



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

**Supreme Court of Texas
Permanent Judicial Commission for
Children, Youth and Families**

**January 21, 2011
Meeting Notebook**

**The Supreme Court of Texas
201 W. 14th Street
Austin, Texas 78701**

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
201 West 14th Street
Supreme Court Courtroom
Austin, Texas**

**January 21, 2011
Meeting Agenda**

- 1:00 Commencement / Opening Remarks – The Honorable Eva Guzman**
1. Commission, Committee and Collaborative Council Membership Changes, Tab 2
2. Guests
- 1:15 First order of business – The Honorable Eva Guzman**
1. Adopt Minutes from November 12, 2010 Meeting, Tab 1
- 1:20 Commissioner Introductions**
- 2:00 Highlighted Issues – The Honorable Eva Guzman**
- 2:10 Commission Report, Tina Amberboy, Tab 3**
- 2:20 Basic Committee Report (Hon. Robin Sage)**
- 2:30 Training Committee Report (Hon. Camile DuBose)**
- 2:40 Technology Committee Report (Judge Karin Bonicoro)**
- 2:50 Education Committee Report (Hon. Patricia Macias)**
- 3:00 Legislative Committee Update (Hon. Dean Rucker)**
- 3:10 Strategic Planning Committee Update (Harper Estes)**
- 3:15 Legal Representation Study – Tina Amberboy**
- 3:25 Office of Child Representation – Leslie Hill**
- 3:35 Office of Parent Representation – Lori Kennedy**
- 3:45 Adoption Report – Penny Cook**
- 4:00 DFPS Update – Audrey Deckinga**
- 4:15 Office of Court Administration Update – Carl Reynolds**
- 4:30 Comments from Collaborative Council / New Business
Next Meeting – 2011 Schedule
4/29/2011
7/20/2011
11/18/2011**

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PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

November 12, 2010

10 a.m. – 1 p.m.

Supreme Court of Texas Courtroom
Austin, Texas

ATTENDANCE

Members present:

Chair, Hon. Eva Guzman, Justice, The Supreme Court of Texas, Austin
Chair-Emeritus, Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin
Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin
Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas
Harper Estes, Shareholder, Lynch, Chappell and Alsup, Midland
Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston
Joyce M. James, Associate Deputy Executive Commissioner, HHSC Center for Elimination of Disproportionality & Disparities,
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin
Selina Mireles, Attorney At Law, Laredo
Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland
Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin
Hon. Robin Sage, 307th Family District Court, Longview
Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas

Members not present:

Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels
Hon. Patricia A. Macias, Judge, 388th District Court, El Paso
Hon. Yvonne Gonzalez Toureilles, Representative, Texas House of Representatives, Alice
Hon. Bonnie Hellums, Judge, 247th District Court, Houston
Carolyne Rodriguez, Dir. Of Texas Strategic Consulting, Casey Family Programs, Austin
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

Staff in attendance:

Tina Amberboy, Executive Director, Children's Commission
Steven Hardt, Research Assistant, Children's Commission
Tim Kennedy, TexDECK Project Manager, Office of Court Administration
Teri Moran, Manager, Communications, Children's Commission
Mena Ramon, Assistant General Counsel, Office of Court Administration
Carl Reynolds, Administrative Director, Office of Court Administration
Tiffany Roper, Assistant Director, Children's Commission

Kristi Taylor, Project Manager, Children's Commission
Mari Aaron, Executive Assistant, Children's Commission

Collaborative Council Members in attendance:

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas
Barbara Elias-Perciful, President, Texas Loves Children, Dallas
Mike Foster, Executive Director, Neighbor to Family, Austin
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin
Robert Hartman, Executive Vice President and COO, DePelchin Children's Center, Houston
Leslie Hill, Managing Attorney, Travis County Office of Child Representation, Austin
Richard Lavallo, Senior Attorney, Advocacy, Inc., Austin
Tracy Levins, Director, Admin. Svcs. And Community Relations, Texas Youth Commission, Austin
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin
Madeline McClure, Executive Director, The Texas Association for the Protection of Children, Dallas
Dr. Sandeep Narang, Fellowship Director, Child Abuse and Neglect Division, Pediatrics Department, UT-San Antonio
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin

Collaborative Council Members not in attendance:

Roy Block, Executive Director, Texas Foster Family Association, San Antonio
Irene Clements, Vice President for Advocacy, Children and Family Services, Lutheran Social Services
William B. Connolly, Attorney, Connally & Chireman, LLP, Houston
Penny Cook, Co-Founder, The Faith Connection, Dallas
Elizabeth Cox, foster and adoptive parent, San Antonio
Kevin Cox, foster and adoptive parent, San Antonio
De Shaun Ealoms, Parent Program Specialist, Dept. of Family and Protective Services, Austin
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin
Chris Hubner, Staff Attorney, Texas Juvenile Probation Commission
Natalie Furdek, Women's Substance Abuse Services Coordinator, Dept. of State Health Services, Austin
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston
Eileen Garcia, Executive Director, Texans Care for Children, Austin
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General
Stephanie Smith Ledesma, Attorney at Law, Austin
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin
Judy Powell, Communications Director, Parent Guidance Center, Austin
Johana Scot, Executive Director, Parent Guidance Center, Austin
Janet Sharkis, Executive Director, Texas Office of Developmental Disabilities, Austin
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio
Meghan Weller, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin
Aaron Williams, Social Services Director, Alabama-Coushatta Tribe of Texas

CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman

Justice Guzman called the meeting to order at 10:00 a.m.

Chair Emeritus O'Neill, congratulated Justice Guzman on her election victory.

Commissioner Membership Changes

Justice Guzman noted that the Supreme Court of Texas will sign a court order in late November to renew the memberships of six Commissioners: Hon. Camile Glasscock DuBose, Hon. Bonnie Crane Hellums, Hon. Patricia Macias, Hon. Dean Rucker, Joyce James and Fairy Davenport Rutland. Each member will serve an additional three-year term.

Collaborative Council Membership Changes

Dr. Sandeep Narang, Fellowship Director for the Child Abuse and Neglect Division of the Pediatrics Department at UT-San Antonio and an immediate past Fellow in Child Abuse at the Kempe Center for the Prevention and Treatment of Child Abuse and Neglect, University of Colorado School of Medicine and The Children's Hospital-Denver joins the Collaborative Council. Chris Hubner, staff attorney at the Texas Juvenile Probation Commission and the current Chair of the State Bar of Texas Juvenile Law Section, also joins the Collaborative Council.

Committee Membership Changes

Justice Guzman noted that there are no committee membership changes to report at this meeting.

Staff Member Changes

Katie Fillmore joined the Supreme Court in September as the Policy Attorney for the Children's Commission.

Steven Hardt joined the Supreme Court in August as the Research Assistant for the Children's Commission. Mr. Hardt recently passed the bar.

Recognition of Guests

Justice Guzman noted that no guests are in attendance at today's meeting.

ADOPTION OF AUGUST 20, 2010 MEETING MINUTES

The attending members approved the meeting minutes of the August 20, 2010 Children's Commission meeting by general consent.

REPORT TO THE COMMISSION, Tina Amberboy, Executive Director

Ms. Amberboy reported to the Commission on the staff-directed and committee projects that staff work on daily.

DISPROPORTIONALITY TRAINING FOR JUDGES

The Commission discussed this new initiative at the August meeting and granted authorization to form a judicial disproportionality workgroup to address training and issues in the judicial system. Members of the workgroup were identified and the first meeting is scheduled on December 10 in Austin. Joyce James and Carolyn Rodriguez are co chairs. Initial efforts will focus on clarification of the purpose and development of strategies for the workgroup to look at how judges are trained and help those judges institute a workplan and implement training within their local jurisdictions. Six judges have agreed to serve on the workgroup in addition to staff from the People's Institute and NCJFCJ.

LEGAL REPRESENTATION STUDY

The deadline to publish the study was extended from late October 2010 to January 2011 to conduct re-verification of some of the data collected for the study.

BENCH BOOK

The Bench Book was introduced and explained at the August meeting of the Commission. The judges will have access beginning next week. Justice Guzman noted that commission staff is seeking feedback on content and input to ensure that the Bench Book is a useful tool.

COMMITTEE REPORTS AND BUDGET APPROVAL

Basic Projects Committee, the Honorable Robin Sage, Chair

Judge Sage reported on the October 13 Basic Committee conference call meeting. Judge Sage noted that the committee completed grant approvals at the July meeting. There are no action items on the agenda for today. Judge Sage noted that the Texas Lawyers for Children (TLC) website project received a nomination for the Award for Excellence in Social Innovation.

Training Committee, The Honorable Camile DuBose, Chair

Judge DuBose provided an update to the Commission on projects authorized last summer and reviewed during the October 26 conference call meeting:

Attorney Training

NACC Child Welfare Law Conference: The conference was held October 20-23,2010 in Austin. The funding approved by the Commission included registration scholarships for approximately 220 attorneys and 25 members of judiciary from Texas and the Commission's Training Committee.

Advanced Family Law Child Abuse and Neglect Track: The feedback from those who attended the August 11, 2010 conference in San Antonio has been very positive. Funding for registration scholarships was given to 49 attorneys to attend the training. The Commission set aside \$5,000 to fund attorney scholarships for the 2011 track.

DFPS Attorney Scholarships to attend Advanced Family Law or NACC Annual Conference: Funds approved by the Commission provided scholarships for seven DFPS attorneys to attend the AFL track and approximately 15-20 attorneys to attend the NACC conference.

Trail Skills Training: Ms. Roper is investigating training options through the National Institute of Trail Advocacy (NITA), the ABA, and the NACC to determine whether the training may be modified to meet the existing needs.

Child Welfare Law Certification: Beginning in May 2009, NACC began to offer child welfare law certification to qualifying Texas attorneys. Twelve lawyers and one judge from Texas received the NACC certification in October. The committee set aside \$20,000 to support continued training for the certification exam and will conduct further discussion on the issue at the next committee meeting on whether to otherwise support the attorneys seeking the certification in 2011.

Prosecutor Training: The committee approved funding for a CPS track at the Texas District and County Attorneys Association (TDCAA) Crimes against Children Conference, set for April 2011. The funding will support attendance by DFPS attorneys and prosecutors and possibly children and parents' attorneys.

SBOT CAN Committee Multi-disciplinary Training: Ms. Amberboy updated the committee on the grant application submitted by the State Bar of Texas Child Abuse and Neglect Committee to present a multidisciplinary two day conference in late 2011. Ms. Amberboy and Ms. Roper reviewed the application. Since the grant application was reviewed after the committee met, the application did not go back to committee, but the committee granted approval to set aside the funds in the budget for this conference at a previous meeting.

ACTION: Justice Guzman asked for motion to approve funding of \$25,000 for the State Bar of Texas Child Abuse and Neglect Committee multidisciplinary training/conference for FY2011. Mr. Estes moved, Mr. Gagen seconded, and the motion passed.

