The 87th Texas Legislature convened at the Texas apex of the global pandemic, facing a dire budget deficit and heightened security concerns in the wake of the January 6 insurrection inside the U.S. Capitol. Soldiering onward, legislators completed a significant body of good work as the pandemic receded, the projected budget deficit disappeared and concerning security incidents – other than Winter Storm Uri – never materialized. There were, however, several important issues left unaddressed that are highlighted in this report and hopefully will be addressed in one of the special sessions planned for later in the year.

The operating environment at the Capitol was just not the same – and one of the most significant reasons was the lack of children visiting the Capitol due to pandemic and security restrictions. No lines of school buses from all over the state. No youth musicians performing in the Capitol rotunda at noon each day. No youth convenings to learn about the process and meet their lawmakers. No rallies or special events on the Capitol grounds for youth to participate. It was a reminder that at times, we fail to appreciate what we have until we lose it. The good news is that the loss is temporary – children will return to the Capitol in force for the 88th!

Just because children were not physically present did not mean their interests were not on the minds and in the hearts of the members, and this report provides ample evidence of the level of attention given to a wide range of concerning issues.

We are truly grateful to the members and staff and most especially to those listed in this report for their hard work, to our advocacy partners for their zealous partnership in seeking to improve the life prospects of all Texas children and especially those most at-risk, and to our Upbring family whose work on the front lines of the system every day transforms the lives of those we serve.

**INTRODUCTION**

**Five Accomplishments:**

5. Applying the Lessons of the Pandemic
   Retaining Virtual Health and Expanding Broadband
   (See Broadband and Virtual Education/Health Care)

4. Restoring “Community” to Community-Based Care
   Re-engineering Statewide Implementation of Community-Based Care
   (See Community-Based Care)

3. Embracing National Child Welfare Reforms
   Preparing for Implementation of the Federal Family First Prevention Services Act
   (See Family First/Family Preservation)

2. Addressing Long-Standing Needs of Older Youth and Young Adults
   Providing Supports for Youth in the System Preparing for Adulthood and for Young Mothers and their Children
   (See Medicaid Eligibility and Older Youth)

1. Keeping the Promise
   Fully Funding Public Education per HB3 from the 86th Legislature
   (See Education)

**Three Shortcomings:**

3. Applying the Lessons of the Pandemic
   Virtual Education Approaches and Tools
   (See Virtual Education/Health Care)

2. Addressing Long-Standing Data System Needs
   (See Data Systems)

Investing in High-Quality Care
   Additional Financial Resources for Providers and Families in the Legacy System
   (See Rates and Resources)
Adverse Childhood Experiences (ACES) and Resilience

One of the hallmark developments of recent years in child welfare is our understanding of the brain, the impact of trauma and the importance of resiliency. We not only see this in our child welfare and education work, but in our efforts in the field of disaster response and its gradually shifting emphasis on family and community resiliency in the face of increasing natural disasters exacerbated by climate change. While there was no major legislation enacted on the subject this session, the reality is that progress in this arena focuses largely on practice. We are grateful for the ongoing contributions of the Statewide Collaborative on Trauma-Informed Care and TexProtects to continuously improving child welfare practice. We also applaud the newly launched Community Resilience Estimates initiative of the U.S. Census Bureau that will aid efforts to build family and community resiliency against disasters in Texas and elsewhere.

Broadband

The pandemic clearly demonstrated the vital importance of broadband access throughout our vast state and the Legislature responded with significant policy prescriptions and budget investment to expand broadband access and digital connectivity in underserved areas of the state. The bill creates a broadband development office under the authority of the Comptroller that will create a state broadband plan; award grants, low-interest loans, and other financial incentives to expand broadband with primary focus on areas of the state with below 80% broadband availability; and coordinate the deployment of available federal funding, among other responsibilities. The budget appropriated $5 million to launch this new office, and additional federal funds are available to support these efforts. Upbring fully supports these and other efforts to close the digital divide that has a greater impact on children and families at risk, especially in underserved rural areas. Broadband access is of increasingly critical importance to education and health.

