



Texas Pediatric Society

The Texas Chapter of the
American Academy of Pediatrics

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December 13, 2015

Judge John J. Specia Jr.,
Commissioner

Mr. Trevor Woodruff,
General Counsel
Legal Services-537
Department of Family and Protective Services E-611
P.O. Box 149030
Austin, Texas 78714-9030

Ms. Audrey Carmical
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Re: PROPOSED RULE, CHAPTER 748, SEC. 748.7, MINIMUM STANDARDS FOR
GENERAL RESIDENTIAL OPERATIONS

Dear Judge Specia, Mr. Woodruff, and Ms. Carmical,

Thank you for the opportunity to provide written comment in opposition to the proposed rule to amend Texas Administrative Code Chapter 748, Section 748, to allow state licensing for family detention centers as childcare facilities. See 40 Tex. Reg. 7937 (Nov. 13, 2015) (proposed rule 40 Tex. Admin. Code § 748.7) (Department of Family and Protective Services, Minimum Standards for General Residential Operations).

The Texas Pediatric Society (TPS), The Texas Chapter of the American Academy of Pediatrics, is the state professional nonprofit organization of over 3,500 Texas pediatricians and medical students. TPS' mission is to ensure that that its members are well informed and supported, that the practice of pediatrics in Texas is both fulfilling and economically viable and the children of Texas are safe and healthy. To this end, we are writing in firm opposition to the aforementioned proposed rule which creates a "family residential center" licensing category for the South Texas Family Residential Center in Dilley, Texas and the Karnes County Residential Center in Karnes City, Texas. The proposed rule would also exempt these centers from key provisions in child care licensing minimum standards such as standards on maximum number of room occupants, prevention of children sharing a room with unrelated adults and prevention of children from sharing a room with members of the opposite gender. All of these exemptions increase the risk for potential child abuse and maltreatment which is in direct contrast with the stated goal of the Department of Family and Protective Services (DFPS).

TPS' opposition to the proposed rule is in accordance with our May 2015 statement: "...children should not be subjected to prolonged detention and every child should receive developmentally appropriate daily care, medical care, and mental health care which is compassionate and responsive to their needs." After a recent tour of the Karnes County Residential Center by several TPS pediatricians it has been determined that this basic standard is not being met.

We observed children being detained in restrictive settings void of compassionate care normally found in child care settings meant to facilitate a child's developmental growth and emotional wellbeing. Children and their mothers were clearly being treated as incarcerated detainees rather than residents. Many requirements and activities most often found in prison settings were observed such as badge checks three times a day, passage through electronically locked doors for access to basic areas such as the library, limited and monitored access to telephones and email – all of which were provided at a cost to detainees – and severe consequences for children's misbehavior. The culture of the facility was one of control and detainment rather than residential housing. The staff are employed by private prison corporations and it is unlikely they have training in child development, child advocacy, or behavior management techniques.

In addition, there were several noted discrepancies between the educational, medical and, in particular, the mental health services as represented by staff and the reality of available services as reported by detained mothers with whom we spoke. This is especially worrisome due to the frequency and intensity of trauma faced during the journeys of these refugee families. All mothers interviewed reported that their children were experiencing behavioral changes and typical symptoms of acute stress and trauma including clinging, startling, irritability and disrupted eating and sleeping patterns. Many mothers endorsed symptoms of depression such as sadness, feelings of hopelessness, trouble sleeping and suicidal ideation. It was by no means clear that the facility was prepared or willing to address those acute stress symptoms in either the mothers or their children. Licensing of the facility would most likely not alleviate reported symptoms as the culture of detainment is inherently traumatic, especially for children.

While these facilities should not be licensed by DFPS, TPS believes that there is already ample authority for the agency to investigate and inspect the facilities for instances of child abuse, neglect and exploitation in accordance with the Department's mission. In doing so, we hope special attention will be given to ensure mothers are being given ample opportunity to ensure the health and wellbeing of their children.

It is clear from our experience and analysis that the intrinsic nature of these facilities as detention centers are not conducive to the emotional and developmental needs of highly traumatized children. Providing them a license with lessened standards will only convey de facto approval by the state of the conditions within the centers and the endorsement of the very concept that small children who have committed no crime can be detained in what are essentially correctional facilities under prison-like conditions. For the reasons stated above, the Texas Pediatric Society opposes the proposed rule.

Sincerely,



William Dirksen, MD

President, Texas Pediatric Society