Judicial Training - TCJ

Judge DuBose noted that some of these funds enable judges to attend NCJFCJ training. The upcoming trainings include the March 2011 National Conference on Juvenile and Family Law in Reno and the Annual Conference scheduled for July 2011 in New York City.

Beyond the Bench: The next Beyond the Bench training is set for Central Texas in 2011 with a date to be determined. Development of the 2012 statewide Beyond the Bench training is underway.

Implicit Bias in Judicial Decision-Making: The next conference regarding implicit bias in judicial decision-making is planned for May 2011. Judge DuBose encouraged judges and attorneys to attend Undoing Racism training.

Associate Judges Conference and CPS Judges Conference: These conferences will be merged in 2011.

Judicial Technical Assistance: The Committee approved funding for ongoing data analysis for local jurisdictions.

Drug Court Training/Round Table: Ms. Taylor reported on the Drug Court Round Table held on November 3-4 in Austin. Nine existing drug courts were represented and two drug court teams expressed interest in starting drug courts. Approximately fifty people attended the Round Table, including substance abuse specialists, representatives from the Department, judges, and court coordinators. Technical assistance was provided by national partners. The evaluations following the Round Table were positive. The Round Table provided a good opportunity for teams to compare structure and practices and delivered practical information on how to start new drug courts and improve existing ones. Planning is underway regarding next steps and follow up.

Local Jurisdiction Disproportionality Training: The meeting to initiate development of local jurisdiction disproportionality training will be on December 10 in Austin.

Mediation Project: Cynthia Bryant, University of Texas School of Law Mediation Clinic, authored a report on CPS Mediations in Texas. The findings noted a lack of data with regard to guidelines for attorneys, mediators and judges to follow and on long-term effects of mediation. Ms. Bryant, in collaboration with Susan Schultz, Center for Public Policy Dispute Resolution, UT Law, will develop a research project to provide additional data and report on CPS mediations.

Technology Committee, Tina Amberboy

Ms. Amberboy provided an update to the members on behalf of Judge Karin Bonicoro. The Committee met by conference call on October 14. Ms. Amberboy noted that all committee activity is slow at this time because the grant year began on October 1. As the year progresses, there will be more detail to report on the projects. A brief update on the projects funded by the technology committee included:

Child Protection Case Management System

The CPCMS project team is working on version 2.0 and enhancements to the system. Ms. Amberboy noted that the system is being utilized by most of the Child Protection Courts.

National Information Exchange Model

Judge Rob Hofmann participates on behalf of the Commission. In October, Judge Hofmann attended the meeting in Denver to discuss development of additional court performance measures focused on well-being measures. The National Center for State Courts developed Toolkit measures. Thirty measures of court performance are used by Child Protection Courts in child protection cases. There are twenty one measures adopted in the Texas CPCMS. At the national level, the measures are based on safety, permanency, due process and timeliness and until the October meeting, have not focused on well-being measures. The October meeting in Denver looked at where to begin and decided on education outcomes as the well being measure they will work on initially. The Education Committee will remain informed regarding the progress of this topic.

Video Conferencing

There is progress on the project. Discussion continues in the committee on how to utilize videoconferencing to increase participation of youth who are placed out of their county and are unable to attend their permanency and placement hearings in person. The issue of confidentiality has been reviewed in detail. Assessment of the types of hardware available to purchase to assure reliable and confidential transmission is ongoing. The committee concluded that Skype or a similar product is a flexible and affordable option. The system now in place and utilized by the TYC and CPS allows concurrent conferencing capability, but is more expensive. The committee will continue discussion on how to move ahead with acquisition of hardware and how to manage the associated inventory and capital equipment issues.

County Information Resources Agency

The project to build the interface for data sharing is ongoing. CIRA expects to submit the functionality report to the CIRA board by December.

CIRA Hosting

CIRA's initial project plan was to host the existing CPCMS source code and permit availability to counties interested in utilizing the data to track measures related to CPS cases. Since the committee met in July, CIRA has confirmed that it is unable to pursue this partnership at this time. At the October meeting the committee voted to recover the funds because CIRA is unable to provide the data hosting at this time.

ACTION: Justice Guzman asked for motion to recover funding of \$100,000 allocated to CIRA for the FY2011 data hosting project, Judge Sage moved; Ms. James seconded; and the motion passed.

OCA

Improve Network Connectivity at the CPC Locations

Improvement of internet connectivity at the CPC locations will be addressed in FY2011. Initial site assessments are underway. An in-depth report will be provided to the Commission at the January meeting.

Temporary Staffing for Data Entry at CPCs

Temporary staff will perform data entry of case information into CPCMS at four CPC's in Region 2 and eliminate a current backlog.

EDUCATION COMMITTEE, Tiffany Roper, Assistant Director, Children's Commission

Ms. Roper reported on behalf of Judge Macias, Chair of the Education Committee, to the Commission on the inaugural meeting of the Education Committee held on September 30-November 1. The pre-planning efforts enabled the committee members to receive clear direction on the charge given by the Court in the order establishing the Education Committee and accomplish significant work during the two-day meeting. The diverse membership of the committee provided for a range of perspectives from leaders in the Department, the judiciary and the state education systems. Information provided to the committee included an overview by Kathleen McNaught on 'Child Welfare 101' which included details on how CPS cases progress through the court system and the various placement options for children. The academic challenges of foster youth were highlighted through data from several national studies. Judge Macias acknowledged the challenge of improving outcomes in a state as diverse and vast as Texas, while guiding the committee to leverage their strengths and define its vision. Four sub-committees will be charged with moving forward with the efforts to address and respond to the issues of education of foster youth. The role and expectations of the following sub-committees will be discussed at the January 7 meeting.

1. School Readiness
2. School Stability and Transitions
3. School Experience, Supports and Advocacy
4. Post-Secondary Education

STRATEGIC PLANNING COMMITTEE, Harper Estes, Shareholder, Lynch, Chappell & Alsup, Midland,

Mr. Estes reported on the progress of development of the strategic plan. The committee met on November 11 and expects to have the revised strategic completed in 2011.

DFPS UPDATES

Audrey Deckinga, Assistant Commissioner for CPS, TX Dept. of Family and Protective Services, Austin

Ms. Deckinga updated the Commission on the Permanency Care Assistance project and Foster Care Redesign. She acknowledged the appropriation issues the Department will address during the 82nd Legislative session. Ms. Deckinga reviewed the information in a presentation given by the DFPS Commissioner at the joint budget hearing. The presentation provided detail on the budget reductions that will be proposed to the legislature. The bulk of the proposed reductions are in administrative areas. The Department will seek to maintain the current funding levels for direct services.

LEGISLATIVE COMMITTEE, Hon. Dean Rucker, Regional Presiding Judge, 7th Administrative Region, and District Judge, 318th District Court, Midland,

reported that the committee is prepared to serve as a resource for the legislature during the 82nd session. The leadership of the committee has developed an ongoing working relationship with legislators and conduct discussions on how proposed legislation affects the courts. Judge Rucker noted that he anticipates that the issues expected to arise during the session will include legal counsel appointments, procedural matters and the handling of CPS cases. The committee staff is mindful that its communications are perceived as speaking for the court and are aware of the need to comply with the code of judicial conduct. Judge Rucker encouraged

members of the Children's Commission to bring any issues or proposals for policy or legislative matters to him or the staff.

APPLESEED PROJECT, Rebecca Lightsey, Texas Appleseed, Inc. Executive Director

The final report of the Appleseed study on children in permanent managing conservatorship (PMC), "Improving the Lives of Children in Long-Term Foster Care: the Role of Texas' Courts and Legal System", was distributed to the members. Ms. Lightsey acknowledged the pro bono partnership with Marcy Greer of Fulbright and Jaworski that allowed for completion of the study. The charge of the study was to review the outcomes of children in PMC and how the courts and legal system can be improved to help decrease the amount of time required for these children move to permanency and address the issues and concerns of all stakeholders. Extensive data sources were researched for the study. The fifteen jurisdictions selected for study have jurisdiction of approximately 65% of the children in the Texas foster care system. Interviews were conducted with stakeholders in the six largest Texas counties and eight child protection courts. The Department provided PMC data for use in the study for the period of 2005 – 2008. Ms. Lightsey reported on the details of the report results. She noted the statistics from the recent Chapin Hall study on the rates of completion of higher education, arrest rates and homelessness for former foster children as context for the importance of the report findings. The study noted that 20% of children who enter PMC remain in care more than 2 years. She noted the high likelihood of aging out for children who are in care between 3 to 4 years. Eighty percent of children in PMC who are adopted are under the age of 10. Information on stability and number of placements was reviewed and the evidence of the need to move children to permanency as rapidly as possible was noted. The data elements for race and ethnicity were reviewed and the findings support the effect of disproportionality affecting African American youth in the system.

Ms. Lightsey noted that the policy recommendations generated from the report findings benefitted from the efforts of many of the Commission members. The strengths within the State of Texas to address the issues and improve the system include a robust statute in the Family Code, numerous courts committed to system improvement, interdisciplinary teams and stakeholders and the leadership and support of the Commission. Some key factors that address improved outcomes for these children include a need to increase the sense of urgency among attorneys and caseworkers, improve accountability for adequate preparation by attorneys and caseworkers, permit the inclusion of the child in the courtroom, ensure that there is an adult present in court who has a relationship with the child and awareness of the case and improve communication among stakeholders about how to achieve permanency for the child.

Ms. Greer reported on the recommendations cited in the study. She stressed that an abundance of data was reviewed for the study that provided information to utilize for system improvements. She acknowledged that the goal of the study is to achieve an appropriate home placement for each child and noted the support, needs and risk issues for adolescent age children in the system. In order to obtain additional information on practices to attain true permanency, a pilot program is proposed that will provide quantitative data on the success of the practices and recommendations on outcomes. The details of the report recommendations can be viewed in full in the report that is online at www.texasappleseed.net. During Ms. Greer's review of findings and recommendations, Dr. Martinez noted that a peer-to-peer program is under consideration by the Hogg Foundation and suggested that it may be considered as an additional resource option for these children. Ms. Greer agreed and noted that there are Youth Specialists, who are often former foster youth, assigned to help develop advocacy skills in these children.

Justice Guzman acknowledged the efforts that contributed to completion of the report. She opened the floor to comments from members and discussion concerning the pilot program, which the Commission and Casey Family Program will support. Ms. James noted the importance of data to inform work on gaps and inequities within the systems. The report and its recommendations warrant support of the pilot. Judge Specia commented that the pilot program approach is critical and will be a method to avoid any unintended consequences that could arise from passage of legislation and ensure that any proposed policy revisions are data-driven. Justice Guzman concurred that the pilot program will identify how any proposed changes will impact the judges hearing these cases. Judge Rucker acknowledged that the report and the pilot program will provide a sound basis to move forward with efforts to improve the system. Dr. Martinez recommended that an evaluation component for the pilot program be included from the inception. Ms. Lightsey commented that there will be a fiscal analysis component included to demonstrate cost savings to the state. Ms. Deckinga responded to a question from Mr. Sapenter on the inclusion of a tracking mechanism for the 3 to 5 year period after youth leave the system. She noted that Texas, through use of a national youth in transition database, will, when possible, track children after they leave the foster care system. Chair-Emeritus O'Neill noted the importance of including information from the Legal Representation Study when development of the pilot program goes forward. Ms. Amberboy commented that the funding of the pilot program will be discussed in detail with the Commissioners at the January meeting. The Commission acknowledged the contributions and pro bono resources provided by Ms. Greer to the overall success of the report.

