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**Texas Child Protective Services  
Workload Assessment  
Final Report**

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## Judicial Needs Assessment Committee

The Honorable Dean Rucker, Presiding Judge; Jurist in Residence  
Seventh Administrative Judicial Region; Children's Commission, *Committee Chair*

The Honorable Sylvia Chavez, Associate Judge  
Child Protection Court of the Permian Basin

The Honorable Peter Sakai, Judge  
225<sup>th</sup> District Court

The Honorable Linda Chew, Judge  
327<sup>th</sup> District Court

The Honorable Randy Shelton, Judge  
279<sup>th</sup> District Court

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Judge, Child Protection Court of South Central  
Texas

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Administrator, Collin County District Courts

The Honorable Ellen Smith, Associate Judge  
323<sup>rd</sup> District Court

The Honorable Camile DuBose, Judge  
38<sup>th</sup> District Court

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The Honorable Judy Parker, Judge  
County Court at Law No. 3

The Honorable Robin Sage, Senior Judge; Jurist  
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## EXECUTIVE SUMMARY

### Overview

In 2007, the National Center for State Courts (NCSC) completed a judicial workload assessment for the Texas district courts, resulting in the weighted caseload model that is currently used to analyze judicial workload and the need for judges in the district courts. At the time of the workload assessment, it was not possible to distinguish Child Protective Services (CPS) cases from other types of family law cases, such as child support, protective orders, and paternity. For this reason, a single case weight was created to cover all of these case types. Because CPS cases are very different in nature from the other types of cases included in the “Other Family Law” category, a separate case weight for CPS was identified as a need.

In 2010, the Office of Court Administration (OCA) implemented a new reporting system that was capable of tracking CPS cases as a distinct category, making it possible to construct a separate case weight for CPS cases. Subsequently, OCA, with funding from The Supreme Court Children’s Commission, contracted with NCSC to comprehensively reexamine the judicial time needed to handle CPS cases.

### Goal

Develop a separate case weight for CPS cases to be used to analyze judicial workload in Texas courts that handle child protection cases.

### Method

The workload assessment consisted of four steps:

*Step 1:* Establish a Judicial Needs Assessment Committee (JNAC) to provide project oversight and guidance (e.g., identify the types of hearings and other judicial activities/duties involved in the handling of CPS cases).

*Step 2:* Conduct a four-week *time study* during which district judges handling CPS cases and Children’s Court judges (formerly known as Specialty Courts), otherwise known as Child Protection Court (CPC) judges track and record the elapsed time for any pre-hearing preparation and the number and amount of time spent on CPS hearings. The time study allowed for the development of a preliminary case weight—an empirically-based measure of the amount of time judges are currently spending on handling CPS cases. It also permitted comparison between the amount of time district court and CPC judges spend on CPS cases, along with analysis of the amount of time CPC judges have available to work on cases each day and year (the CPC judge day and year values).

*Step 3:* Conduct a Web-based *sufficiency of time survey* with district court judges who handle CPS cases and CPC judges. The survey assessed whether judges have sufficient time to fulfill all of their judicial responsibilities with reasonable quality, given current resource levels.

*Step 4:* Undertake a structured review of current practice to make *quality adjustments* to the CPS case weight based on any recent statutory changes, proven effective and efficient procedures and practices, state and national standards, and real-world experience.

## Findings

The Texas CPS workload assessment resulted in the development of a quality-adjusted case weight of **293 minutes** for CPS cases. The updated case weight ensures that judges handling CPS cases have adequate time to review reports prior to hearings, address due process issues and child well-being issues during each hearing, and comply with statutory timelines. The updated case weight provides a more accurate reflection of the complex and demanding nature of handling CPS cases and allows for a more valid and reliable calculation of the need for district court and CPC judges.

The study also determined that CPC judges are able to work 5 hours per day both on and off the bench on case-related matters, *after* accounting for time spent on travel, attending stakeholder meetings, and performing general case administration. In comparison, the current case-related day values for district court judges, with fewer non-case-related responsibilities, are 6 hours in jurisdictional patterns 1 and 2 and 5.5 hours in jurisdictional patterns 3, 4, 5, and 6.<sup>1</sup>

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<sup>1</sup> Texas jurisdictional patterns are presented in *Measuring Current Judicial Workload in Texas, 2007* (National Center for State Courts, June 2008, p. 3-5).

