

**PERMANENT JUDICIAL COMMISSION  
FOR CHILDREN, YOUTH AND FAMILIES**

**MINUTES OF MEETING**

January 16, 2009  
10 a.m. – 2 p.m.

Supreme Court Courtroom  
201 W. 14th St.  
Austin, Texas

**COMMENCEMENT**

Justice Harriet O’Neill called the meeting of the Permanent Judicial Commission for Children, Youth and Families to order on January 16, 2009, at 10:05 a.m. She welcomed everyone to the meeting.

**ATTENDANCE**

**Members present:**

Chair, Hon. Harriet O’Neill, Justice, The Supreme Court of Texas, Austin  
Hon. Camile Glasscock DuBose, Judge, 38<sup>th</sup> District Court, Uvalde  
Stewart W. Gagnon, Partner, Fulbright & Jaworski, Houston  
Hon. Bonnie Hellums, Judge, 247<sup>th</sup> District Court, Houston  
Joyce M. James, Deputy Commissioner, Texas Department of Family & Protective Services  
Patricia A. Macias, Judge, 388th District Court, El Paso  
Carolyn Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, Austin  
Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland  
Fairy Davenport Rutland, Director, Appeals Division, Texas Health & Human Services Commission, Austin  
Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas

**Members not present:**

Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin  
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas  
Albert Hawkins, Executive Commissioner, Texas Health & Human Services Commission, Austin  
~~Hon. Kristi Jordan, Governor’s Advisor, Office of Budget, Planning & Policy, Austin~~  
Hon. Yvonne Gonzalez Tourelles, Representative, Texas House of Representatives, Alice  
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston  
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

**Staff in attendance:**

Tina Amberboy, Executive Director, Permanent Judicial Commission for Children, Youth and Families  
Jacque Barclay, Financial Analyst, Permanent Judicial Commission for Children, Youth and Families  
Sylvia Griego, Executive Assistant, Supreme Court of Texas  
Bruce Hermes, Director/Information Resource Manager, Division of Information Services, Office of Court Administration  
Tim Kennedy, TexDECK Project Manager, Office of Court Administration  
Teri Moran, Permanent Judicial Commission for Children, Youth and Families  
Mena Ramon, Assistant General Counsel, Office of Court Administration  
Carl Reynolds, Administrative Director, Office of Court Administration

Tiffany Roper, Assistant Director, Permanent Judicial Commission for Children, Youth and Families  
Hon. John Specia, Senior District Judge (Ret.), Judge in Residence, Office of Court Administration  
Bryan Wilson, Grant Administrator, Permanent Judicial Commission for Children, Youth and Families

**Collaborative Council members in attendance:**

Conni Barker, Director/Government Affairs, DePelchin Children's Center, Houston  
Roy Block, Executive Director, Texas Foster Family Association, San Antonio  
Judy Brow, Specialized Female Svcs. Coordinator, TX Dept. of State Health Services, Austin  
William B. Connolly, Attorney, William B. Connolly & Associates, Houston  
Penny Cook, Co-Founder, The Faith Connection, Dallas  
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin  
De Shaun Ealoms, Parent Program Specialist, TX Dept. of Family & Protective Svcs, Austin  
Barbara Elias-Perciful, President, Texas Loves Children, Dallas  
Mike Foster, Director of Development, Caring Family Network, Austin  
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston  
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin  
Richard LaVallo, Senior Attorney, Advocacy, Inc., Austin  
Tracy Levins, Director, Administrative Svcs. and Community Relations, Texas Youth Commission, Austin  
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin  
Madeline McClure, Executive Director, Texas Association for the Protection of Children, Austin  
Trista Miller, Region 07 Youth Specialist, Child Protective Services, Austin  
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin  
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio

