of the children).<sup>2</sup>

B. Overview

On average from January 1, 2023, through August 31, 2023, 62 PMC children were without a licensed, regulated placement on a given night, with a maximum of 81 PMC children

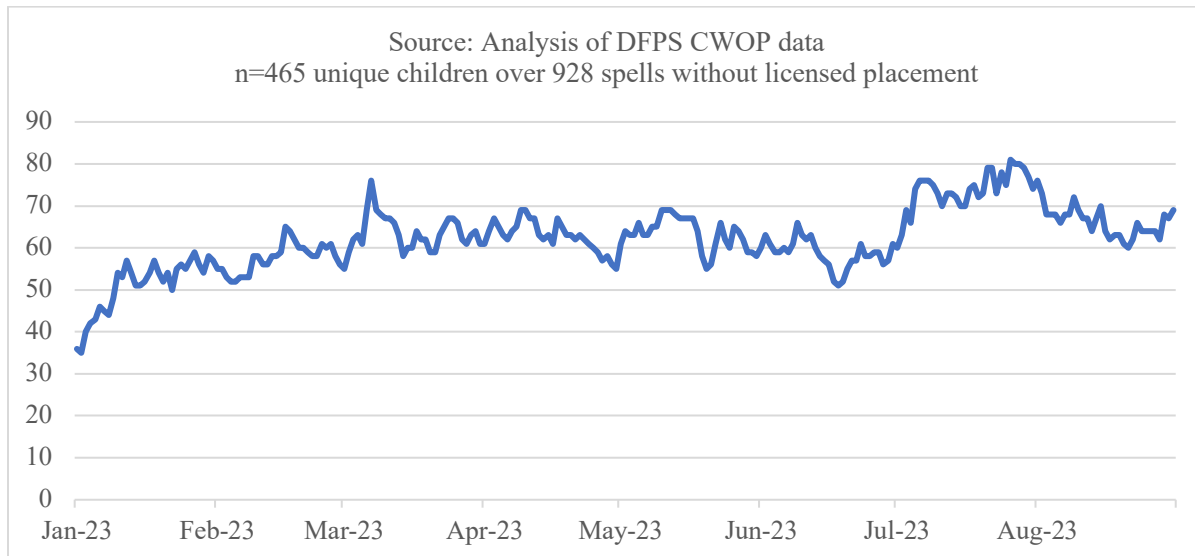
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<sup>1</sup> In this report, all child data references PMC children without placement who are housed in non-kin, unlicensed, unregulated settings. All references to unlicensed placements exclude kinship settings. DFPS also refers to the use of these settings at times as “DFPS Supervision” and “Child Watch,” and at times to the children as Children Without Placement (“CWOP”).

<sup>2</sup> DFPS often first reports children to the Monitors the day after their first night without licensed placement. Therefore, the number of children without placement reflected in the State’s weekly reports tends to be lower than the actual number of children without licensed placement on a given night as calculated when using the data DFPS provided about a PMC child’s first night without a licensed placement.

(which occurred on July 26, 2023).<sup>3</sup> The lowest number of PMC children without a licensed, regulated placement on a given night was 35 (which occurred on January 2, 2023). In January 2023, an average of 51 PMC children were without a licensed, regulated placement per night, and by August 2023, the average increased to 66 PMC children; that number fluctuated over the reporting period, with the highest monthly average at 74 PMC children per night in July 2023.

**Figure 1: PMC Children Without Placement by Day  
(January 1, 2023 – August 31, 2023)**

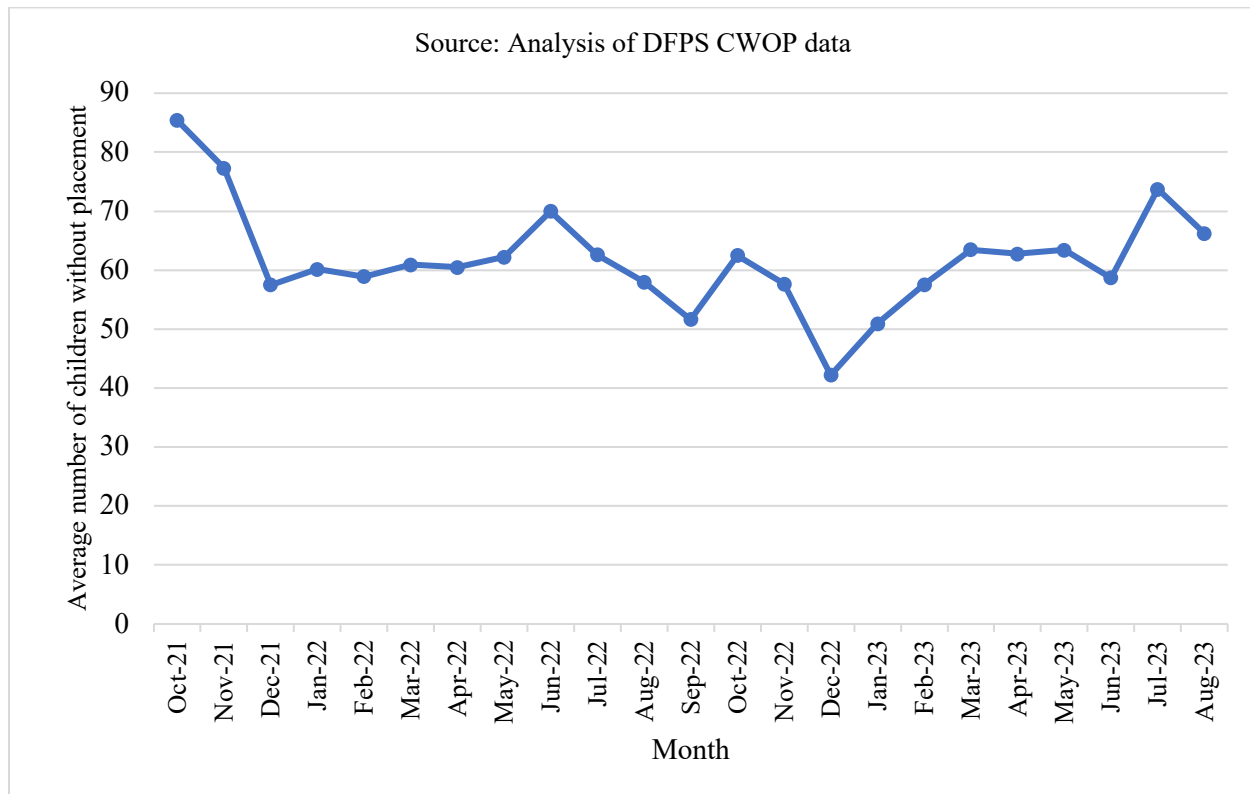


As previously reported, the number of PMC children without licensed, regulated placements has also fluctuated over time. Between December 2021 through May 2022, the average number of children without placement hovered around 60 per night; followed by an increase in June 2022 (an average of 70 PMC children per night) and a steady decrease from July 2022 (an average of 63 PMC children per night) until September 2022 (an average of 52 PMC children per night). After September 2022, the lowest monthly average number of PMC children without licensed, regulated placements (42) occurred in December 2022. It then rose to an average of 74 PMC children per night without licensed, regulated placements in July 2023.<sup>4</sup>

<sup>3</sup> The Monitors identified a small number of children who exited from CWOP Settings into placements in previous months but whose exits were not reflected in DFPS's weekly data submissions at the time; the Monitors updated the monthly averages and other data points in this report to reflect those exits.

<sup>4</sup> The information in this report pertains mainly to PMC children, but DFPS also houses children in Temporary Managing Conservatorship (TMC) in CWOP Settings. PMC children outnumber TMC children in CWOP Settings. For example, on October 1, 2023, DFPS housed 54 PMC children and 22 TMC children in CWOP Settings.

**Figure 2: Average Number of PMC Children Without Placement by Month (October 2021 – August 2023)**



From January 1, 2023, through August 31, 2023, 465 unique PMC children experienced at least one night without a licensed, regulated placement. More than half of those 465 PMC children (59%, 274) experienced a single spell without a licensed placement; 18% (85) had two spells without licensed placements; 10% (44) had three spells without licensed placements; 6% (29) had four spells without licensed placements; 3% (13) had five spells without licensed placements; 1% (5) had six spells without licensed placements; and 3% (15) had seven or more spells without licensed placements.<sup>5</sup>

The average spell experienced by PMC children without licensed placements lasted 17 nights, a slight increase from the previous reporting period, and the longest spell lasted 132 nights, a decrease from the previous reporting period.<sup>6,7</sup> The average number of nights without licensed placement per PMC child (i.e., combining the length of all spells without licensed placement during the period) was 32 nights, with a maximum of 271 nights.

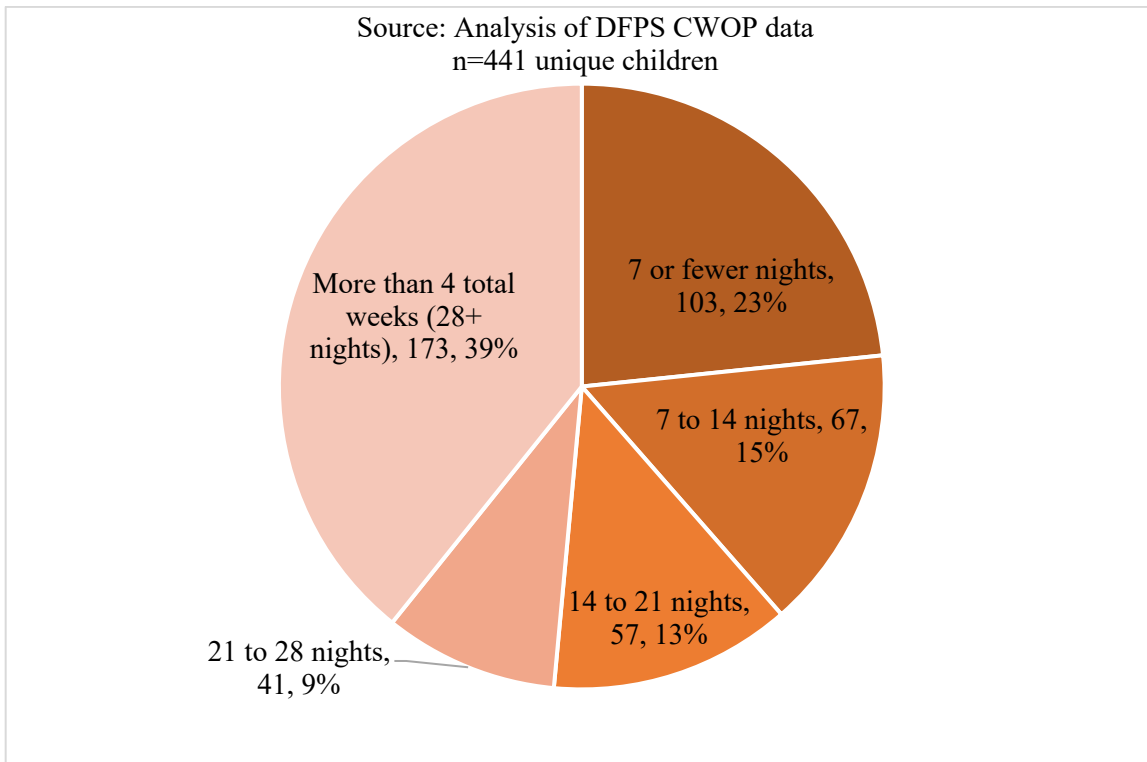
<sup>5</sup> The maximum number of spells experienced by a single child was 13.

<sup>6</sup> This analysis does not include the current spells for the 61 children without a licensed placement on the last day of the period, August 31, 2023.

<sup>7</sup> In the previous report, covering April 1, 2022, to March 31, 2023, the data showed the average spell without licensed placement lasted 15 nights, with the longest spell lasting 204 nights. Deborah Fowler & Kevin Ryan, Monitors' Update to the Court Regarding Children Without Placement, ECF No. 1379-1 (June 23, 2023).

Seventy-seven percent of the PMC children without licensed placements during this period experienced more than seven total nights without a licensed placement (338, 77%) and 39% (173) experienced more than four weeks without a licensed placement.<sup>8</sup>

**Figure 3: Total Nights Without Placement per Child (January 1, 2023 – August 31, 2023)<sup>9</sup>**



C. Profile of children without licensed, regulated, placement

*Demographics*

The majority (90%, 417) of PMC children without licensed, regulated placement during the period were teenagers.<sup>10</sup> The youngest PMC child was two years old at the time a spell began and the oldest PMC children were 17 years old.<sup>11</sup> More than half (54%, 251) of the

<sup>8</sup> This analysis and corresponding figure below do not include the current spells for the 24 PMC children without a licensed placement on the last day of the period, August 31, 2023.

<sup>9</sup> Percentages do not add to 100% due to rounding.

<sup>10</sup> The 465 PMC children who experienced at least one night without a licensed, regulated placement represented 4% (465 of 12,157) all PMC children during this period; however, the children aged 15-to-17 years old who experienced at least one night in a CWOP Setting represented 13% (302 of 2,288) of all PMC children aged 15-to-17.

<sup>11</sup> This analysis includes 12 PMC children who exited care on their 18<sup>th</sup> birthdays.

PMC children without licensed placement during the period were female—higher than the share of females in the broader PMC population (47% on June 30, 2023).<sup>12</sup>

### *Characteristics and Needs*

DFPS described multiple treatment needs and other characteristics of the PMC children who were without licensed placement during this period.<sup>13</sup> While in DFPS's care, these PMC children typically had experienced multiple placements.

The most common corresponding characteristics or treatment needs that DFPS identified among these children were as follows: history of physical aggression (418 children, 90%); history of mental health diagnosis (410 children, 88%); history of psychiatric or mental health hospitalization (370 children, 80%); and cognitive delay and/or physical disability (354 children, 76%).<sup>14</sup> More than half of the children (252 or 54%) were identified as having all four of the most common treatment needs.

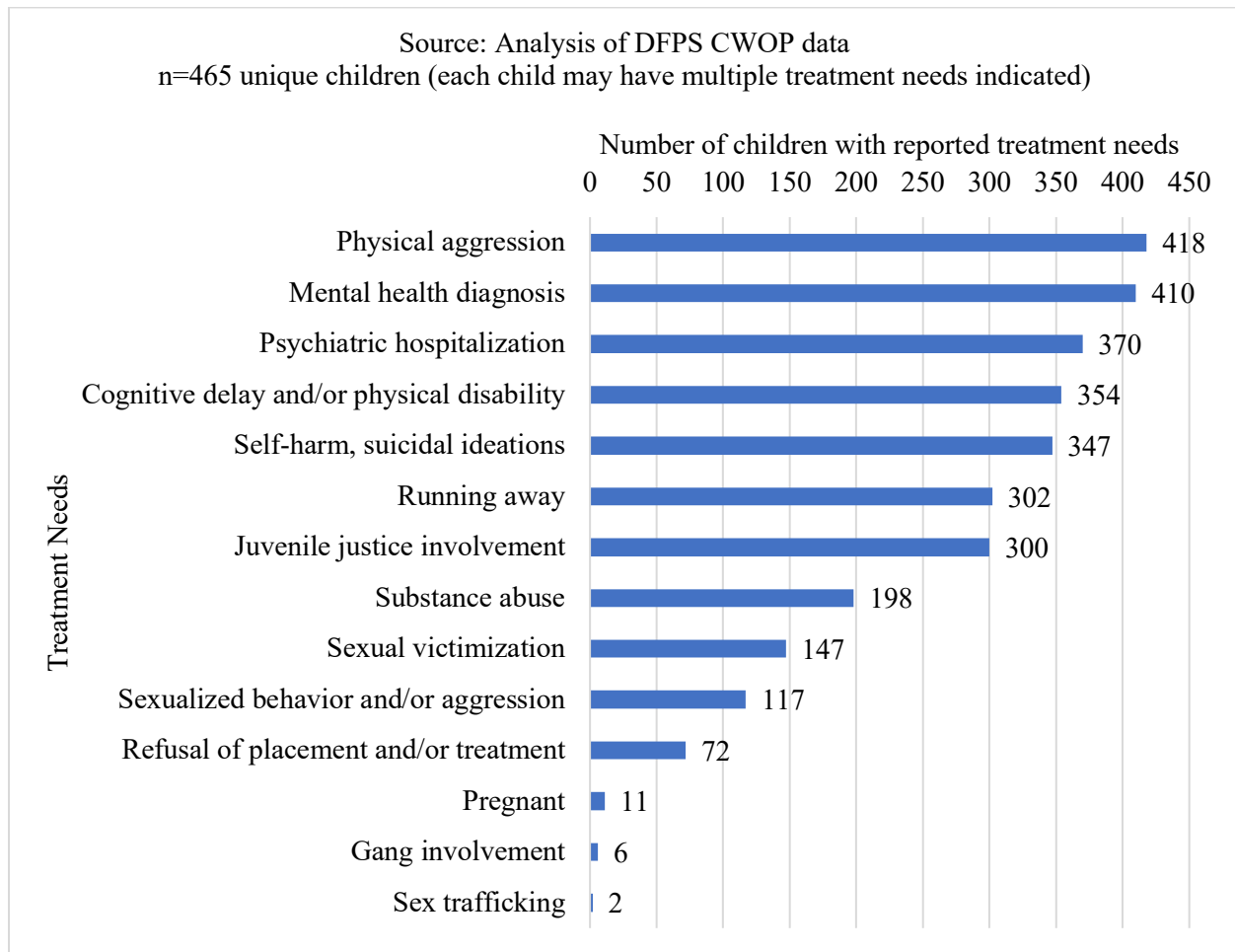
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<sup>12</sup> DFPS, *RO. Inj\_PMC\_Children\_List\_010123\_063023d2023\_09\_01\_log109945* (September 1, 2023) (on file with the Monitors).