BREAK - 11:55

RECONVENE: 12:15

Justice Guzman's schedule required that she travel to Lubbock; Judge Byrne reconvened the meeting.

OFFICE OF COURT ADMINISTRATION, Carl Reynolds, Administrative Director

Mr. Reynolds reported on the NCJFCJ All-Sites meeting held in Louisville, Kentucky in early October. Initial discussion is underway to apply the model courts program that the NCJFCJ operates to one or more of the Cluster Courts. Mr. Reynolds is working to schedule a follow up call on further planning. While in Louisville, Mr. Reynolds also met with Aaron Williams, Social Services Director of the Alabama-Coushatta Tribe in Texas and a Collaborative Council member. Judge Byrne and Mr. Reynolds plan to travel to East Texas and visit the reservation. Lastly, he reported that along with Simi Denson and Mena Ramon, he attended the Children's Justice Act Taskforce meeting chaired by Judge Rucker. Funding for Simi Denson's position was reauthorized for the upcoming year.

JURIST IN RESIDENCE, Judge John Specia

Judge Specia reported on his participation at the Drug Court Round Table, held on December 3-4. There are now nine drug courts in the state, and there is interest by several other courts to begin a drug court program.

COMMISSION MEMBERS UPDATES

Judge Byrne asked the Commission members to introduce themselves and share news from their locales.

Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston,

Reported on the work he has been involved in over the past year with regard to self-representation. A forum was held last April and planning for a pilot project is underway. Information and best practices

to assist and educate individuals who elect self-representation will be prepared. Mr. Gagnon noted that there are frequent self-representation cases involving children's issues.

Harper Estes, Shareholder, Lynch, Chappell & Alsup, Midland, reported on his work on the board of directors for an initiative with Midland Fairhavens. The initiative began as a partnership with several Midland churches and the Junior League of Midland. Midland Fairhavens is a residential campus for single mothers and their children who have the opportunity to attend college or vocational training.

Hon. Dean Rucker, Regional Presiding Judge, 7th Administrative Region, and District Judge, 318th District Court, Midland, acknowledged the ad litem representation efforts provided by Richard Lavallo and the successful intervention efforts he provided on behalf of a young man in RTC.

Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas, reported on efforts underway in Dallas to incorporate the education piece introduced by the Commission's Education Committee in September. Plans are underway for a January 2011 brown bag meeting on education advocacy. A lawyer from Advocacy, Inc., will present at the January meeting. The videoconferencing project is progressing. The equipment is installed and a user training session is scheduled for next week.

Hon. Robin Sage, 307th Family District Court, Longview, announced her plans to retire in six weeks. Following her retirement from the 307th, she will take over some of the northeast Texas child protection docket and will remain involved in hearing CPS cases. Judge Sage noted that the Longview Adoption Day united twelve children with adoptive families.

Hon. Virginia Schnarr, Associate Judge, Sabine Valley Child Protection Court, introduced herself to the Commission and had no comments.

Honorable John Specia, Jurist in Residence,
Judge Specia made no additional comments to the Commission.

Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin, reported on the increase in cases in Travis County. She expressed her concern over the magnitude of severity in the cases she is hearing. Judge Byrne extended an invitation to any members, stakeholders and legislators to be a guest in her courtroom and have the opportunity to gain perspective on the reality of the cases coming before the court. She also reported on Judge Hathaway's Successful Youth Need Community 'SYNC' court that serves youth age 15-17. There are eight youth involved in the court at present. Forms and information on protocols will be provided on request.

Chair-Emeritus, Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin, commented on her transition to private practice. She reflected on the success of the Children's Commission since it began. She commented on the impact of inviting judges and legislators to be guests in courtrooms and gain first hand experience on the reality of the dockets. Judge Specia will prepare a JIR to judges prior to the convening of the 82nd Legislative session to invite legislators or their staffs to court.

Dr. Octavio Martinez, The Hogg Foundation for Mental Health, UT Austin, Austin, commented on the Op-Ed series on mental health that will appear in the Houston Chronicle. The Hogg Foundation held a forum on mental health issues at the Capitol for legislative staff and nearly fifty attended. Pete Earley served as keynote speaker.

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde, agreed that she is seeing an increase of severe criminal cases on her docket. She acknowledged that the work of this Commission is bringing issues to the forefront for consideration.

Selina Mireles, Attorney At Law, Laredo, commented on her representation of children and parents in Laredo. She has practiced in the field for nearly ten years. She noted that she is seeing extremely serious cases in Laredo.

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, agreed with the observation of an increase in the severe nature of the present intake cases in Texas. She acknowledged that the Department's staff in the field are aware of and encouraged by the support of the Children's Commission.

Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin, commented in support of the Undoing Racism training efforts championed by Joyce James. She concurred with Judge Rucker's recognition of the work of Richard Lavallo. HHSC's Child Abuse Committee is moving forward with projects for disseminating information on the dangers of fetal alcohol syndrome, shaken baby issues and preparation of the agenda for the Advanced Family Law course next August. The committee will also present at the Bar Leaders Convention on pro bono opportunities and Adoption Day events. Work is also underway on the Child Welfare Conference. She commented on work with Judge Sage to expand efforts toward a legal specialization in the field.

Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas, commented on possible funding for the Appleseed pilot program. He noted efforts to address the aftermath of the budget cutbacks mandated by the 82nd legislature are being considered and expects a reduction in prevention and intervention funding.

Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin, reported on the increase in CASA volunteers in the state during the last fiscal year. For 2009, there were 6,000 active volunteers throughout Texas, and CASA hopes to increase that number by 1,100 for 2010. Even so, only one half of all children in care are being served by a CASA volunteer. CASA will request additional funding from the legislature. Capitol Day will be held on February 21, 2011 and many CASA volunteers will attend and address legislators. There are 22 new house members and CASA will schedule time for many of them to sit in Judge Byrne's court in 2011.

COLLABORATIVE COUNCIL REPORT

Judge Byrne acknowledged the advisory efforts and expertise of the Collaborative Council members.

TexProtects Update, Madeline McClure, Executive Director, The Texas Association for the Protection of Children, reported on her association's efforts on representation of thirty groups working in child advocacy and the Round Table events that they hosted over the last year. A legislative and budget agenda have been prepared.

Advocacy Inc., Update, Richard Lavallo, acknowledged the immediacy of the response from the Children's Commission on the issue of foster youth in TYC. Mr. Lavallo asked the members to focus on the issues of use of psychotropic drugs in the treatment of youth in care and also the misuse of physical restraint on youth in RTC's. He recounted two instances where use of physical restraint resulted in death of the youths involved. The need to quantify use of physical restraint, reform practices and propose alternatives is urgent. System wide training concerning the need for trauma-

sensitive programming should be a priority for the Commission during the upcoming year. Mr. Lavallo and Dr. Martinez have discussed methods to incorporate alternative responses to physical restraint developed by the Hogg Foundation. Judge Specia commented on the work underway in San Antonio. Tracy Levins commented that after TYC implemented six core strategies to respond to the youth in the facilities, a 56% reduction in use of restraints was reported in the population. The cost savings to the state are evident with prevention of injuries and associated litigation. Chair Emeritus O'Neill suggested that the Commission develop a workgroup to address the issues and report back at the January Children's Commission meeting.

Mentoring Program Update, David Halpern, the mentoring program for children of incarcerated parents is now in its sixth year. In 2010, there are 300 mentors who provide outreach to children. Presently, there are 89 children who have requested mentors but cannot be served. Mr. Halpern asked the Commission to utilize their networks in the Austin area to identify interested mentors.

Texas Lawyers for Children, Barbara Elias-Perciful, expressed appreciation to the Commission for its support as a key element in TLC's nomination for the Award for Excellence in Social Innovation. Current funding will allow TLC to continue to provide project resources for judges, attorneys and stakeholders. TLC's expanded services will include assistance to multidisciplinary groups as well as judges and attorneys to link to email networks and sustain communication. Advocacy, Inc., has agreed to participate in TLC's communication tools to improve access to the expertise and relevant topics for youth in TYC. The project continues to maintain a comprehensive resource of current topics for use by the state's judges. TLC provides interactive email alerts to over 300 judges and 1,300 attorneys that allow for efficient project planning. Additional detail on TLC's Online Center are included in the report in the meeting notebook.

COMMENTS/NEW BUSINESS

NEXT MEETING

The 2011 meeting schedule of the Children's Commission will be

January 21, 2011

April 29, 2011

July 29, 2011

November 18, 2011

ADJOURNMENT

The meeting was adjourned at 1:12 p.m.

CHILDREN'S COMMISSION MEMBERS

Hon. Eva Guzman, Chair
 Hon. Harriet O'Neill, Chair Emeritus
 Hon. Darlene Byrne, Vice Chair
 Hon. Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Bruce Esterline
 Harper Estes

Joe Gagen
 Stewart W. Gagnon
 Hon. Bonnie Crane Hellums
 Joyce M. James
 Hon. Patricia A. Macias
 Dr. Octavio Martinez
 Selina Mireles
 Carolyne Rodriguez

Hon. Dean Rucker
 Fairy Davenport Rutland
 Hon. Robin Sage
 Hon. Cheryl Lee Shannon
 Hon. Yvonne Gonzalez Toureilles
 G. Allan Van Fleet
 Hon. Judy Warne
 Hon. Jeff Wentworth

COMMITTEE MEMBERS

EXECUTIVE

Hon. Eva Guzman,
Chair
 Hon. Harriett O'Neill,
Chair Emeritus
 Hon. Darlene Byrne
Vice Chair
 Judge Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Hon. Dean Rucker
 Hon. Patricia A. Macias
 Hon. Robin Sage

BASIC PROJECTS

Hon. Robin Sage
Chair
 Joe Gagen
 Hon. Bonnie Crane Hellums
 Colleen McCall
 Hon. Mickey Pennington
 Carolyne Rodriguez
 Hon. Elma Salinas Ender
 Hon. Peter Sakai
 Judge Virginia Schnarr
 Hon. Cheryl Lee Shannon
 Hon. Olen Underwood
 Hon. Doug Warne
*Staff: Tina Amberboy
 Kristi Taylor*

TECHNOLOGY

Hon. Karin Bonicoro
Chair
 Hon. Oscar Gabaldon
 Jason Hassay
 Hon. Gilford Jones
 Elizabeth Kromrei
 Robert Nolen
 Carl Reynolds
 D.J. Tessier
 Linda Uecker
 G. Allan Van Fleet
 Bryan Wilson
Staff: Tina Amberboy