## I. INTRODUCTION

In 2007, the National Center for State Courts developed a weighted caseload model designed to analyze judicial workload and the need for judges in the Texas district courts.<sup>2</sup> At the time of the study, the establishment of specific case weights for different case types was constrained by the case type categories used by district clerks to report filings to the Office of Court Administration (OCA). The manner in which cases were counted and reported made it impossible to distinguish Child Protective Services (CPS) cases from other types of family law cases, such as Title IV-D child support, Title IV-D paternity, and parent-child - no divorce. A composite case weight of 48 minutes was developed for the “other family law” case type category. The case weight represents the amount of judge time needed to efficiently and effectively resolve the *average* “other family law” case. Because CPS cases are extremely complex and require significant time and attention from judges, they are far from average. As a result, the 2007 report identified a need for a separate case weight for CPS cases. The new case weight should reflect the additional judicial time needed to handle multiple hearings, work with various participants in the process (e.g., attorneys, parents, agencies, and community groups), adhere to strict timelines, and review agency reports prior to hearings.

CPS cases are handled in two ways. Primarily, elected district or statutory county court judges, and any associate judges appointed by the elected judges, preside over CPS cases filed in their jurisdictions.

Alternatively, there are 24 courts devoted exclusively to hearing CPS cases in various regions throughout Texas. In these courts, a child protection associate judge or assigned judge (CPC judge), appointed or assigned by a presiding regional administrative judge, presides over CPS cases referred to the associate or assigned judge by the regional administrative judge.<sup>3</sup> Collectively, these CPC judges are part of OCA’s Children’s Court Program (formerly part of the Specialty Courts Program). Based on these distinctions and to ease the presentation of results in this report, two categories will be used to distinguish the judges handling CPS cases based on their work environment: *CPC judges* and *non-CPC judges*.

In 2010, OCA implemented a new reporting system that was capable of tracking CPS cases as a distinct category, making it possible to construct a separate case weight for CPS cases. Subsequently, OCA, with court improvement project funding from the Supreme Court of Texas Children’s Commission, contracted with NCSC to comprehensively reexamine the judicial time needed to handle CPS cases. The remainder of this report provides an overview of the four, complementary steps undertaken to develop the new CPS case weight.

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<sup>2</sup> *Measuring Current Judicial Workload in Texas, 2007* (National Center for State Courts, June 2008).

<sup>3</sup> Associate judges preside in 19 of these courts and assigned judges preside in 5 of these courts.

## II. STUDY DESIGN AND FINDINGS

### *Step 1: Establish a Judicial Needs Assessment Committee (JNAC)*

A Judicial Needs Assessment Committee (JNAC) was established to provide project oversight and guidance. The committee, chaired by Judge Dean Rucker, Presiding Judge for the Seventh Administrative Judicial Region of Texas and Jurist in Residence at the Children's Commission, comprised CPC judges, district court judges, a county court at law judge, an agency commissioner, court administrators, members of the Children's Commission, and representatives of the Office of Court Administration. JNAC was instrumental in defining the types of hearings (e.g., emergency removal hearing, non-emergency removal hearing, adversary or 14-day hearing, status hearing, final hearing, permanency hearing) and other judicial activities and duties (e.g., case administration, stakeholder meetings) involved in the handling of CPS cases. JNAC was also

responsible for answering policy questions that arose during the course of the project, such as the division of the workday between case-related and non-case-related matters for CPC judges.

### *Step 2: Time Study*

Over a period of four weeks (October/November 2015), 19 CPC judges and 37 district court judges who handle CPS cases were asked to track all of their work related to CPS cases, including time spent preparing for specific types of hearings, time spent conducting hearings of each type, and the number of hearings held.<sup>4</sup> Case-related time was associated with ten distinct hearing types that occur throughout the life of a CPS case (see Exhibit 1 and Appendix A). Time study participants also recorded time spent on CPS case administration and stakeholder meetings; in addition, CPC judges recorded time spent on work-related travel.

### **Exhibit 1: Ten Hearing Types in the Life of a CPS Case**

1. Emergency removal (ex parte) hearing
2. Non-emergency hearing
3. Adversary or 14-day hearing
4. Status hearing
5. Initial permanency hearing before final order
6. Subsequent permanency hearings before final order
7. Motions and additional hearings pre-final hearing
8. Final hearing
9. Motions and additional hearings post-final hearing
10. Permanency hearings after final order

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<sup>4</sup> The current study included the work performed on CPS cases by CPC judges and district court judges. County court judges who handle CPS cases were not included because county court judges did not participate in the 2007

study. JNAC made the decision to keep judicial participation the same to preserve consistency and enhance comparability between the two studies.

