

Better Courts for Kids and Families Through Judicial Leadership



The Supreme
COURT OF TEXAS

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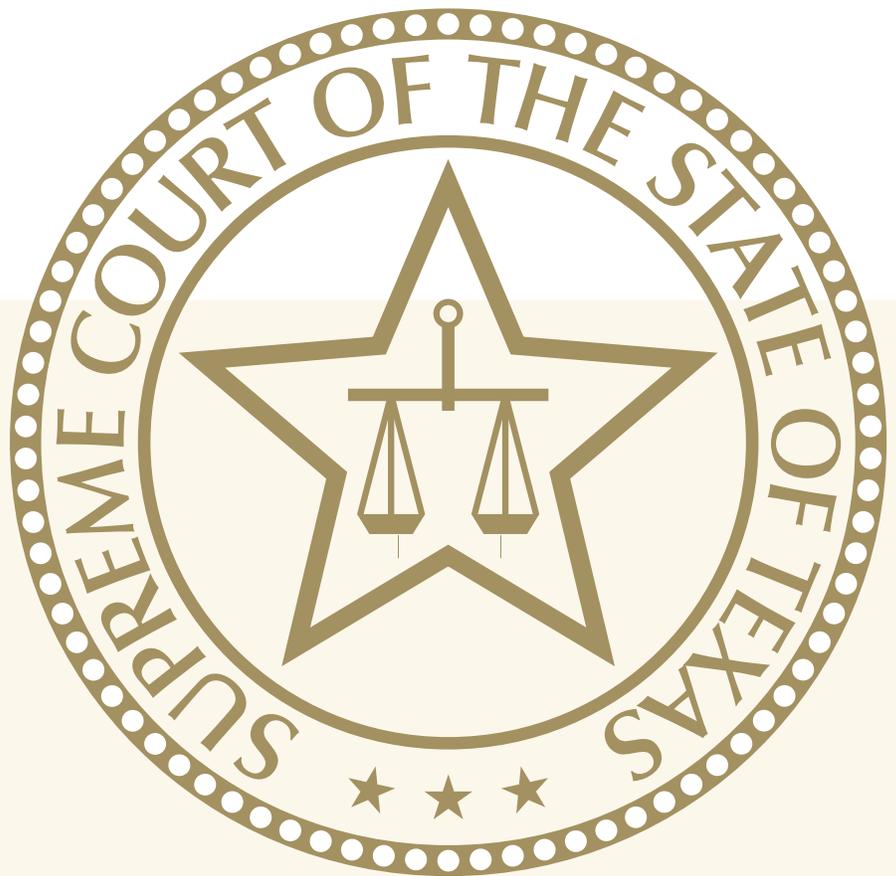
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SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

A circular mosaic floor composed of dark grey and reddish-brown tiles. In the center is a large, five-pointed gold star. Surrounding the star are several gold symbols: a cross, a square with a cross, and a triangle. The background of the mosaic is a light-colored, textured material.

Mission:

To strengthen Courts for Children, Youth, and Families in The Child-Protection System and Thereby Improve the Safety, Permanency, and Well-being of Children



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Transforming

EDUCATION OUTCOMES FOR CHILDREN & YOUTH IN FOSTER CARE



In 2010, the Supreme Court of Texas issued an Order Establishing the Education Committee of the Permanent Judicial Commission for Children, Youth and Families, which ultimately led to a new level of cross-system collaboration previously unseen in Children's Commission initiatives.¹ The Order was the result of a Texas Action Plan drafted by a team of child welfare experts during the third National Judicial Leadership Summit on the Protection of Children in 2009 and designed to study the educational outcomes of Texas children and youth in foster care. The Education Committee – a high-level group of court, education and child welfare decision makers – created a collaborative initiative designed to improve these educational outcomes. The Order resulted in over 100 court, education and child welfare stakeholders coming together over an 18-month period to

listen and learn from each other, discuss and debate the issues, and ultimately develop recommendations to improve educational outcomes of children and youth in foster care.

The Education Committee reached consensus on these recommendations, with the joint recognition that some recommendations might carry a fiscal note, present challenges when implemented, or involve multi-system training. The recommendations outlined in the committee's final report, *The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care*, range from changes to daily practices of courts, schools, and CPS, modifications of education and child welfare policy, and amendments to Texas' statutory framework.

¹Supreme Court of Texas Misc. Docket No. 10-9079, issued May 20, 2010, *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*.

The following summary gives a broad overview of the Education Committee's recommendations. The full set of recommendations, including commentary, may be found in the report, located at:

http://texaschildrenscommission.gov/pdf/the_texasblueprint.pdf

Judicial Practices – Court oversight and leadership elevates the importance of education for child welfare stakeholders.²

- Make changes in judicial practices at all statutorily required hearings in child-protection cases pursuant to the Texas Family Code, beginning with the Chapter 262 ex-parte or emergency hearing and continuing through the Chapter 263 placement review hearing, including:
 - Require more developmental and educational information to be provided in DFPS court reports
 - By court order, identify the education decision maker and individuals who hold specific education-related rights
 - Inquire about educational needs during hearings, including whether the youth have post-secondary education goals
- Amend the Texas Family Code to encourage greater oversight by courts regarding educational needs of children in foster care and to require more education advocacy on the part of children and youth's attorneys and guardians ad litem

Data and Information Sharing – Without the exchange of information between agencies and on a child-specific level among those who work with the child and family, the education and child welfare systems operate independently and sometimes at cross-purposes in meeting the educational needs of children and youth in foster care.

- Perfect and expand the routine exchange



of aggregate data between agencies to determine how children in foster care in Texas are doing educationally and to evaluate improvements to those education outcomes over time

- Improve child-specific information sharing to ensure that all agencies and stakeholders have the necessary information to serve the education needs of children and youth in foster care

Multi-Disciplinary Training – Without training across disciplines, educators lack needed information regarding unique challenges facing children and youth in foster care, DFPS caseworkers lack sufficient knowledge of individual school district policies and practices, and court stakeholders lack adequate understanding of the importance of a child's appropriate educational placement as a well-being factor.

- Use existing stakeholder resources to promote training and raise awareness
- Improve judicial training and resources
- Expand training and resources for child caregivers and child welfare stakeholders
- Enhance training available to schools

²The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care, Final Report (2012).



- Improve timeliness and efficiency of transfer of accurate school records to new school placements
- Address issue of lost credits and improve credit transfer and recovery
- Support and maintain increases in school attendance

School Experience, Supports and Advocacy – Children and youth in care must have the opportunity and support to fully participate in developmentally appropriate activities and in all aspects of the educational experience, have access to resources to prevent school dropout, truancy, and disciplinary actions, reengage in the education experience, be involved, empowered and prepared to self-advocate in all aspects of their education, and have consistent adult support to advocate for and make education decisions.