TRAINING

Hon. Camile G. DuBose
Chair
 Mari Kay Bickett
 Cathy Cockerham
 Barbara Elias-Perciful
 Alice Emerson
 Debra Emerson
 Hon. Richard Garcia
 Tracy Harting
 Joyce M. James
 Hon. Lamar McCorkle
 Sandeep Narang
 Shaneka Odom
 Pam Parker
 Fairy Davenport Rutland
 Randy Sarosdy
 Hon. Ellen Smith
Staff: Tiffany Roper

EDUCATION

Hon. Patricia Macias
Chair
 Hon. Cheryl Shannon
Vice Chair
 Joy Baskin
 Claudia Canales
 Jim Crow
 Lori Duke
 Joe Gagen
 Anne Heiligenstein
 Hon. Rob Hofmann
 Carolyne Rodriguez
 Estella Sanchez
 Robert Scott
 Johnny Veselka
Staff: Tiffany Roper

STRATEGIC PLANNING

Harper Estes
Chair
 Hon. Darlene Byrne
Vice Chair
 Hon. Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Hon. Patricia A. Macias
 Hon. Dean Rucker
 Hon. Robin Sage

COLLABORATIVE COUNCIL MEMBERS

Emy Lou Baldrige
 Roy Block
 Irene Clements
 William B. Connolly
 Penny Cook
 Elizabeth Cox
 Kevin Cox
 Susan Hopkins Craven
 De Shaun Ealoms
 Barbara Elias-Perciful
 Debra Emerson
 Mike Foster

Natalie Furdek
 Paul E. Furrh, Jr.
 Eileen Garcia
 David Halpern
 Robert Hartman
 Leslie Hill
 Chris Hubner
 Shannon Ireland
 Lori Kennedy
 Alicia Key
 Richard Lavallo
 Stephanie Ledesma

Tracy Levins
 Rebecca Lightsey
 Madeline McClure
 Hon. F. Scott McCown, ret.
 Diana Martinez
 Sandeep Narang
 Judy Powell
 Chadwick Sapenter
 Johana Scot
 Janet Sharkis
 Armin Steege
 Leslie Strauch

Gloria Terry
 Kenneth Thompson
 Arabia Vargas
 Meghan Weller
 Aaron Williams

Tina Amberboy, Executive Director
 Tiffany Roper, Assistant Director
 Kristi Taylor, Project Manager
 Katie Fillmore, Policy Attorney
 Teri Moran, Communications Manager
 Mari Aaron, Executive Assistant
 Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration
 Carl Reynolds, Administrative Director
Office of Court Administration

STAFF



Children's Commission

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

**Supreme Court of Texas
Permanent Judicial Commission for
Children, Youth and Families**

**REPORT TO THE COMMISSION
January 21, 2011**

**201 W. 14th Street
Austin, Texas 78701**

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for January 21, 2011**

MINUTES– November 12, 2010 meeting (adoption pending), **TAB 1**

COMMISSION MEMBERSHIP CHANGES TAB 2

On January 10, 2010, the Court signed an order appointing the Honorable Judy Warne, Judge of the 257th District Court in Harris County to a three year term on the Commission. Judge Warne has been the presiding judge of the 257th District since 2005 and was elected Administrative Judge of the Family Trial Division in 2010.

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES

New Members:

Lori Kennedy, Managing Attorney, Travis County Office of Parental Representation
Ms. Kennedy's professional background is in juvenile law. Ms. Kennedy was appointed by Governor Rick Perry to serve on the Crime Victims' Institute Advisory Council in 2008.

Leslie Strauch, Clinical Professor, UT School of Law

Prior to her appointment as a Supervising Attorney at the Children's Rights Clinic, Ms. Strauch was an Assistant District Attorney at the Travis County District Attorney's office where she spent almost 8 years representing Child Protective Services in litigation involving child abuse and neglect. She was also a part-time community prosecutor in conjunction with the Austin Police Department. Ms. Strauch began representing CPS in El Paso County as an Assistant County Attorney where she also was assigned to the Juvenile Prosecution Unit. She has been a speaker at many seminars for such organizations as the American Bar Association, the National Association of Counsel for Children, the State Bar of Texas, the Texas County and District Attorney's Association, Court Appointed Family Attorneys, and CASA of Travis County.

Please refer to the updated Collaborative Council list found at Tab 2.

COMMITTEE MEMBERSHIP CHANGES

Catherine Babbitt, who served as a member of the Foster Care Task Force and as a member of the Technology Committee since its inception has elected to discontinue her membership.

STAFF CHANGES

No Staff Changes

COMMITTEE ACTIVITIES

Basic Grant Committee

The Basic Committee held a conference call on January 5th. The details of this report include the history and ongoing progress of staff directed and grant funded projects, including updates of events occurring after the January 5th committee meeting. For minutes regarding the full discussion of that meeting, please see the committee minutes in this meeting notebook under Tab 4.

Update on Basic Projects

1. Child Protection Law Judicial Bench Book

The Bench Book was introduced this August at the CPS Judicial Conference held in San Antonio, moved to the Texas Center for the Judiciary (TCJ) server in November, and made available to all CPS judges on December 1, 2010. CPS Judges who have a secure log-in on TCJ's website can access the Bench Book from the TCJ secure site, including links to cases and statutes on Lexis/Nexis. The Bench Book currently contains statutory requirements and checklists for each phase of a child protection case, as well as information on topics such as Disproportionality, STAR Health and the Permanency Care Assistance program. The Bench Book boasts numerous links to helpful guidelines, forms and other websites. Additional content, including caselaw, DFPS policy and best practice tips, will be added over the next year.

2. Appleseed Permanent Managing Conservatorship (PMC) Project

Texas Appleseed has completed its study of Texas children in PMC and published the final report in November 2010 and made a formal presentation to the Commission at its November 12th meeting. The full report can be found by linking here: http://www.texasappleseed.net/images/stories/reports/FosterCare-rev_press.pdf. An abbreviated version of the report also appeared in the October issue of the Bar Journal. The next step for the Appleseed workgroup will be to start discussions about the Permanency Review Benchmark Hearing Pilot discussed at the November 12th Commission meeting.

3. Round Table Series

The goal of the Round Table Series is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. The Children's Commission sponsored two Round Tables in 2010. One on Achieving Permanency for Children in Foster Care and one on Notice and Engagement in the Court Process. The Permanency Round Table resulted in the Commission's Judicial Technical Assistance Program for judges seeking an analysis of permanency data for their jurisdiction. The Notice and Engagement Round Table report will be published in early 2011 and Staff will update the Commission at future meetings.

4. Legal Representation Study (LRS)

The Children's Commission has been conducting a study of how legal representation is handled around the state. The findings of the LRS study do not differ significantly from

what many in the child-protection community had anticipated. The study shows that much variation exists in almost every aspect of CPS legal representation in Texas – from the timing and length of appointments to the size of the pool of available, qualified attorneys. The final report, published in January 2011, includes 26 recommendations that deal with Method of Appointment, Timing, Duration, Training, Qualifications, Compensation, and Accountability. The entire report can be accessed on the Children’s Commission website: <http://www.supreme.courts.state.tx.us/children.asp>.

5. Jurist in Residence (JIR)

The Jurist in Residence project was created to foster judicial leadership and promote greater expertise among child protection judges. The Commission’s JIR, Judge John Specia, has been instrumental in advancing judicial education and community collaboration across the state. Most recently, Judge Specia consulted with judges from either existing Family Drug Courts or those interested in starting a new court, sharing his experience of creating a drug court from the ground up. The institutional knowledge and first-hand experience of a senior judge in this area of the law is a key to providing child protections judges with much-needed resources. The JIR newsletter has been an effective means of communication for key issues. The last JIR on extended care emphasized important provisions of the Fostering Connection to Success and Adoptions Act that affect many of the transitioning young adults on the CPS dockets. Effective October 1, 2010, this federal act allows states to claim federal Title IV-E dollars for more young adults who opt to remain in extended foster care after turning 18 with the court maintaining oversight. The JIR newsletter helped convey this change in federal law in a succinct and convenient letter. Next on the agenda is a JIR outlining the Public-Private Partnership’s work on Foster Care Redesign.

6. National Adoption Day

In November of each year, court rooms are filled with children in their finest clothes, teddy bears, and cameras flashing as families celebrate National Adoption Day. Local courts, bar associations, advocacy organizations and adoption agencies collaborate to make the finalization of these foster care adoptions a day to remember. These celebrations are supported by the Children’s Commission to help consummate adoptions from foster care, celebrate and honor all families who adopt, and raise awareness about foster care children still waiting for adoption. On November 4th, Justice Eva Guzman joined in the happy day by presiding over adoptions in the Travis County Adoption Day.

7. Judicial Technical Assistance

Judicial Technical Assistance amounts to providing to requesting judges a report that evaluates their jurisdiction’s performance on permanency outcomes as measured by the DFPS data collected due to federal requirements. The federal ACF uses the data to assess and rate how state child-protection systems perform in child safety, permanency and well-being. This joint project with the Center for Public Policy Priorities resulted from the well-received February 2010 PMC Round Table. Judges may use the data report to help them identify areas for improvement. To date, a permanency data analysis has been provided to Bexar County, Travis County, Tarrant County, Gregg

County, the Cen-Tex Child Protection Court Cluster, and requests are pending for Harris County, Anderson County, Brazos County (Bryan), the Brazos River Valley Cluster, Ellis County, and Smith County. We have also used the following counties as comparison counties in preparing the specific county summaries: Harris, Dallas, McLennan, Henderson, Smith, Northeast Texas Cluster, Sabine Valley Cluster, Central Texas Cluster, South Plains Cluster, Brazos River Valley Cluster.

Harris County

A more intense Judicial Technical Assistance project that goes beyond merely providing permanency data analysis is being launched in Harris County in February in partnership with the Harris County judges handling CPS cases, DFPS and Harris County CPS, Casey Family Programs, Texas Appleseed, and the Center for Public Policy Priorities. After the initial meeting, it is anticipated other partners and stakeholders will become involved including prosecutors and attorneys from Harris County, parents, youth, relative caregivers and foster parents. Justice Eva Guzman will begin the dialogue on February 9th with an overview of the Children's Commission's mission followed by a discussion of how children and families move through the judicial system in Harris County. The discussion will also focus on issues such as docketing, accountability, and systemic barriers to resolving cases such as inadequate and inaccessible resources in the community. An update will be provided at the April 2011 meeting.

8. Judicial Disproportionality Workgroup

In an effort to address how cultural and institutional racism contributes to the over-representation of African-American, Native-American and Hispanic youth and families in our child protection system, the Supreme Court Children's Commission, in partnership with Casey Family Programs, Texas Strategic Consulting and the Texas Health and Human Services Center for the Elimination of Disproportionality and Disparities, is forming a workgroup to focus on helping the legal system do its part in addressing this important issue. The JDW will be co-chaired by Joyce James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities, and Carolyne Rodriguez, Senior Director, Texas Strategic Consulting, with Casey Family Programs. The JDW held its first meeting on 12/10/10 and adopted a mission statement as well as anti-racist principles that will guide the workgroups course. Each member of the workgroup will participate in an Undoing Racism workshop on February 16 – 18, 2011, which will be sponsored by the Children's Commission. The JDW anticipates bringing training to four jurisdictions in 2011. A planning session in Bryan-College Station is scheduled for January 24th as the first stop on the tour.