<sup>13</sup> DFPS included treatment needs and characteristics for all children without placement. Unless otherwise noted, percentages are calculated out of 465 children.

<sup>14</sup> The monitoring team coded the text descriptions provided by DFPS using categories derived from the Texas Common Application for Placement of Children in Residential Care as appropriate.

**Figure 4: Number of Children with Corresponding Treatment Needs (January 1, 2023 - August 31, 2023)**



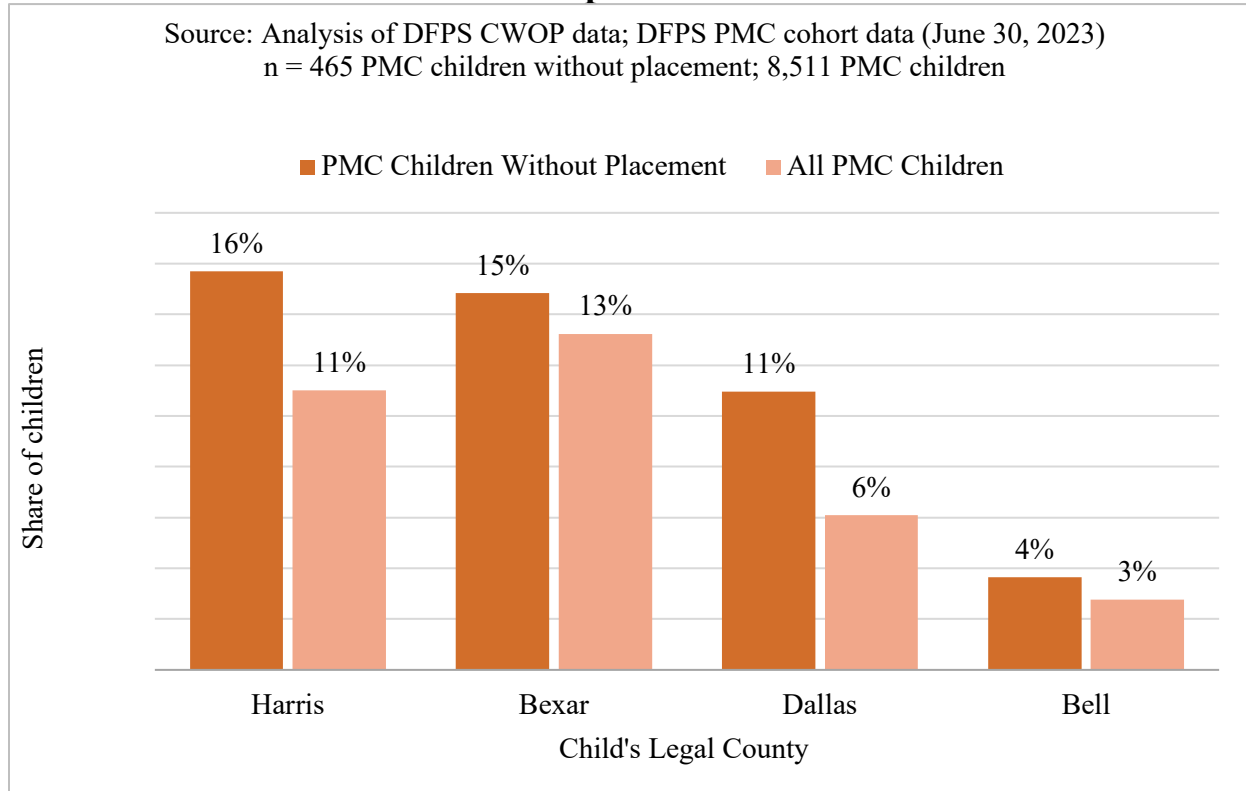
#### D. Geography and Location

Over 46% of PMC children without licensed placement were reported from four counties: Harris (16%, 73), Bexar (15%, 69), Dallas (11%, 51), and Bell (4%, 17). However, children experienced spells without licensed placements in 83 different counties.

The top two legal counties (Harris and Bexar) for PMC children without a licensed placement were the same as the top two legal counties among the broader PMC population. In addition, each of the top four counties with PMC children without licensed placement had a larger share of PMC children without licensed placements as compared to the population of PMC children who are from those counties (Harris, Bexar, Dallas, and Bell).<sup>15</sup>

<sup>15</sup> Children who are housed in a CWOP Setting are not always housed in their legal county. For example, children housed in Bell County CWOP Settings, discussed *supra*, include children from Travis and Williamson counties, and rural counties outside of Bell County. Because some counties do not have a CWOP

**Figure 5: Legal County for Children Without Placement Compared to PMC Population**



Most PMC children who experienced time without a licensed placement were under the care of DFPS (98%, 454), with 2% of PMC children under the care of an SSCC: OCOK (2%, 11).<sup>16</sup>

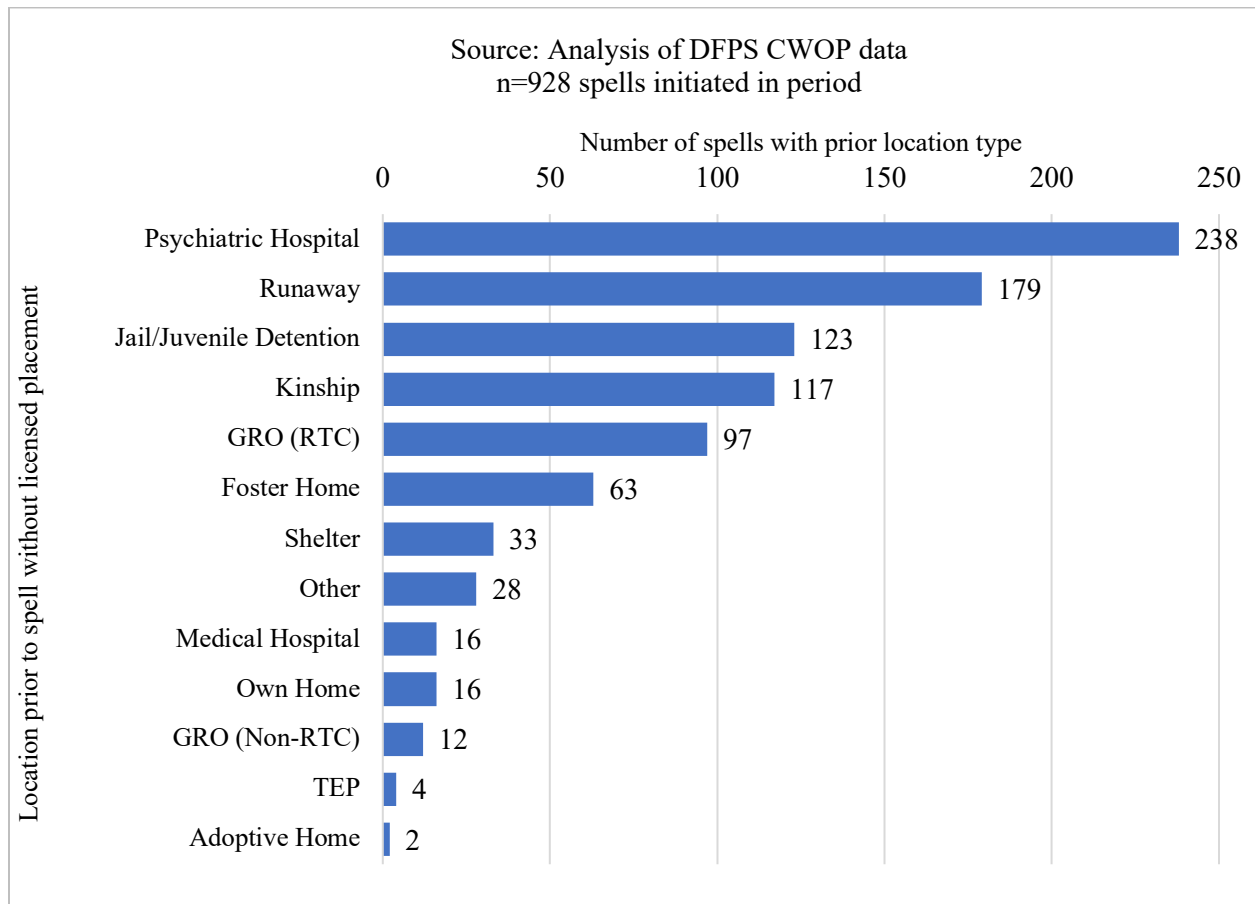
DFPS reports a PMC child’s location prior to a spell without licensed placement. According to this data, 26% (238) of spells occurred after a stay in a psychiatric hospital; 19% (179) occurred after a child ran away from a placement;<sup>17</sup> 13% (123) occurred after a stay at a jail or juvenile detention center; and 13% (117) occurred after a stay at a relative caregiver, kinship, or fictive kin placement as shown below.

Setting (or may not have enough beds in a CWOP Setting), DFPS also houses children in CWOP Settings outside their legal county.

<sup>16</sup> Of the total population of 8,511 PMC children as of June 30, 2023, 25% (2,155) were under the care of SSCCs. State data indicates three SSCCs did not place any children in their care into these unlicensed settings during the period: 2INgage, Belong, and St. Francis.

<sup>17</sup> The data did not indicate from which type of placement a child ran away.

**Figure 6: Child Location Prior to Spell Without Placement  
(January 1, 2023 – August 31, 2023)**

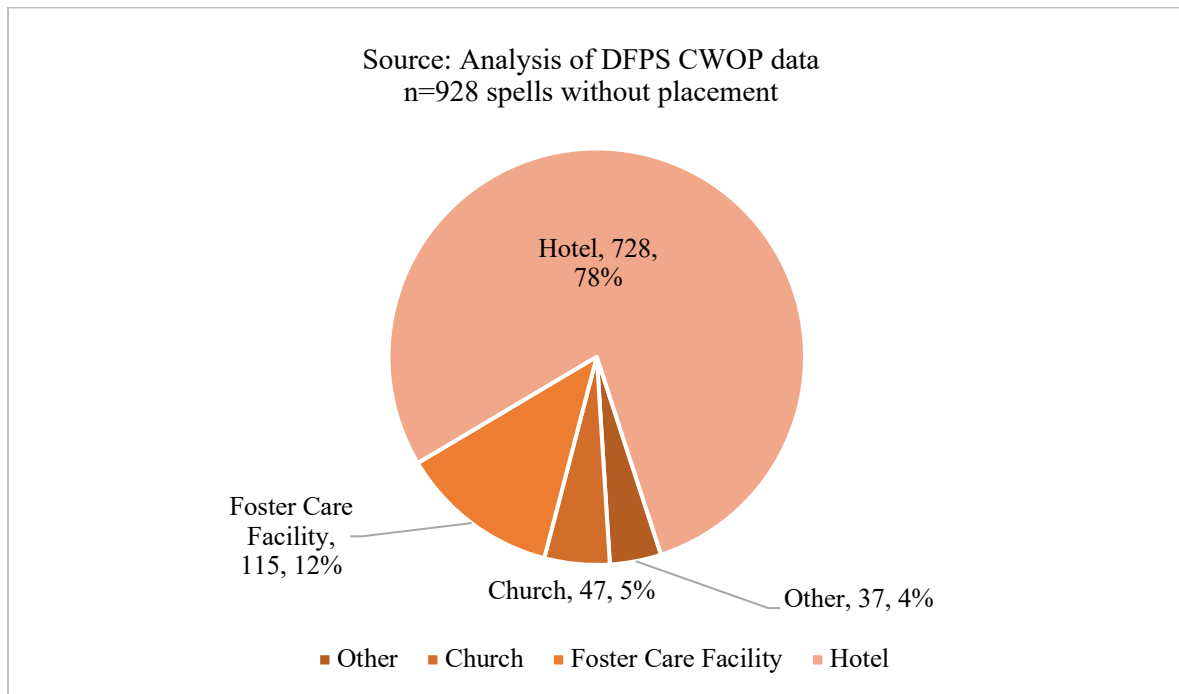


When PMC children experienced nights without a licensed, regulated placement, DFPS reported that PMC children were held at hotels (78%, 728); various foster care facilities (12%, 115); and churches (5%, 47).<sup>18</sup> After the Family Code was amended in June 2021 to prohibit the use of DFPS Offices to house children, hotels became the most frequent location instead of DFPS Offices.

<sup>18</sup> Although effective June 14, 2021, DFPS was no longer allowed to house children overnight in department offices (TEX. FAM. CODE §264.1071), the agency continued using offices to house children without placements until March 2022.



**Figure 7: Child Location During Spell Without Placement  
(January 1, 2023 - August 31, 2023)<sup>19,20</sup>**



#### E. Risk of Harm in Unregulated Settings

The monitoring team reviewed 150 Serious Incident Reports (SIR) submitted by DFPS involving PMC children without placement in unregulated settings from April 1, 2023, through June 30, 2023, to assess their safety and risk of harm. DFPS continues to expose PMC children to the risk of serious harm in unregulated sites without sufficiently trained caregivers to monitor and care for children who are under DFPS Supervision.<sup>21</sup> The difficulty in maintaining a safe environment may not be unexpected given that DFPS has assigned individuals to manage children’s complicated behavioral and mental health needs as untrained caregivers in short shifts for children with whom they are not familiar.<sup>22</sup>

The risk is increased given that most children without placement have a history of mental health diagnoses, one or more psychiatric or mental health hospitalizations, or cognitive delay and/or physical disability and that often these treatment needs and characteristics are co-occurring. Due to these characteristics and needs, unregulated settings are particularly risky. The incidents reported in the SIRs provide additional insight into how

<sup>19</sup> The category of “Other” includes one residential address identified as Verbena House.

<sup>20</sup> Percentages do not add to 100% due to one spell reported without a location.

<sup>21</sup> Deborah Fowler & Kevin Ryan, Fifth Report 7, ECF No. 1318.

<sup>22</sup> Deborah Fowler & Kevin Ryan, Fifth Report 50, ECF No. 1318; Deborah Fowler & Kevin Ryan, Monitors’ Update to the Court Regarding PMC Children without a Licensed Placement, ECF No. 1379-1 (June 23, 2023).

the absence of trained caregivers with relationships with the children and the lack of regulations exacerbates the potential for harm.