To do this, it is necessary to:

- Improve education decision-making
- Promote and improve the quality of education advocacy
- Better coordinate evaluations and assessments
- Connect more regular education youth in care with school services and supports
- Address over and underrepresentation in special education and improve special education experience
- Improve school experience of children and youth enrolled in charter schools affiliated with residential treatment centers
- Address issue of lost credits and improve credit transfer and recovery
- Lessen frequency and severity of school disciplinary actions

³HB 826, passed by the 82nd Texas Legislature during the 2011 legislative session, requires school districts to appoint a foster care liaison to assist with school enrollment and education records transfer issues. Tex. Educ. Code Ann. §33.904.

School Readiness – Children ages 0-5 in foster care need to receive services and interventions to be ready to learn.

- Improve access to Early Head Start and Head Start
- Increase access to child care slots by additional populations of children involved with the foster care system
- Enhance knowledge of the child assessment process of young children

School Stability and Transitions – To achieve educational stability, children and youth in care should remain in their schools of origin, when feasible. If school change is necessary, the transition should be seamless.

- Create alternatives and expand use of transportation to keep children in their schools of origin when in their best interest
- Improve decisions regarding keeping children in their schools of origin
- Increase foster care capacity across school districts
- Implement Texas House Bill 826 and support foster care liaisons in each school district³
- Support timely enrollment when children initially enroll or change school placements



Post-Secondary Education – Children and youth in care need support to enter and complete post-secondary education.

- Increase readiness for and access to post-secondary education
- Increase retention in and completion of post-secondary education
- Support post-secondary education success and employment

Future Collaboration – Implementation of these recommendations requires the commitment of the Education Committee to long-term collaboration.

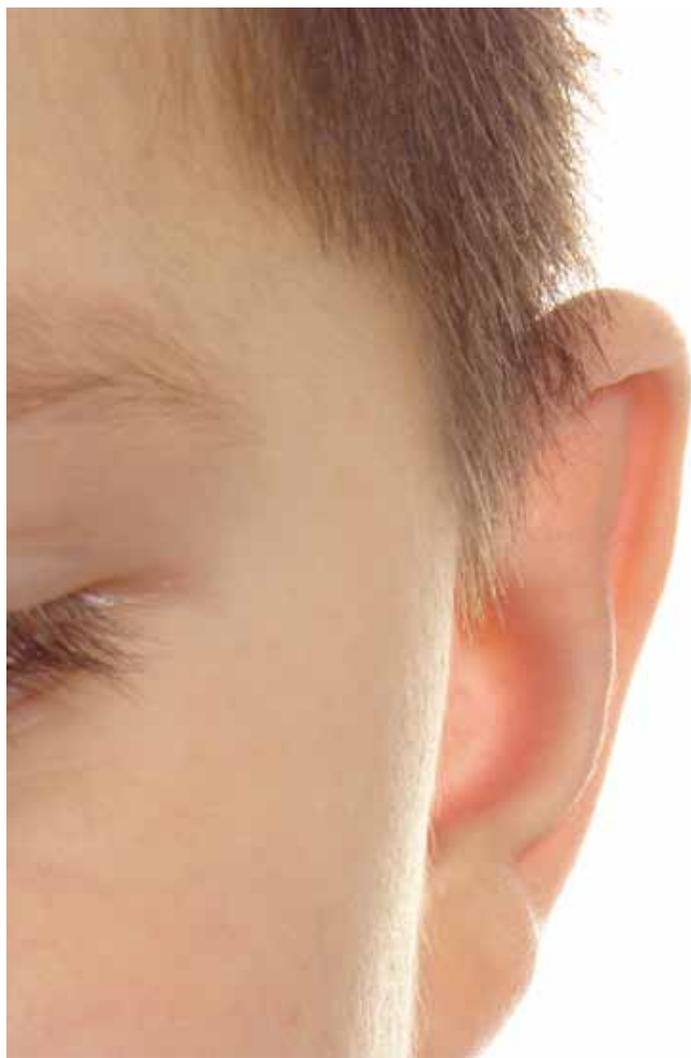
- Hold annual meeting of Education Committee to continue collaboration
- Create a task force to periodically meet to develop implementation plan and assess progress of implementation
- Support a statewide, multi-disciplinary education and foster youth summit
- Raise awareness among court, education, and child welfare stakeholders both in Texas and nationally
- Assist in the creation of tools, resources, and training

LOOKING AHEAD

The formation of the Education Committee and the report issued is merely the beginning of ongoing, long-term efforts. The Children’s Commission will encourage state and local leaders and stakeholders to review the report, work toward implementation of the recommendations, and continue working together to find solutions that will allow Texas’ children and youth in foster care to reach their highest educational goals.

LEGAL REPRESENTATION IN CHILD PROTECTIVE SERVICES CASES

Since its establishment, the Children's Commission has focused on improving legal representation in Child Protective Services (CPS) cases.⁵ The Texas Family Code provides the right of court-appointed representation to children and indigent parents involved in CPS suits, but adequate representation is not always pro-



vided. At the root of this problem are structural deficiencies in the appointed legal representation system, including insufficient funding and lack of training, standards, transparency and oversight. In 2009, the Children's Commission embarked on a year-long study of local practices in jurisdictions across the state to assess the variables that affect the quality of legal representation, which resulted in a final report being issued in January 2011.⁶ In April of 2011, the Children's Commission formed the Legal Representation Study (LRS) Workgroup, led by the Honorable Dean Rucker from Midland, to develop a plan aimed at implementing the recommendations from the LRS Report. The LRS met several times in person and by conference call in 2011.

Why Effective Representation Matters

Because termination of parental rights is such a severe penalty, the state must ensure that courts reach fair and accurate decisions in child-protection cases and that the system operates to protect the rights of all parties. Qualified legal counsel is essential to achieving this goal. Because the stakes are extremely high with life-long impacts on children and families, Texas must give serious consideration to how it provides legal representation to parties when the state becomes involved in a family's life.

⁵Child Protective Services (CPS) is the child-welfare arm of the Texas Department of Family and Protective Services (DFPS or "Department"). The terms "Department," "DFPS" and "CPS" in this study generally refer to the child protective services division of the agency.

⁶Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families: Legal Representation Study (2011), available at <http://childrenscommission.org/PDF/LRS.pdf>.

Financial Impact of CPS Cases

One of the primary factors affecting the quality of legal representation in CPS cases is the financial impact it has on counties. At the trial court level, the judicial system, including the costs of attorneys fees' within the jurisdiction, is funded with county tax dollars. Counties have broad discretion in the administration and funding of court appointments for CPS cases and decisions are influenced by the constraints of local budgets. It is estimated that Texas counties spent between \$34 and 37 million dollars on attorneys' fees associated with court appointments in CPS cases in fiscal year 2009.⁷ This figure does not include the dollars associated with the judges' time to hear the case or the court staff required to coordinate the dockets and manage the cases on behalf of the court and the county. Nor does it include the dollars the Department of Family and Protective Services (DFPS) spends on the legal representation of CPS to prosecute cases. Yet the amount of money spent by counties on legal representation pales in comparison to the more than \$1.2 billion DFPS spent on child-protection investigations, administration, and foster care.⁸

Lack of Standards for Management, Process, and Accountability in Appointment System

The current state of appointed legal representation in CPS cases presents many challenges. Texas law does not provide any standards for management or oversight of attorney appointments in CPS cases, and as a result, there is no uniformity across the 254 counties in the state. Variations in judicial practices across jurisdictions contribute to the inconsistent quality of appointed legal services. Jurisdictions manage appointments under their own local rules, making it difficult to identify shortcomings, as there are no uniform benchmarks for comparison. Although courts must have flexibility regarding appointments and compensation, the lack of guidelines under the existing system allows so much discretion that it sometimes results in abuse and favoritism, as well as low-quality representation. The Texas Family Code currently has statutory requirements regarding duties and minimal training requirements for children's attorneys, but these requirements are not actively enforced. The legislature only recently enacted statutory duties and training requirements for parents' attorneys.⁹

Representation Models

The LRS workgroup discussions about attorney appointments and models of representation have focused on what would best serve children and parents, including individual court appointments, public-defender offices, regional public defenders, private contract attorneys, managed assigned counsel offices, or contracts with a legal aid or local bar sections. The

⁷*Id.* at 9.