The time study allows for (a) calculation of the amount of time that judges *currently* spend preparing for and handling different types of hearings throughout the life of CPS cases (preliminary case weight); (b) comparison of the amount of time CPC judges spend preparing for and handling CPS cases as compared to non-CPC judges; and (c) calculation of the amount of time that CPC judges have available to work on cases each year (CPC judge year value).

Exhibit 2 shows the time study results for CPC and non-CPC judges. During the time study CPC judges held 2,199 CPS hearings and spent 30,835 minutes (514 hours) preparing for hearings and 54,005 minutes (900 hours) conducting hearings; non-CPC judges held 2,429 CPS hearings, spending 11,990 minutes (200 hours) on preparation and 50,700 minutes (845 hours) conducting hearings.

## Exhibit 2: Time Study Results

CPC Judges	Duration (time)			# Hearings	Average per Hearing		
	Prep	Hearing	Total		Prep Time	Hearing Time	Total Time
Emergency removal (ex parte) hearing	1,185	1,245	2,430	90	13.2	13.8	27.0
Non-emergency hearing	2,755	2,625	5,380	112	24.6	23.4	48.0
Adversary or 14-day hearing	2,990	8,330	11,320	248	12.1	33.6	45.6
Status hearing	3,275	5,160	8,435	255	12.8	20.2	33.1
Initial permanency hearing before final order	2,745	4,530	7,275	193	14.2	23.5	37.7
Subsequent permanency hearings before final order	4,035	6,920	10,955	293	13.8	23.6	37.4
Motions and additional hearings pre-final hearing	2,350	4,010	6,360	208	11.3	19.3	30.6
Final hearing	5,240	12,045	17,285	245	21.4	49.2	70.6
Motions and additional hearings post-final hearing	1,515	2,510	4,025	128	11.8	19.6	31.4
Permanency hearings after final order	4,745	6,630	11,375	427	11.1	15.5	26.6
<b>Total</b>	<b>30,835</b>	<b>54,005</b>	<b>84,840</b>	<b>2,199</b>			