The examples below from the SIRs further highlight some of the safety risks inherent in housing children in these unregulated environments without the availability of therapeutic and supportive services or adequately trained caregivers. In two of the months reviewed, May and June 2023, there were 92 serious incident reports involving 54 PMC children. In 17 of 92 reports, facts reported that security officers under contract with DFPS physically intervened and/or restrained the child. In some of the instances, the security officers restrained the child through mechanical means with handcuffs (6), usually to prevent the child from further self-harm attempts or at times, to await the arrival of local law enforcement. Additionally, as in previous reporting, many of the instances detailed in the SIRs resulted in children under DFPS Supervision being arrested by local law enforcement and summoned to the scene as a form of behavior control (again, most of whom have co-occurring mental health diagnoses and cognitive and/or physical disabilities). As a result, 28% of PMC children (15 of 54) who experienced a serious incident during placement in an unlicensed, unregulated setting during May and June 2023 were arrested because of the inherent chaos of housing children in this environment. Three of the children were arrested more than once, one of whom was ten years old.

Often staff members supervising the children appeared to call additional local law enforcement to the setting due to a lack of other available alternatives, such as the presence of additional caregivers and therapeutic or child-specific interventions. In one instance, a ten-year-old child released into DFPS Supervision from a psychiatric hospital was then arrested twice in two days. Additionally, the arrest of older children as a means of behavior control leaves them vulnerable to adult criminal charges and placement in adult jail. For example, the SIRs included the arrest of a 17-year-old, resulting in adult criminal charges; for children who are 16 years old, some arrests may also lead to criminal charges—many of which could have been avoided had the children been placed in environments appropriate for their needs.

The number of children arrested and/or detained in juvenile detention or adult jail during the two-month interval of reports from DFPS Supervision locations is noteworthy in comparison to the general population of PMC children: on June 30, 2023, DFPS reported a total of 54 PMC children housed in juvenile detention or other jail facilities.

In a licensed childcare operation in a residential setting, physical intervention and restraint practices are regulated by the Health and Human Services Commission (HHSC) and only caregivers qualified in emergency behavior intervention can administer any form of emergency behavior intervention (restraints) on children who are in the State's care, except for a short personal restraint which is time limited to less than a minute.<sup>23</sup> A large portion of mandatory caregiver training must focus on strategies and techniques for

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<sup>23</sup> 26 TEX. ADMIN. CODE §748.2453.

less restrictive interventions and is specific to working with minors.<sup>24</sup> Use of handcuffs by a staff member in a General Residential Operation is prohibited.<sup>25</sup>

DFPS contracts with a security company to deploy security officers on-site at DFPS Supervision's unregulated settings. The contracts do not have those same parameters or regulations in place that apply to General Residential Operations. Therefore, a child in crisis encounters a different response than they would when challenges arise in the presence of trained caregivers in environments designed to provide intensive therapeutic and support services. The contract provides that security officers must have a current certification with the Texas Commission on Law Enforcement and that the security officers will assist with de-escalation of the child or youth or intervene when necessary to protect staff, other children, and youth, or themselves. There were no additional requirements that are specific to youth, mental health, or youth in crisis for the operative contract in place through August 2023 nor, as noted previously, in the \$17 million Request for Proposals (RFP) that extended contracting with security officers.<sup>26</sup>

Examples of incidents involving safety risks to children in unlicensed, unregulated settings are detailed below. Some incidents included the use of means that are otherwise strictly prohibited in the childcare environment, such as the use of handcuffs. In most of those instances, physical restraint through handcuffs appears to be the only resource available at the site to prevent a child from self-harm as there are no other available resources for the caseworkers, working as caregivers, to assist children in crisis. Many of the incidents also highlight the negative consequences for children in these settings when law enforcement intervention has become a default option in place of therapeutic support, thereby making arrest more likely. Other examples demonstrate the difficulty and danger of managing children's significant health needs:

1. A caseworker reported in the SIR that two children (both aged 15) were hitting one another. A caseworker attempted to manage the fight, at which point, a security officer "observed [the caseworker] between the two and security placed [one child] in a chokehold and placed her on the ground." The officer released the child "minutes later" and the caseworker called 911. When the child acted out physically again, the security officer "tried to restrain [the child] on the ground for a few

<sup>24</sup> 26 TEX. ADMIN. CODE §748.889 (incorporating by reference §748.887).

<sup>25</sup> 26 TEX. ADMIN. CODE §§748.1119 & 748.2705 (1). The Juvenile Justice Department also prohibits the use of tasers in secure juvenile facilities. 37 TEX. ADMIN. CODE §343.804(10).

<sup>26</sup> In its request for proposals (RFP) for the recent contract with security officer services, the Health and Human Services Commission (HHSC) (on behalf of DFPS), listed additional training and licensure requirements that were not previously in place. One requires that officers will have completed de-escalation training compliant with a regulatory provision under Public Safety and Corrections, Texas Administrative Code §37.218(c)(1) "preferable mental health training included." The RFP language does not require specific mental health focused training, nor does it require youth-specific training. It does, however, appear to anticipate additional leveraging of security officers to perform law enforcement duties while working with caseworkers and other staff members supervising children in crisis: the RFP requires that security officers have the "ability to arrest or detain in the DFPS Region(s) that a Contractor is awarded a Contract to provide these services in a specific Region." It also requires that the security officers will "make reports to local law enforcement agencies on behalf of DFPS..." The projected amount of the contract under Historical Compensation is \$17 million per fiscal year. HHSC, *Request for Proposals for Peace, Licensed Personal Protection, or Licensed Security Officer Services* (March 15, 2023).

minutes,” and then let the child get up while the officer went downstairs. The SIR noted that the security officer is no longer working shifts for children under DFPS Supervision.

2. A caseworker reported in the SIR that while a child (age 17) was being disruptive in the hotel where she was being housed and, after some attempts to calm her, she “became more disorderly,” continued to knock on hotel room doors and yelled in the workers’ faces. The security officer attempted to detain the child, which resulted in a physical struggle in the hallway between the child and the security officer where the child was able to obtain the security officer’s weapon and “threw it to the floor.” The child proceeded to run away from the hotel. The caseworker confirmed that the weapon was secured inside the hotel room, and she called law enforcement.
3. As noted above, 26% of children who experienced time in DFPS Supervision were in a psychiatric hospital on the night before release into DFPS Supervision. In one such example, a child (age 10) was released into DFPS Supervision from a psychiatric hospital. Because caseworkers and the contracted security officer were unable to safely care for her and obtain therapeutic services, her experience then culminated with two arrests on two consecutive days. With no other appropriate resources to assist in supporting the child and reducing harmful behavior, staff reported that after a conflict with the caseworkers (acting as caregivers) on May 23, 2023, the caseworkers summoned local law enforcement and the child was arrested. The next day, during another conflict, the ten-year-old was “taken to the ground” by the DFPS contracted security officer, and the caseworker summoned local law enforcement again. The child then subsequently endured being handcuffed, arrested, and transported to juvenile detention by responding police officers for the second time in two days. For the second arrest, the caseworker reported that the child was “arrested for resisting arrest.” The ten-year-old child was then in juvenile detention for 21 days. Age ten is the youngest that a child can be charged with a crime under Texas law.

When the child was released from juvenile detention 21 days later, this child was released again to DFPS Supervision and the same cycle repeated itself: she was admitted for mental health hospitalization, released to DFPS Supervision again, and then arrested again.

4. In another instance, a child (KR, age 14, discussed below) gave birth and was then released from the hospital into DFPS Supervision after the baby was taken into DFPS care and removed from the child. While under DFPS Supervision four days after giving birth, she called out for help to a caseworker from the bathroom. When the caseworker responded, she observed the child lying on the floor of the bathroom and crying. The child expressed that she was in pain and her pain level was at a ten. The caseworker reported the child’s symptoms to the “Nurse Advice line” and was advised to call 911, which she did. The child reportedly continued “to complain of head and back pain.” Paramedics arrived, “took [the child’s] vital

signs, checked her blood pressure, and her blood sugar while in her bedroom” and transported the child to the hospital for further treatment and assessment.<sup>27</sup> The child was assessed at the hospital and returned to DFPS Supervision the following day with two medications.

#### F. Update for Children Profiled in September 2021 CWOP Report

The Monitors reviewed current IMPACT records for the 52 children whose experiences the Monitors described in the September 13, 2021, update to the Court regarding children without placement, which documented substantial and unreasonable risks to children’s safety in CWOP Settings. Of the children discussed in that report, four turned 18 years old just before the report was filed; of the 48 remaining children, 25 (52%) returned to a CWOP Setting at some point. Some repeatedly returned to a CWOP Setting. For example, NN, now 16 years old, has been housed in a CWOP Setting at least five times since the September 2021 report was filed. NN’s experience is not unique; as discussed above, 41% of the children who were without a placement between January 1, 2023, and August 31, 2023, had two or more spells without a placement during those eight months alone.

One of the children included in the Monitors’ September 2021 report, 17-year-old AW, is still in a CWOP Setting. When not in a CWOP Setting, AW has continued a cycle among placements in Temporary Emergency Placement (TEP) beds, psychiatric hospitals, juvenile detention, two RTCs, and runaway status. Her IMPACT placement logs (which include entries for runaway events and psychiatric hospitalizations) show a total of 64 entries since she left the CWOP Setting where she was living in September 2021. She is currently housed at a CWOP Setting in Bell County. She has run away from the Bell County CWOP Setting on an almost weekly basis, sometimes more than once a week, though she typically returns within 24 hours. Her departures from CWOP Settings have resulted in several confirmed and suspected but unconfirmed incidents of child sex trafficking.

AW’s IMPACT records document three confirmed incidents of trafficking and seven suspected unconfirmed incidents. The first confirmed incident was added to her records on June 15, 2022, but occurred on March 23, 2021, when she was placed at Freedom Place RTC, which has since closed. The IMPACT entry documenting the incident states:

[AW] ran from her placement in Spring, TX, on 3/23/2021 with one or more of her peers. She was recovered by law enforcement on 3/25/2021, at [address]. [AW] made no outcry of trafficking. However, Detective [name omitted] with Montgomery County Sherriff’s Office advised that one of the peers that ran with [AW] reported that while they were on the run, [AW] had sex with an older male of an unknown age. It is unknown if [AW] was provided money or anything else of value in exchange for having sex with the man.

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<sup>27</sup> KR’s shift log notes state that she was diagnosed with a spinal headache caused by a spinal leak resulting from her initial epidural.

The second incident, which is suspected but unconfirmed, occurred approximately one week later. This entry was made to her IMPACT records on the same day and occurred while AW was placed at Freedom Place. The entry states:

[AW] ran from her placement in Spring, TX, on 03/31/2021, with youth [name omitted]. On 05/30/2021, [AW] contacted 911 and turned herself in to Houston Police Department. [AW] denied being trafficked but stated she was with her “boyfriend” who took care of her but they got into an argument, so she decided to turn herself in. She did admit to smoking marijuana and using alcohol when she first ran away. During a forensic interview, [the other child] stated that upon leaving placement, they were picked up by a man that [the other child] described as a “short, fat, dark, immigrant Mexican.” Another man [L] took them to his house, she and [AW] showered and then they drank, smoked marijuana and used cocaine. [The other child] described [L] as a short Mexican in his forties with a beard and white hair. [The other child] reported that she didn’t know if anything happened to [AW] while she...was in the shower. They were allowed to sleep in a back bedroom. The next morning, [L] wanted payment for the drugs and alcohol so [the other child] had sex with [L]. He then paid her \$50 so she could buy bus tickets to San Antonio and gave them a ride downtown. They then met another man, who was a 33 year old mechanic, at a thrift store and he took them back to his house. She and [AW] got into an argument and [AW] then left the mechanic’s house. It is unknown if [AW] provided sexual favors in exchange for a place to stay or drugs, but it is suspected since [the other child] had sex with [L] as payment for drugs.

AW’s IMPACT records document two suspected-unconfirmed trafficking incidents in November 2021 and one confirmed incident. All the incidents occurred while AW was living in a CWOP Setting. The first incident, which was suspected but not confirmed, occurred on November 7, 2021. AW’s IMPACT records indicate that another child, AZ, whose history of trauma and need for treatment was documented in footnote 177 of the Monitors’ September 2021 report,<sup>28</sup> trafficked AW.<sup>29</sup> AW’s IMPACT records state:

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<sup>28</sup> Deborah Fowler & Kevin Ryan, The Court Monitors’ Update to the Court Regarding Children Without a Placement Housed in CPS Offices, Hotels, and Other Unlicensed Settings 103, n. 177, ECF No. 1132. Before aging out of care on July 20, 2023, AZ was a confirmed victim of sexual abuse, according to her Sexual Incident History page in IMPACT. The abuse occurred in November 2021 in a CWOP Setting. AZ, who was 16 years old at the time, was sexually abused by a security guard working at the CWOP Setting (IMPACT #48924745). AZ also made several outcries of sexual abuse that DFPS did not consider confirmed, as detailed in footnote 177 of the September 2021 report.

<sup>29</sup> Though AW’s records include these incidents on the IMPACT Trafficking page, AZ’s IMPACT records do not.

AZ may have also recruited other foster children, in addition to AW. A confirmed incident of child sex trafficking in one child’s IMPACT records states that on January 3, 2022, the child (WS, a PMC child who turned 18 on May 24, 2023) was with AZ. WS and AZ ran away from the same CWOP Setting on December 13, 2021. The narrative describing WS’s confirmed trafficking incident states:

I received a message from [WS] saying, “Hey I might [be] pregnant.” I responded, urging her to return to Child Watch to have her tested. She responded saying no. At 10:18 AM,

[AW] ran from Child Without Placement at the Round Rock office on 11/07/2021, with youth [AZ]. Both youth [sic] showed up at a different Child Without Placement location in Austin on 11/08/2021, and turned themselves in. Although [AW] refused a recovery interview after this runaway, there are later outcries that she was being trafficked by [AZ].

AW's IMPACT records document another suspected-unconfirmed incident occurred three days after this one, when AW and AZ again ran from the same CWOP Setting. The confirmed November 2021 incident is documented as follows:

[AW] ran from Child Without Placement (CWOP) at the Round Rock DFPS office on 11/13/2021, with youth, [AZ]. She was recovered on 11/15/2021 by Austin Police Department. On 11/28/2021, [AW] and another youth [name omitted] made a report of sex trafficking by [AZ] to law enforcement. [AW] reported to staff that [AZ] had been taking them to "have fun" and they thought only one guy would be there but when they'd get to where they were going, sometimes 5-7 men would be there. She reported [AZ] would talk the other girls into having sex with the men and then [AZ] would get paid. [AW] reported that some of the men were well over the age of 30. [AW] and [the other child] reported that if they refused to have sex with the men, [AZ] would threaten to leave them stranded wherever they were. [AW] reported she had sex for [AZ] a couple of weeks prior to her report, which would have been around mid-November. Both [AW] and [the other child] advised they were afraid to report the trafficking because they were afraid [AZ's] friends would come shoot up the office. CWOP Staff noted they'd overheard [AZ] talking about sending men photos of other youth at CWOP. CWOP Staff also reported witnessing [AZ] preparing herself and her peers to run by

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[WS] called me and told me she was not going to return to get tested. She changed the conversation and began to tell me about [AZ]. [WS] told me, "[AZ] tried to prostitute me." She informed me she met up with [AZ] but did not identify a specific date. She shared her boyfriend did not go but he told her not to go and she went anyway. [WS] said when she went with [AZ] she told her to dress up and wear make-up. She said there was an "older man" there requesting her to "suck his dick." [WS] said when she refused, he threatened to slap her and so she did it. [WS] also mentioned [AZ] told her they are going to do a "two for one deal," yet she did not know what that meant.

WS was later alleged to have recruited other foster children for trafficking (see below).