⁸See Texas Department of Family and Protective Services, *Annual Report and Data Book 2008* at 109, available at http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2008/Databook/DataBook08.pdf (representing CPS expenses in Goals B and C and portions of the shared expenses in Goals A and F).

⁹Texas Fam. Code Ann. §107.0131 (West 2011).



LRS Workgroup determined that the core principles of any appointment model recommended or supported by the Children's Commission must include local control, flexibility regarding type of model, judicial and county-level discretion in administering and deploying a model or program, objective criteria for appointments, and judicial system evaluation of attorney performance to ensure quality representation.

Timing of Appointment

Another LRS Workgroup discussion has centered on the timing of appointment of counsel for parent, and whether to amend the Family Code to require DFPS to advise parents of their right to court appointed counsel, if they are indigent. Currently, DFPS is only required to advise parents of their right to hire an attorney. Another option is to require that the *ex parte* order granting managing conservatorship to DFPS prominently display a notice to parents of their right to counsel and provide contact information for the court so the parent may make a claim of indigence. Filing an affidavit of indigence prior to appointment of an attorney also appears to operate as a barrier to early appointment in child-protection cases and the LRS Workgroup has discussed whether there should be a presumption of indigence evaluated at the earliest opportunity, such as the Ex Parte or Adversary Hearing.

Compensation

Of the attorneys surveyed in 2009, the majority felt they were not adequately compensated for the time they spent on child-protection cases. Many attorneys commented that CPS work is extremely complex compared to other areas of the law, but is compensated at a much much lower rate. Some attorneys reported that they interpreted the low fees and reduced bills as an indication they need not prepare as much or that meeting with the client is not unimportant. Many counties compensate attorneys on a flat rate per court appearance or an hourly rate for in-court and out-of-court work. Most jurisdictions compensate qualified and unqualified attorneys in the same manner at the same rate and others compensate little or nothing for out-of-



court time. These compensation structures do not incentivize coming to court prepared or meeting with the client. Another unsatisfactory byproduct of inadequate and unclear compensation structures is that attorneys are many times relying on information from others rather than conducting an independent investigation as the Family Code requires.

Inadequate funding negatively impacts compensation. While the LRS Workgroup has reached consensus

that counties should be required to publish a clear list of reimbursable expenses, compensation rates, and guidelines in an effort to promote stability and a sense of confidence to practicing attorneys and clients receiving services, the issue of how the state could restructure compensation and funding of the legal costs associated with child-protection cases requires further discussion.

Practice Standards, Quality Assurance, and Training

Although existing law provides certain duties and responsibilities for children's attorneys ad litem, and, since September 1, 2011, for parents,¹¹ these duties are not actively enforced by the judicial system and there is little accountability.

The Standards, Quality Assurance, and Training aspects of the LRS Report focused on the need for the state to adopt standards of practice and minimum training requirements and to promote judicial evaluation of attorney performance and tracking of who is providing legal representation and the amount of money spent on child and parent representation.

The LRS Report also revealed that CASA, CPS supervisors, and other appointed attorneys felt that some of the attorneys were not properly trained, did not understand the law, and were not qualified for appointment, yet they continued to receive appointments despite their unsatisfactory performance. Current law requires that attorney ad litem complete at least 3 hours of Continuing Legal Education (CLE). Many jurisdictions require more CLE of attorneys on their appointment lists, but there is no statutory duty for continuing legal education beyond the initial three hours of training.

There was also consensus among the LRS workgroup members that practice standards are desirable to help ensure high-quality representation with further discussion needed regarding what such standards will encompass and whether the state should adopt a minimum or an extensive agenda of standards. Also further discussion is needed about what burden can be placed on the judge to enforce standards and evaluate performance against standards. The report recommends that the statutory minimum number of hours for training for lawyers in CPS cases should also be raised to 6.0 hours, with an ongoing duty to get 6.0 hours annually thereafter.

Looking Ahead

Many of the issues discussed and changes proposed by the LRS Workgroup require legislation to make them viable. The LRS Workgroup will continue to work to find appropriate and workable solutions for appointment of counsel that are flexible enough to serve the needs of each jurisdiction, ensure qualified legal representation of parents and children, and enhance the level of services provided to clients.

¹¹Texas Fam. Code Ann. §§ 107.003,107.004 (West 2011).

A PANEL OF YOUTH

WHO GREW UP IN FOSTER CARE RECEIVED A STANDING OVATION AT THE 2011 CPS JUDGES CONFERENCE AFTER TALKING ABOUT THEIR EXPERIENCE IN FOSTER CARE AND FIELDING QUESTIONS FROM JUDGES.



PERMANENCY

FINDING PERMANENT HOMES FOR TEXAS FOSTER YOUTH

Children who grow up in long term foster care experience fewer positive life outcomes in that they often end up homeless, imprisoned, mentally ill, and become parents at a very early age. Although the percentage of Texas children that age out of foster care is low at about nine percent, that figure represented over 1400 Texas youth in 2011.¹² One of the first projects undertaken by the Children's Commission in 2008 was to request that Texas Appleaseed research how the courts and the legal system could help produce better outcomes for children in the Permanent Managing Conservatorship (PMC) of the Department of Family and Protective Services (DFPS). The Commission's partnership on this study not only underscored the commitment of the Supreme Court of Texas to find ways to improve the lives of Texas children in long-term foster care, but also the recognition that children in PMC often receive less intervention from the courts at a time when more supervision is needed, and the practice of dismissing both the attorney ad litem and CASA once DFPS obtains PMC of a child might not be in the child's best interest.

Improving the Lives of Children in Long-Term Foster Care: The Role of Texas' Courts & Legal System, published by Texas Appleaseed in December 2010, highlighted an accountability void and a legal system ill-equipped for the kind of advocacy and collaboration needed to find children and youth permanent homes.¹³ The bottom line assessment was that once children entered PMC, the clock stopped ticking and the pressure was off to find children permanent placements because of the perception that they were safe in foster care and finding permanent homes was less urgent.