**Collaborative Council members not present:**

Emy Lou Baldridge, Co-Founder, Greater Texas Community Partners, Dallas  
Carolyn Bivens, Executive Director, Texas Council of Child Welfare Boards, Austin  
Salvador Cavazos, Asst. Superintendent, Brownsville Independent School District, Brownsville  
Cathy Crabtree, Executive Director, Children's Advocacy Centers of Texas, Austin  
Debra D. Emerson, CPS Director of Policy and Program, Texas Dept. of Family & Protective Svcs, Austin  
Tomas Esparza, Jr., Attorney at Law, The Law Office of Tomas Esparza, Jr., Austin  
Benigno F. Fernandez, M.D., President, Texas Society of Child & Adolescent Psychiatry, San Antonio  
Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin  
Eileen Garcia-Matthews, Executive Director of Texans Care for Children  
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General, Austin  
Donald Lee, Executive Director, Texas Conference on Urban Counties, Austin  
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin  
Bryan Sperry, President, Children's Hospital Association of Texas, Austin  
Vicki Spriggs, Executive Director, Texas Juvenile Probation Commission, Austin  
Gene Terry, Operations Director, Texas Association of Counties, Austin  
Gina Van Osselaer, Executive Director, Austin Children's Shelter, Austin  
Henrietta Wright, Vice President, Board of Directors, Children's Advocacy Centers of Texas, Dallas

**Guests and others present:**

Anne Heiligenstein, Commissioner, Texas Department of Family & Protective Services  
James Rogers, MD, Medical Director, Texas Department of Family & Protective Services  
Sabrina Sullivan, Legislative Director, State Representative Yvonne Gonzalez Toureilles  
Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas

Hon. Jeanne Meurer, Senior District Judge, Court Legal Management Administrator for Juvenile Justice Issues, Austin  
Kristi Taylor, former Commission Staff Attorney, Austin  
Cynthia Bryant, Clinical Professor, University of Texas School of Law, Austin

### **OPENING REMARKS, Justice Harriet O'Neill**

Justice O'Neill introduced Anne Heiligenstein, recently named Commissioner of the Texas Department of Family and Protective Services. Justice O'Neill also recognized the following other guests: Dr. James Rogers, DFPS Medical Director, the Honorable Jeanne Meurer, Senior District Judge, 98<sup>th</sup> District, and Lamar McCorkle, former District Judge in Harris County.

### ***Commission Membership changes***

**Joyce James** has been the CPS Assistant Commissioner since 2004 and recently took a new position with DFPS as the Deputy Commissioner. She will no longer serve in the standing commission role, but will continue to serve out her three-year term. **Harper Estes**, the current president of the State Bar of Texas, is a new Commission member but could not attend today.

### ***Recognize Collaborative Council Members***

Justice O'Neill recognized two Collaborative Council members, Mike Foster and Bill Connally, who were unable to attend the last Commission meeting.

### ***Committee Membership Changes***

Judge Steve Ables, who served for many years on the Task Force on Foster Care and most recently on the Training Committee, has retired from judicial service and from the Training committee.

### ***Commission Member Introductions***

Carolyn Rodriguez reported that successful programs in Texas were highlighted at Casey's recent annual meeting, such as accelerated family based safety services, disproportionality efforts, and the recent [www.raisemeup.org](http://www.raisemeup.org) public awareness campaign.

Fairy Rutland reported on the State Bar Child Abuse and Neglect Committee's programs, such as the completion of the Spanish version of its shaken baby video, and the upcoming advanced family law conference that will include a full day of courses on child abuse and neglect.

Stewart Gagnon reported that he has spent time recently with the new Harris County Judge and Harris County Attorney on issues concerning CPS, family and juvenile courts.

Judge Bonnie Hellums reported on the reduction in caseworker turnover in Harris County; her participation with CPS's intensive conservatorship project; and how three persons graduated recently from her drug court, which resulted in the reunification of seven children.

Judge Patricia Macias, who is currently serving as president of the National Council for Juvenile and Family Court Judges (NCJFCJ) reported on some priorities identified recently on national level: 1) Youth in the juvenile justice system should be viewed as children, not adults. 2) More resources are needed for these youth, especially in the mental health area. 3) Youth and families should be viewed and served holistically. 4) Resources should be maximized to serve those youth who are in both the juvenile justice and child protection systems. Judge Macias also reported on an upcoming symposium on transitioning youth sponsored by Georgetown University and two upcoming NCJFCJ conferences.