An interview with a child who was housed at the same CWOP Setting described AZ's recruitment of other children from the CWOP Setting. The interview includes a graphic description regarding the human trafficking that she and AZ endured, during which multiple men sexually exploited and abused the girls. The child said, "[R]unning away with [AZ] was not good. She flashes clothing and everything when she comes back to child watch. [The child] states she was thinking I want it too. Per [the child], [AZ] offered them freedom, it doesn't feel good not being able to do normal teenage stuff. [The child] stated it didn't feel good wanting to do stuff but had [sic] to wait to get it approved."

dressing up and putting on makeup. The case was reported to Round Rock Police Department.

AW continued to run from the CWOP Setting in December 2021. AW was moved from the Round Rock CWOP Setting to a Waco CWOP Setting. Two of the December 2021 runaway events ended when law enforcement located AW and placed her in juvenile detention before she returned to a CWOP Setting. This started a cycle between the CWOP Setting, runaway events, and juvenile detention.

Later, in 2022, AW's records include two suspected unconfirmed incidents of trafficking, and one confirmed incident. The confirmed incident occurred during a more than three-month runaway incident. AW ran from the Waco CWOP Setting on December 17, 2021, and was not recovered until March 28, 2022:

[AW] ran from her placement at the DFPS Waco Office and was recovered 03/28/2022. On 02/23/2022, [AW] showed up at a local teenage shelter the day before looking for resources. From her conversations with the shelter volunteer, it is believed she had been residing with a 38-year old male locally. He was with her at the shelter and seemed uncomfortable when the shelter started asking questions and ended...their conversation. Waco PD is aware of who this man is, know of his home, and have him marked in their system as dangerous and not to engage alone. Waco PD reported there had been a call to the home on 12/23/2021, indicating a concern of human trafficking in the home. On 03/28/2022, Law Enforcement recovered [AW] from the home of [K]. [AW] made an outcry that she had sex several times with [the man] and the last time was three days ago. [AW] was interviewed on 03/29/2022, about what happened while she was on runaway. [AW] disclosed that a male named [J] took her to different places. One place was [J's] cousin's house. [AW] stated she performed oral sex on [J's] cousin, and he gave her \$20. When [J] picked her up, he asked her if she made any money, but she lied and denied. [J] then took her back to another guy's house where he ([J]) forced vaginal sex with [AW] and told her that he would kill her if she told anyone. In early January, she began staying with [K] and began having sex with him. [AW] stated he provided her food, personal belongings, and a place to stay. He also told her to stay inside so she would not get caught. At some point during this runaway event, a male put his penis in her face and touched her face with it, but she pushed him away. After being placed with her aunt, [S], [AW] would have conversations on speakerphone and [S] overheard [AW] talking about the man she had been staying with abusing her. She reportedly stated he "choked her with a dog collar once, would hit her, and call her names. [AW] told her aunt she "was scared for [her] life." [AW] was recovered on 03/28/2022 by Waco Police Department at [K's] home.

As the IMPACT description notes, after AW returned from this runaway event, she was placed with her aunt, who also lived in Waco. AW ran from her aunt's home, resulting in the two suspected-unconfirmed incidents. AW was seen with, and later recovered from



the home of, a man who was a suspect in the trafficking investigation from her previous runaway, described above. She was also believed to be meeting with K during this time. However, AW did not make any outcries of trafficking upon being recovered.

As of September 28, 2023, there are only two incidents – one suspected but unconfirmed and one confirmed – entered for 2023. The confirmed incident occurred when AW ran away from a Round Rock CWOP Setting. The entry in her IMPACT records states:

[AW] went missing from her placement on 02/20/2023. Upon recovery, she reported that she made contact with another youth, [WS],<sup>30</sup> via social

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<sup>30</sup> BZ, a 15-year-old TMC child, was housed at the same CWOP setting with AW and reported that WS coerced her into having sex with WS's brother. BZ's IMPACT records also document concerns related to child sex trafficking.

BZ was first placed in a Bell County CWOP Setting on March 16, 2023. A Missing Child entry in IMPACT for BZ notes "suspected sex trafficking" on the recovery page. An IMPACT Contact note dated August 16, 2023, indicated that while BZ was still missing during this runaway event, AW acknowledged that BZ had messaged her via social media and reported that she was at a hotel in downtown Killeen with two men and two other girls.

Five months earlier, on March 22, 2023, an IMPACT Contact note in an unrelated investigation of abuse, neglect, or exploitation related to the CWOP Setting where BZ lived noted that WS, who was living at the location where BZ was housed "was known to traffic younger children." The Contact note indicated that BZ had made an outcry that this child had taken BZ to have sex with her brother and that BZ "started sleeping on the couch because she [was] afraid [the older child] will come into her room and make her run away with her." When she was interviewed for the investigation, the caseworker who reported the incident to SWI, after describing BZ's outcry, said, "she [did] not understand how the Department can place an older child 'who is known to traffic younger kids, with younger children.'"

A Contact note entered the next day by another DFPS staff person noted that during a face-to-face visit with BZ, she "stated that she has a boyfriend that lives across the street that is 19 years old. Another youth entered the room during the conversation while [BZ] was talking about her boyfriend. The other child was talking about a guy that she used to 'mess with' and how he was older then continued to speak about another guy that she was with when she ran away. [BZ] stated that she was with that guy as well (the guy is the brother of a child we have in care). She stated that she lost her virginity to him because she didn't want to make another youth angry." WS was moved to a different Bell County CWOP location.

A June 19, 2023, Contact note in IMPACT identified the intake as the first received due to BZ running away. It noted that BZ returned to the CWOP Setting briefly, only to leave again, reporting, "On one of her encounters with law enforcement [BZ] was seen at the park after hours with two adult males" and "when [BZ] returned to the house today she was observed with hickeys all over her body." Subsequent IMPACT Contact notes document BZ being picked up from the CWOP Setting and, later, returned, by an unknown person in a car. Despite BZ's outcries and the escalating runaway events, her Sexual Incident History page does not include any information about confirmed or unconfirmed sexual abuse or child sex trafficking.

There are a total of 28 entries on BZ's Missing Child log in IMPACT between June 15, 2023, and August 12, 2023, all related to runs from a Bell County CWOP Setting. BZ returned from the last run August 20, 2023. BZ was hospitalized just after her return after she complained that "her whole body hurt...she couldn't move" and that she thought she took fentanyl while she was gone. While she was hospitalized, she tested positive for marijuana and benzodiazepines. She was transferred to a psychiatric hospital.

On September 12, 2023, BZ was returned to her father's care. An IMPACT Contact note indicates that, during a forensic interview on September 20, 2023 (a little more than a week after she was returned to her

media and asked her to pick her up. She reported that [WS] sent her brother instead and that [WS] told her she'd have to give her brother something in exchange for the ride. [AW] explained that the something she was talking about was sex. She reported having unprotected sex with this individual.

The suspected-unconfirmed incident also occurred while AW was placed in a CWOP Setting – this time in Temple. The entry states:

[Caseworker] received an e-mail from [caseworker, name omitted] stating: My CWOP kiddo [name omitted] just told me that when she was initially at [a Temple CWOP Setting] from 4/3/2023 to 4/6/2023 with [AW] that they went to the nearby apartments and there was a man there attempting to traffic them. She noted [AW] was “messing with guys there,” but did not say anything else about that incident.

AW's IMPACT placement log shows that her last placement in a licensed setting was a facility in Arkansas – that placement started on February 21, 2023 (just after she was recovered from the runaway incident that resulted in the confirmed incident of trafficking) and ended March 22, 2023. Since March 22, 2023, AW's placement log shows an ongoing cycle among Bell County CWOP Settings (she has moved between several different locations) and runaway incidents, interrupted only by one psychiatric hospitalization and jail.<sup>31</sup> In all, since March 22, 2023, the Missing Child log in AW's IMPACT records documents 17 instances of AW running away from a Bell County CWOP Setting.

The monitoring team met and interviewed AW during a September 18, 2023, visit to the Bell County CWOP Setting where she has been living for months.<sup>32</sup> AW expressed a preference for living in CWOP Settings, as opposed to GROs or RTCs, in part because she is not restrained in CWOP Settings. She also reported being able to freely leave the placement and said that she left often to spend time with her boyfriend (who she described as “older” and said that he was someone she had known “for years”), to smoke marijuana, or just to take a walk. She noted that, at times, she was gone for days and at others was gone for just a few hours.

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father's care), BZ used a caseworker's cell phone to access Instagram and that screenshots were taken of a conversation BZ was having “with a grown man.” The notes indicated they were “having a sexual conversation.”

<sup>31</sup> AW turned 17 on April 18, 2023, removing her from juvenile court jurisdiction.

<sup>32</sup> After a media report raised concerns related to child sex trafficking of foster children living in Bell County CWOP Settings ( see Robert T. Garrett, *Texas foster kids trafficked for sex as rings target those lacking placement, judges say*, Dallas Morning News, September 7, 2023) the monitoring team reviewed data provided to the Monitors by DFPS for the 12-week period between June 19, 2023 and September 4, 2023, and extracted the data related to 35 children placed in a Bell County CWOP Setting. The Monitors reviewed IMPACT records for these children, and identified three CWOP Settings (one in Temple, one in Belton, and one in Killeen) for in-person site visits. The monitoring team conducted site visits to these locations on September 18, 2023. On the same day, DFPS provided the monitoring team with CWOP shift logs for 11 PMC children (including AW) who were housed at one of the visited sites on September 18, 2023.

### G. Examples of Harm Experienced by Children in Bell County CWOP Settings

The monitoring team visited three Bell County CWOP Settings on September 18, 2023: two homes leased by DFPS (one in Killeen and one in Temple) that housed female foster children, and a leased home in Belton that housed male foster children. All three houses were in poor condition, with abundant, visible property damage, reportedly caused by children who became dysregulated and punched or kicked walls, doors, or furniture. The furniture and carpets were dirty, and the homes were disorganized, with clothing and items strewn around the floors. The Monitors have included photographs of the homes in Appendix A.

At one of the homes that housed female children, the monitoring team observed a sign in the neighbor's yard expressing dissatisfaction with the homeowner's decision to lease the home to DFPS. The sign appears to refer to the homeowner<sup>33</sup> and DFPS as "grifters" and "wasters of taxpayer dollars." Local media reported that neighbors have objected to the leases of the Killeen and Temple homes.<sup>34</sup> Both homes housed male children until spring of 2023, at which point DFPS began to use the two homes to house girls, and housed boys in the Belton location. DFPS recently moved girls out of the Killeen location to a leased house in Waco and resumed housing boys in that home.

#### 1. Risk of Child Sex Trafficking

AW's experience in the Bell County CWOP Settings is not unique. Of the 20 female foster children placed in a Bell County CWOP location during the period reviewed, the Monitors identified 12 (including AW) who exhibited a pattern of frequent runs from the Bell

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<sup>33</sup> The owner of this home also appears to own the Belton CWOP Setting where male foster children are housed, and Gryphen House, an emergency shelter for girls discussed *infra*. The administrator of Gryphen House is the daughter of the man who owned the homes, who has since passed away.

<sup>34</sup> See Jana Lynne Kilcrease, *Killeen neighbors still concerned with CPS home; plan to take issue to City Council*, Killen Daily Herald, March 21, 2023; Letter to the Editor, *Youth home disrupts neighborhood*, Temple Daily Telegram, April 25, 2022.

County CWOP Setting, and whose records raised concerns related to child sex trafficking.<sup>35</sup> <sup>36</sup>The other children include:

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<sup>35</sup> Though examples specific to Bell County CWOP Settings are raised in this report, stakeholders raised similar concerns about children who were housed in CWOP Settings outside Bell County. For example, a 16-year-old Bexar County PMC child who has spent much of the last two years in CWOP Settings has three confirmed incidents of sex trafficking that appear to have occurred when he ran away from a CWOP Setting in June 2023.

And a 12-year-old PMC child (who has since turned 13) ran away from a hotel CWOP Setting in Austin twice. The child's IMPACT Sexual Incident History page indicates in the "additional relevant information" narrative that the second time she ran away, on January 18, 2023, the child was discovered to have contacted a male through the dating app Badoo. "She stated that she told the male that she was 21 on the dating app but told him her true age when they met. She gave him the hotel address and reported that she left with him on 1/18/23. She reported that she had sex with him on 1/18/23. She identified the male as [name omitted], age 24. [The child] reported that she met with this male again on 1/20 and 1/21/23." This incident was removed from the child's IMPACT records as a confirmed incident of sexual abuse on March 8, 2023, by DFPS's quality assurance staff. It does not appear on the child's Attachment A.

Two earlier incidents of child sexual abuse were also removed from her IMPACT records as part of DFPS's "quality assurance" process. The child's Sexual Incident History page notes, "On 6-30-22, two victimization incidents were deleted as they were not confirmed. One incident was dated 3-7-22, and the abuser listed was [name omitted]. He has since been convicted and the incident has been added back as a confirmed victimization incident. The other incident was dated 3-10-20, the abuser was listed as [name omitted] and the description box [said the child] made a long-term outcry of sexual abuse by her step-father beginning at age 3 and the last incident happened on her 10<sup>th</sup> birthday." Both deleted incidents predated the child's entry into foster care.

The now-confirmed incident has been added back to her IMPACT Sexual Victimization Incident tab and states that on March 6, 2022, an unrelated perpetrator abducted the child and took her to a motel where he sexually assaulted her and held her for ransom. After recovering the child, a Sexual Assault Nurse Examiner (SANE) exam was conducted "and the sexual assault was confirmed." Because DFPS did not consider this to be a "confirmed" incident of sexual abuse until the perpetrator was convicted on June 29, 2023, the incident would not have appeared on the child's Attachment A during the one year following its removal through the QA process. This may have left caregivers at the CWOP Setting that the child ran away from without vital information that could have affected their supervision of the child.

Another child, 16-year-old MM, was killed in a car accident after running away from a CWOP Setting. When she died, MM had been on runaway status from a hotel CWOP Setting for three weeks and her whereabouts were unknown to DFPS. The night before she ran away, law enforcement had recovered her from a prior runaway episode and returned her to the hotel CWOP Setting. Video footage from the hotel showed that she left the following morning in a pickup truck. Law enforcement determined that the pickup had been stolen earlier that morning. When MM died, she was with an 18-year-old male (reportedly MM's boyfriend). The 18-year-old was driving when the fatal accident occurred. The Monitors will include a complete discussion of this fatality in the next full report.

Though MM's IMPACT records did not include a confirmed or suspected but unconfirmed incident on the trafficking page, Contact notes from March 2023 documented that MM was suspected to be a victim of child sex trafficking. MM was also a confirmed victim of sexual abuse that occurred when she was placed with an adoptive family.

<sup>36</sup> The Monitors' review of children's records and data from DFPS raises concerns related to under identification of foster children who are victims of child sex trafficking. In addition to the concerns regarding the failure to identify children as victims documented in this report's review of their individual records, the Monitors found that the July 2023 data produced by DFPS identified only 22 PMC children as confirmed victims of child sex trafficking. None of the PMC children discussed in this report were identified

- Two children, 17-year-old CM (PMC) and 16-year-old LT (JMC), were recovered after being taken across state lines by traffickers.<sup>37</sup> One of these children, LT, was

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in the data produced to the Monitors by the State, even AW, whose first confirmed trafficking incident was recorded on her IMPACT trafficking page in 2022.

The Monitors discussed data discrepancies for children who are victims of sexual abuse at length in footnote 79 of the Fifth Report. Deborah Fowler & Kevin Ryan, Fifth Report 45-6, n. 79, ECF No. 1380.