FINDINGS

In addition to a pervasive lack of urgency that was highlighted throughout the report, it also included many other important findings that affect the legal system's ability to accommodate or ensure positive, timely outcomes: 1) judges spent, on average, only 10 to 15 minutes to review one case before moving on to the next one; 2) there was widespread acknowledgement that the entire foster care system was under-resourced; 3) caseworkers were handling far more cases than the national standard of 15 to 17 cases per caseworker;¹⁴ 4) CASA



¹²Texas Department of Family and Protective Services, Data Book 2011 at 64, available at http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2011/DataBook11.pdf.

¹³Improving the Lives of Children in Long-Term Foster Care: The Role of Texas' Courts and Legal System, 2010 at 1, available at http://www.texasappleseed.net/images/stories/reports/FosterCare-rev_press.pdf.

¹⁴*Id* at 34, available at http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2011/DataBook11.pdf; Child Welfare League of America, Recommended Caseload Standards, available at <http://www.cwla.org/newsevents/news030304cwlacaseload.htm>.

was only representing a handful of kids in long-term foster care; and 5) attorneys were either not appointed or paid very little to meet with and advocate for their PMC clients.

RECOMMENDATIONS

Recommendations from the 2010 report included training judges to recognize that they play a critical role in the PMC process, they have a responsibility to hold individuals accountable throughout the case, and they need to ask probing questions during hearings and to gather all necessary information to make decisions that are truly in the child's best interest, even when the parties have not brought forward sufficient information. Other recommendations included: 1) assigning one judge to a family for the duration of the case; 2) ensuring and insisting that children attend their hearings; 3) holding placement review hearings as often as necessary, but at least every four months; and 4) ensuring that every child in PMC has a good advocate such as a Guardian ad Litem or Attorney ad Litem.

PHASE II

Throughout 2011, the Children's Commission continued to work with Texas Appleseed on the feasibility of implementing recommendations aimed at encouraging more attention to substance and meaning in the hearing process, which everyone agreed was a necessary step to finding Texas children safe and permanent homes. To its credit, Texas has judges who were already employing many of the recommended practices. Texas Appleseed partnered with the Children's Commission again to embark on Phase II of the project to test whether the recommended practices of certain judges would or could result in improved permanency outcomes. Thus, in late 2011, Appleseed and the Children's Commission launched a project to review practices, outcomes, and costs associated with PMC hearings in seven Texas jurisdictions.¹⁵

The seven jurisdictions chosen were among the 15

jurisdictions studied in the 2010 report and represented both urban and rural counties, with varying docket sizes. Two jurisdictions, the Child Protection Court (CPC) of Central Texas (CPC Central Texas) and Travis County, had implemented many of the recommended best practices identified in the 2010 report, while the other five jurisdictions, Bexar County, Dallas County, Harris County, the CPC of Permian Basin (CPC Permian Basin), and the CPC of Northeast Texas (CPC Northeast Texas) had only implemented the best practices to differing degrees.¹⁶

Practice Analysis

The practice analysis showed that outcomes, court practices, and costs varied considerably between jurisdictions. More importantly, it showed there was a clear correlation between courts' consistent implementation of best practices and better outcomes for children in the studied jurisdictions.¹⁷ Travis County and CPC Central Texas consistently brought children and youth to court to attend their hearings, ensured each child had a well-informed advocate, scheduled hearings more frequently than the six-month statutory requirement, and assigned one judge to stay with the case until the youth left foster care. These two courts performed significantly better than the statewide average in finding real, permanent homes more quickly for children in PMC and reducing the total number of children in PMC in their jurisdictions. Conversely, the five courts that did not consistently use these best practices appeared not to perform as well on these measures.

Cost Analysis

Although the correlation between practices and outcomes seemed clear, no such correlation appeared to exist between costs and outcomes or between costs and court practices. In other words, how much a county spent on hearings did not determine how quickly or how many children in PMC found permanent homes during the period studied.¹⁸

¹⁵Texas Children in Long-term Foster Care: Outcomes, Court Hearings, and Court Costs, 2012 at 1, available at [http://www.texasappleseed.net/Children in Long-term Foster Care: Outcomes, Court Hearings and Court Costs.pdf](http://www.texasappleseed.net/Children%20in%20Long-term%20Foster%20Care%20-%20Outcomes,%20Court%20Hearings%20and%20Court%20Costs.pdf).

¹⁶"PMC Hearings" refers to placement review hearings under TEX. FAM. CODE § 263 Subchapter F, as well as any follow-up hearings ordered by the judge for children in PMC; see Tex. Fam. Code Ann. § 263.501 (2011).

¹⁷Texas Children in Long-term Foster Care, *supra* note 3, at 2.

¹⁸*Id.* at 16.

For example, Travis County does not usually retain the child's Attorney ad Litem once the child or youth enters PMC; however, most cases have a CASA volunteer who stays with the case while the child or youth is in PMC. Travis County also employs the "one judge, one family" practice in that there is one judge who consistently hears all PMC cases. He is familiar with each child and case on his docket and he appoints an Attorney ad Litem to represent a child or youth when there is a legal issue requiring special attention. Finally, because this judge requires children and youth to attend their hearings, he hears from the child directly and is able to ascertain from the child or youth their desired case outcome.

ONE CONCLUSION THAT MAY BE DRAWN IS THAT A COURT'S IMPLEMENTATION OF BEST PRACTICES DOES NOT NECESSARILY MEAN IT WOULD COST MORE MONEY.

In fact, the Phase II project showed that jurisdictions using best practices have fewer children in PMC and thus, fewer total PMC hearings, which most likely resulted in lower total hearing costs to the county and certainly lower foster care costs for the state.

LOOKING AHEAD

The Children's Commission will continue to work with Texas Applesseed to reach out to Texas judges to encourage them to consider the feasibility of implementing certain practices that may lead to reduced time to permanency, better outcomes for kids in CPS care, and reduced costs to the state and the county to maintain PMC cases on their dockets.

In October 2012, the Children's Commission will partner with the Texas Center for the Judiciary, Texas Applesseed, Casey Family Programs, and DFPS to host Texas' first Permanency Summit. The theme will be "Beyond Safety and Stability: Focusing on the Importance of a Real Permanent Home." The objective of the conference will be to increase the momentum and urgency for implementing strategies, such as those outlined in the 2010 report, to achieve permanency for Texas children languishing in long-term foster care. The conference will create a call to action and provide concrete strategies and tools for judges and their teams to be implemented locally. Justice Eva Guzman will convene the conference to further advance a consistent message from the Supreme Court of Texas – that working together and showing judicial leadership we can change the way our kids experience foster care in Texas.