## **ADOPT MINUTES**

The meeting minutes from the October 17, 2008, Children's Commission meeting were approved by general consent.

## **EXECUTIVE DIRECTOR'S REPORT, Tina Amberboy**

### ***Adopt Commission Procedures***

The Commission Procedures (under Tab 3 in the meeting notebook) have previously been circulated for member comments. Justice O'Neill asked for a motion to adopt the procedures. Judge Rucker moved to adopt and Judge Hellums seconded. The motion carried unanimously.

### ***Annual Reports***

Ms. Amberboy reported that staff recently completed two annual reports on Commission activities, one to the Supreme Court, and one to the Administration of Children and Families. Last year the Commission was responsible for distributing more than \$1.4 million dollars to 13 grant recipients that served more than 2,600 individuals. The \$1.4 million also funded administrative costs for staff and in-house Commission projects, including weekly scheduled collaborative meetings with stakeholders, including staff from CPS, CASA, TCJ, OCA, and the Texas legislature. The Commission sponsored more than 160 classroom hours of judicial training; spent \$575,000 on improving court technology; and procured an \$180,000 contract for statewide attorney training. Another demonstration of successful collaboration is the more than \$1 million in in-kind, federal match collected last year, which far exceeds the minimum federal requirement. Commission activity highlights:

- Developed fiscal and administrative policies for the staff
- Created a website and a quarterly newsletter
- Established a jurist in residence position to support Commission projects
- Established relationships with legislative staff and child welfare policymakers
- Supported creation of new NCJFCJ Model Court in Texas
- Began the creation of a video to highlight the Commission's purpose and mission
- Procured a contract for statewide attorney training
- Published a comprehensive report on the ICPC
- Expanded judicial and legal training
- Worked to improve court technology and case management tools
- Engaged in projects designed to improve outcomes for underserved populations
- Initiated efforts to identify judicial and attorney best practices
- Raised public awareness that every child deserves a safe, stable, permanent home.
- Selected to host the third National Judicial Summit on Child Protection in 2009

### ***Ongoing Staff Directed Projects***

**Disproportionate Representation of African American Children:** Commission staff continues to work in partnership with DFPS on efforts that include training strategies for the judiciary.

**Texas Partnership for Family Recovery:** The partnership's goal is to better serve families in the CPS system that have substance abuse issues. Commission staff hosted a meeting in December that included representatives of organizations that receive federal Regional Partnership Grants (RPGs), which are substantial federal grants to address barriers to good outcomes for children in families affected by methamphetamine or other substance abuse. RPG grant recipients are under rigorous federal requirements to track and collect considerable data to measure outcomes. More Commission engagement with these organizations could help efforts to expand drug courts in Texas and make them more effective.

**Judicial Benchbook:** The workgroup charged with overseeing this project has committed to have two test chapters completed this August, one on status hearings and one on the federal Interstate Compact on the Placement of Children (ICPC). **Legal Representation Study:** Efforts are underway to outsource this