Community-Based Care (CBC)

The Legislature made two things clear about Community-Based Care (CBC) this session: one, they fully support the model, and two, they are not satisfied with the manner in which the model is being rolled out. The budget included funding to roll out CBC in four additional catchment areas of the state, which would bring the total to nine catchment areas with CBC out of sixteen. The omnibus foster care bill creates a new Office of Community-Based Care Transition with a Director appointed by the Governor, coupled with a Joint Legislative Oversight Committee for CBC that will give the Legislature more of a say in implementation decisions being made between legislative sessions. Upbring continues to closely monitor CBC developments and appreciates the efforts of the Legislature to promote greater innovation within the model as discussed under Innovations below.

Data Systems

Much has been said about the ten-year-old federal foster care lawsuit and the rulings of U.S. District Court Judge Janis Jack, nearly all of which addresses those portions of her rulings that survived scrutiny by the Fifth Circuit Court of Appeals. There was one part of her initial ruling that did not survive appellate scrutiny but merits fresh attention – her demand for a new integrated computer system. The inadequacies of the present system are underscored perhaps best described by a provision of the foster care omnibus bill directing that DFPS “shall develop a plan to eliminate the Department’s use of paper case files and fully transition to an electronic case management system” by September 1, 2023. The benefits of such a system are widely recognized by child welfare system stakeholders but no request for such a system has been made because there was no funding source – until now. The State of Texas will receive more than $16 billion in federal aid from the American Rescue Plan Act that the state did not use or even need to enact a balanced budget for the FY2022-23 biennium. A new integrated data system would be a wise one-time use of a portion of these one-time funds and should be near the top of the state’s priority list when investing these resources is taken up in the fall special session.
**Education**

The 86th Texas Legislature enacted landmark school finance legislation of historic significance, accompanied by a promise to maintain those commitments in future years. The Legislature kept that promise even with the knowledge that schools will also be receiving substantial amounts of federal aid from the various pandemic relief measures – and of course have incurred significant expenses that aid is intended to defray. Aside from funding, dozens of bills impacting public charter schools, like Trinity Charter Schools (TCS), were considered. Of the small number that advanced, only favorable bills were enacted as we continued our partnership with the Texas Public Charter School Association to educate policy makers of the benefits of charter schools in serving specialized populations, such as the youth in residential treatment centers TCS serves.

**Family First Prevention Services Act (FFPSA)**

The primary purposes of the federal Family First Prevention Services Act of 2018 ("Family First Act") are to shift federal resources upstream to prevent children at imminent risk from entering the foster care system while reducing reliance on and enhancing the quality of congregate care. States were given the option to delay implementation until 2021, which Texas wisely took advantage of, and the Legislature enacted and funded a pilot program to work with families that are already involved with child protective services and are at imminent risk. If there is one thing agreed on by virtually all child welfare stakeholders, it is that every child needs a family and that preserving families is nearly always the preferred outcome. While the candidacy definition for the pilot is narrower than advocates would have preferred, it only applies to the pilot and will hopefully be broadened in the future as we know many children who have not had contact with child protective services are also at imminent risk. Much more remains to be done in future sessions to fully achieve the promise that the Family First Act presents for Texas.

**Health**

Texas has made substantial investments in expanding mental health care access over the past several sessions and with the impacts of the pandemic, continued to focus on opportunities for further improvement. In child welfare, we observe that one of the most tragic outcomes of serious emotional disturbances is relinquishment. This occurs when a parent is unable to effectively care for the child, often due to exhaustion of insurance resources, and relinquishes custody of the child to the state. Legislation to implement a relinquishment avoidance program with emergency eligibility procedures for children at immediate risk of relinquishment was enacted in the hope that more families will be able to obtain services and remain intact, avoiding this tragic and traumatic choice. Legislation was also enacted to improve school district policies and reporting requirements for bullying and cyberbullying, serving both mental health and suicide prevention purposes.
Innovation