<sup>37</sup> CM ran from a different CWOP Setting on October 17, 2022, when she was 16 years old, with the 13-year-old child whose experience was documented in footnote 96 of the Monitors' Fifth Report. Deborah Fowler & Kevin Ryan, Fifth Report 52, n. 96, ECF No. 1318. Both children reported they were sexually assaulted by two men who picked them up in their car after the children ran from the CWOP Setting. CM's Sexual Incident History page documents the removal of this incident from her sexual victimization incidents. The "Additional Relevant Information" narrative box states, in part:

On 12-13-22, an incident was deleted as it was not confirmed. The date of the incident was listed as 10-17-22 and the abuser was listed as an unidentified male. The description box listed: It was reported that while [CM] was on runaway with another youth, the youth[s] were approached by 2 men in a car. They got into the vehicle and were taken to a nearby city (Burnet, TX) to a hotel where they were assaulted. LE was notified and suspects were apprehended. [CM] participated in a CAC interview and a SANE exam where it was determined she had bruising consistent with non-consensual sexual activity.

The IMPACT Sexual Incident History Page for KR, the 13-year-old child (who has since turned 14) whose history was discussed in footnote 96 of the Fifth Report, does not list this incident as a confirmed incident of sexual abuse; the incident is also listed as additional relevant information on her Sexual Incident History page. However, it specifically notes that while she was uncooperative with a forensic interview or SANE exam, CM "made a detailed outcry of both being sexually assaulted" and notes that local law enforcement had made an arrest and was investigating the incident.

CM's Sexual Incident History page answers "no" to the question, "Does this child have a confirmed history of sexual victimization," though it listed two additional non-confirmed incidents in addition to the one discussed above, including an outcry CM made against her father, and an outcry she made on January 19, 2022 (after running away from an RTC) that "she was raped by an unknown male while on runaway...that...took place in the back of the person's car." Since DFPS has determined to include only incidents that meet its criteria for confirmation in a child's Attachment A, none of these incidents are disclosed in the information received by caregivers at CWOP Settings or licensed placements.

On April 27, 2023, CM left the Bell County CWOP Setting with another foster child. Recovery notes in the Missing Child contact in her IMPACT records indicate that after the children ran, they met other teenage girls and traveled to Louisiana. CM was given drugs. CM reported that the child she ran away with trafficked her while they were in Louisiana, and then left her there. CM eventually snuck out of the hotel room while others were sleeping, and traveled to Florida, where she was eventually recovered. This incident is listed as a confirmed incident of sex trafficking on the Trafficking List page in her IMPACT records. This incident is listed on her Attachment A form.

After being recovered in Florida, CM was again placed in a Bell County CWOP location. She ran away from the CWOP Setting nine days later and was arrested and jailed (she is now 17 years old) when she was found in a local park past curfew hours. She returned to a Bell County CWOP Setting for approximately two weeks, and was next placed at an RTC, but was discharged from the program in just under two months after having run away from the placement. She returned to a Bell County CWOP Setting and ran away at least three more times after being returned.

After running from the CWOP Setting on August 12, 2023, she was found in Temple, TX on September 8, 2023, when the local Sheriff's office was serving an eviction notice at the house where she was staying.

already a confirmed child sex trafficking victim when this incident occurred, according to IMPACT.<sup>38</sup> The most recent incident, during which LT was taken across state lines by a 40-year-old man she had previously described as her “boyfriend,” is listed in her IMPACT records as a “suspected-unconfirmed” incident. The entry indicates the child was “found by the side of a road crying” and outcried that she was taken to the state where she was found against her will and forced to engage in sexual acts. She said that she got into an argument with the perpetrator and was kicked out of his car and left by the side of the road. After a psychiatric hospitalization, LT was placed with her mother; DFPS was court-ordered to provide LT with wraparound services and supports to meet her needs.<sup>39</sup>

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Contact notes in IMPACT indicate that during an interview with an investigator from the Attorney General’s office, after she was recovered, she made an outcry “to multiple sexual assaults.”

CM was next admitted to a psychiatric hospital. She was discharged on September 26, 2023, and was again placed in a CWOP Setting, this time in Williamson County. She again ran away on October 3, 2023, and was absent until October 20, 2023. On October 21, 2023, she was admitted to a psychiatric hospital.

<sup>38</sup> Sixteen-year-old LT has 22 entries in her Missing Child IMPACT log for 2022, and 49 entries for 2023, as of October 3, 2023. The confirmed incident of child trafficking occurred during a run from an RTC that has since closed; LT ran away on August 27, 2023, and was found by Fort Worth police on September 3, 2022, “in hotel area with other adults, observed rotating through multiple hotel rooms with different persons. Youth was found to be in an alternate state and under the influence.”

<sup>39</sup> According to IMPACT records, after the child was recovered, and before she was returned to Texas, a hearing was held in LT’s conservatorship case, and the judge ordered that when she returned to Texas, LT could not be placed in a CWOP Setting. An IMPACT Contact note related to a hearing held on August 30, 2023, after the child was recovered, indicates that placement options were discussed at the hearing:

Despite order for [LT] not to be placed in CWOP location, there is no other placement option. Should she have to be in [h]otel, then it be [sic] in a safer hotel...There is a problem in... Temple/Killeen with trafficking. This is not the first time this has happened to [LT].

Contact notes related to a hearing held September 13, 2023 (after the child had been returned to Texas and was still hospitalized) state:

Merits Hearing occurred. DFPS provided updates and requested dismissal for [LT] to have access to the long term treatment facilities that were recommended and required for CPS involvement to close as placements could not serve child per policy if child was in CPS care. DFPS updated that wrap around services were contacted and ready to serve family if dismissed. Attorney for mother requested for CPS to remain involved in case in order for family to continue to access services and resources from the Department. Judge ruled for DFPS and mother...to be joint managers for [LT]. Further ordered...for DFPS to make timely referrals for all services, and update parties of referrals, and to coordinate monthly collaborative meetings with all parties, and DFPS shall cover any medical expenses.

After she returned to her mother’s home, LT ran away again. Her IMPACT records indicate she may have been trafficked during that runaway event; she was arrested after she got into an altercation with the 24-year-old man she was living with. During her recovery interview with a DFPS Special Investigator, LT described why she runs away:

[LT] described running away as something she does when she’s upset or mad and just wants to be alone. She stated it just became a habit and that she started doing it all the time; mostly because she didn’t like where she was staying but also because when she was in CWOP they let her get away with it because she knows they can’t do anything to stop her from leaving.

- FA, a 15-year-old PMC child, cycled between Bell County CWOP settings, psychiatric hospitals, and RTCs, until September 12, 2023, when she was placed with an aunt. While she was living in the CWOP Setting, she ran away almost daily. Though there are no confirmed or suspected trafficking or confirmed incidents of sexual abuse documented in her IMPACT records, an IMPACT Contact note indicates she was taken for a SANE exam on July 12, 2023, just after returning from a runaway event on July 10, 2023. On July 19, 2023, an IMPACT Contact note documents that a Waco police officer called FA's caseworker and asked if FA was housed in a CWOP Setting. FA's caseworker responded that FA was supposed to be in a CWOP Setting in Temple. The police officer noted that he had picked FA up from an apartment complex in Waco. When FA's caseworker picked her up, FA told her that "[LT's] friend" had taken her to Waco. The friend she named was the same person who allegedly transported LT across state lines. FA told her caseworker that she left because she was angry that her tablet had been taken away; her caseworker "explained that [law enforcement] took her tablet because of what happened to her last week." The Monitors could not find any explanation for the SANE exam in FA's IMPACT records, or any discussion of the incident to which the caseworker referred.

Wraparound services and supports do not appear to have been put in place prior to FA's placement with her aunt to ensure the success of the placement. An IMPACT Contact note dated September 11, 2023 (the day before the placement started) noted that FA's worker advised her aunt "to call the hot line for any emergency after hours or on the weekend" and "also explained that if it was a medical emergency to take her to the emergency room." FA's caseworker advised her aunt "that if she ran away and did not come back or became aggressive to call law enforcement." A September 27, 2023, Contact note indicates that FA's aunt reported that FA "was having a hard time at school as well as aggression" and "was arrested for assaulting a public servant." Her aunt also "stated that she needed help with food until she was able to add [FA] to her food stamps;" FA's caseworker provided her with a \$200 gift card to assist with food. During her most recent face-to-face visit with her caseworker, FA expressed frustration with the rules in the home, and asked to be moved to another placement.

- SK, a 16-year-old PMC child, does not have a confirmed or suspected-unconfirmed child trafficking incident documented in IMPACT. Her Sexual Incident History page does include an unconfirmed incident of sexual abuse by a relative who is one year older; she alleged that the relative assaulted her "numerous" times when they were living in the same home. DFPS investigated but made an "Unable to Determine" finding because the relative's mother would not allow the child to be interviewed. DFPS placed SK in a Bell County CWOP Setting on May 8, 2023, where she remained until DFPS placed her in a TEP bed at Unity Girls RTC on September 7, 2023. During her time in the CWOP Setting, she ran away twice, according to the Missing Child log in her IMPACT records: first on August 5, 2023, and again (after returning briefly) on August 6, 2023. An I&R Staffing Contact note in her records dated August 9, 2023, reads, "Today is 8/07/2023. [SK] and

[other children] ran away at 10:04 pm on 8/6/2023. They were reported as runaways last night. [SK] and [the other children] called from their flip phone [number omitted] this morning about 9:30 am and want a ride home. The address [address omitted] they are at may be associated with XX's. These girls were with 20-year-old something men. These men target girls at Child Watch [CWOP Setting]." Though the follow-up notes in IMPACT indicate that SK was moved to a different Bell County CWOP location as a safety measure, SK's placement log shows she remained at the same location until she was placed in the TEP bed. On October 3, 2023, SK was admitted to a psychiatric hospital.

- 14-year-old RD, a TMC child,<sup>40</sup> whose Sexual Incident History page does not document any confirmed incidents of sexual abuse. The additional relevant information narrative notes several investigations of outcries made by RD related to her father, which were found Unable to Determine because RD's father committed suicide during the investigation. Another narrative box on the page states, "[RD] needs to be supervised when around male workers. Due to her trauma history, if she begins to show an increased interest in someone, strong boundaries are needed to help her understand that children and adults cannot enter into a consensual relationship. If creating strong boundaries is not effective, no contact is recommended, if possible." This information appears on her Attachment A. RD's CWOP shift logs also indicate that she is at high risk for self-harm, including suicide attempts, and that she is "at a high risk for trafficking."

RD was placed at a Bell County CWOP location on June 23, 2023, and began running from the setting almost immediately. Her first runaway event is documented as having occurred on June 27, 2023. Her Missing Child log shows nine runaway events between then and September 11, 2023. However, her CWOP shift logs show that she ran away even more frequently than her IMPACT records reflect.

On August 7, 2023, RD ran away with CM and another child, BP (discussed below), who also has a confirmed trafficking event. When she returned, during a recovery interview that took place on August 10, 2023, RD reported that "something bad" happened to her during this incident but that she didn't want to talk about what happened. She also reported being "high on weed" during the run and when she was asked where she got the drugs, "she said that she has people that get it for her."<sup>41</sup> RD's CWOP Setting shift logs indicate that RD was in frequent contact with Temple police officers about an incident that she would not discuss with the DFPS

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<sup>40</sup> The shift logs provided to the monitoring team by DFPS included RD's logs. RD was living in one of the Bell County CWOP Settings visited by the monitoring team on September 18, 2023. RD's shift logs revealed significant concerns related to PMC children who were housed in the same location. RD's records are discussed and included here because her experience is inextricably connected to the experience of the PMC children housed in the same Bell County CWOP Settings, due to her shift logs' references to PMC children whose logs were not provided to the monitoring team.

<sup>41</sup> Her CWOP shift logs note that when RD ran away, she frequently returned smelling of marijuana. Her shift log for September 11, 2023, notes that she told the staff supervising the CWOP Setting that a police officer was "upset with her" because "she was standing with adult males holding a blunt when the Officer pulled up."



staff who were supervising the children.<sup>42</sup> A shift log entry on September 9, 2023 noted that when RD left that evening, she told caseworkers that “she was going with a home boy and they would drive her home.”

- HM, a 14-year-old PMC child, does not have a confirmed or suspected incident of child trafficking documented in her IMPACT records, but she does have two confirmed instances of sexual abuse included in her Sexual Incident History page. HM was sexually abused by her father prior to entering foster care and was again victimized by an older youth when she was placed at an RTC. Her Sexual Incident History page also notes, “[HM] needs to be supervised by adults at all times. She is not allowed to be left alone with other youths at any point in time. There should be bed checks every 10 minutes.” HM was housed in a Bell County CWOP location from June 28, 2023, through July 21, 2023. She has been placed in a behavioral health hospital since then.

HM’s IMPACT records include a July 11, 2023, I&R Staffing contact that provides:

Law enforcement made contact at the CWOP placement around 12 am this morning, 7/11/23. Law enforcement were advised that [AW]<sup>43</sup> (17 yo), [FA] (15 yo) and [HM] ran away from the placement. While Law enforcement were taking the report, 15 yo [FA] and [HM] were dropped off by 17 yo [AW] and a male believed to be between 20 and 30 years old. [HM] made an outcry that she was sexually assaulted by the male and that he made her give him oral sex. Law enforcement were advised that 17 yo [AW] and [the other children] ran away from the placement between 10:30 pm to 10:40 pm last night, 7/10/23. It is unclear whether [they] snuck out or if the staff were aware and tried to stop them. Law enforcement advised that there is a history of runaways at the placement, and it is likely they snuck out. Law enforcement were advised that 17 yo [AW] was talking to the male on Instagram. 17 yo [AW] told the male that [HM] and 15 yo [FA] were also 17 years old like her. The male drove a stolen vehicle from Austin to the placement to get 17 yo [AW] and [HM] and

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<sup>42</sup> RD made very frequent (and sometimes multiple times a day) requests to contact an officer or officers according to shift logs. She also discussed with other children at the CWOP Setting an officer that she found attractive. On September 11, 2023, when a police officer returned RD to the CWOP Setting at 1:28 am, the caseworker who was supervising children “asked if he had any ideas on how to break the cycle of [RD] leaving just to get police called.” The officer responded that “he thought that her contacting them was more that they were a stable fixture to her life than the people who are randomly on shift for a few hours” and “stated that once they had denied her the ability to call him and she ended up cutting herself just to get them out there.”

<sup>43</sup> A local law enforcement incident report confirms that HM is the victim referred to as “SL” in this I&R Staffing, and that the other children listed in the incident report are AW and FA. The incident report indicates that law enforcement took FA’s tablet (which was used to contact the perpetrator) because of this incident, consistent with notes discussing FA’s subsequent run from care (when she was found in Waco), and the SANE exam after she was recovered from this runaway event. However, all the children denied that FA engaged in sexual contact with the perpetrator.

15 yo [FA]. After 17 yo [AW] and [HM] and 15 yo [FA] were picked up the male drove them to a church and told them that he wanted oral sex. The girls told him no, and he replied, "I didn't drive here for nothing." 17 yo [AW] performed oral sex on the male, and he advised that he wanted oral sex from [HM], but they said no, and later [HM] got in the vehicle with the male and performed oral sex on him. Afterwards, the male and 17 yo [AW] dropped off [HM] and 15 yo [FA] at the placement. There was no mention that anything occurred with 15 yo [FA] and the male. [HM] refused a sane exam, and Law enforcement left the paperwork for a sane exam. 17 yo [AW] returned to the location a few hours later. 17 yo [AW] advised that she had consensual intercourse and oral sex with the male.

The I&R Staffing notes indicate that the DFPS Supervisor and HM's caseworker subsequently "spoke with [HM] regarding her not leaving CWOP without supervision at any time" and "also spoke with her about coping skills and utilizing them as well as the potential for being harmed if she is not following the rules and is leaving without supervision." Though HM's Missing Child log does not list any runs from the CWOP Setting (she had frequent runs from a previous placement), a Serious Incident Report dated July 14, 2023, shows that HM ran away on that date with a group of children, calling into question the completeness of the Missing Child log in HM's IMPACT records.