Gail Bell, Conference Coordinator, Texas Center for the Judiciary

SENIOR DISTRICT JUDGE JOHN SPECIA (RET),
JURIST IN RESIDENCE FOR THE OFFICE OF
COURT ADMINISTRATION, SIGNS IN AT A
2011 JUDICIAL CONFERENCE,
HARRIS COUNTY

JUDICIAL TECHNICAL ASSISTANCE IN HARRIS COUNTY



Harris County is one of the largest and most diverse counties in Texas, and, as such, has unique issues that impact its child-welfare population. As of the 2010 U.S. Census, Harris County had a population of 4.1 million, making it the most populous county in Texas. Roughly one-sixth of all Texans live in Harris County.¹⁹ Twenty-nine percent of Harris County residents are under the age of 18. During the course of the 2010 federal fiscal year, the foster care system in Harris County served a total of 7,346 children.²⁰ On average, there were 5,317 children in foster care on any given day in Harris County. To handle all of these cases, there are numerous judges and courts that have jurisdiction over child-protection issues. Because Harris County makes up such a significant portion of the Texas foster care population, what happens in Harris County affects the state's overall performance in the federal Child and Family Services Reviews (CFSR) and the State Child Protection System.²¹

An April 2010 judicial “Beyond the Bench” conference and the October 2010 report on children in long-term foster care, published by Texas Appleseed, helped shed light on key issues affecting Harris County.²²

¹⁹Harris County, U.S. Census Bureau, <http://quickfacts.census.gov/qfd/states/48/48201.html>.

²⁰*Fostering Court Improvement*, Harris County, Texas, 2011, available at <http://fosteringcourtimprovement.org/tx/County/Harris/>.

²¹Administration of Children and Families, Children's Bureau: *Child and Family Services Review Fact Sheet* (2011) available at <http://www.acf.hhs.gov/programs/cb/cwmonitoring/recruit/cfsfactsheet.htm>.

²²Texas Appleseed, *Improving the Lives of Children in Long-Term Foster Care: The Role of Texas' Courts & Legal System* (2010), available at http://www.texasappleseed.net/images/stories/reports/FosterCare-rev_press.pdf.

As a result of these findings, state and Harris County judicial leaders expressed interest in finding workable solutions to improve court processes and judicial practices in managing its child-protection cases. In February 2011, the Children’s Commission, in partnership with the Texas Department of Family and Protective Services (DFPS), Casey Family Programs, Texas Appleseed, and the Center for Public Policy Priorities, sponsored a meeting of the Harris County District and Associate Judges from the Juvenile and Family Law Divisions to discuss barriers to permanency in Harris County child-protection cases and areas for improvement. Following the meeting, the Children’s Commission produced a county-specific report in May 2011, which noted several concerns about the child welfare system in Harris County.²³ The May 2011 Report outlined several process and system barriers to children achieving permanency, including case delays, accountability and preparation, service of citation and notice, low rate of reunification, lack of permanency, Disproportionality, docket management, high attorneys fees, and lack of county oversight and cooperation.



Harris County Civil Courthouse

CASE DELAYS - Section 263.401 of the Texas Family Code requires that a child-protection Suit Affecting the Parent-Child Relationship must either commence trial on the merits or be dismissed within a year from the order awarding DFPS temporary conservatorship.²⁴ However, in “extraordinary circumstances,” the court may grant a one-time extension not to exceed 180 days. In Harris County, for various reasons, over 50 percent of all cases are extended beyond the one-year deadline.²⁵

ACCOUNTABILITY AND PREPARATION - Although there are many factors that play a role in delaying permanency in child-protection cases, heavy case loads hinder preparation by county attorneys, parent and child attorneys, and caseworkers. There is a general awareness among Harris County stakeholders that not enough is accomplished in the interim between hearings. Caseworker turnover exacerbates the lack of progress. The combination of these elements contributes to delays in achieving permanency. A programmatic and cultural shift in Harris County to frontload cases may help improve case outcomes and timeliness.

SERVICE OF CITATION AND NOTICE - There is often a failure to provide proper service of citation and notice in compliance with the rules of civil procedure.²⁶ Also, DFPS frequently fails to complete a search of the paternity registry database until the end of the case, and as a result,

²³Supreme Court of Texas Permanency Judicial Commission for Children, Youth and Families, Harris County Child-Protection Collaborative Meeting Report, available at <http://texaschildrenscommission.gov/PDF/HarrisCountyReport.pdf>.

²⁴Tex. Fam. Code Ann. §263.401 (West 2011).

²⁵Texas Department of Family and Protective Services System Exit Data, Data Book 2011, at 64, available at http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2011/DataBook11.pdf.

²⁶Supreme Court of Texas Permanent Judicial Commission for Children, Youth & Families, *Notice and Engagement Round Table Report*, available at <http://www.supreme.courts.state.tx.us/children/pdf/NoticeEngage.pdf>.

persons who should have received notice at the beginning of the case are not given a meaningful opportunity to participate. Many of these same issues were identified on a statewide level during a December 2010 Round Table sponsored by the Children's Commission.²⁷

LOW RATE OF REUNIFICATION - In accordance with the Texas Family Code and federal funding requirements, the primary goal in any child-protection case is to reunite the parent and child, after the parent has completed the necessary services to be able to safely care for the child. It is only after family reunification is ruled out that other options are considered. However, in Harris County, a relatively low number of child-protection cases end in reunification: only 21 percent. This is one of the lowest reunification rates among the other large urban counties in the state.²⁸

LACK OF PERMANENCY - Of the children who entered foster care in Harris County during the 2009 fiscal year, only 24 percent (less than one in four) exited foster care to a permanent home, including reunification, permanent placement with relatives, and adoption. The remaining 76 percent did not exit foster care or left the foster care system with a nonpermanent outcome (e.g., aged out of foster care). As compared with the other large urban counties in Texas, Harris County had the lowest rate of children exiting foster care to permanency. In other words, Harris County foster children are more likely to remain waiting for permanency in foster care for several years. Of the kids who left foster care during the 2009 fiscal year, 70 percent of them had been in foster care for three years or more.

Frequently at the end of a termination case, whether the parental rights are terminated or not, and when a child is placed in the permanent managing conservatorship (PMC) of DFPS, the case loses its urgency and the attention of the attorneys and caseworkers. The statutory framework has established a one-year deadline for handling the legal case and this creates an environment whereby the greatest urgency occurs at the end of the twelve-month period, rather than at the beginning. Lastly, many courts have difficulty meeting the obligation to include the youth and the youth voice in reviewing their cases.



DISPROPORTIONALITY - Although the permanency rate for white children is only 29 percent, the permanency rates for minority children are even lower. Only 26 percent of Latino children in Harris County exited the foster care system in the 2009 fiscal year to a permanent home. The permanency rate for African-American children in Harris County is lower still at only 22 percent. In other words, African-American children in Harris County have a significantly lower chance of exiting foster care to a permanent home than children of other races.

²⁷*Id.*

²⁸Center for Public Policy Priorities Analysis of Texas Department of Family and Protective Services, Data Book 2011, available at http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2011/DataBook11.pdf.