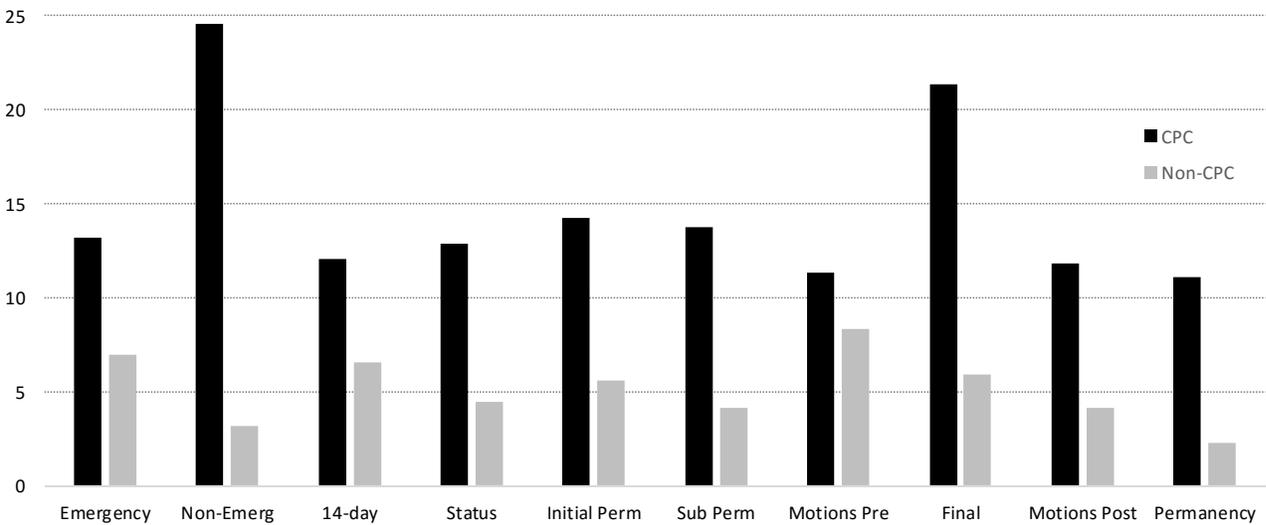
  

Non-CPC Judges	Duration (time)			# Hearings	Average per Hearing		
	Prep	Hearing	Total		Prep Time	Hearing Time	Total Time
Emergency removal (ex parte) hearing	735	1,730	2,465	105	7.0	16.5	23.5
Non-emergency hearing	580	2,315	2,895	182	3.2	12.7	15.9
Adversary or 14-day hearing	1,865	7,380	9,245	284	6.6	26.0	32.6
Status hearing	980	3,720	4,700	219	4.5	17.0	21.5
Initial permanency hearing before final order	995	3,195	4,190	178	5.6	17.9	23.5
Subsequent permanency hearings before final order	1,265	4,725	5,990	303	4.2	15.6	19.8
Motions and additional hearings pre-final hearing	2,295	6,455	8,750	274	8.4	23.6	31.9
Final hearing	1,465	12,210	13,675	246	6.0	49.6	55.6
Motions and additional hearings post-final hearing	750	2,600	3,350	181	4.1	14.4	18.5
Permanency hearings after final order	1,060	6,370	7,430	457	2.3	13.9	16.3
<b>Total</b>	<b>11,990</b>	<b>50,700</b>	<b>62,690</b>	<b>2,429</b>			

Knowing the amount of time spent and the number of hearings held allows for the calculation of the average amount of preparation and hearing time for each of the ten hearing types. For example, CPC judges spend an average of 12.8 minutes (3,725 minutes divided by 255 hearings) preparing for status hearings, and the average status hearing takes 20.2 minutes of CPC judge time (5,160 minutes divided by 255 hearings). This amounts to a total of 33.1 minutes of work per status hearing for CPC judges.

Exhibits 3 and 4 present a visual comparison of the average amount of time spent preparing for and holding CPS hearings by CPC and non-CPC judges during the time study. Exhibit 3 shows that CPC judges typically spend considerably more time than non-CPC judges preparing for hearings (roughly from 2 to 7 times as long in all but one hearing type). For example, CPC judges spend an average of 21.4 minutes preparing for each final hearing, whereas non-CPC judges spend only 6 minutes on preparation.

**Exhibit 3: Comparison of Preparation Time (minutes), by Hearing Type**

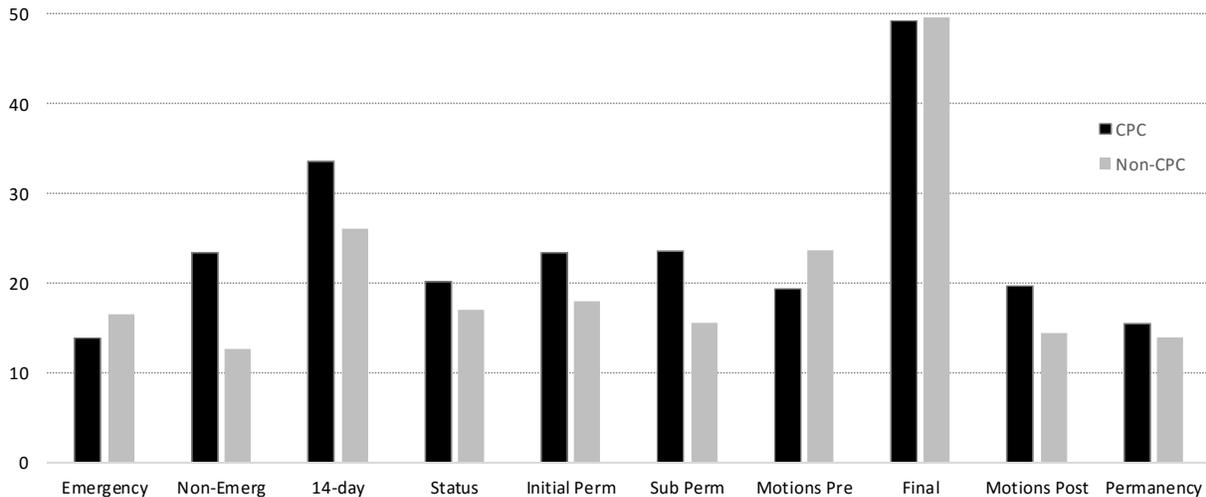


CPC judges also spend more time than non-CPC judges conducting most types of hearings (see Exhibit 4). For example, CPC judges spend an extra 8 minutes, or 30 percent more time per hearing, on adversary or 14-day hearings. The comparison of preparation and hearing time between CPC and non-CPC judges plays a significant role in the development of the final CPS case weight in Step 4 of this study.