study for which the Commission previously approved \$100,000. The American Bar Association's Center on Children and The Law has expressed an interest in conducting the study. **Statewide Attorney Training:** The National Association of Counsel for Children (NACC) will begin the first of 14 training sessions in San Antonio and Austin this Spring. **Parent Resource Project:** Discussions have begun to possibly initiate a project for parents similar to Texas RioGrande Legal Aid's Texas Foster Youth Justice Project – a website and legal hotline for youth. **Child and Family Services Review:** In addition to Commission staff participation in last year's CFSR on-site review and ongoing Program Improvement Plan (PIP) planning activities, staff have focused on CFSR issues related to children who are in long-term foster care (permanent managing conservatorship, or PMC), and who do not have termination of parental rights (TPR). Project ideas involving the judiciary that have been suggested include asking judges to review and evaluate any such cases in their jurisdiction. Another idea would be to create a special team to re-examine some of these cases. **Long-term Care Project:** Rebecca Lightsey, Executive Director of Appleseed, Inc., the Commission's lead partner on this project, reported that almost all judicial interviews – with specialty court judges and some urban judges – have been completed. Interview results indicate judges want to be able to retain jurisdiction past the age of 18 in limited cases. In another stage of the project, DFPS has begun sending data to Appleseed for expert analysis, and has also included Appleseed in its Intensive Conservatorship pilot project. **TYC/CPS Dually Managed Youth Project:** Carolyne Rodriguez reported on this workgroup's efforts, including a recent trip a few workgroup members took to Seattle to learn about King County's progressive, integrated approach to this youth population. Ms. Rodriguez said the workgroup might consider expanding the project's focus to include youth who are on probation, which initiated a long discussion about issues involving integrating services between TYC, CPS, and the Texas Juvenile Probation Commission. A preliminary MOU between DFPS and TYC has been signed that commits the two agencies to exchange data to identify and track dually managed youth. Workgroup member Richard LaVallo wrote a bill directed toward increased court supervision of these cases that a state senator has agreed to sponsor this legislative session. **TWC/CPS Parent Initiative:** As a result of an informal meeting with leadership of the Texas Workforce Commission (TWC), Commission staff has initiated discussions with TWC to collaborate on projects to help families find jobs and job training. **Round Table Series:** This initiative from the Training Committee aims to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. The discussions will be moderated by experts, and the first one will be held February 27. **CARE for Kids:** This project – a team of professionals who will act as consultants to help local courts develop best practices – will likely merge with the benchbook project over time.

### ***Commission Budget***

Ms. Amberboy referred members to tab four of the meeting notebook showing the grant funds spent and available in the three federal fiscal years of funds that Commission staff currently manage. She highlighted the complexity of managing three grants and three grant years simultaneously, likening it to managing nine checkbooks.

### ***Commission Informational Video Project and Fairy Rutland Award***

Kristi Taylor, former Commission Staff Attorney, reported on the call for nominations for the State Bar Committee on Child Abuse and Neglect's annual Fairy Rutland award to honor exemplary attorney service in child welfare practice. The deadline for applicants is April 1.

Ms. Taylor reported on the difficult procurement process to choose one vendor from 21 excellent submissions, to produce a Commission informational video to raise public awareness about needs in the child welfare system and the critical role courts play in it. The chosen vendor, Ampersand Agency, will produce a 10 – 15 minute video. Although the Commission received a \$25,000 grant for this video from the Texas Bar Foundation, an additional \$25,000 will be needed to complete the project. Commission

permission to spend a total of \$50,000 on the video project and to fund an additional \$25,000 from CIP funds, is requested. Judge Dean Rucker moved to approve the request, and Judge Bonnie Hellums seconded the motion, which passes unanimously.

## **COMMITTEE REPORTS**

### ***Basic Projects Committee, Tina Amberboy***

Because she had just reviewed most of the Basic Committee's projects in her executive report, Ms. Amberboy referred members to the Basic Committee's summary in the meeting notebook.

### ***Technology Committee, Hon. Karin Bonicoro, Chair***

The Judicial Web Page has 79 registered users from an approximate pool of 277, and OCA will continue efforts to let judges know about the online resource. Work is progressing on the Specialty Docket Case Management System (SDCMS) OCA is developing, as well as the Functional Requirements Request for Proposals to software vendors. A subcommittee on video conferencing is working to develop protocols before grant resources are committed.

### ***Training Committee, Hon. Camile DuBose, Chair***

Judge DuBose reported on the committee's two-day meeting in November where members developed a mission statement and defined the committee's collaborative structure. Members discussed the content and methodology of the statewide Attorney Training Project that the National Association of Counsel for Children (NACC) will begin conducting across Texas this year. The committee agreed to recommend to the Commission that \$25,000 be set aside for scholarships for attorneys to attend the May 13-14, American Bar Association Center on Children and the Law Parent's Attorney Conference. A workgroup was created to address drug court training issues as part of an effort to expand drug courts and/or their methodology. The committee will sponsor this February its first of several interdisciplinary Round Table discussions.

Judge DuBose asked the Commission to allocate \$100,000 in CIP funds to facilitate holding the 2010 NACC Annual Conference in Texas. Judge Hellums moved to approve the funding, and Judge Rucker seconded the motion, which passed unanimously.