DOCKET TIMES AND CASE MANAGEMENT - Family Courts and Juvenile Courts have overlapping jurisdiction over child-protection issues. Family Courts decide matters and render judgments relating to families and children, including divorce, child custody, child support, visitation rights, protective orders and the emancipation of minors. Juvenile Courts decide matters involving adolescents who have not attained the age of majority, including criminal misconduct, juvenile delinquency and issues of neglect. Currently, there are ten family courts and three juvenile courts in Harris County. The judges of each of these courts employ associate judges to handle part of the case load. The ten family courts hear about half of the child-protection cases and the three juvenile courts handle the other half. The courts are housed in three separate locations, causing logistical difficulties. Each court manages its own scheduling and docketing. Attorneys and caseworkers are often scheduled to be in two hearings at once, and at times, caseworkers and attorneys block out much of their day for a single case and spend hours waiting for the case to be called.

HIGH FEES FOR APPOINTED ATTORNEYS - Legal fees for court-appointed attorneys in child-protection cases are relatively high, reportedly over \$1 million per month. As the Children's Commission detailed in its statewide *Legal Representation Study*, certain representation models and compensation structures have proven to be more cost-efficient and provide better quality service.³³ Specifically, in urban areas with significant case loads, it may be more efficient and effective to provide representation through a central, county-run office that employs salaried attorneys, rather than appointing private attorneys paid on a per-hour or per-hearing basis.

LACK OF COUNTYWIDE OVERSIGHT AND COOPERATION - The fragmented set-up of the various courts makes collaboration between the courts very difficult. Further, the courts all have massive case loads and struggle to find time to hear all of their cases, leaving judges with little time to contribute to a county-wide oversight effort. However, judges and other participants have indicated an increased awareness of the unique challenges within Harris County and have identified forming a countywide review commission as a possible solution.

LOOKING AHEAD

In late 2011 and early 2012, several Harris County Family and Juvenile court judges took steps to form a judge-led local child-protection council to promote informed discussion of local issues and to achieve structural change, data sharing, and collaboration at a local level. Justice Michael Massengale, a member of the Children's Commission, and Judge John J. Specia, Jurist in Residence for the Children's Commission, participated in these initial efforts.

The newly formed judge-led council will set up regular meetings to consider the problems outlined in the Children's Commission May 2011 Harris County Report, beginning with docket restructuring and improving service of citation. The council will also look at forming several workgroups or subcommittees to focus on the other issues identified in the May 2011 report.

³³See generally Permanent Judicial Commission for Children, Youth and Families: *Legal Representation Study*, at <http://www.supreme.courts.state.tx.us/children/pdf/LRS.pdf>.

TRIBAL AND DISPROPORTIONALITY

Improving Outcomes for All Children



In July 2011, a groundbreaking analysis of school discipline policies drew national attention to the disproportionately high rate of suspensions and expulsions of African American students.



The study, *Breaking Schools' Rules*,³⁴ followed nearly 1 million 7th graders in Texas public schools for at least six years. Perhaps the most compelling finding was that white, Hispanic and African American male students experienced school discipline at comparable rates for violations which required mandatory disciplinary action. However, where disciplinary action was discretionary, African American students had a 31 percent higher likelihood of suspension or expulsion as compared to otherwise identical white and Hispanic students.³⁵ Another shocking finding: 70 percent of black girls were suspended or expelled, compared with 37 percent of white girls, usually for the same offenses. In almost every case, the decision to remove a student was made solely by a teacher or school administrator.³⁶



The Children's Commission has been committed to continuing the dialogue surrounding racial disproportionality and disparate outcomes for children of color. These courageous conversations include developing new mutually respectful relationships between the child welfare courts and the Native American communities, as well as the African American communities, to build understanding and shed light on unconscious bias that may be affecting how decisions are made.

The Data Paints a Picture



Data has played an important role in helping understand Disproportionality in the child-protection system. In Texas, African American children are 2.65 times more likely to be removed from their homes than Anglo children.³⁷ A 2011 National Council of Juvenile and Family Court Judges (NCJF-CJ) national study found a similar disproportionate rate of removal for African American children across the country. The study further showed that while children are in the child-protection court system, these disparities continue to occur. Specifically, African American children are more likely

³⁴Council of State Governments Justice Center, and Public Policy Research Institute at Texas A&M University, *Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (July 2011).

³⁵*Id.* at x.

³⁶*Id.* at 42.

³⁷The rate is derived from the number of African American children removed divided by the number of African American children in the population, relative to the equivalent division for Anglo children (Hill, 2007) Texas Department of Family Protective Services, *Data Book 2011* at 64, available at http://www.dfps.state.tx.us/documents/about/Data_Books_and_Annual_Reports/2011/DataBook11.pdf.

IN 2011, CHILD WELFARE JUDGES DID THEIR PART TO UNDERSTAND AND UNDO RACISM.

to be placed in foster care, more likely to stay longer in foster care, receive fewer services while in care, and are less likely to be reunified with their family than children from other ethnic groups.³⁸

Committed Judges and Advocates Work Together to Reduce Institutional Racism and Bias

In late 2010, the Children's Commission created the Judicial Disproportionality Workgroup to raise awareness and understanding among judges and key stakeholders about racial disproportionality by: (i) developing and promoting judicial and attorney training to apply tools designed to reduce institutional racism and bias; (ii) identifying and providing technical assistance for statewide and jurisdiction-specific disproportionality data; and (iii) connecting judges with expert trainers for community-based workshops if they wish to expand the training into their communities and to local partners.

In 2011, child welfare judges did their part to understand and undo racism. At the Second Annual Implicit Bias Conference, judges heard from national speakers about the latest discoveries in brain science and how cultural bias affects decision making. Several judges were so moved by the Implicit Bias training that they brought similar workshops into their courts and communities.

The Children's Commission further supported this important work in 2011 by serving on the statutorily-created Interagency Council for Addressing Disproportionality.³⁹ Tina Amberboy was appointed to represent the judicial and legal perspective in this high-level, multi-agency collaboration. The Interagency Council has been charged by the Texas Legislature to examine the level of

disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, education, and mental health systems. The Interagency Council will report to the Legislature in December 2012.

Overrepresentation of Native American Children

Another group of children who are disproportionately represented in the child-protection system is Native American children. A review of the child welfare system data indicated that "across the United States, Native American children are overrepresented in foster care at a rate of 2.2 times their rate in the general population."⁴⁰ Disproportionate representation of Native American children is also seen in Texas and demands further investigation.

A Time to Build

The Children's Commission has worked to develop collaborative relationships with Texas' three federally-recognized tribal nations. In 2011, the Commission sent representatives to the home of the Alabama-Coushatta Tribal Nation for its first annual Judicial Symposium. Also, Commission staff traveled to El Paso to the Ysleta del Sur Pueblo reservation to meet with representatives of the three federally-recognized tribes, state leaders in child welfare, and experts in racial Disproportionality. National experts introduced the idea of historical trauma and how the past informs our current challenges. Throughout 2011, Commission staff connected with members of the Alabama-Coushatta, Ysleta del Sur Pueblo and the Kickapoo tribes to gain a better understanding of how state courts and tribal courts can work together for Texas' vulnerable Native American children and families.

³⁸National Council of Juvenile and Family Court Judges, *Disproportionality Rates for Children of Color in Foster Care Technical Assistance Bulletin* (May 2011).

³⁹Tex. Hum. Res. Code §2.001 (2011).