- BP, a 14-year-old PMC child, cycled among Bell County CWOP Settings, psychiatric hospitalizations, and runaway events for most of 2023. Though BP's IMPACT records do not include a confirmed or suspected incident of child trafficking, she is a confirmed victim of sexual abuse. The perpetrator was a 17-year-old foster child at a previous placement.

When the monitoring team visited the Bell County CWOP Settings, BP had just returned from a run from care that lasted just over three weeks. Shift log notes for August 25, 2023 (the day that BP ran) document that shortly before running away, BP "changed her clothing into a black dress with black heels and began to take pictures." The log also notes that BP had a cell phone that she "[was] not willing to give up."

In addition, IMPACT Contact notes dated September 16, 2023, related to BP's return from her last runaway event, indicate that upon being recovered, BP (who was taken to the hospital because she said she was injured) requested a pregnancy test. During a recovery interview, and in conversation with hospital staff, BP (who was recovered at a local park, with AW, who had also run from care) said that she "[had] been having sex with men in their 40s." BP acknowledged having had sex with men for money. When she was asked when she had last had sex, she said that "she had sex with a 29-year-old male subject whom she just met" the day before, though she claimed the contact was "consensual" and did not involve an exchange of money. BP said she originally left with CWOP Setting with CM. BP was immediately taken to a placement at a substance abuse treatment facility, where

she remained as of October 3, 2023. An October 3, 2023, IMPACT Contact note indicates that, since being at the substance abuse treatment center, BP tested positive for Chlamydia and Trichomoniasis, both sexually transmitted diseases.

- KR, a 14-year-old PMC child, is the victim of both a confirmed and suspected-unconfirmed incident of child sex trafficking. KR is the foster child who ran from a CWOP Setting with CM in October 2022, and was sexually assaulted during that runaway event. Her experience was documented in footnote 96 of the Monitors' Fifth Report. The October 2022 incident is not considered "confirmed" and is listed in the "additional relevant information" section of KR's Sexual Incident History page in IMPACT.

KR has been housed in Bell County CWOP Settings since May 8, 2023. KR was pregnant when the Monitors wrote the Fifth Report; she gave birth on June 20, 2023. The child was removed from her care and is in the State's conservatorship. KR remains in a Bell County CWOP Setting, as of October 3, 2023. Since August 1, 2023, KR's Missing Child log shows 10 entries.

The suspected-unconfirmed trafficking incident listed in IMPACT was entered on September 13, 2023, and simply states, "[KR] has had multiple missing events during this time. She goes missing to meet with people she meets on chatki.com. She will not disclose who she met with. She also reportedly has cash app where her 'friends' send her money. Based on her history of victimization, missing events, meeting older men online, and receiving money from 'friends' this is being entered as suspected-unconfirmed for sex trafficking."

KR's shift log notes for the 12:00 am to 4:00 am shift on September 2, 2023, read:

[KR] was observed to be upstairs on her tablet on Instagram or ticktok [sic]. At one point during this shift, [KR] was making food in the kitchen and she was facetime (or video chatting) an older male. [Caseworker]...outwardly made the comment that [KR] was a 14 year old girl. [KR] stated "shut the fuck up...don't tell him lies like that." [Caseworker] was involved with the other youth one on one and was not able to deal with [KR] speaking with other older men. [KR] had told [caseworker] in passing that she was trying to get pregnant so she could have another baby. [KR] was observed to be in a small bra and men's underwear when she was talking with the older man making sexual gestures and telling him she was going to perform certain sex acts.

At 9:15 am on the same day, KR "left with an unknown man in a black Chevrolet Malibu." She returned to the house at 3:49 pm. Later that day, KR's shift log notes state:

7:20pm: There was a man on her tablet telling her he sent an Uber her way. [KR] left in an Uber with [AW] at 7:20 pm.

A day earlier, KR's shift log notes show that she left the CWOP Setting in a white pickup truck. Two days earlier, on August 30, 2023, KR left the house and was seen getting into a black car; another child told the caseworkers that KR was leaving with a 25-year-old man. Notes documenting KR leaving the house getting into unknown vehicles recur throughout her September and August shift log notes.<sup>44</sup>

Her shift log notes also show that on September 14, 2023, KR and FS left the house at 5:38 pm, and were on runaway status until 5:34 am on September 15, 2023, when "[a] vehicle pulled up to the home and dropped off [KR] and [FS]."

KR told her caseworker on September 26, 2023, that she would need a pregnancy test in two weeks, because she was having unprotected sex with her boyfriend, who she said was 17 years old. She told her caseworker that she would not use birth control. During the same conversation, she told her caseworker that she had recently used a "cashapp" card to buy a cell phone, and that the phone was being shipped to a friend's house. KR:

[R]eported that she has a cashapp card and accesses the account from electronic devices. She said that people can send her money if she gives them her user name. She reports that friends send her money, but would not disclose who. She reported that she can get whatever she needs and can have her friends send her money for everything.

- HN, a 13-year-old female PMC child, does not have a confirmed history of child trafficking or sexual abuse but a DFPS QA Specialist removed a sexual abuse incident from her Sexual Incident History page on October 4, 2023.<sup>45</sup> During the three-week period that she was housed in a Bell County CWOP Setting, HN ran away at least twice. During a recovery interview after HN ran away from a subsequent placement, the DFPS investigator noted that he discussed a previous run from the Bell County CWOP Setting:

I also spoke to [HN] about her last runaway again. [HN] opened up more this time and advised that when she ran with [VJ],<sup>46</sup> [VJ] had

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<sup>44</sup> DFPS provided the Monitors with shift logs for KR dating back to May 8, 2023. However, KR was pregnant when she arrived at the Bell County CWOP Setting and did not give birth until June 21, 2023. CPS took the baby into care and custody just before KR was discharged, and KR was returned to the CWOP Setting.

<sup>45</sup> The note indicates that an investigation Ruled Out Sexual Abuse of HN by her uncle but found a Reason to Believe for Sexual Abuse of her sibling. During her interview in that case, HN said she had been sexually abused by more than one person. She said she was sexually abused by a different uncle (who she said was in jail for sexually abusing her, which then led to an administrative closure of the investigation related to him because the allegations "had already been investigated"), and by her grandmother's boyfriend.

<sup>46</sup> IMPACT records for VJ, a 13-year-old TMC child, show that she was also placed at Bell County CWOP Settings, and was last in care on August 11, 2023. She ran from the CWOP Setting on that date and is still on runaway status. VJ has both confirmed and suspected-unconfirmed entries on the trafficking page in

been trying to get her to prostitute herself out. [HN] advised that [VJ] would call her boyfriends and set up dates and do things for money. [HN] indicated that [VJ] made a lot of money. [HN] advised that she never actually did anything...[HN] advised this time that she and [VJ] stayed together the entire time she was gone and were together in the park when [HN] finally turned herself in. Previously [HN] advised that she left [VJ] shortly after they ran together. [HN] was unable to provide any details about [VJ's] boyfriends or where they went during her last run event.

Though the Monitors could not find documentation indicating that they had been trafficked, two other children, BF and OA – both 13 years old – appear to be at high risk of trafficking.<sup>47</sup>

BF, a 13-year-old JMC child, has been in CWOP Settings for all of 2023, leaving only for psychiatric hospitalizations. BF has a confirmed history of sexual abuse. [KR]'s shift log notes indicate that on September 11, 2023, BF asked KR for two dollars. KR told BF “she was not going to give her money but that she could pimp her out and she could make her

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her IMPACT records. Both are related to runaways from the CWOP Setting. The suspected-unconfirmed incident notes that VJ was found by Killeen police to be in the company of two adult males after being recovered from a runaway event.

<sup>47</sup> An 11-year-old TMC child who has been housed at the Bell County CWOP Settings since June 24, 2023, also appears to be at high risk of trafficking. Though her Missing Child log in IMPACT documents only two runs from care (on June 23, 2023, and September 29, 2023), Her IMPACT records and Serious Incident Reports document others. She has been taken to juvenile detention several times because of runs from the CWOP Setting. An SIR documents at least one run (on July 14, 2023) from the CWOP Setting that included LT and AW.

HB's IMPACT records do not include any documentation of a confirmed or suspected incident of trafficking, or a confirmed history of sexual abuse. However, an August 16, 2023, Contact note in HB's records documents an e-mail from the child's therapist expressing concerns about HB's runs from the CWOP Setting. The therapist wrote, “It is alleged and reported client [HB] has exhibited a high frequency of sexualized behaviors for her tender age to her peers and adult staff [and] also appears to dress herself in a manner that is indicative of being exposed to such an environment...Client [HB] is extremely vulnerable to trafficking with her repeated and elevated flight risk, highly sexualized behaviors for her tender age and strained personal/socio-emotional relationships.”

Just prior to this, an August 14, 2023, IMPACT Contact note documents that “[HB] told the other youth in CWOP and later to staff that she was sexually active about a month ago and she thinks she might be pregnant” and refused her medications because she “didn't want to harm her baby.” A pregnancy test was negative. A stakeholder interviewed by the monitoring team reported having overheard HB tell other children that the oldest man she had had sex with was 35 years old.

An I&R Staffing in HB's IMPACT records, dated October 12, 2023, describes an intake alleging that HB was in a hotel CWOP Setting on September 19, 2023, and was discovered on a computer in the lobby video chatting with “random men.” The narrative states, “There were at least 4 men who turned their cameras on to show they were shirtless, 1 man was lying in bed with camera by his waist exposing his penis, and other men were exposing their feet or legs to show they were pantless.” The “Identified Safety Concerns/Needs” documented during the staffing was that HB “does not need to have internet use unsupervised due to her using it inappropriately.”

own money.” BF told her “no” and KR told BF “that she had a ‘sugar daddy’ and that is what she was getting her money from.”

Prior to being returned to her mother’s home for a visit on September 17, 2023,<sup>48</sup> BF was using a tablet to contact adults according to shift logs. For example, the shift log for the 4:00 pm to 8:00 pm shift on September 16, 2023 (the day before DFPS returned BF to her mother’s home for a visit)<sup>49</sup> states:

4pm: [BF] is at the table speaking to [name omitted]. [BF] is half dressed. She is wearing a pink bra. She is clothed indecently in front of male workers. [BF] received a text from [BP] saying she is walking and she’s with her mom. [A]sked her to call her mom and facetime her mom. Wanted to show her the Orbis [sic] that were in the yard from the rain.

4:05pm – [BF] asked to go to the hair store because they are having a close out sale. [AW] told her that she just got \$20 worth of items and already lost them so stop asking to go places because it is just a waste at this time.

4:10 – [BF] took her phone and walked down the street with [AW] when she was leaving but was told that she could not come with [AW], so she returned to house.

4:34 – [BF] states that one of her boyfriends is trying to pick her up. [Name omitted] asks how old the boys that she is talking to are, [BF] states that he is 16 but that he has his own house with his “homeboys.” [BF] states that she is going to move to Florida with this boy.

5pm: [BF] is cleaning her bellybutton with salt and hot water. It looks red and starting to get infected. The other girls stated that she made her piercing using a thumb tack from the wall.<sup>50</sup>

5:18pm: [BF] is outside on the porch with [AW].

5:30pm: [BF] is upstairs with [AW].

5:51pm – voice messaged [BP] that she needed to return to the house in 10 minutes or we were going to start runaway protocol.

5:53 pm – [BP] returned text to [BF] telling her “That’s fine just not to tell anyone where she is.”

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<sup>48</sup> BF’s IMPACT records note, “[BF] is struggling with her behaviors in CWOP. She is visiting her mother with the possibility of returning home to her custody.”

<sup>49</sup> The Placement Discussion notes in IMPACT indicate that BF was “struggling with her behaviors in CWOP” and “is visiting her mother with the possibility of returning home to her custody.”

<sup>50</sup> An IMPACT Contact note dated September 14, 2023, states that a staff person bought a piercing kit for BF that she used to pierce her belly button, and “tried to pierce her tongue and was complaining and yelling about the pain.”

6:10pm – [BF] is dancing around and giggling while [AW] is on FaceTime on the couch. [BF] begins making sexual comments and [name omitted] tells her twice that is it inappropriate.

6:20pm – [BF] is moaning into the phone call that [AW] is on, again told it is inappropriate. [KR] tells [BF] to save the moaning for tonight for whoever she finds. [BF] states that she is just going to smoke tonight.

6:31pm – [KR] and [BF] heated up [BP's] McDonald's that has been sitting on the table.

6:45 pm – [BF] is messaging a boy and asking him to come meet her. [BF] asked [name omitted] what drag racing is. [Name omitted] explained that it is dangerous and also illegal. [BF] stated that she did not want to do that because she does not want to get into any trouble. When [name omitted] learned that [BF] is wanting to meet someone outside of CWOP location [name omitted] told [BF] that she should not be giving anyone the address of the house, [BF] stated that she knows the person. [Name omitted] explained that it does not matter, only approved personnel are to know the address.

7pm – [BF] tells the other girls that the guy she was talking to turned out to be a girl. [KR] and [AW] said that [BF] got catfished.

On October 15, 2023, BF returned to a Bell County CWOP Setting.

OA, a 13-year-old PMC child, also has a confirmed history of sexual abuse. OA has run away from the CWOP Setting several times, often with RD, the 14-year-old TMC child mentioned, *supra*. During a September 19, 2023, recovery interview with a DFPS investigator, OA noted that “she runs away every day...because she doesn't like CWOP.” When she was asked where she goes when she runs away, and what she does, she said that she didn't want to tell the investigator. When asked why, “she advised that she just didn't because she [did not] want CPS to know” and “said the only way she ever comes back to CWOP is when the police bring her.” OA was placed in juvenile detention on October 3, 2023.

## 2. Risk of Self-Harm and Suicide

Shift log notes and IMPACT records also document another unreasonable risk to children's safety that the Monitors have previously documented in CWOP Settings: children who are at high risk of self-harm and suicide attempts are placed in CWOP Settings and without support and services from mental health professionals, become dysregulated and engage in self-harming behavior or suicide attempts. A 14-year-old child, SO, who was housed at the same Bell County CWOP Setting where RD was living, attempted suicide twice: first by cutting her arms and wrists,

resulting in hospitalization. And, after returning to the CWOP Setting, SO ingested all her prescribed medication. She has since been placed at an RTC in Oklahoma.

SO's second attempt followed what was described in an I&R Staffing as a very chaotic night (the incident occurred during the 12:00 am – 4:00 am shift). The I&R Staffing documented that when DFPS staff arrived for the shift, SO and RD were attempting to run away, and refused to allow staff to follow them. They later returned on their own, but left again, when staff followed them outside and “found the girls in the neighbor’s car.” The children were later discovered to have a Taser, which had been taken from the neighbor’s car. The two children then managed to obtain their medication boxes and took them to their room. When SO and RD discovered the medication boxes were locked, they took them outside and smashed them on the ground until they were able to open them. RD and SO ingested all their medications and were both hospitalized.

On September 4, 2023, BF became dysregulated and climbed on top of the roof of the DFPS-leased house. The I&R Staffing in her IMPACT case records documented the incident:

On 9/4/23 LE was called to the home by a neighbor. [BF] had gotten on top of the roof and threatened to jump off and cause herself harm. It is unknown how long [BF] was on the roof prior to the neighbor calling law enforcement...CPS staff were trying to talk [BF] down. [Another child] told [BF] that if she didn't get off the room, [she] would throw [BF] off the roof. [BF] got down off the roof, kicked out a window, grabbed a shard of glass, and threatened to harm herself with the piece of glass. [BF] sustained a cut to the foot, and possibly a cut to the leg. Because “no one was doing anything,” [another child] went up to [BF] and grabbed [BF] to stop her from hurting herself. [BF] then hit [the other child], the [the other child] hit [BF] back. The children did not sustain any injuries from the fight. There are concerns staff did not attempt to intervene in the fight because staff at the home typically let the children “do whatever they want.” When asked why, staff say they are unable to “put their hands on the kids.” [BF] then ran away from the home.<sup>51</sup>

The “Safety Concerns” documented during the I&R Staffing were that “Workers are not allowed to intervene when youth are harming themselves and/or each other. However, the police were called while the workers stood by and watched the events unfold, until the police arrive[d]. Training is needed for workers safety as well as keeping the children safe.” DFPS returned the child home on September 17, 2023.