### ***Legislative Committee, Hon. Dean Rucker, Chair***

Judge Rucker reported that he and other committee members, and OCA and Commission staff have implemented a system to track and evaluate bills relevant to the Commission's mission. He stressed that the Commission's role is to act solely as an educational resource for legislators on bills that might affect the court handling of CPS cases. Legislators have already begun asking for bill evaluations.

### ***Executive Committee, Hon. Dean Rucker***

No report.

## **GUEST COMMENTS, Anne Heiligenstein, Commissioner, Texas Department of Family and Protective Services**

Commissioner Heiligenstein reported that as the new DFPS Commissioner the legislative session is her immediate priority, where she will strive to maintain the investment in CPS that recent legislatures have made. This will be a challenge considering that the state's anticipated tax revenues will be down some \$9 billion. She remarked on the department's gains and challenges, and added that she looks forward to working with the Commission.

## **DFPS UPDATE, Joyce James, Assistant Commissioner, Texas Department of Family and Protective Services**

Assistant Commissioner James briefly updated the Commission on several department efforts,

highlighting public/private partnership projects. She commended Casey Family Programs for its support in collaborative projects that include small pilot programs to test practice models. In one ongoing effort, when the top 20 highest-needs youth in the CPS system were recently identified for focused evaluation, and one youth needed a placement, DePelchin agreed to take the youth. Other efforts include the upcoming intensive conservatorship pilot program.

### **OFFICE OF COURT ADMINISTRATION, Carl Reynolds, Administrative Director, Office of Court Administration**

Mr. Reynolds briefly reported on his involvement in tracking judicial branch issues in the current legislative session, including watching for the appropriations bill for OCA's budget. Two new child protection courts were started, one in North Texas (Wichita Falls area), and one in South Texas (Cameron Willacy, Brooks, and Jim Wells Counties). Although two new courts were started, the legislature had funded only one, and Mr. Reynolds hopes in this session, the legislature will fund both.

### **COLLABORATIVE COUNCIL ROUNDTABLE, Arabia Vargas, Chair, Bexar County Child Welfare Board**

Ms. Vargas expects to have coordinated by this June the first Collaborative Council Roundtable, which will be another opportunity for child welfare stakeholders to collaborate on improvement efforts.

### **SUMMIT III, Carl Reynolds**

The group that will determine content for the October 2010 National Judicial Summit on Child Welfare in Austin is starting to take shape, with representation from the NCJFCJ, the ABA, NCSC, Conference of Chief Justices, the Conference of State Court Administrators. Mr. Reynolds reported that Kristi Taylor is working diligently on other Summit logistics. Efforts are ongoing to raise funds to pay for a main event.

### **GUEST COMMENTS, Judge Jeanne Meurer, Sr. District Judge, 98<sup>th</sup> District, and Court Legal Management Administrator for Juvenile Justice Issues**

Judge Meurer reported on the progress of Travis County's two new child protection public defender offices opening soon – one for parents, and one for children, that are being partially funded with Court Improvement Project (CIP) funds. Judge Meurer reported that she is seeing a disturbing trend where youth in the CPS system are being referred to juvenile court as a mechanism to manage behavior, which is not criminal behavior in some 75% of cases, she estimated. Efforts to both provide funding for, and to mandate better coordination between the CPS and juvenile justice system would help the problem, she added. She commended the Commission for its efforts targeted at this population.

### **OTHER COMMENTS**

Barbara Elias-Perciful, Director of Texas Lawyers for Children reported that in December, California launched its replication of TLC's website.

Richard LaVallo, Senior Attorney for Advocacy Inc. reported that about 25-30 Texas foster youth are in state schools (which serve children with mental retardation). Mr. LaVallo asked the Commission to consider taking efforts to get these children into alternative placements. Because Commission projects are vetted at the committee level, Justice O'Neill directed this issue to the Basic Committee.

### **ADJOURNMENT**

Justice O'Neill thanked everyone for attending and reminded everyone of upcoming meeting dates of April 3, August 21, and November 13. The meeting adjourned at 2:16 p.m.