9. NCJFCJ Legal Orphan Project

A new project for 2011 will focus on how courts and judicial practice can help stem the growing number of children who are aging out of foster care as legal orphans. Judge Michael Key, current president of the NCJFCJ, has recruited an ad hoc committee composed of a few states to examine the issue in order to present findings and recommendations to the Administration of Children and Families. Texas was selected

as one of the states to participate in the project. The financial contribution required of each state will be approximately \$5,000.00.

The Legal Orphan Project targets at youth who are at risk of aging out without biological ties to any parent. Legal orphans cannot inherit, benefit from being added to a parent's insurance, cannot get any SSI or military benefits that might be passed through from a parent or even a grand parent. The deliverables for each participant state: to identify the number of children who are 12 and older with termination of parental rights regardless of whether their plan is adoption and who have been in foster care for at least one year; to produce a written report about the problem, propose solutions, and start a national dialogue among child welfare professionals and the judiciary; to build a national curriculum around permanency counseling for children who identify as not interested in being adopted.

10. Reform of the Interstate Compact for the Placement of Children (ICPC)

The ICPC is a uniform compact enacted in each state and it governs the placement of foster children who move from one state to another in that it prohibits a state from placing a child in another state without first obtaining approval from the receiving or placement state. It is considered by most child welfare professionals to be the cause of tremendous and unnecessary delay in placing children in permanent homes. It prolongs the length of stay in foster care, which in turn costs states and judicial systems money, and months and sometimes years of a child's life.

Currently, the ICPC is controlled by the American Public Human Services Association, which administers the Compact on behalf of the states. Although the APHSA recognizes that problem exists, it has been unable to produce an amended compact that child welfare professionals and states will agree to. Most professionals knowledgeable about the ICPC express concern over three main issues dealing with the subjective nature of homestudies, the failure to provide a presumption of non-custodial parental fitness, and the ability for judicial review or appeal of the denial for placement.

As one national expert has stated, "The unreviewable denials act as *de facto* terminations of parental rights." And, three states have struck down the application of the ICPC in certain instances to place children with their birth parents.

Thus, many child welfare professionals have determined that it is time for the ICPC to be reformed. The National Association of Counsel for Children (NACC) has formed a national workgroup, and Texas has been invited to participate in the dialogue about what can be done, and how to proceed.

Training Grant Committee

The Training Committee met by conference call on January 12, 2011. The details of this report include the history and ongoing progress of training committee projects. For minutes regarding the full discussion at the January 12th meeting, please see the minutes in this meeting notebook under Tab 4.

Training Grant Applications / Funding Requests

Update on FY2010 and FY2011 Projects

Attorney Education

1. NACC Child Welfare Law Conference – The NACC conference was held October 20-23, 2010, in Austin. This annual conference offered nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases. The Commission approved \$130,000 to sponsor the conference and to offer scholarships for attorneys to attend. In all, over 220 attorneys received registration scholarships and roughly 25 members of the Texas judiciary and the Commission's Training Committee attended the conference, its largest in the NACC's 33 year history.

2. Scholarships for Child Abuse and Neglect Track at Advanced Family Law (AFL) – In FY 2010, 42 attended the Child Abuse and Neglect Track at Advanced Family Law on commission-funded scholarships. At the July 2010 meeting, the committee approved funding of \$5,000 to provide registration scholarships to attorneys for the day-long Child Abuse and Neglect Track at the State Bar of Texas Annual Advanced Family Law Conference in 2011. Commission staff is working with the State Bar regarding the 2011 scholarships.

3. Scholarships for DFPS attorneys to attend NACC annual conference in October or Advanced Family Law (AFL) Child Abuse and Neglect Track in August -- Committee members approved \$20,000 to provide scholarships for DFPS attorneys who otherwise would not be able to attend legal training to attend either the NACC or the AFL conference. DFPS submitted two grant applications for the attorney training -- \$15,000 for NACC and \$5,000 for AFL. At the July 2010 meeting, the committee ratified the award statements. Seven DFPS attorneys attended the AFL track and approximately 15-20 attended the NACC conference. At the January 12 meeting, the committee approved expending \$2273.75 of FY 2011 funds to reimburse DFPS for travel expenses incurred to attend the Advanced Family Law Child Abuse and Neglect Track.

4. Trial Skills Training – The committee approved \$40,000 at the July 2010 meeting to develop trial skills training in FY 2011. Commission staff is exploring existing options through the National Institute of Trial Advocacy (NITA), NACC and the American Bar Association (ABA) to determine whether the training may be modified to fit the needs of Texas attorneys or whether a trial skills curriculum should be developed independently. A trial skills training advisory group will be formed to determine how the trial skills training should be developed. NITA, in partnership with the University of Houston Law Center, will present a juvenile and family law trial advocacy course April 8-9, 2011.

5. Child Welfare Law Certification – In May 2009, the Texas Board of Legal Specialization approved the application of NACC to offer child welfare law certification to qualifying Texas attorneys. Fourteen Texas attorneys applied for the 2010 certification exam and thirteen of the fourteen attorneys sat for the exam. In July 2010,

the NACC certified 12 Texas lawyers and one judge as Child Welfare Specialists. The committee set aside \$20,000 to support training for the certification exam. Commission staff is working with the NACC to bring the training to Texas before the 2012 certification examination.

6. *Prosecutor Training* – The committee approved funding of \$35,000 for a CPS track at the upcoming Texas District and County Attorneys Association (TDCAA) Crimes against Children Conference, which is scheduled in April 2011. The funding will be used to support attendance by DFPS attorneys. Additionally, there will be 5 registration scholarships available for children and parents' attorneys. Pam Parker from DFPS helped develop the agenda for the 2-day CPS track.

7. *SBOT CAN Committee Multi-disciplinary Training in FY 2011* – The State Bar of Texas Child Abuse and Neglect Committee plans to put on a multi-disciplinary conference in FY 2011. The committee approved setting aside \$25,000 in the FY 2011 budget to support this conference.

8. *American Bar Association (ABA) Parent Attorney and Children and the Law Conferences in FY 2011* – At the January meeting, the committee approved funding of \$60,000 to work with the ABA to send Texas attorneys to the two upcoming conferences. Training grant funding will cover registration and possibly lodging expenses and administrative costs of the ABA. Attorneys will be expected to cover travel and other expenses. The Parent Attorney Conference is scheduled for July 13-14, 2011 and the Children and the Law Conference is scheduled for January 15-16, 2011, both in the Washington, D.C. area.

Judicial Training

1. *The Texas for the Judiciary (TCJ) conferences in 2011:*

NCJFCJ National Conference on Juvenile and Family Law and Annual Conference –In 2011, the NCJFCJ National Conference on Juvenile and Family Law will occur in March in Reno and the Annual Conference of the NCJFCJ will be held during July in New York City. At its July meeting, the committee approved funding scholarships for judges to attend these conferences next year.

Beyond the Bench – The Beyond the Bench conference brings together a comprehensive list of stakeholders in the child-protection system from a particular region for a two-day multi-disciplinary training that includes open communication and collaboration, brainstorming, and problem solving as well as discussion of best practices. Stakeholders who participate include judges, prosecutors, CASA, CPS, foster parents, educators, mental health/substance abuse professionals, public health professionals, law enforcement, the Texas Workforce Commission, educators, former foster youth, and parents formerly involved with CPS.

The most recent Beyond the Bench conference was held for Harris County courts April 21-23, 2010 in Galveston. The next Beyond the Bench will occur in August

24-26, 2011 and will target courts in Central Texas. TCJ will get planning underway in FY 2011 for a state-wide Beyond the Bench to occur in 2012.

Implicit Bias in Judicial Decision-Making – This judicial conference, the first of its kind in Texas for child protection judges, took place May 10-11, 2010 in Bastrop. The conference addressed implicit bias in judicial decision-making and tools for judges to use to avoid it. Feedback from the training was extremely positive. The next conference regarding implicit bias in judicial decision-making is scheduled June 6-7, 2011.

Associate Judges Conference – This conference occurred July 5-7, 2010 in Austin. This annual conference was for Texas associate judges who hear the bulk of child-welfare cases and included IV-D judges. In 2011, this conference will be combined with the CPS Judges Conference.

CPS Judges Conference – This annual conference, held August 4-6, 2010 in San Antonio, is designed specifically for judges who hear child-protection cases and focuses on best practices and cross-disciplinary issues. Commission staff worked with the Texas Center for the Judiciary regarding curriculum for this conference. The committee approved funding the CPS Judges Conference in FY 2011; it is scheduled in July 6-8, 2011.

Other Judicial Conferences

TCJ broadened the scope of the language in its FY2011 grant application to include conferences held by national organizations other than the NCJFCJ; the committee approved funding for additional judicial conferences at its July meeting.

Judicial Technical Assistance – In March 2010, the committee approved funding for the Texas Center for the Judiciary to work with experts who may provide judicial technical assistance to improve moving children to permanency. In 2010, judicial technical assistance primarily funded analysis of county-level data, particularly looking at permanency outcomes. Additional courts have requested an analysis of their jurisdiction since the last commission meeting. At the July committee meeting, the committee approved funds requested by TCJ to continue providing judicial technical assistance in FY 2011.

Funding for Local Training –Beginning FY 2011, as part of its grant award activities, if commission staff approves a grant application of a court for local training, TCJ will handle reimbursement of approved costs incurred for the training. Funding for local training will be included in the award given to TCJ. The committee approved the use of training grant funding for this project in FY 2011.

2. *Office of Court Administration (OCA) Judicial Education* – The Office of Court Administration's training is usually scheduled in October. The CIP Training Grant funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. OCA pushed back the training to March 7-8, 2011 because of judicial interest in attending the NACC conference in October 2010. Commission staff

is working with OCA on the conference agenda, which will likely include national speakers on educational outcomes of foster youth and judicial leadership. The committee approved funding of \$30,000 for the OCA Annual Conference in FY 2011.

3. *Drug Court Round Table* – In January 2010, the committee approved \$40,000 for a family treatment drug court round table. A planning workgroup held several meetings in 2009 and 2010 to put together the round table, which was held November 3-4, 2010 in Austin. Eleven family treatment drug court teams attended. Children and Family Futures provided technical assistance to plan the round table and funded several national speakers. The evaluations received from participants provided positive feedback on the information provided at the event and there is strong interest in a subsequent round table in 2011.

4. *Local Jurisdiction Disproportionality Training* – At its July meeting, the committee approved funding of \$30,000 to be used for local jurisdiction disproportionality training in FY 2011. Since the meeting, the Commission approved the creation of a workgroup to determine the scope of this training. The workgroup held its first meeting in December 2010. At least one court has indicated interest in sponsoring a local disproportionality workshop in its jurisdiction and planning for that training will be held in February.