In order to calculate a preliminary case weight for CPS cases, it is necessary to consider the frequency with which each type of hearing occurs (Exhibit 5). Not all types of hearings occur in every case; for example, emergency removal hearings are held in only 35.7 percent of CPS cases filed in Texas.<sup>5</sup> Conversely, some cases may include multiple hearings of the same type; for example, an average of 1.25 subsequent permanency hearings before final order occur per case, resulting in a frequency of 125 percent

for this hearing type. For each hearing type, average total time (preparation plus hearing time) was multiplied by the hearing frequency to arrive at the case weight contribution for that hearing type. For example, CPC judges currently spend an average of 33.1 minutes preparing for and holding status hearings. Because status hearings are held in 71.2 percent of all CPS cases, the case weight contribution for status hearings is 23.6 minutes (33.1 minutes \* 71.2 percent). Summing the case weight components across all hearing types yields the preliminary case weight. The preliminary case weight represents the average amount of judicial time currently spent throughout the life of the case, from case initiation through post-disposition activity that occurs after the final order. The preliminary CPS case weight is 280.4 minutes for CPC judges and 197.7 minutes for non-CPC judges (see Exhibit 5).

**Exhibit 4: Comparison of Hearing Time (minutes), by Hearing Type**



<sup>5</sup> Hearing frequencies were calculated based upon three-year hearing counts from the Child Protection Court Case Management System and provided by OCA.

**Exhibit 5: Preliminary CPS Case Weight (minutes)**

**CPC Judges**

	Avg Time/ Hearing	*	Frequency	=	Case Weight
Emergency removal (ex parte) hearing	27.0	*	35.7%	=	9.6
Non-emergency hearing	48.0	*	22.1%	=	10.6
Adversary or 14-day hearing	45.6	*	67.3%	=	30.7
Status hearing	33.1	*	71.2%	=	23.6
Initial permanency hearing before final order	37.7	*	65.1%	=	24.5
Subsequent permanency hearings before final order	37.4	*	125.2%	=	46.8
Motions and additional hearings pre-final hearing	30.6	*	98.5%	=	30.1
Final hearing	70.6	*	107.4%	=	75.8
Motions and additional hearings post-final hearing	31.4	*	10.6%	=	3.3
Permanency hearings after final order	26.6	*	94.9%	=	25.3
<b>Total</b>					<b>280.4</b>

**Non-CPC Judges**

	Avg Time/ Hearing	*	Frequency	=	Case Weight
Emergency removal (ex parte) hearing	23.5	*	35.7%	=	8.4
Non-emergency hearing	15.9	*	22.1%	=	3.5
Adversary or 14-day hearing	32.6	*	67.3%	=	21.9
Status hearing	21.5	*	71.2%	=	15.3
Initial permanency hearing before final order	23.5	*	65.1%	=	15.3
Subsequent permanency hearings before final order	19.8	*	125.2%	=	24.8
Motions and additional hearings pre-final hearing	31.9	*	98.5%	=	31.5
Final hearing	55.6	*	107.4%	=	59.7
Motions and additional hearings post-final hearing	18.5	*	10.6%	=	2.0
Permanency hearings after final order	16.3	*	94.9%	=	15.4
<b>Total</b>					<b>197.7</b>

### *Step 3: Sufficiency of Time Survey*

The preliminary case weights generated during the time study measure the amount of time that judges currently spend handling CPS cases, but do not necessarily indicate whether this is the amount of time judges should spend. To provide a qualitative assessment of whether current practice allows adequate time for quality performance, CPC judges and district court judges who handle CPS cases completed a Web-based sufficiency of time survey. NCSC project staff worked closely with JNAC, members of the Supreme Court of Texas Children's Commission, and OCA to identify a comprehensive set of case-related activities associated with preparing for and holding each of the different hearings in the life of a CPS case. For example, respondents were asked to assess how often they felt that additional time would improve adherence to quality standards for the following activities for *status hearings*:

- review reports and case file prior to hearing
- identify all parties and inquire about absent persons
- ensure proper notice to all persons entitled
- address issues of service
- admonish parents on right to an attorney and/or possibility of termination of parental rights
- ensure attorney appointed for parent
- ensure Attorney ad Litem has seen child client
- ensure citizenship issues have been identified and appropriate consulate notified
- determine applicability of Indian Child Welfare Act
- ensure child placement resources form, criminal background checks, and home studies have been completed