As noted under Community-Based Care (CBC) above, the Legislature fully supports the model but is not satisfied with the rollout. One of the reasons for their dissatisfaction is the constraints on provider innovation imposed by the Department, either expressly or in practice. Two less visible but potentially very important provisions of the foster care omnibus bill provide that, first, CBC contractors may apply to the Department for a waiver from any statutory and regulatory requirement to increase innovation and flexibility for achieving contractual performance outcomes. How effective this approach will be in promoting innovation remains to be seen, but it is at least an acknowledgment of the shortcoming and a mechanism to attempt to productively address it. The second provision directs the Department to accept and evaluate unsolicited proposals from potential CBC contractors in areas of the state not yet under CBC. Such proposals would have the opportunity to propose innovative approaches free of the restrictions normally associated with standard procurements. This provision also directs the Department and HHSC to adopt rules to align these unsolicited submittals to state procurement rules to allow for their acceptance if deemed in the best interests of the state.

Juvenile Justice

While there was some further progress, two outstanding concerns again fell short of resolution: raising the age for the juvenile justice system from 17 to 18, which was not enacted; and the “second look” act to establish additional parole considerations for offenders who were younger than 17 at the time of their offense, which was enacted but vetoed by the Governor. In addition to legislation noted in the Guardian Ad Litem/Attorney Ad Litem section, separate legislation defining “dual-system child” and “dual-status child” and authorizing juvenile courts to make corresponding appointments was enacted. Also of note was beneficial legislation that requires judges imposing fines and costs on a youth in foster care or extended foster care to accept performance of community service in lieu of the fines and costs. We are thankful for the leadership of Texas Appleseed in addressing the intersection between child welfare and juvenile justice, and advancing solutions designed to allow these youth the best chance of leading productive adult lives.

Kinship Care

Kinship care was, of course, the child welfare system long before we had a formal child welfare system. Today, it remains the predominant means for providing care to children whose families are in crisis that resulted in abuse and neglect serious enough to warrant removal. Many of these arrangements are informal within families, while others arise once a child is taken into the formal system. Building on past efforts that included direct payments to kinship providers in the formal system, the Legislature expanded the range of caregivers eligible to receive these direct payments, and acted to better assure that informal kinship caregivers be informed of the opportunity to become qualified to participate in the formal system and become eligible for financial assistance.

Life Skills

A very good House bill became a great bill with Senate amendments and is a wonderful example of how the legislative process should work to deliver positive outcomes. Texas CASA led the charge for this bill, which directs the formation of a work group to assure that youth in foster care who complete the Preparation for Adult Living program curriculum are eligible to receive college credit for doing so. It also addresses barriers for participating youth with disabilities and furthers the requirements for assuring youth not only receive the necessary documents—now to include evidence of health insurance—but are properly trained of the importance and use of these documents and that they are received in encrypted form to protect their safety. The bill also includes provisions to help assure appropriate housing arrangements for aging-out youth. A separate bill broadens the base high school curriculum requirement for economics to include personal financial literacy which is especially important for youth in substitute care who may not have the benefit of learning those skills from their biological parents.
Medicaid Eligibility

Texas remains one of 12 states that have not expanded Medicaid under the Affordable Care Act, but there was still plenty of activity to address a range of specific circumstances. Most celebrated was the extension of postpartum coverage for pregnant women to six months after delivery or involuntary miscarriage from the present 60 days. We are grateful to Texans Care for Children for leading the charge for this extension. Other issues addressed include mandatory reinstatement of a child’s eligibility under defined circumstances; increasing the time a young adult formerly in foster care may recertify eligibility and allowing online recertification; and launching a pilot program to better coordinate care for children with complex medical conditions. While Texas continues to resist Medicaid expansion, the Legislature understands that children and pregnant women have unique needs and is willing to address specific adverse effects of the state’s overall policy choice.