5. *Mediation Project* – Cynthia Bryant, clinical professor at the University of Texas School of Law Mediation Clinic recently wrote a report on the state of CPS mediations in Texas, including review of how cases are referred to mediation, how attorneys are trained to advocate for their clients during mediation, and when in the case timeline mediations are usually conducted. The report, though comprehensive, drew attention to the lack of data regarding mediations and of guidelines for attorneys, mediators, and judges regarding CPS mediations.

Ms. Bryant and Susan Schultz, Center for Public Policy Dispute Resolution at the University of Texas School of Law and potentially the LBJ School of Public Affairs plan to collaborate in the development of a policy research class of law and/or public affairs students to conduct research and produce a report regarding CPS mediations. The committee approved funding of \$25,000 for a mediation project in FY 2011.

6. *Children and the Courtroom Project* – Commission staff will work with the Children's Advocacy Centers of Texas to produce a guide of best practices regarding child testimony in civil and criminal child abuse and neglect proceedings. A grant application to fund this project will likely be discussed by the Training Committee at its next meeting.

Technology Committee Report

The Technology Committee met via conference call on January 6, 2011. For minutes regarding the full discussion of that meeting, please see the committee minutes in this meeting notebook under Tab 4.

1. CPCMS

At its July 29 meeting, the Technology Committee voted to recommend that the Commission approve funding \$92,000 for FY2011 to the Child Protection Case Management System (CPCMS). The CPCMS project team has been working on version 2.0 and enhancements as well as Outcome Reporting enhancements. Work on Version 3.0 enhancements began in December 2010, and by the January 6th meeting, the team had an additional 70 enhancement tickets to process. OCA has requested an amendment to their FY2011 grant to process these enhancements and clean up data as part of the reporting enhancement work. At the committee meeting January 6th, Judge Bonicoro, Chair, requested TexDECK staff to conduct an assessment of the total investment in the initial product, the investment required since the roll-out in September 2009, and the utilization rate of the case management system.

2. National Information Exchange Model (NIEM)

Dialogue continues with the National Center for State Courts, Judge Rob Hofmann, and Commission Staff to explore taking data exchange work to the next level to focus on the legal issues and barriers to exchange. Potential legal issues exist with regard to confidentiality and privacy, ex-parte issues with entities having direct communication with the court through direct data exchange, how to memorialize information for appeal, and other similar issues that are more "legal" than technical as well as issues regarding why the judiciary may be hesitant to accept data exchange and how to address those concerns. Work continues with regard to national court performance measures focused on education outcomes as part of the child well-being measures, which are not currently tracked.

4. Video Conferencing

At its August 20, 2010, the Commission approved funding of up to \$250,000 for FY2011 to acquire and install video conferencing equipment to facilitate the participation of children who are in out of county placements in their permanency and placement hearings. Anecdotally the presence of children in CPS court hearings in Texas is rare. The reasons vary across the state and include cost, distance, personnel, contract issues, absences from school, and judicial preferences. The Children's Commission has examined the legal ramifications and complexities associated with using video conferencing to facilitate children participating in court hearings in those circumstances where children would not otherwise attend or participate. The staff developed a guidance document that examined the purpose, the scope, confidentiality, security, technology barriers, equipment requirements, and protocol for use of video technology, with a goal of finding a solution to accommodate a variety of network assets across the state, connect multiple sites, share documents, and record hearings, while delivering high quality video at affordable prices. Staff met with three vendors in December and January and was presented with very promising solutions that can achieve all of these objectives. Another update will be provided at the next Commission meeting.

5. Data Interface for Data Sharing

At the August 20, 2010 Commission meeting, CIRA was granted \$74,336 to develop and implement Data Interface(s) for data sharing with the Comprehensive Integrated Justice Information Management System (CIJIMS) for all forty-seven participating

CIRA counties. CIRA advised in December that the project originally proposed will likely not proceed.

OCA has recommended retargeting these funds for potential interface development between the CPCMS and the Juvenile Case Management System (JCMS) project hosted by the Conference of Urban Counties (CUC) TechShare program, and the Technology Committee approved this proposed direction on January 6, 2011.

6. Improve Network Connectivity at the Child Protection Court Locations

At the August 20, 2010 meeting, the Commission voted to approve funding \$160,150 in FY2011 to improve network connectivity at the Child Protection Court Locations with these two conditions: 1) funds be set aside subject to coordination with CIRA; and 2) there is coordination with any other state or federal funded programs already underway in Texas. Committee members discussed the problem of variance in connectivity strength for CPC court staff who use air cards to connect to the internet. Solutions should include non-recurring expenses and efforts should be coordinated with CIRA's broadband service to ensure that existing service capabilities are optimized. There are twenty-nine county court sites identified as having insufficient access to cellular internet connectivity using cellular air cards. Improvement of connectivity at these court locations can be improved through four options:

- Change in provider of air card (i.e., Sprint, Verizon, AT&T)
- Installation of a cellular booster to enhance signal strength
- Work with County IT staff to access existing or install a Wi-fi connection
- Work with County IT staff to install a hardwired connection

To date: Sprint and Verizon account representatives have been contacted to secure (on a temporary loaner basis) new cellular air-cards to begin site specific testing (27 locations) of availability of service provider signal and bandwidth throughput. Based on scheduled (January 2-8) delivery of new cellular air-cards, testing is scheduled to begin the week of January 9-15. Once testing is completed assessment of test results (signal strength and data throughput) for the newer cellular aircards at each of the 27 specific court sites, next will be efforts to determine if switching cellular service providers is an appropriate solution and if the additional installation of a cellular booster or cellular repeater system is required as part of the solution, if cellular service from all available providers is unacceptable at a specific court site, then staff will determine if Internet service can be accessed through the county LAN/WAN or broadband access can be acquired and implemented directly into the courtroom. The project will implement the best solution for each of the 27 court sites. This is planned as a 6 month project.

7. Temporary Staffing for Data Entry at Child Protection Courts

The Commission voted on August 20, 2010 to approve funding \$40,000 in FY2011 to hire temporary staff to do data entry of case information into CPCMS at four CPCs. This one-time expenditure will help the court eliminate a current backlog in their data entry and bring them up-to-date. Temporary staff began work in the East Texas CPC on January 6, 2011, and will then move to the Brazos River Valley CPC. If there is funding available under the current allocation, the temporary staff will move to the Southeast

Texas CPC and the Three Rivers CPC. The goal is for all data entry in the four Region 2 CPCs to be completed by the end of the federal fiscal year (Sept. 30, 2011).

Education Committee Report

On May 20, 2010, the Supreme Court of Texas signed the *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*. The idea of this special committee arose during the October 2009 National Judicial Summit when the Texas team developed and adopted a state action plan that included the goals of improving education outcomes for kids in care and keeping foster children closer to their homes.

On September 30-October 1, 2010, the Education Committee, chaired by Judge Patricia Macias, held its first meeting. The Education Committee meeting was facilitated by Kathleen McNaught, the Assistant Director for Child Welfare at the American Bar Association Center on Children and the Law as well as the Project Director for the Legal Center for Foster Care and Education, a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system.

During the meeting, the committee reviewed the charge given to them by the Supreme Court in its *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*, discussed the many educational challenges facing Texas foster youth, and developed the following principles, to guide the work of the committee.

The Education Committee held its next meeting on January 7, 2011. During this meeting, several committee members and organizations took part in panel presentations regarding the education provisions of the federal *Fostering Connections to Success Act* and data sharing between agencies. The committee approved the structure of, charge to, and membership of its four sub-committees, which are:

1. School Readiness (Foster Children Age 0-5)
2. School Stability and Transitions (Foster Children Age 5-17)
3. School Experience, Supports, and Advocacy (Foster Children Age 5-17)
4. Post-secondary Education (Older Foster Youth)

The sub-committees will begin meeting in early 2011 and will continue meeting throughout the year, reporting back to each other and to the committee about their progress.

The Education Committee will submit its end-of-year report to the Commission at the January 21, 2011 commission meeting.

Strategic Planning Committee

Report: At its April 30 meeting, the Commission directed the three standing committees to review the existing strategic plan and submit their comments or proposed changes to the Strategic Planning Committee that was scheduled to meet on August 19.

The committee, chaired by Harper Estes includes chairs of each committee (Basic - Robin Sage, Technology - Karin Bonicoro, Training - Camile DuBose, Education – Patricia Macias, Legislative – Dean Rucker), Commission Vice Chair Darlene Byrne, and Audrey Deckinga, the DFPS Assistant Commissioner for CPS. A verbal report to the Commission regarding the August 19th meeting was delivered by the Committee Chair at the August 20th meeting. The Strategic Planning Committee met again on November 11, 2010, and the Chair provided a report at the November 12, 2010, meeting. The committee decided to broaden the strategic plan goals under three headings: **Evaluate, Educate, and Improve**. The suggested tools to accomplish the goals would be judicial leadership, collaboration and cultural awareness/Disproportionality. The Children’s Commission staff continues to work on the new goals and directives and will convene another meeting of the Strategic Planning Committee in early 2011. A formal revised strategic plan will be adopted in 2011.

Legislative Workgroup

The Legislative Workgroup will meet by conference call periodically to discuss the appropriateness and necessity of developing resource papers in consideration of proposed amendments to the Texas Family Code. The purpose of the resource papers issued by the Children’s Commission is to assess a proposed bill’s impact on judicial administration of child-protection cases. They are developed based on the contributions of a judicial work group consisting of trial judges that hear child-protection cases, and are not intended as advisories issued by the Supreme Court of Texas or any other court. Resource papers are not rulings on specific cases or legal issues, but are solely intended to address the improvement of the law, the legal system, and the administration of justice.

To date, resource papers have been initiated or issued on Senate Bill 218 and House Bill 436.

**The Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families**

Basic Committee Meeting Minutes

October 13, 2010

This meeting was held at noon on October 13, 2010, via teleconference.

ATTENDANCE OF MEMBERS

Members Present

Members Absent

Name		Name
Hon. Robin Sage, Chair	Teleconference	
Hon. Elma Salinas Ender, Member	Teleconference	Hon. Mickey Pennington, Member
Hon. Bonnie Hellums, Member	Teleconference	Hon. Doug Warne, Member
Hon. Peter Sakai, Member	Teleconference	Ms. Carolyn Rodriguez, Member
Hon. Virginia Schnarr, Member	Teleconference	
Hon. Cheryl Lee Shannon, Member	Teleconference	
Mr. Joe Gagen, Member	Teleconference	
Ms. Colleen McCall, Member	Teleconference	
Ms. Tina Amberboy, Staff	In Person	
Ms. Kristi Taylor, Staff	In Person	
Ms. Mari Aaron, Staff	In Person	

I. Call to Order

Judge Sage, Committee Chair, called the meeting to order at 12:08 p.m.