- review family plan of service and ensure Texas Family Code requirements have been met with respect to filing, signature, and admonishments
- review child's placement and discuss alternative placements
- ensure family visitation plan has been filed and assess compliance
- ensure education decision-maker form is on file and address educational issues
- ensure medical consentor has been identified and review child's medical care
- ensure that parents understand their obligations and next steps
- prepare and enter order

When completed, the survey consisted of 97 specific tasks and activities distributed across the ten possible hearing types in the life of a CPS case. Survey participants were asked to evaluate each task/activity and to "please indicate the proportion of hearings in which you feel that additional time is needed to fully implement best practices" using the following five response categories.

1. Fewer than 10% of cases
2. 10 to 25% of cases
3. 26 to 50% of cases
4. 51 to 75% of cases
5. more than 75% of cases

Seventeen CPC judges and 19 non-CPC judges handling CPS cases completed the survey. Three major findings emerged from the survey results. First, the results were largely positive for both CPC and non-CPC judges in that 80 to 90% of the survey respondents selected categories 1 (fewer than 10% of cases) and 2 (10 to 25% of cases) when evaluating what proportion of hearings would benefit from additional time to meet quality standards for the specific activities associated with the different hearings. Second,

although overall results were positive, there were observed differences between CPC and non-CPC judges. CPC judges were more likely to select category 1 (fewer than 10% of cases), while non-CPC judges were more likely to select category 2 (10 to 25% of cases) when asked what proportion of hearings would benefit from additional time. This finding is consistent with the observed differences in the preliminary case weights for CPC and non-CPC judges. The time study demonstrates that CPC judges currently spend an extra 90 minutes per CPS case as compared with non-CPC judges (280.4 minutes versus 197.7 minutes). Finally, the relatively few activities from both pre-hearing preparation and the conducting of hearings that were highlighted as needing additional time provided a useful perspective for the quality adjustment process in Step 4. Specifically, respondents noted a need for additional time to: 1) review reports and the case file prior to hearings; 2) go over service plans with the parents to make sure that they know what is required of them; 3) become familiar with each child's needs; and 4) ensure that parties and caregivers have an opportunity to be heard.

#### *Step 4: Quality Adjustment Process*

To provide a qualitative review of the preliminary case weights, project staff facilitated a structured quality adjustment session with JNAC members. At the beginning of the meeting, NCSC staff provided committee members with a detailed overview of the process used to develop the preliminary case weights, followed by a review of the sufficiency of time survey results. JNAC members drew on current practice (as measured by the time study), the perspective of judges from across the state (as expressed by the sufficiency of time survey), and their own personal experience to make recommendations regarding the content of the final case weight.

Specifically, JNAC was asked to:

1. Review the preliminary case weights developed for CPC and non-CPC judges and identify specific activities, by hearing type, where additional time would allow for more effective case processing, as well as areas where efficiency might be gained;
2. Recommend adjustments to the time allotted to specific activities associated with preparing for and conducting hearings;
3. Provide an explicit rationale to support any proposed increase or reduction in judicial time;
4. Review and revise the recommended adjustments until a consensus was reached that all adjustments were necessary and reasonable; and
5. Review and adopt a judge-year value for CPC judges.

The first decision made by JNAC was to use the CPC judge preliminary case weight (280.4 minutes) as the starting point for an evaluation of quality. The committee felt that the amount of time CPC judges currently spend preparing for and conducting CPS was more consistent with best practices than the amount of time reported by non-CPC judges.

During the adjustment phase JNAC members agreed that the current amount of time spent by CPC judges on preparing for and holding emergency removal (ex parte) hearings, non-emergency hearings, adversary or 14-day hearings, subsequent permanency hearings before final order, motions and additional hearings pre-final hearing, final hearings, and motions and additional hearings post-final hearings was adequate. JNAC recommended adjustments for additional time for only three of the ten hearing types:

- *Status hearings* – 5 additional minutes per hearing to allow litigants more time to be heard, discuss placement options, and consider service plans;

- *Initial permanency hearings* – 5 additional minutes per hearing to review how each child is doing, provide a thorough discussion of the permanence plan, and address procedural issues; and
- *Permanency hearing after final order* – 15 additional minutes in 40 percent of hearings to talk with the child, therapist, and family members to examine reasons for placement changes, necessity of placement in residential treatment, and goals for achieving permanency.