Neglect

Approximately three out of four removals of children from their homes result from neglectful supervision rather than abuse. Additionally, these removals are disproportionately experienced by different population groups, particularly African-Americans and Native Americans. In the belief that children are too often removed for neglect and that the better course would be to provide support and training to keep families intact, legislation was enacted to try to safely reduce the number of removals for neglect. The centerpiece of this bill narrowed the definition of neglect and changed the judicial standard for removal for neglect from “substantial risk” to “immediate danger” to the child. Whether the new standard brings about a reduction of removals in practice—and a corresponding reduction in disproportionality—will be tested once this law becomes effective in September.

Older Youth

One of the most vexing problems in the foster care system is the number of children who “age out” of the system at age 18. Despite efforts to make extended foster care more attractive, there are few takers. By the time a youth in the system turns 18, most are only interested in getting out of a system that failed to deliver a permanency outcome regardless of what comes next. Older youth are more difficult to place, so the longer a youth remains in the system, the more likely it is that they will age out before achieving permanency. While some progress was made through ensuring college tuition waivers, reviewing normalcy activities at each permanency hearing, providing continuous legal representation, and allowing self-administration of medications by 17-year-olds, it remains clear we do not have a sufficiently effective strategy to provide attractive options for extending care and services to these youth or truly prepare them for the realities of adulthood. Some progress was made in providing life skills for these youth, as addressed in the Life Skills section above.

Prevention and Early Intervention

As to primary prevention, the Legislature added very modestly to present funding levels but did not materially expand the present suite of primary prevention programs despite the amply demonstrated need for expansion. More headway was made in secondary prevention/early intervention, with progress made toward implementing the federal Family First Act as discussed earlier by expanding services to children at imminent risk of entering the foster care system with the aid of newly available federal funding for that purpose. Importantly, a portion of that funding was made available to DFPS to serve families with these services. We are hopeful the agency will coordinate those with its Prevention and Early Intervention Division, as the most effective overall strategy to prevent abuse and neglect brings together primary prevention (focused on acting before imminent risk is present) and secondary prevention/early intervention (focused on acting when imminent risk is present) in a well-coordinated manner.

Quality Care

As noted in the Family First Prevention Services Act section, the other key objective of the Family First Act is to reduce reliance on and enhance the quality of congregate care settings, establishing requirements for federal funds to be available to pay for such settings for periods longer than two weeks. The foster care omnibus legislation included provisions to not only aid in implementing these requirements but added provisions for enhancing educational services, trauma-informed treatment models, placement evaluations, transition planning to family placement or reunification—all promoting
aspects of high-quality residential care that leading accredited providers like Upbring already provide. Texans Care for Children led the charge for a second related piece of legislation that boosts judicial oversight over residential treatment placements. There are serious ongoing concerns that the present regulatory framework does not adequately make distinctions based on qualitative factors, acuity levels or other relevant considerations in making regulatory determinations, and there remains considerable work to do to align state regulatory functions with facility and system quality enhancement best practices, but the two enactments referenced above are positive steps forward.

**R | Resources and Reimbursement Rates**

It was extremely disappointing and perplexing that there was no general rate increase for foster care providers beyond a modest amount of limited purpose funding for capacity building available only in CBC regions. Providers have endured the wrath of the pandemic, the reverberations of the federal court case and the whipsawing regulatory environment and incurred substantial costs in doing so (for Upbring, well into the millions of dollars), and it is increasingly clear the provider network and the capacity it creates is suffering as a result. Nearly all system capacity and a great deal of the ability to productively deploy many of the other enactments described in this report depends on a robust and stable network of private providers, so the failure to provide a general rate increase that allows providers to recoup the true cost of providing high-quality care has adverse impacts well beyond the dollars involved. We are grateful to the Texas Alliance of Child and Family Services for presenting a very strong case that was supported from all corners of the child welfare stakeholder landscape. We hope the Legislature will act to rectify this omission during one of their upcoming special sessions and recognize that the quality they expect—and that we and other leading providers seek to deliver—is not aligned with the present rate structure as well documented in the recent cost methodology study, nor consistent with the obvious and growing need to build quality capacity for high acuity youth needing intensive trauma treatment.