⁴⁰National Council of Juvenile and Family Court Judges, *Disproportionality Rates for Children of Color in Foster Care* (May 2011) at 8.

Advocacy for Texas CROSSOVER YOUTH

Older youth caught between the Texas Youth Commission (TYC) and the child-protection system, (referred to as dually managed or crossover youth), often lack zealous advocates needed to ensure court oversight of their cases and to help them transition into community placements that will allow them to live independently. In 2008, the Children's Commission formed a workgroup to address the needs of this population as well as foster youth who are placed in State Supported Living Centers (SSLCs). Since 2009, Disability Rights Texas (DRT) (formerly Advocacy, Inc.) has partnered with the Children's Commission to design a program to provide free legal services to Texas crossover youth. The overall goal of the project is to help youth live independently once their time in TYC or an SSLC and foster care ends by employing well-qualified attorneys to promote appropriate and meaningful court oversight, zealous advocacy for needed services, and assistance with transitioning into community placements.

This project focuses on six areas:

- Advocating for More Appropriate Living and Treatment Conditions;
- Advocating for Appropriate Mental Health or General Health Services;
- Advocating for a Free Appropriate Public Education for Youth Receiving Special Education Services;
- Advocating for Better Transition Planning for Youth Nearing System Exit;
- Maintaining Community Placements for Institutionalized Youth; and
- Maintaining Community Placements for At-Risk Youth



Living and Treatment Conditions

The DRT project attorneys represent children as attorneys ad litem. Their responsibility is to listen to their clients, give them quality advice, and advocate for their clients' wishes. Project attorneys have advocated for more appropriate dorm placements, an increased number of appropriate treatment providers, and greater access to leisure activities, such as basketball. They also advocated on behalf of youth in TYC to be moved to different facilities if they feel unsafe or if it appears a different facility may more appropriately meet their needs. They are also trained to file reports of abuse and neglect when such reports are appropriate, thereby increasing the safety of this particularly vulnerable population of youth. In 2011, the DRT project attorneys advocated for more appropriate living or treatment conditions for a total of 79 youth.⁴¹

Appropriate Mental Health or General Health Services

All project clients have some form of disability, ranging from ADHD or conduct disorders to intellectual and mental health disabilities. Because DRT has unique experience working with people with disabilities, project attorneys are effective advocates for appropriate mental health services. Frequently, youth who have failed to make any progress in prior placements are able to make significant strides once they gain access to appropriate mental health services. In 2011, the project attorneys facilitated better physical or mental health services for a total of 65 youth, which improved their health and well-being.⁴¹ Consequently, the youth's mental health stabilized, and DRT was able to demand and participate in more meaningful permanency planning on their behalf, as well.

Free Appropriate Public Education for Youth Receiving Special Education Services

While most project clients are eligible for special education, many do not receive services appropriate to their designation. Project attorneys regularly attend special education committee meetings, known as Admission, Review and Dismissal (ARD) meetings, and advocate for stronger supports and services to allow youth to make progress educationally. In 2011, project attorneys advocated for a free appropriate public education for 74 youth.

Better Transition Planning for Youth

Project attorneys conduct substantial transition planning for their clients that includes identifying and advocating for long-term placement options as well as advocating for improved services from DFPS, schools and other agencies to prepare youth to live independently. In 2011, project attorneys advocated for better transition planning for 75 youth.

Maintaining Community Placements for Institutionalized Youth

Much effort is focused on obtaining services for youth while they are institutionalized, with the goal that these services, combined with those youth obtain after they leave institutions, will ultimately allow them to maintain placements in their communities. During the 2011 grant period, 33 youth who were previously institutionalized either left their institutions or remained out of their institutions. Of those, a total of three went back into their institutions at some point during the six-month period following release. All three came from TYC facilities. Of those three, two are now in the community again. One has been out in the community for more than a year, while the other has been out for three months.

⁴¹Disability Rights Texas 2011 Court Improvement Program Report (2011), at 3.

Maintaining Community Placements for At-Risk Youth

While the project was initially set up to serve only those who were institutionalized, courts and caseworkers soon began to ask project attorneys to get involved with youth who were struggling to maintain community placements and were at risk of institutionalization. Project staff agreed to begin working with youth who would be considered at risk under any of the following three conditions: 1) children with IQ scores below 70 who had difficulty maintaining placements and thus were at risk of placement in an SSLC facility; 2) children with disabilities who had been charged with, accused of, or were on probation for a felony offense and thus at risk of placement in a TYC facility; or 3) children with disabilities who fell into either category and were at risk of both TYC and SSLC placement. The project served 57 at-risk youth with a 100 percent success rate. None of the 57 youth were committed to an SSLC or to TYC.⁴²

Project Challenges

An ever-present challenge is the ongoing probability that some clients will come to the project with too much historical damage and will not be capable of obtaining and maintaining a community placement. Although the goal of maintaining community placements for 100 percent of the clients represented is sought, the reality is that some youth face challenges that are simply too great to make that possible. Another challenge that the Children's Commission will try to help address in 2012 is how to reduce the travel time required for the DRT attorneys. The travel greatly increases the financial cost of the project. The project is truly statewide and the amount of money spent on travel in 2011 reflects that. The DRT attorneys are often the only constant presence in the lives of these vulnerable clients. To build trust, face-to-face meetings are necessary and must occur more frequently than the statutorily required once per six months.

Trial Court Response to the Project

DRT represents over 120 Texas youth in several Texas trial courts. The judges are universally in favor of the project continuing simply because the advocacy has been top-notch and the results have exceeded expectations. Judge Kim Brown of Fort Worth commented that DRT attorney Ian Spechler makes it a priority to attend every Placement Review Hearing for his clients, no matter how far he has to drive. If he can't attend, he calls or makes a report prior to the hearing. "I have been impressed with his level of knowledge of the TYC system and options within and even more impressed with the relationships he develops with his clients and the staff at the facilities where they are placed," said Judge Brown.

Judge Charles Montemayor of San Antonio commented that Ian's professionalism and demeanor create a pleasant atmosphere during what can be very stressful work when dealing with abused and neglected children. "He has, on a professional level, proven himself to be simply outstanding and words cannot express the impact Ian has had on the children he represents," said Judge Montemayor.

Looking Ahead

DRT will continue to work closely with the Children's Commission, TYC, the SSLC and DFPS to ensure the best possible outcomes for dually managed youth. DRT will also work on certain cases with DARS, local Mental Retardation Authorities (MRA), juvenile probation, and CASA. The project will continue into 2012 and expand to seek more diverse funding sources to accommodate representation of a larger at-risk population.

⁴²*Id* at 10.

Video Conferencing



Innovative Technology to ENSURE THE YOUTH VOICE IS HEARD

In October 2010, Children's Commission staff embarked on a new project to provide youth living in foster care or other settings far away from their home counties to more fully participate in their court hearings. This project, which uses video conferencing technology and a "how to" manual, aims to promote youth participation in their court cases, maintain a cost effective method for judges to speak with children, and provide judges with a reliable communication network.