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<sup>51</sup> BF's shift logs include an abbreviated description of the incident, stating:

At 9:30PM, [BF] stated she was going to jump out of the roof and went to the roof. CW...asked [BF] to come back in the house and she did. At 9:40PM, [BF] ran out of the house and said something to [KR]. [KR] became upset and hit [BF] in the head once. [BF] came back in the house and started banging her head against the wall three times then stopped.



This incident followed several self-harming incidents during BF's stays in CWOP Settings. On August 17, 2023, shift log notes show that when DFPS housed the children at a hotel, BF became dysregulated, "began crying and walked to the window in the room" and "swung her fist at the window and it shattered cutting her arm on her wrist and her forearm." The cuts were superficial and did not require stitches. Three days later, she again cut herself with glass during two different shifts, and she was admitted to a psychiatric hospital.

A May 21, 2023, SIR documents self-harming behavior by BF at a Bell County CWOP Setting:

The youth were name calling [BF]. [BF] got up and grabbed a plastic knife from the kitchen and covered herself in a blanket in the corner by the washing machine. She refused to give the worker the plastic knife and started hitting her head on the side of the dryer. She then started punching herself in the side of the head. Worker placed their hand between her punch and her head so she would not hurt herself. [BF] threw the kitchen knife and told the worker to get away...or she would kick her. [BF] got up and walked outside and said she was running away. [BF] went outside and punched the garage with both fists and sat down. She told the worker to go inside and the worker stated that she couldn't, but would step away a little bit. [BF] then went inside the house and hit the side of her head on the air conditioner panel.

### 3. Risk of Exposure to Illegal Drugs

Children frequently run from DFPS's CWOP Settings together. Even after being moved to a different Bell County CWOP location, numerous children appeared at a different CWOP location or were found after a runaway event with children from one of the other Bell County CWOP locations. For example, a Serious Incident Report dated July 14, 2023, notes that when a caseworker recovered FA, HB, AW, and HM from a runaway event and returned them to the house, LT was waiting for them, though she was housed at a different location. This SIR also documents another problem associated with the Bell County CWOP Settings: stakeholder interviews, IMPACT records, and shift logs note that children in these locations are obtaining and using illegal drugs. Children are often observed with, or return from runaway events smelling of, marijuana. The July 14, 2023, SIR states:

Upon arriving at the house [LT] from another CWOP house was there. During this time something was passed to [HB]. When staff tried to figure out what [HB] was holding [LT] came up to her and took it from her hands, and then put it in her mouth and ate it. At this point, [HB] became very upset and kept telling us that she had nothing in her hands...Staff went into [HB's] room to look around and noticed a small bud of marijuana on the dresser.

Shift logs for RD indicate that on August 31, 2023, children living in one of the girls' houses were found to be in possession of large amounts of marijuana:

[Caseworker]...was outside talking with [KR's] worker about what had occurred while they were out and saw that [HB] had weed gummies and [they] asked [HB] about where she had received the gummies and she indicated that it was from [RD]. Contractor...went to [RD's] room and found that [RD] had a backpack full of these gummies. [Caseworker] called [RD's] worker...and explained this circumstance and discussed what an appropriate plan of action may be. [RD's] worker explained that we should contact the Team Lead to find out what the best route would be for next steps. [Caseworker] contacted Team Lead...no answer. [AW] came out to the living room and smelled very strong of marijuana...[Caseworker] received a phone call from Team Lead and discussed the current situation and was told that she needed to call [the program director] to discuss the situation and what to do next. [Caseworker] received a phone call from Team Lead and it was explained that after speaking with the [program director], [caseworker] needed to call [the police department] to explain the situation and ask if they would come to the home to get the items from [RD].

After the police were called, [RD] agreed to give the caseworker the drugs. The items included: a bong with marijuana residue, 10 bags of marijuana gummies, and a sandwich bag with small marijuana pieces. The search evidently failed to locate and remove of all the gummies, because RD's shift log notes for the next day state:

[RD] remained at school, but returned about 1:30pm with her worker. On the way here CVS Harris received a call from [RD's] supervisor, asking to check her room, as she said that she had edible gummies in her room. CVS...checked her room and no gummies were found...No gummies were located, but vape juice was located and confiscated. When [RD] returned with her worker she noticed within a few minutes that the vape juice was gone and asked who went through her stuff...She stated that we had no right to go through her things. Her room is downstairs, but she went upstairs and came back down with gummies that she refused to give to staff. She opened them and quickly gave some to a couple of other youth. They ate the gummies and she said that was all that she had.

An IMPACT Contact note for BF indicates that BF had an SIR for September 1, 2023 "where she scraped her knee when she fell and she consumed marijuana gummies."

A July 19, 2023, SIR documented children being exposed to and engaging with adults who were the subjects of a drug raid by US Marshalls in the Super 8 Motel where they were temporarily housed:

Shortly after the 4 pm shift began, [SK] and [BZ] said they were going for a walk and we told them we needed to go with them, which they replied no we didn't, and they would check in. We informed them that we did have to

follow them. They went back into their room for a few minutes and then went for the stairwell. The contracted caregiver followed them but by the time she made it to the stairwell couldn't tell which way they went. She went to the lobby and checked around the hotel and the parking lot. She stayed downstairs and the hotel staff notified her that she needed to return to the room, and we needed to leave the hallway as something big was going to go down. [SK] and [BZ] came from the stairwell and [SK] looked upset. When we tried talking to her about it she didn't want to talk. They then left their room again and I followed them to the stairwell. I couldn't tell if they went up or down so I waited and listened to see if I could tell, that is when I was met with a US Marshall coming from the 3<sup>rd</sup> floor following [SK]. Our contracted caregiver stated the Sherriff deputy that was on shift went to the 3<sup>rd</sup> floor and found out the Marshalls had been watching the room on the 3<sup>rd</sup> floor and completed a drug raid and the girls were in the room during that period of time we couldn't find them. The Marshalls were not taking action with the girls and released them to come back to their rooms. I informed shift lead what happened, and was then instructed a few minutes later that we had to pack up and leave the Super 8 and return to [location omitted] as the A/C was repaired.

Male foster children housed at the Bell County CWOP Setting also seemed to have access to illegal drugs. The monitoring team interviewed stakeholders who reported that an apartment located behind the DFPS-leased house that sheltered boys was inhabited by adult drug dealers, and that the male foster children living in the CWOP Setting often ran to this apartment.

The Monitors received shift log notes for five foster children who were living at the Bell County CWOP Setting (located in Belton) that housed male children when the monitoring team visited. Shift logs confirm that several of the male foster children housed at the location spent time at an apartment behind the leased house and indicate that at least two children spent the night at an apartment behind the house.

Shift logs also document several of the male foster youth smoking marijuana or vaping THC on a regular (and perhaps daily) basis. They smoke marijuana inside the house, in the yard, or return to the house after being gone, smelling strongly of marijuana, according to shift log notes. On several occasions, caseworkers or law enforcement found either marijuana or THC vape cartridges while they were searching or cleaning the children's rooms. A March 17, 2023, SIR for a Bell County CWOP Setting housing male children, including 16-year-old RJ (a PMC child) who has been in a CWOP Setting throughout 2023, states:

On 3/17/2023, when staff showed up at 8PM for the 8PM – 12AM shift, groceries were being delivered by another worker. Staff was notified there were concerns that [RJ] might be under the influence of Marijuana. The youths immediately began hoarding food items, cooking and eating various items. At 9PM, staff checked on the youths while they were upstairs. [RJ], [A], [S] and [J] were observed not in the home due to having climbed out of

one of the upstairs bedroom windows and onto the roof. Staff stood outside the backyard and yelled towards the youths on the roof to come inside and they are not allowed to be on out on the roof. The youths could be heard mocking the instructions. There was a sweet and smokey aroma outside while the youths were on the roof, as if they were smoking swisher sweets on the roof. Shortly after, the youths came inside. [RJ] said they were never outside. Staff confronted him that the house was searched and none of the youths were inside. He then responded that staff can't tell the youths to not go out on the roof, because this is their home and it is their roof...At 9:18 PM, staff walked upstairs again and [J] was observed drinking a beverage from a glass bottle and quickly hiding it in his closet...The police officer on duty...searched [J's] closet and found a 750 ml bottle of Campo Viejo Rose' wine. The bottle was still  $\frac{3}{4}$  full. He confiscated the bottle and gave it to staff.

A February 26, 2023, SIR for the same location states:

At approximately 930 [name omitted] noticed a yellow towel under the bathroom door upstairs. I asked if they smoked anything in the restroom. They stated no, I opened the restroom and it smelled like marijuana, and there was a lighter on the sink. I grabbed the lighter, which was later turned over to LE. The window was open. [RJ] asked if LE was going to be called. I informed him yes. Due to internet connection and another child talking to his caseworker on my phone I was not able to contact team lead until around 950 who advised to call LE. [RJ] stated he was upset and stated that if we don't care he doesn't care and started to vape in front of us. He stated that he did not smoke marijuana. He ran outside with a package and ran around the corner. LE arrived around 10:18pm. At this time, [RJ] handed over a vape to the officer and stated that is all he had. LE was granted permission to search the home. They found cigarette butts, BB's, and a spin of a bullet in [RJ's] room. They asked [RJ] if he had a gun, he stated no but there was one out back in the yard. He stated that another peer who left stated he would find a gun in the yard (we believe this was the BB gun that was turned in). At this time the search dog was called. They did not find a gun in the yard.

Approximately two weeks earlier, on February 7, 2023, staff completing an SIR indicated that when RJ and another youth came downstairs and went out the back door, staff could smell marijuana. When staff inspected the upstairs bathroom, they found a "green leafy substance" in the sink and toilet.

More recent shift log notes (for June 28, 2023, through September 18, 2023) show that RJ frequently rolls marijuana cigarettes in front of the staff supervising the CWOP Setting and has smoked them inside the DFPS-leased house. Some caseworkers have begun removing the knobs to the kitchen stove so that RJ and other children can't light cigarettes or joints from the stove.

IMPACT records for another PMC child, who was taken to the Belton CWOP Setting on September 13, 2023, show that on September 18, 2023, his caseworker said that he had been buying marijuana for children in the home.<sup>52</sup> One of the staff who supervised children at the Belton CWOP Setting suggested that he bought drugs for the other children as a means of gaining their approval.

4. Other risks associated with Belton location housing male foster children

*Documented concerns regarding weapons in the home*

In addition to the reference to guns and bullets being found in a CWOP Setting, discussed above, the Monitors learned of an incident involving LD, a 15-year-old PMC child who stakeholders described as “a follower.” LD has been placed at the Belton CWOP Setting since June 2, 2023, leaving once for a psychiatric hospitalization on July 27, 2023, and for a brief placement in an RTC that started on August 14, 2023, and ended October 2, 2023. On October 3, 2023, LD returned to the Belton CWOP Setting despite an order in his conservatorship case prohibiting further placement in a CWOP Setting.

During the time he was housed at the Belton CWOP Setting, LD frequently ran away. LD was housed at the Belton location while RJ was living in the house. A July 25, 2023, IMPACT Contact note documented concerns related to LD’s possession of a gun or guns:

On 07/24 at approximately 1230pm, CW [name omitted] received a phone call from...the biological father of [LD]. He is quite upset that [LD] has contacted [him] and his daughter through Instagram and Instant Messaging and had sent them texts, pictures and videos indicating that [LD] was in possession of firearms and that he had sold some of those firearms. He also sent a video of himself shooting a weapon in what appeared to be a park. [His father] indicated he wanted nothing to do with [LD] and did not want this type of “thuggery” to influence his daughter. CW [name omitted] asked him to please file a police report...and to please e-mail CW...the pictures, video, and text messages. [He] said he would.

On 7/24 at approximately 1250pm, CW...received a call from [name omitted]. He is the half-brother of [LD] and the son of [LD’s father]...[He] was calling to report that [LD] had reached out to him with texts, videos and pictures also indicating that he was in possession of firearms and that he had stolen and sold some of the guns. He is afraid that [LD] is going to be arrested and that because these messages are in [LD’s] phone, that [he] and his father would get in trouble because they knew about it. He asked what he should do. CW...asked for him to please...give [the local county attorney]

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<sup>52</sup> Shift log notes for this child show that on September 17, 2023, he “asked workers if he could get his money” and “asked for \$80 to go to the Dollar Store.” He and another child left the house and when they returned approximately one hour later, he gave the staff \$36 to put back in the file cabinet for him. When the staff person asked what he spent \$44 on at the Dollar Store, he told them he spent it on drinks and candy. The shift log notes that the children returned without any drinks or candy with them.

all the information. He indicated he would. CW...asked that he also send copies to him, he said he would.

An SIR with the same date states:

At 8:11 [RJ] came into the house asking for [LD]. [RJ] went outside and staff heard some yelling and when they went out [RJ] and [LD] were fighting. Staff...ran outside to break them up. [LD] and [RJ] were separated and [RJ] claimed that [LD] was sending nude inappropriate pictures to his girlfriend. [RJ] also claimed that [LD] had a gun but claim[ed] that he took the gun away from him and gave it to his cousin in Austin. [RJ] claimed that that was why [LD] was angry with him. [RJ] claimed that [LD] ran upon [sic] him first starting the conflict...Law enforcement arrested [LD] and placed him in their vehicle. The home was searched and there was no gun located.

RJ's shift logs document the fight between the two youth.<sup>53</sup> RJ's shift log notes for July 25, 2023, document a conversation between RJ and the caseworkers supervising the children:

[RJ] came to the table and sat across from workers...at the table. He explained that earlier he had beat up [LD] outside because while he had been gone for the last couple of days, [LD] had sent a picture of his genitals to [RJ's] girlfriend. Also, [RJ] said [LD] had a gun that he [RJ] had taken away from [LD]. [RJ] said [LD] had the gun hidden in the house. So when [RJ] was gone for a few days, he took the gun [and] sold it to his cousin. [RJ] said that [LD] was mad about the gun and wanted to fight. [RJ] said a gun should not be in placement. He said [LD] hit him first, and he beat [LD] up.

RJ's shift log notes indicate that on September 4, 2023, RJ was overheard having a phone conversation with someone "about getting a [G]lock 42," telling the person on the phone, "I am at the same placement."

#### *Documented instances of female children found in the home without permission*

Shift log notes and SIRs for all the Bell County CWOP locations document fluidity of movement by the children among the Temple, Killeen, and Belton houses, with children housed in Killeen appearing at the Temple house and vice versa, with no explanation for the children's ability to move between these houses, located in different (though neighboring) towns.

Similarly, girls from the Temple and Killeen houses have had contact with boys housed at the Belton CWOP Setting. [RJ] and [LT] were documented to have been "dating" in RJ's July 2023 shift logs, after having been placed at the same CWOP hotel setting in June

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<sup>53</sup> The monitoring team also learned of this incident when they interviewed children, staff, and stakeholders.

2023.<sup>54</sup> On June 2, 2023, RJ's shift log notes indicate that he was "trying to find a way to Temple to the Hotel that [LT] is staying at because they are dating." On July 5, 2023, shift log notes document that, after returning to the CWOP house after spending the night at an apartment behind the Belton CWOP Setting, RJ "left again and arrived back at the house at 11:00 with [LT] who is also on runaway status from the Temple hotel." The notes state, "[LT] attempted to walk into one of the bedrooms and was told to get out. [LT] and [RJ] then grabbed food from the kitchen and went out the back door." The monitoring team interviewed a caseworker who reported that female children housed in the girls' Bell County CWOP Settings spoke of having contact with boys housed in the Belton CWOP Setting.