The quality adjustments result in a final case weight of **293 minutes** for CPS cases, higher than the 197 minute current case weight for non-CPC judges and marginally higher than the 280 minute current case weight for CPC judges.

Finally, JNAC reviewed the amount of non-case-related time reported by CPC judges during the time study, including time spent on travel, attending stakeholder meetings, and performing general case administration. JNAC determined that CPC judges are typically required to spend more time on these non-case-related responsibilities than district court judges leaving CPC judges with 5 hours per day to work directly on CPS cases (CPC judge day value). In comparison, the existing case-related day values for district court judges are 6 hours in jurisdictional patterns 1 and 2 and 5.5 hours in jurisdictional patterns 3, 4, 5, and 6.

To convert the CPC judge day value into a year value (the average amount of time each judge has available for case-related work in one year), the day value was multiplied by 60 to convert it from hours to minutes, then multiplied by the number of case-related workdays in the judicial

work year (215), yielding a CPC judge year value of 64,500 minutes (5.0 hours \* 60 minutes \* 215 days). In combination with annual counts of CPS case filings, the CPS case weight and the CPC judge year value can be used to calculate the implied need for judges in each child protection court. Exhibit 6 illustrates the mechanics of this calculation. In the top panel, the average annual filings total for CPS cases (225) in a hypothetical child protection court are multiplied by the new CPS case weight (293 minutes). The resulting judicial workload (65,925 minutes) is then divided by the judge year value (64,500 minutes) to yield the implied judicial need, in full-time equivalent (FTE) terms; in this example, one full-time equivalent CPC judge is needed to handle the workload (1.02 FTE).

The updated CPS case weight can also be used in calculating the need for non-CPC judges, as illustrated in the bottom panel on Exhibit 6. In this hypothetical county, there are multiple district courts (jurisdictional pattern 1) in which judges handle a variety of case types. For each case type, average annual filings are multiplied by the corresponding case weight to calculate the annual judicial workload associated with that case type, in minutes. Judicial workload is then summed across all case types. Dividing the total judicial workload by the judge year value for jurisdictional pattern 1 (77,400 minutes) yields the total number of judges (64 FTE) required to handle the county's judicial workload. It is also possible to calculate the implied judicial need associated with individual case types. In this example, judge workload for CPS cases is calculated using the new CPS case weight and results in a need of 3.3 FTE judges to handle CPS cases.

### Exhibit 6: Calculating Implied Need for Judges

CPC Court Case Type	Filings 4-yr avg	*	Case Weight (minutes)	=	Workload (minutes)	÷	Judge Year Value	=	Implied Need (FTE)
Child Protective Services	225	*	293	=	65,925	÷	64,500	=	1.02
District Court Case Type	Filings 4-yr avg	*	Case Weight (minutes)	=	Workload (minutes)	÷	Judge Year Value	=	Implied Need (FTE)
Felony Group A	5,332	*	186	=	991,752	÷	77,400	=	12.8
Felony Group B	26,987	*	39	=	1,052,493	÷	77,400	=	13.6
Misdemeanors	211	*	12	=	2,532	÷	77,400	=	0.0
Injury or Damage - MV	1,406	*	126	=	177,156	÷	77,400	=	2.3
Injury or Damage - Non MV	1,836	*	122	=	223,992	÷	77,400	=	2.9
Contract	4,442	*	53	=	235,426	÷	77,400	=	3.0
Other Civil	11,846	*	27	=	319,842	÷	77,400	=	4.1
Divorce	11,948	*	47	=	561,556	÷	77,400	=	7.3
Modifications / Enforcements	10,834	*	33	=	357,522	÷	77,400	=	4.6
Other Family Law	11,356	*	48	=	545,088	÷	77,400	=	7.0
<b>Child Protective Services</b>	875	*	<b>293</b>	=	256,375	÷	77,400	=	3.3
Delinquent Conduct	4,296	*	54	=	231,984	÷	77,400	=	3.0
CINS	51	*	14	=	714	÷	77,400	=	0.0
Total					4,956,432	÷	77,400	=	64.0

### III. RECOMMENDATIONS

The Texas Child Protective Services workload assessment resulted in the development of a quality-adjusted case weight of **293 minutes** for child protective service cases. The updated case weight ensures that judges handling CPS cases have adequate time to review reports prior to hearings, address issues of due process and child well-being during each hearing, and comply with statutory timelines. The updated case weight provides a more accurate reflection of the complex and demanding nature of CPS cases and allows for a more valid and reliable calculation of the need for judges to handle these cases. The following recommendations are intended to assist OCA in maintaining the integrity and utility of the Texas district court weighted caseload system from 2007, as well as accommodate the new CPS case weight.