Video conferencing may appear relatively easy but in the context of a CPS case, it must accommodate one user (child) to another (judge) plus one user (child) to multiple users (judge plus other parties to the case, such as the CASA or attorney ad litem) during the same hearing. To maintain confidentiality regarding the youth and their families, protocols were developed regarding the location of the hearings (in courtrooms or judges' chambers) and security of the transmission of information and data. Most importantly, policies around when video conferencing should be used in lieu of a child attending a hearing were developed. The aim was to use video conferencing only in cases when children could not attend their hearings because they were a danger to themselves or others or were so medically fragile that it would endanger their health.

Technology Selected and Purchased

In early 2011, the Children's Commission used Court Improvement Program (CIP) dollars to purchase a video conferencing solution that allowed judges to use Windows or MAC operating systems and could also be upgraded for use on Android devices and iPhones. CIP funds also purchased inexpensive web cameras for distribution to any participating court that did not already own one.

Pilot in August and September 2011

In August and September 2011, a pilot project was initiated with Harris County District Court Judge Michael Schneider, Travis County Associate Judge John Hathaway, and the Child Protection Court of Central Texas Associate Judge Karin Bonicoro. All of the child-protection hearings scheduled to participate in the video conferencing pilot project were completed in late September 2011. The Office of Court Administration (OCA), in partnership with the Department of Family and Protective Services (DFPS), conducted surveys of the participants.

Pilot Results

Feedback mostly was positive. The judges and other participants commented that video conferencing:

- was convenient and a time saver;
- seemed to save on transportation expenses; and
- was a positive experience for the children.

There was significant support to continue using video conferencing hearings for children and youth, including those who are physically or mentally fragile, infants, or placed far from the court of jurisdiction.

Central Texas CPC experienced significant technical difficulties, mainly due to insufficient bandwidth by one or both ends of the video conferencing link, and Travis County experienced minor technical difficulties during one hearing.

Recommendations from Pilot

Based on the positive feedback, the pilot will move into Phase II, which will shift focus to include only urban jurisdictions, moving to rural counties over time when appropriate broadband internet services become available. Phase II will also expand the project to include Bexar, Dallas, and Tarrant Counties. The Children's Commission staff also committed to continue working with OCA and DFPS to refine and improve the business process for scheduling video conference hearings between the courts and the service providers. All entities agreed that cases scheduled should be limited to those involving children living in Residential Treatment Centers (RTCs) or group homes that have stable broadband internet service above basic service and some level of local technical staff available to help support the facility during the video conferencing sessions.

On the Horizon for 2012

Video conference hearings are scheduled for the last week of July and the first two weeks of August in the 305th District Court in Dallas County. The court intends to hold numerous Placement Review Hearings via video conference between the courtroom and many of the 40 DFPS field offices that have video conference equipment. Children located in 16 Residential Treatment Centers are scheduled to participate.

Additional video conference hearings are scheduled for July in the 315th District Court in Harris County. Children placed in seven RTC facilities located in the Houston region are scheduled to participate.

Travis County will continue to schedule Placement Review Hearings in 2012 via video conference through OCA. Contact with Bexar County and Tarrant County has also been initiated, and the Children's Commission anticipates Placement Review Hearings will be conducted via video conference in these counties before the end of 2012. Ultimately, depending on the success of the pilot, the project scope will be expanded statewide.

Training SUMMARY



In 2011, CIP grant funding supported attorney scholarships to attend state and national conferences related to child abuse and neglect:

64

attorneys attended the American Bar Association Parent Attorney and Children and the Law Conferences in Washington, D.C. in July

5

attorneys attended the National Association of Counsel for Children Annual Conference in San Diego in August

81

attorneys attended the Child Abuse and Neglect Track at the Advanced Family Law Conference in San Antonio in August



October 2011 Sees Release of Child-Friendly Courtrooms: Items for Judicial Consideration:

The Children's Advocacy Centers of Texas, with a grant from the Children's Commission Training Committee, produced a guide of best practices regarding child testimony in civil and criminal child abuse and neglect proceedings.

Recording of Parent Attorney Eligibility Training:

In December 2011, in partnership with the State Bar of Texas and practicing attorneys, the Children's Commission supported the development of training for attorneys who represent parents in CPS cases. The new training will meet the recently mandated statutory minimum of 3 hours of continuing legal education for each attorney appointed to represent parents. The CLE is available on the State Bar website and is free of charge to attorneys seeking appointments.

In 2011, CIP funding offered many judges the opportunity to attend training, network, and improve their court practices.

15

judges and 16 court coordinators attended the OCA Child Protection Court Conference in Austin in March

30

judges attended the National Conference on Juvenile and Family Law in Reno in March

34

judges attended the Implicit Bias in Judicial Decision-Making Conference in Austin in June

139

judges attended the CPS Judges Conference in Austin in July

49

judges attended the NCJFCJ Annual Conference in New York City in July

5

judicial teams with 58 participants attended the Beyond the Bench Conference for Central Texas Courts in Austin in August

Training ON THE HORIZON IN 2012

October Permanency Summit Will Explore Best Practices:

In partnership with Texas Appleseed, DFPS, the Texas Center for the Judiciary, and an advisory group of child welfare experts, including judges, the Children's Commission will support a state-wide Permanency Summit in October 2012. The Permanency Summit will bring together a comprehensive list of stakeholders in the Texas child-protection system for a two-day multidisciplinary training that includes open communication and collaboration, brainstorming, and problem solving, in addition to discussion of best practices regarding permanency. Approximately 20 teams from jurisdictions around the state will be invited to attend. Each team will be led by the judge who hears CPS cases in that jurisdiction and will include the state's attorney, CPS, CASA, and children and parent's attorneys.

The goal of the Permanency Summit is to highlight the importance of children and youth in foster care finding safe, stable, and permanent homes in a timely fashion. The summit is a follow-up to the release of the seminal Texas Appleseed study, *Improving the Lives of Children in Long-Term Foster Care: The Role of Texas' Courts and Legal System*.

Trial Skills Training to be Unveiled:

In 2012, the Children's Commission will roll out its plan for trial skills training. The training will include the design of a trial skills curriculum that may be facilitated around the state as well as written materials that are helpful to have at hand in the courtroom during trial. The training and related materials are being developed by a workgroup of the Children's Commission, led by the Honorable Michael Massengale, Justice of the 1st Court of Appeals, Houston.

First of its Kind Parent Attorney Leadership Conference held in September:

A joint project of Texas CIP and our neighbor states, this effort will bring together experienced parents attorneys, parents, judges, child welfare agency representatives, and other key stakeholders to receive not only substantive training, but also tips for returning to their home states to work on ways to improve the quality of legal representation for parents. The conference is scheduled September 11-12, 2012 in Oklahoma City and will include attorneys recommended by judges from around Texas.

Child Attorney Training to Go On-line Summer 2012:

Like the parent attorney training developed in partnership with the State Bar of Texas and local practitioners in 2011, a child attorney training was filmed in May 2012 to meet the 3-hour statutory training requirements for children's attorneys ad litem.



SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

2011 ANNUAL REPORT TO THE SUPREME COURT