II. Update on Basic Projects

Ms. Taylor noted that there are no new projects or budget amendments for the FY2011 Basic budget at this time.

a. Bench Book

An update on the Bench Book project was presented. The Bench Book was introduced at the CPS Judicial Conference held in San Antonio in August. Migration to the Texas Center for the Judiciary (TCJ) server was completed in November. The resource became available to all CPS judges on December 1. Committee members discussed questions with regard to access and usage. Ms. Amberboy will provide instructions to the Committee members and the judges will verify that their access capabilities are fully functional and report any problems to staff.

b. Round Tables

Ms. Taylor reported on the Round Table on Notice and Engagement held in December. Feedback has been positive. The meeting notes are extensive and will be distributed to the workgroup participants and all interested parties soon. During 2011, a Round Table on Reunification will be scheduled. Judge Shannon noted that the issue of reunification is significant. Tina noted that work is underway on the resource paper

that includes research on the legislative history and will provide Judge Shannon with a copy of the paper. Ms. Amberboy asked for input from the judges on the committee about requests for their input on responses to legislative issues. Judges Shannon, Sage and Sakai all agreed as to the importance of having the judges' input.

c. Legal Representation Study (LRS)

The Legal Representation Study workgroup will submit their final comments at the end of this week. The report is scheduled for publication this month and will be presented at the Children's Commission meeting on January 21.

d. Jurist in Residence (JIR)

Ms. Taylor provided an update on the project. Judge Specia will participate in a judicial outreach meeting with Harris County family court judges this February. The meeting is a follow up to the Beyond the Bench meeting held in April 2010. In addition, the judges will hear recommendations from the Applesed study during the meeting.

e. Judicial Disproportionality Workgroup

The workgroup held their first meeting in Austin in early December. The group developed a mission statement to guide future activity and all agreed to continue to meet and develop principles and strategies to address the issue of disproportionality and disparate outcomes in the child protection system. The workgroup members will participate in an Undoing Racism workshop on February 16-18. The group is reviewing the notes from the meeting and will distribute the final version. An Implicit Bias conference will be held in late spring. Ms. Amberboy invited any interested judges to participate in the Undoing Racism workshop and/or the Implicit Bias conference.

f. Video Conferencing

Ms. Amberboy reported on meetings held with three vendors who are pre-qualified on the state Centralized Master Bidders List (CMBL). Visionality, one of the three companies, proposed a robust solution that provides functionality with various technologies and other existing systems, including the system in place in Dallas. Multiple devices can be utilized to participate in the video conference, including laptops, desktops, i-phone or android cellular phones. OCA has agreed to be the 'bridge' and manage the communication effort required. The system satisfies the security requirements previously reviewed and discussed by the staff. The proposal submitted by the company quoted \$62,000 for the initial capacity of 26 lines and supporting hardware, which can accommodate at least two participants per line. There is an option to expand capacity. The proposal is under review and additional information will be provided to the committee.

g. Adoption Day

Justice Guzman presided at the Adoption Day ceremony held in Travis County in November.

III. Strategic Planning

The Strategic Planning Committee met in November. Progress on the recommendations of the committee has been postponed while the Commission staff work on close out of the grant year and prepare end of year reports for the Administration of Children and Families and the Supreme Court.

IV. Education Committee

The next meeting of the Education Committee will be on January 7. Ms. Roper has worked diligently in the planning and preparation for the meeting. Committee members will provide presentations on topics that were determined at the initial meeting in October. The committee will determine the structure and membership for its sub-committees and develop the purpose of each sub-committee. In addition, the meeting will provide the opportunity for cross-systems education and collaboration for the members.

V. Mississippi Commission on Children's Justice

Ms. Taylor reported on the upcoming visit by members of the Mississippi Commission on Children's Justice on January 27. The Mississippi members will meet with Chief Justice Jefferson and members of the Children's Commission to consult on further development of their commission. Mr. Dennis Perkins, the planning representative from the Mississippi OCA, has shared that education is a primary focus.

VI. Foster Care Redesign Report

Judge Sakai inquired about the status of the distribution of the report to all the judges who hear these cases. Ms. Amberboy noted that there is a need for the providers to educate their constituents with regard to the report results and to clarify outcomes. The Commission needs to educate judges and attorneys. A Jurist In Residence letter will be prepared that will provide more detail with regard to the committee actions and intent.

VII. New Business

The committee had no new business to put forth at this meeting.

VIII. Next Meeting

The next meeting of the Basic Committee will be on April 13, 2011 from 12:00 p.m. – 1:00 p.m. (Conference Call)

IX. Adjourn

The meeting adjourned at 12:35 pm

**The Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families**

Training Committee Meeting Minutes

January 12, 2011

ATTENDANCE OF MEMBERS

Members Present		Members Absent
Name		Name
Judge Camile DuBose, Chair	Teleconference	
Ms. Alice Emerson, Member	Teleconference	Ms. Cathy Cockerham, Member
Ms. Debra Emerson, Member	Teleconference	Ms. Barbara Elias-Perciful, Member
Judge Richard Garcia, Member	Teleconference	Ms. Joyce James, Member
Ms. Tracy Harting, Member	Teleconference	Hon. Lamar McCorkle, Member
Dr. Sandeep Narang, Member	Teleconference	Ms. Shaneka Odom, Member
Ms. Pam Parker, Member	Teleconference	
Ms. Fairy Davenport Rutland, Member	Teleconference	
Mr. Randy Sarosdy	Teleconference	
Judge Ellen Smith, Member	Teleconference	
Ms. Ginny Woods, TCJ	Teleconference	
Ms. Joy Rauls, Guest	Teleconference	
Ms. Meghan Weller, Guest	Teleconference	
Ms. Tiffany Roper, Staff	In Person	
Ms. Mari Aaron, Staff	In Person	

The Committee had a quorum present for this meeting.

I. Call to Order

Judge DuBose called the meeting to order at 12:05 p.m.

II. Roll Call/ Introductions

Judge DuBose requested all members on the teleconference identify themselves. She also recognized guests on the call.

III. Changes to Committee Membership

Dr. Sandeep Narang is a new member of the Commission’s Collaroborative Council and the Training Committee. He is with the Christus Santa Rosa Children’s Hospital Center for Miracles in San Antonio. He also holds a J.D.

IV. Adoption of Minutes

ACTION: Judge DuBose asked for a motion to ratify the approval of the October 26, 2010 Training Committee meeting minutes. Judge Garcia made a motion, Ms. Pam Parker seconded, and the motion passed.

V. Update on Training Grant Funding

Judge DuBose advised the committee that the funding for FY2011 is approved. In the past four fiscal years the range of funding is between \$565,000 to \$599,000. The exact amount for FY2011 will be in this range and once final, the amount will be reported to the committee.

VI. Update on Training Projects

a. Child Welfare Law Conference 2010

- *The conference was held on October 20-23, 2010 in Austin (Hilton)*
- *Scholarships were awarded to over 220 attorneys, plus 25 judges and/or training committee members*
- *The total funding for this conference was \$130,000, which covered scholarships and speaker/conference fees*
- *During future meetings of this committee the agenda will include discussion on set aside of funding to send a number of attorneys to the 2011 annual conference, scheduled for August 30-September 1 in San Diego, California*

b. Child Abuse and Neglect Track at Advanced Family Law

- *The Supreme Court of Texas and the State Bar of Texas signed an interagency agreement for registration and payment for attorney scholarships in June*
- *There were 42 attorneys who attended on scholarships, in addition to the Children's Commission staff*
- *Commission approved \$5,000 at its August 20 meeting for attorney scholarships to attend the workshop in 2011*
- *Ms. Roper has begun work on the agreement with the State Bar for the 2011 attorney scholarship project*

c. DFPS Attorney Training

- *7 DFPS attorneys attended AFL and around 17 attended NACC on grant funding*
- *Work is underway with DFPS and TDCAA for the DFPS attorneys to attend the April 2011 TDCAA conference; the conference will include a DFPS attorney track*
- *DFPS was unable to submit the request for reimbursement for travel to the AFL child abuse and neglect track prior to the end of the 2010 fiscal year; the allocated funds rolled into the FY 2011 budget*

ACTION: Judge DuBose asked for a motion to approve a recommendation to the commission that DFPS be reimbursed in the amount of \$2,273.75 out of the FY2011 budget for expenses incurred by DFPS attorneys who traveled to the workshop. Ms. Debra Emerson made a motion, Ms. Alice Emerson seconded, and the motion passed.

d. TCJ in 2010 and 2011

- *Ginny Wood and Heidi Penix will be the contacts for CIP funded projects at TCJ*
- *CPS Judges Conference – is tentatively scheduled for July 6-8 in Austin. Planning is underway with TCJ for the conference agenda and will include the Associate Judge conference material as well. OCA is collaborating to include material from the IV-D judge track.*
- *Beyond the Bench – Start planning for statewide in 2012; scheduled August 24-26, 2011 for central Texas courts..*

- Implicit Bias in Judicial Decision-Making – *scheduled for June 6-7 2011 in Austin.*
 - National conferences –*NCJFCJ Reno (March 27-30, 2011); NCJFCJ NYC (July 2011); several other conferences are under consideration and include a substance abuse/child welfare/courts training in late 2011.*
 - Local jurisdictional training grants and judicial technical assistance – *Recent JTA requests have been received from Anderson County, Smith County, a court in Harris County, Ellis County, Cen-Tex CPC and East Texas CPC*
- e. OCA Child Protection Court Judges Conference**
- *Rescheduled to March 7-8, 2011 in order not to conflict with the October NACC conference*
 - *Ms. Roper is coordinating with OCA on the conference; helping to bring in a couple of national speakers on education and judicial leadership*
- f. Drug Court Round Table**
- *November 3-4 in Austin*
 - *11 family treatment drug court teams attended*
 - *The event was completed well under budget*
 - *The evaluations received from participants provided positive feedback; there is interest in another Round Table in 2011*
- g. Trial Skills Training**
- *\$40,000 approved for this training at January meeting*
 - *Ms. Roper has met with the two attorneys who attended the NITA train the trainer in November in addition to other experienced trial lawyers to discuss training parameters*
 - *Discussion with Professor Peter Hoffman at the UH Law Center on making the NITA training more Texas and child welfare specific has occurred as well as a conversation with David Halpern at the Texas Attorney General's office regarding work with the SBoT and ABOTA to present training.*
 - *Training provided by a national entity traveling into the state may be cost prohibitive*
 - *Propose the establishment of a workgroup to develop a training curriculum or identify and work with an entity to create a curriculum that can be conducted around the state by trained facilitators*
- h. Prosecutor Training – working with TDCAA**
- *The committee approved \$35,000 for DFPS attorneys to attend the TDCAA Crimes Against Children Conference upcoming in Houston, Texas in April*
 - *The conference includes a 2-day track for DFPS attorneys*
 - *Ms. Roper is working with DFPS to finalize the grant application details and include providing registration and travel costs for approximately 25 DFPS attorneys*
 - *TDCAA will offer 5 registration scholarships to children and parent attorneys; additional details will be distributed once received*
- i. Child Welfare Law Certification**
- *The certification is accredited by the ABA; endorsed by NCJFCJ, Council of Chief Justices and the national court administrator program*
 - *The certification will be offered in 29 states in 2011*