**T | Trauma-Informed Care**

With the previous session’s controversies over definitions resolved, several bills to advance trauma-informed training to various audiences were introduced. One to establish training requirements for attorneys who qualify for appointment as an attorney-ad-litem for a child in a child protection case was finally enacted, which Upbring was pleased to support. We believe in trauma-informed approaches at all levels of care and that all professionals who touch the life of each child in care will benefit from evidence-based trauma training. We applaud the Statewide Collaborative on Trauma-Informed Care led by the Children’s Commission for continuing to lead the way on policy and practice in building a trauma-informed child welfare culture that is already receiving national attention.

**U | Unfinished Business**

The three shortcomings we identified at the opening of our report are all items that we believe should be addressed in a special session—the first two were discussed under Data Systems and Resources and Rates above, respectively, and the third, relating to virtual education, is discussed below.

**V | Virtual Education/Health Care**

Virtual approaches to providing health care and educational services have been developing for years, but the onset of the global pandemic in early 2020 truly tested their efficacy. Both passed those tests proving its value as tools to be retained and the Legislature responded with thoughtful proposals in both areas. While ongoing access to virtual health was finally enacted, a package on virtual education supported by Upbring fell victim to developments...
on an unrelated bill on the final night of floor consideration. We are hopeful the subject will appear on the call for one of the anticipated special sessions.

Where Do We Go from Here?

This is a question we think about every single day at Upbring, and it leads to additional questions on our part such as: What is the vision for the Texas Child Welfare and Wellbeing System? What are the aspects of the system that must operate optimally for the overall system to produce expected outcomes? Is Community-Based Care the solution the Legislature seems to believe it is to the system’s challenges? Is the present multi-layered regulatory environment being used to seek opportunities for improvement or to punish? Are we allocating too few resources to prevention and too many to post-trauma endeavors? Is the current Texas state system simply too big to succeed? The list goes on. As we continue our daily efforts to deliver on behalf of the children in our care, we will also seek answers to these questions and effective strategies to move the larger system to a better place in partnership with key stakeholders who also know we can and must do better.

Exceptional Efforts by Members

We are truly grateful that a strong bipartisan coalition of senators and representatives continue to support child welfare, the key protective factors like education and health that are essential to a successful upbringing and the ability of our workforce to deliver quality services to those we serve. The elected officials and legislators whose leadership, vision and exceptional service delivered the reported outcomes include:

Governor Greg Abbott

Comptroller Glenn Hegar

Lt. Governor Dan Patrick

and the following members of the

Texas Senate:

- Representative Trent Ashby
- Representative Greg Bonnen
- Representative Giovanni Capriglione
- Representative David Cook
- Representative Philip Cortez
- Representative Harold V. Dutton Jr.
- Representative James Frank
- Representative Barbara Gervin-Hawkins
- Representative Mary González
- Representative Gina Hinojosa
- Representative Donna Howard
- Representative David Cook
- Representative Philip Cortez
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- Representative Donna Howard
- Representative David Cook
- Representative Philip Cortez
- Representative Harold V. Dutton Jr.
The unusual operating circumstances of this session (as discussed in the introduction) unfortunately limited opportunities for the Legislature to hear directly from youth with lived experience; however, the smaller number of opportunities were met with impactful testimony that favorably influenced the trajectory of several important bills. We gratefully acknowledge the leadership of the Texas Network of Youth Services and Texas CASA in leading the charge to assure youth voices are heard and hope the return to more normal operating conditions will bring about even more robust efforts to lead with the voices of lived experience who present a clear-eyed understanding of the real-world ramifications of policy proposals.