On August 14, 2023, while they were temporarily housed in a hotel, RJ's shift log notes show that he and another youth "left the hotel five hours ago with two young unknown females." A previous shift documented that RJ was downstairs at the hotel, talking to a girl he described as his girlfriend. The four youth were eventually found. The female children do not appear to have been foster children. On August 19, 2023, after they returned the male youth to the Belton house, RJ's shift logs indicate he "was with a female friend and tried to bring her inside the house."

On August 21, 2023, RJ's shift log notes indicate that he and another youth found a kitten, and brought it into the house, and staff found three "unidentified" children in the house:

[RJ] is holding the kitten and going up and down the stairs with [another child] and [NT] to the attic at 7:15PM. [Caseworker] went upstairs with security and LE to investigate noises of other children upstairs. [RJ], [NT], [and two other children] were all present upstairs with 3 unidentified youth who did not appear to be over the age of 12 years old, 2 males and 1 female. [RJ] sat on the top step and stated that he would not let [caseworker], security, or LE upstairs and stated that "this is my house." [Caseworker] stated that the youth had to go and could not be in the residence.

After the foster children verbally threatened staff and became aggressive, they left the home with the three children.

On September 6, 2023, shift logs state:

Staff realized the door to the upstairs was open. [Staff] investigated the upstairs. The window facing the street was unlocked as was the attic door. It appeared that someone had been up there as there were empty and partially empty water bottles and soft drink cans. There was also the crock to a crock pot in the attic. No one was observed up there and attempts to lock the attic door were made but were unsuccessful.

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<sup>54</sup> RJ's June 2023 shift logs show that RJ and LT spent time in each other's hotel rooms and on June 30, 2023, a caseworker arrived and was told that the two "have been in bed together." The same day, RJ moved to the DFPS-leased CWOP house in Belton.

On September 15, 2023, at 10:45 am, shift logs for two children state:

[Caseworker] could not locate [M] inside the home. [Caseworker] continued to knock on the stairwell door until [NT] opened it. [Caseworker] requested to physically observe [M]. [M] jumped down the stairs to present himself. [Caseworker] requested the boys exit the stairwell so she could conduct a check of the attic area. While conducting a check, [caseworker] observed two young female girls. [Caseworker] requested their names...[Caseworker] asked the girls how they entered the home. Neither responded. [Caseworker] repeated her question to which [NT] reported that they walked through the door. [Caseworker] asked which door. [NT] responded back door. [Caseworker] requested the girls leave the premises immediately.

RJ's shift log notes indicate that just after the children were found, he "reported the two girls found earlier in the shift were there since the night previously."

Two days later, on September 17, 2023, shift log notes and a CLASS intake document that staff at the Belton CWOP Setting found a female PMC child who had run away from Gryphen House, an emergency shelter for girls located just up the street from the Belton CWOP Setting. Shift log notes state:

At 6 pm, the worker from the girl's home [on the same street] came over asking if workers had seen a girl [name omitted]. Then around 6:15pm, the worker came back to the house stating that she had ran [sic] into [RJ] and another youth and they stated that the girl was at their crib, either in their room or the room upstairs. [Caseworker] went to the boy's bedroom and pulled back a pile of covers and comforters and saw a girl. [Caseworker] told the girl that she needed to get up and leave the house now. The worker [from the shelter] came into the room and told the girl that she was leaving with her now and that if she returned inside this house that trespassing charges would be filed.

The foster child who was found in the boys' bedroom, SK, has a confirmed history of sexual abuse and a confirmed and suspected-unconfirmed history of child sex trafficking. SK was interviewed after a Neglectful Supervision investigation was opened by DFPS. IMPACT notes documenting the interview describe SK's night at the CWOP Setting:<sup>55</sup>

[SK] ran away to meet some boys at the...home right down the street...The 2 boys from the CWOP home went back and she did not want to go back to Gryphen [House]. [SK] snuck into the CWOP home with the 2 boys. [SK] stayed the night with them hiding under the blankets every time staff did

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<sup>55</sup> This investigation was administratively closed, due to RCCI's finding that it did not have jurisdiction to investigate the incident, since it occurred in a CWOP Setting. CPI subsequently opened an investigation of the incident. During the investigation, RJ and another male child reported that KS was one of two girls who entered the Belton CWOP Setting without permission on the evening of the incident. The other child was a 14-year-old TMC child who was also a resident of Gryphen House.



their checks, she was hiding...The whole time she was with these boys she was doing a lot of smoking and doing drugs. [SK] felt some of the stuff she was smoking. [SK] felt as if it was laced with something. [SK] said she has had consensual touching with the two boys. [SK] refused to elaborate on the consensual touching. [SK] denied being raped and she did say she was too high to remember everything.

After this incident, Gryphen House discharged SK. She was subsequently placed in a CWOP Setting outside of Bell County. SK has run away from CWOP Settings twice since September 28, 2023. The recovery page related to her second run from the CWOP Setting, during which SK was gone five hours, states that SK said she ran away due to anxiety “about the possibility of being pregnant.”

Youth from Gryphen House also appeared at the Temple CWOP Setting that housed girls, looking for another foster youth, according to shift logs for the Temple CWOP Setting.

#### H. Risk of Harm to Caseworkers and Staff who Supervise CWOP Settings

Interviews with stakeholders,<sup>56</sup> which included caseworkers and staff present during the monitoring team’s September 18, 2023, site visit, and others who later contacted the Monitors, describe their intense frustration and anger over the ongoing requirement that they supervise CWOP Settings in addition to their existing responsibilities and without adequate training. All the caseworkers expressed the difficulty that the supervision requirements create for completing the regular tasks associated with their positions. Caseworkers who were interviewed for this report indicated that they are required to supervise anywhere from six to eleven four-hour shifts each month, depending on the number of caseworkers and other staff available to supervise CWOP.<sup>57</sup>

Shift logs and interviews with stakeholders describe a problem that the Monitors have previously documented: without adequate services and support, children placed in CWOP Settings – many of whom have significant mental and behavioral health needs – frequently become dysregulated and act out, harming the caseworkers and staff supervising them. Caseworkers are verbally and physically assaulted, and in some cases, sexually assaulted.

The Common Application for RH, a 16-year-old PMC child who was housed in the Bell County CWOP Setting during the period reviewed by the Monitors, documents the following April 8, 2023, incident:

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<sup>56</sup> The monitoring team interviewed eight DFPS caseworkers and staff, three PMC children, and three other stakeholders.

<sup>57</sup> For example, one DFPS caseworker said that “child watch has turned into such a cancer it has taken the joy out of everything else” and, in speaking of DFPS, said “at the end of the day it feels like they don’t care about us.” Another DFPS caseworker said that the DFPS staff and caseworkers have “been worked so hard that their passion burns out and they become angry.”

[RH] was not at the location when worker arrived for the shift. When he returned to the house, he noticed worker and said [worker's name] and ran over to worker and gave her a hug. Worker had the words, "[RH], we only fist bump" coming out of her mouth, but he ran up so quickly there wasn't time to finish the sentence. Worker immediately told him, "we only fist bump from here on out, ok?" [RH] said, "whatever [name omitted]" smiled and walked away. Worker has had several shifts with [RH] where he does not respect personal boundaries. LE was present at this time, so [RH] did not approach worker for the next hour or so. At approximately 2:15 pm, LE left the child watch house and there was no replacement LE officer for the rest of this shift. Around 3pm, [RH] sat down with the worker at the table. [RH] told worker, "I love you [name omitted]" and "I love your face" and then started touching Worker and she repeatedly asked him to stop. Worker continued to tell [RH] that he could not touch her without permission. Worker told [RH] that they could only fist bump, but he had to ask first. [RH] asked for a fist bump, so worker put up her hand. [RH] clinched his fist and punched workers hand forcefully instead of a "bump". Worker said, "oww, [RH] we're not doing that anymore either if you punch my hand." [RH] continued telling worker, "I love you, [name omitted]" and said this multiple times. Worker ignored [RH]. [RH] then started saying very sexually explicit things at the table. They were very sexual in nature and made worker feel extremely uncomfortable. He said things like, "put my dick so deep make her ass go to sleep," "I'd eat it out from the front and the back," "my dick so deep I'd make it bleed," "sit on it" , "and send me a big hair pic." He said these things while laughing and grunting. [RH] was told to stop and asked why he was saying things like that. [RH] looked at worker and said, "do you hear what I am saying?" and Worker responded, "I don't listen to stuff like that." [RH] continued to say sexually aggressive things while thrusting his pelvis in his chair. [RH] was redirected to make some food. [RH] remained in the kitchen with worker for about 5 minutes and then came back into the common area (where the table is and sat by the...worker. The first thing he said was, "I love you [name omitted]." And then put his head on worker shoulder. Worker immediately pulled away and [RH] got closer and began touching worker. Worker told him, "[RH], stop touching me" and he continued to do so. Worker repeatedly and sternly asked [RH] to stop touching her. Worker looked at the table where Law Enforcement usually sits. Hunter saw worker look over there and he looked right into worker's eyes and said, "he left, there isn't anyone here. There is nobody here to help you." [RH] was touching worker's arms, shoulders, trying to play with worker's hair, poking worker with his fingers, rubbing worker's back, arms shoulders, etc. Worker stood up to get away from [RH] and he stood up and moved closer. Worker asked him repeatedly to stop and he would not. He said, "what [name omitted], I just love you." [RH] was told to stop. [RH] backed away and sat in the chair on the side of the table. He kept telling worker, "I love you." As soon as worker sat down, [RH] began grabbing the back of [her] chair and was dragging it towards him. Worker jumped up and when she did, [RH's] hands went from the

bottom of worker's breasts all the way down her stomach past her belly button. Law enforcement was contacted.<sup>58</sup>

RH's IMPACT records document a history of engaging in sexually inappropriate behavior from a young age, including "acting out sexually towards...female staff at the school" which included attempting to touch their breasts and disrobing in the classroom. His records show that he entered the system due to allegations of medical neglect and sexual abuse by his mother; however, the allegations of sexual abuse could not be substantiated. Despite a history of acting out sexually, RH has not been flagged by DFPS with an indicator for sexual aggression or a sexual behavior problem, even after the incident described above. RH is still placed in a Bell County CWOP Setting.

Shift logs document children becoming dysregulated and verbally and physically assaulting caseworkers and staff. LD's IMPACT records show that on July 26, 2023, after he was fired from his job at a pizza restaurant (due to his age), he lashed out at his caseworker, and told him that the next time the caseworker came to the CWOP Setting, LD would "shoot [him] in the head" and "that [he] would be stabbed" and that "all of the boys in the house were going to give [him] a beat down." The IMPACT Contact note indicates that the "boys in the home heard him and were cheering him on." These threats were likely to be particularly disturbing since, just two days earlier, the caseworker had received texts from LD's family members that indicated LD had access to guns.

The night before the monitoring team visited the Belton CWOP Setting, the children became dysregulated and began to engage in property damage throughout the house. There was no law enforcement officer or security on site during the shift. The staff who were supervising the setting feared for their own safety and waited outside for law enforcement to arrive after calling 911.

The monitoring team also learned of a recent incident during which a DFPS staff person was physically assaulted and suffered a concussion while she was supervising a Bell County CWOP Setting. The staff person had to be hospitalized and, close to a month after the incident, was still recovering from her injuries. The child who was involved in the altercation was already on probation due to similar behavior. She had been transferred to the Killeen CWOP Setting from the Temple CWOP Setting the day before the incident occurred, because she had been injured during an altercation with another child at the Temple location. The child's Level of Care is listed in IMPACT as Intense; she has been in-and-out of CWOP Settings since being released from a psychiatric hospital on March 3, 2023. Her only placement since then was an RTC in Arkansas, which discharged her after four months due to her behavioral challenges.

The caseworkers and staff with whom the monitoring team spoke all expressed exhaustion, noting that many of their peers had quit their jobs due to the requirement that they supervise CWOP Settings. They noted that they did not have the background or skills to supervise children with high mental-and-behavioral health needs in a home setting, and that they not only feared for the children's safety but feared for their own

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<sup>58</sup> An SIR dated April 8, 2023, also documents this incident.

safety. All of them expressed their love for their work and for the children they worked with but felt ill-equipped to manage the children's behavior.<sup>59</sup> <sup>60</sup>

None of the caseworkers or staff interviewed by the monitoring team reported having had any "hands on" de-escalation training prior to being assigned to work in a CWOP Setting, nor did they report having had any restraint training. Shift log notes indicate that when a restraint is used (for a child who is self-harming or assaultive), the law enforcement or security officer steps in to restrain the child.

Caseworkers also expressed concern for those children on their caseloads who they have had to bring to a CWOP Setting. One DFPS caseworker referred to a child on her caseload who was ready to be discharged from an RTC, and said she asked the RTC to keep him until another placement could be found, because she was concerned he would regress in a CWOP Setting. Another expressed concern for a 12-year-old child, who the caseworker took to a hotel CWOP Setting. The caseworker said the child was "terrified" when the caseworker left him at the hotel. Another caseworker documented the experience of a 16-year-old child who was brought to the Belton CWOP Setting for placement on August 24, 2023:

[FV] appeared happy and in good spirits. He was very optimistic about going to a new placement. [FV] reported that he would miss some of the staff at The Burke Center for Youth. Worker explained to [FV] that the location was a house with other boys and that he would have different staff to supervise him every 4 hours. [FV] stated it would be more like freedom and worker agreed. As soon as worker and [FV] arrived at child watch location he was verbally attacked by the other youth. A peer named [NT] stated that he was "weird" and that worker needed to get him out of there. A peer [RJ] also reported that he [was] known to be a bully and would bully kids. Worker requested peers to give him a chance, but they insisted on being rude. At this point youth was shaking with fear and stood next to worker. Worker attempted to locate him a bed and all the youth stated the beds were occupied. Peer [N] took us to the back room and stated that he had broke [sic] the bed. Worker could only locate two bedsprings at the time and put those together...worker assisted in getting [FV's] room

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<sup>59</sup> For example, one DFPS staff person said, "Think about a kid that has never felt loved, never felt wanted, and then a caseworker comes in tired and frustrated, and the kids can feel it." She noted that the children respond to the caseworker's moods, and when their mood is frustrated – the children are triggered. Another caseworker said that the group setting created supervisory challenges, because the children have similar trauma backgrounds, and their behavioral challenges trigger each other. She noted that when the children are alone, they are less likely to become dysregulated and are easier to supervise. All the caseworkers and staff who were interviewed raised the lack of continuity in caregivers as a problem, because the children did not know, from shift-to-shift, who would be supervising them. They noted that this kept the children from forming bonds with staff that would have assisted in reducing behavioral issues.

<sup>60</sup> One caseworker noted that in addition to their supervision duties, they are often told that they are responsible for cleaning the CWOP Settings they supervise. The caseworker said that they have at times been assigned a list of chores that included dusting, mopping, and doing the children's laundry. Shift log notes confirm that caseworkers often clean the house and launder children's clothes.

together. Worker swept, disinfected the floor which had blood stains and brought his clothes in. [FV] was starting to warm up and sat at the table with staff as they served pizza. Worker informed [FV] that she would staff to try to locate him another child watch location and he appeared better.

The caseworker for a female child who was placed at one of the Bell County CWOP Settings for just under one month noted in IMPACT Contacts that the child asked to be moved to a different home soon after being placed there. The Contact note states that the child “expressed her frustration with the behaviors of the other girls at the CWOP location” and “stated that she was not happy at CWOP” that that “one of the girls started to bully her.”

#### I. Conclusion

The Monitors have repeatedly documented the prevalent, unreasonable safety risks to PMC children associated with housing them in unlicensed CWOP Settings. These settings are supervised by DFPS caseworkers and staff who have substantial, pre-existing concurrent responsibilities and who are not trained to be residential caregivers to high-needs children. The circumstances the monitoring team discovered at the Bell County CWOP Settings through interviews, children’s shift logs and IMPACT records are safety threats well known to the State, problems which the Monitors have surfaced from interviews, visits to CWOP Settings, and State records since September 2021. The State’s ongoing use of these unregulated settings continues to cause significant harm to PMC children.