#### *Recommendation 1*

NCSC recommends that OCA update its calculations of judicial officer need for both Child Protection Courts and non-CPC courts using the newly developed CPS case weight. As illustrated in Exhibit 6 of this report, applying the new CPS case weight, instead of the 2007 case weight for Other Family Law, to CPS filings provides a more accurate representation of the work associated with preparing for and hearing CPS cases and reveals a need for additional judicial officers.

#### *Recommendation 2*

The Child Protection Courts currently handle widely varying caseloads, ranging from fewer than 50 filings to more than 330 filings per CPC

judge per year. OCA should reexamine the existing CPC boundaries with an eye toward equalizing per-judge workload among CPCs, taking into consideration judicial workload, trends in CPS filings, demographic trends, cultural ties, and communities of interest. To identify opportunities to create new CPCs, OCA should also review the judicial workload associated with CPS cases in areas of the state not currently served by CPCs.

#### *Recommendation 3*

In 2007, NCSC recommended that OCA and the district courts should “[c]onduct a systematic update of the workload standards approximately every five years. This process should be undertaken under the auspices of an advisory board similar to 2007 JNAC.” At this time, NCSC recommends that a full update of the district court weighted caseload system, including all case types, be conducted in the near future. Periodic updates are necessary to ensure that the weighted caseload model accounts for changes in legislation, legal practice, technology, and legal factors, and to ensure that the standards remain an accurate representation of the workload of judicial officers in the district courts of Texas.

A key requirement of the update process is ensuring that case filings are counted consistently and accurately for all case categories incorporated in the weighted caseload model. Toward this end, OCA should continue to monitor and assess the accuracy and reliability in the reporting of case filings.

## Appendix A: Glossary of Terms, Hearing Types

Hearings	Description	Texas Family Code Reference
Emergency removal (ex parte) hearing	Ex parte hearing held either before an emergency removal or on the “first working day” but no later than 3 days after an emergency removal.	§262.102; §262.106
Non-emergency Hearing	Non-emergency, noticed removal hearing or pre-removal hearing. Includes hearings regarding: Motion to Participate, Motion to Remove Perpetrator, Motions in Aid of Investigation.	§262.113; §262.205; §264.203; §262.1015; Chapter 261
Adversary or 14-Day Hearing	Hearing held after DFPS takes a child into custody in an ex parte proceeding, to revisit the issue of removal and either enter temporary orders or return the child to the family. Conducted within 14 days of the ex parte hearing, subject to an extension of time.	§262.201
Status Hearing	Hearing held to review child’s status and the service plan within 60 days after temporary managing conservatorship (TMC) is awarded.	§263.201
Initial Permanency Hearing Before Final Order	Hearing held no later than 180 days after DFPS is named as TMC or 120 days from the status hearing.	§263.304; §263.306
Subsequent Permanency Hearings Before Final Order	Hearings held no later than 120 days after previous permanency hearing. Permanency Hearings held more often than 120 days should still be recorded in this category.	§263.305; §263.306
Motions and additional hearings pre-Final Hearing	Any motion or court proceeding prior to final hearing that does not fit one of the other defined statutory hearing categories. Includes monitored return of child to parent and related hearings. Includes indigence hearings. Includes motions to extend.	§263.403
Final Hearing	Any hearing which makes a final determination regarding a child’s conservatorship. Includes a hearing that determines conservatorship as to only one parent. Includes dismissal and nonsuit hearings. Includes jury trials and bench trials.	§263.401; §263.404; §263.407
Motions and additional hearings post-Final Hearing	Any motion or court proceeding after the final hearing that does not fit one of the other defined statutory hearing categories. Includes adoption hearings.	
Permanency Hearings After Final Order	Previously called Placement Review Hearings. Hearings held at least every six months if DFPS is the child’s managing conservator and the parents’ rights have not been terminated, until DFPS is no longer managing conservator. Held within 90 days of final order and at least every six months thereafter if DFPS has managing conservatorship and the parents’ rights are terminated, until DFPS is no longer managing conservator. Permanency Hearings After Final Order held more often than six months should still be recorded in this category.	§263.501; §263.5031