Upbring has the privilege of working alongside an amazing group of advocacy partners who all believe in driving policies and investments that will improve the long-term life prospects for every Texas child. We express our heartfelt gratitude for the exceptional efforts of the following organizations with whom we are proud to be associated and whose excellent work resulted in the reported forward progress and avoidance of potential adverse consequences this session:

- TexProtects
- Texans Care for Children
- Texas CASA
- Texas Appleseed
- Texas Pediatric Society
- Texas Network of Youth Services
- Texas Alliance for Child and Family Services
- National Association of Social Workers – Texas Chapter
- Texas Supreme Court Permanent Commission for Children, Youth and Families
- Texas Public Charter Schools Association
- Lutheran Services in America (Federal)
- Family-Focused Treatment Association (Federal)
- Independent Sector (Federal)

For more information, please visit:
Upbring.org
ABOUT UPBRING

Upbring is a Texas-wide organization implementing generational innovation to advance child well-being. We are the leaders in delivering a broad spectrum of life-restoring services that elevate and heal human beings in our communities. Intent on shifting perspectives and re-imagining current systems, our work secures a future free from the damages of abuse.

WHAT WE DO

Inspired by faith and compelled by compassion, we’re seeking others to join us in the call to defeat abuse. Foster care and education are at the forefront of our work, joined by other vital mission-oriented programs. With our partners, we deliver services that produce measurable progress toward five key markers of every child’s well-being: safety, life skills, education, health and vocation.

HOW TO GET INVOLVED

We would love for you to get involved! To learn more about ways to serve, please visit our website at Upbring.org or email info@upbring.org. Thank you for your support!
## Fast Facts

<table>
<thead>
<tr>
<th>Statistic</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>3,228</strong></td>
<td>children given a nurturing, inclusive place to learn in Upbring Education Programs</td>
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<tr>
<td><strong>1,470</strong></td>
<td>children served through Upbring Foster in Texas statewide</td>
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<tr>
<td><strong>183</strong></td>
<td>new foster families verified</td>
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<tr>
<td><strong>118</strong></td>
<td>children connected with forever families</td>
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<tr>
<td><strong>51</strong></td>
<td>future professionals aging out of foster care offered transition services through BeREAL, Upbring's Supervised Independent Living program</td>
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<tr>
<td><strong>329</strong></td>
<td>brave girls given a safe place to heal at our residential treatment centers</td>
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<tr>
<td><strong>37,997</strong></td>
<td>people provided emergency assistance for food vouchers, hygiene products, prescriptions, utilities and other necessities</td>
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<tr>
<td><strong>1,538</strong></td>
<td>people without health insurance received high-quality health care</td>
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<tr>
<td><strong>82</strong></td>
<td>projects completed through Upbring Innovation Labs—a division of Upbring that explores ideas in child well-being</td>
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<tr>
<td><strong>$14.9 MILLION</strong></td>
<td>in services delivered to disaster survivors</td>
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<td><strong>5,778</strong></td>
<td>volunteer hours served through LSS Disaster Response</td>
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<td><strong>59 TONS</strong></td>
<td>of food &amp; hygiene products distributed in Lubbock County</td>
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<td><strong>1,123</strong></td>
<td>unaccompanied children served:</td>
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<tr>
<td>277 – Bokenkamp Children’s Shelter</td>
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<td>209 – Grace House Children’s Shelter</td>
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<td>140 – New Hope Children’s Shelter</td>
<td></td>
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<tr>
<td>229 – El Paso Transitional Foster Care</td>
<td></td>
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<tr>
<td>268 – Corpus Christi Transitional Foster Care</td>
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</tbody>
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With 14 locations across the state, Upbring is one of the largest foster care providers in Texas.

Upbring's Head Start Program increased by 92% since 2015.
Thank you for your involvement in the 87th Legislature! As an organization dedicated to breaking the cycle of child abuse, Upbring is encouraged by the commitment of all involved to raise the standards for child well-being in the state of Texas.

FOR MORE INFORMATION:
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