- *12 Texas attorneys and one judge received the certification and were recognized at the NACC conference last October in Austin*
- *At the July meeting of this committee, \$20,000 were set aside for red book training*
- *NACC is at work on a revamp of the certification exam and of the red book training*
- *NACC is aware of the interest in Texas and Ms. Roper has spoken to NACC about holding red book training in Texas prior to the 2012 exam date*
- *The Quality Improvement Center for the Legal Representation of Children will offer an application fee waiver to 200 applicants nationwide; they began to accept waiver requests on January 1; information to request the waiver can be located on the NACC website.*

j. Local Jurisdiction Disproportionality Training

- *Committee approved \$30,000 for local disproportionality training at July meeting*
- *Ms. Amberboy formed a special workgroup to work on judicial training on disproportionality issues; during 2011, the workgroup will review the best methods to deliver the training on a local basis*
- *The initial meeting was held in Austin in December and a mission statement was adopted at that time in addition to principles to guide the work*
- *At least one judge is interested in holding a local disproportionality workshop in early 2011; a planning session is scheduled in Bryan-College Station on January 24*
- *The workgroup members will participate in an Undoing Racism workshop on February 16-18 in Austin*

k. Mediation Project

- *Committee approved \$25,000 for project at July meeting*
- *UT Law Mediation Clinic, UT Center for Public Policy Dispute Resolution Center, LBJ School of Public Affairs – joint Policy Research Project (PRP) in Fall 2011*
- *Ms. Roper will continue to meet with Cynthia Bryant and Susan Schultz to develop the project and will include work to identify data to collect as 'baseline' data. A meeting to discuss the project will be scheduled with Sherri Greenberg at the LBJ School. Carl Reynolds will consult on data collection*
- *The project will look at examination of short and long-term impact of CPS mediation; the impact of mediation on child safety and permanency measures; the use of family group decision-making in conjunction with mediation and examine the types of cases that are referred to mediation*

l. SBOT CAN committee multi-disciplinary training in FY 2011

- *Committee approved \$25,000 for this grant*
- *The committee is asked to consider use of ABA Parent Attorney training as part of the break-out for parent attorneys; if the committee is favorable, Ms. Roper will work with the ABA to bring in a representative for the conference*
- *The planning is in the initial stages*
- *Ms. Rutland will follow up with Ms. Carole Hurley on the status of the project*

m. Parent Attorney Conference and Child Attorney Conference

- *The ABA is hosting another Parents' Attorney Conference, July 13-14, 2011 in the DC area*
- *The Child's Attorney Conference will be held on July 15-6, 2011 in the DC area*
- *Ms. Roper spoke to the ABA, which thinks it can handle the hotel and registration scholarships for qualifying Texas attorneys who attend*

- *The project is estimated at \$60,000; the funds would cover registration and lodging plus the administrative costs for the ABA*
- *To ensure full participation by attorneys who receive the scholarship to attend, the attorneys are responsible for their travel, food and per diem expenses, including taxi fare*
- *The estimate is for 25 parents attorneys and 25 child attorneys to attend the conference*

ACTION: Judge DuBose asked for a motion to approve funding in the amount of \$60,000 out of the FY2011 budget to work with the ABA to send Texas attorneys to the national Parents' Attorney and Child's Attorney Conferences in 2011. Judge Smith made a motion, Ms. Pam Parker seconded, and the motion passed.

VII. New Business

- **Guide for Child Friendly Courthouses**

Joy Rauls and Meghan Weller of the Children's Advocacy Centers of Texas provided background information to the committee on a proposed grant application to fund a project to develop a best practice guide to enhance child friendly courthouses for children who must testify in court in Texas. Ms. Roper noted that there will be a formal presentation regarding the proposal in April.

- **Next Meeting Schedule**

Judge DuBose proposed the week of April 4 for the next committee meeting; the final date will be distributed by Ms. Roper to the committee.

VIII. ADJOURN

The meeting adjourned at 12:38 p.m.

**The Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families**

Technology Committee Meeting Minutes

January 6, 2011

**Location: Tom C. Clark Building 201 W. 14th Street – OCA 6th Floor Conference Room
Austin, TX**

ATTENDANCE OF MEMBERS

Members Present		Members Absent
Name		Name
Hon. Karin Bonicoro, Chair	In Person	
Hon. Oscar Gabaldon, Member	Teleconference	Hon. Gilford Jones
Mr. Jason Hassay, Member	Teleconference	Mr. Kevin Cox, Member
Mr. Carl Reynolds, Member	In Person	Ms. Elizabeth Kromrei, Member
Ms. D. J. Tessier, Member	Teleconference	Mr. Robert Nolen, Member
Ms. Linda Uecker, Member	Teleconference	Ms. Catherine Babbit
Mr. G. Allan Van Fleet, Member	Teleconference	
Mr. Bryan Wilson, Member	In Person	
Ms. Tina Amberboy, Staff	In Person	
Mr. Casey Kennedy, OCA	In Person	
Mr. Tim Kennedy, OCA	In Person	
Mr. Charles Gray, TechShare	Teleconference	

The Committee had a quorum present for this meeting.

I. Call to Order

Judge Karin Bonicoro, chair called the meeting to order at 12:07 p.m.

II. Roll Call

Members present in person and on the conference call line were announced.

III. Introductions

Judge Bonicoro made the introductions of members and OCA guests.

IV. Adoption of Minutes

Judge Bonicoro noted that the minutes from the October 14, 2010 meeting of the Technology Committee were adopted at the meeting of the Children’s Commission on November 12, 2010.

V. FY2010 Year End Reports

Ms. Amberboy reported that all recipients of FY2010 Technology grant funds submitted their year-end reports. In compliance with federal requirements, all reports were forwarded to the Administration for Children and Families (ACF) on December 31.

VI. Recovery of CIRA Hosting grant funds

The recovery of funds for the CIRA Hosting project was approved at the Children's Commission meeting on November 12, 2010.

VII. Update on FY2011 Technology Projects

a. Texas Data Enabled Courts for Kids (TexDECK): Child Protection Case Management System (CPCMS)

Mr. Kennedy provided an update on the status of the CPCMS project to the committee. Version 2.0 enhancements were completed prior to the holiday break. The project team remains engaged on the 3.0 version. At present, the team is working on approximately 70 open service enhancement tickets. Two version releases should be done within the next 6-8 weeks. Judge Bonicoro noted that the volume of tickets is generated by input from individual users who submit them to the CPCMS project team. The CPCMS project team reviews the list of "open" request tickets with the Child Protection Advisory Committee to confirm and adjust the priority of "open" request tickets. In addition, external sources outside the user base can generate enhancement tickets. The Advisory Committee reviews these as well and includes legislative changes and if there are changes to the toolkit for best practices and performance measures, these will be an additional source of enhancement requests.

Judge Bonicoro asked Mr. Tim Kennedy to update the members on the reason for the amendment to the FY2011 Technology budget. He explained that there has been an increase of 80 enhancement request tickets since the end of August when the original funding request was submitted. Additional funding will be needed to address the projected level of effort of the Business Analyst and Web Application Developer to cover 1350 hours of time and clear the open tickets. Mr. Hassay confirmed with Mr. Kennedy that all requests were reviewed by the advisory committee and are significant requests and are non-duplicative. Mr. Wilson asked about utilization cost analysis to provide context for the budget adjustments. In response to Mr. Wilson's question, Judge Bonicoro proposed that the cycles of enhancement and associated cost since rollout of the system be documented. As a follow-measure after the committee meeting, Ms. Amberboy met with Judge Bonicoro and Tim Kennedy and Casey Kennedy are processing Judge Bonicoro's request for more detail and analysis of the CPCMS investment and utilization.

ACTION: Judge Bonicoro asked for a motion to approve allocation of \$117,450 to amend the budget for the Child Protection Case Management System (CPCMS) enhancements project funding in FY 2011. Ms. D.J. Tessier made a motion, Ms. Linda Uecker seconded and the motion passed unanimously.

b. National Information Exchange Model (NIEM)

Judge Bonicoro provided an overview of the National Information Exchange Model and the well-being measures that are identified and discussed at the national meetings. Mr. Reynolds commented that he recently spoke to the National Center for State Courts to

discuss how to move forward with successful exchange of data elements between courts and child welfare agencies. The group wants to include Texas in the next phase of their work in early February or March. Mr. Reynolds will assess the feasibility of including the Texas stakeholders during a legislative session. Ms. Amberboy reported on Judge Rob Hofmann's travel to the NCSC conference in Denver, Colorado. Well-Being measures will be added to the toolkit, with education being the initial emphasis.

c. Video Conferencing

Ms. Amberboy noted that three video conferencing vendors, 1) Visionality/Designs that Compute; 2) Ford Audio /Video and 3) Vyopta, Inc.) will have the opportunity to propose solutions for the project. Visionality, one of the vendor firms, offers equipment and software that enable children to participate in video conference meetings with their judges and possibly their caseworkers. Access is available from multiple types of devices (laptop, desktop, the most recent android or iphones or special monitors). With the Visionality solution, OCA would act as the host or bridge to facilitate these meetings. Mr. Casey Kennedy provided an update to the committee on the status of Visionality's proposal. OCA and the Children's Commission are sharing project information with each vendor to provide a common understanding of the scope and goals and solicit feedback to determine the level of overall resources available. These include subject matter expert, extent of product(s) line, constraints due to proprietary product(s) or services and overall field support in Texas. He is optimistic that the system that is finally selected will provide a viable solution and allow participation of children in their hearings.

d. County Information Resources Agency (CIRA)

Mr. Kennedy reported to the committee on the status of the project. Funding of \$74,336 will remain as a placeholder pending review of CIRA's functionality report to the CIRA board. In December, CIRA advised of a change of contractors to complete their requirements study. The transition will delay the completion of the study by approximately two months. If the 47 county member participants in the Comprehensive Integrated Justice information Management System (CIJIMS) project elect to continue with the development phase, it is unlikely that sufficient progress will occur in FY2011 to require OCA to begin development of interfaces to the CPCMS. The next step is to recommend retargeting of these funds for potential interface development between the CPCMS and the Juvenile Case Management System (JCMS) project hosted by the Conference of Urban Counties (CUC) TechShare program. NOTE: The Phase One efforts by the CUC will identify system specifications required to integrate data elements of the FRS.V2 or interface with CPCMS into the business and technical requirements and specifications for the JCMS Court Module. Staff from the JCMS project and the CPCMS project attended a court module workshop meeting on January 10th to begin the phase one effort.

e. Connectivity at CPC Locations

Mr. Kennedy reported to the committee on the status of the project. Since the last meeting Sprint and Verizon account representatives were contacted to secure new cellular air-cards to begin site specific testing for availability of service provider signal and bandwidth throughput at 27 locations. Delivery of the air-cards is scheduled for January 2-8. Testing is scheduled to begin the week of January 9-15. Upon completion of testing for signal strength and data throughput, OCA will determine if switching cellular

service providers is an appropriate solution and if the additional installation of a cellular booster or cellular repeater system is required as part of the solution. If cellular service from all available providers is unacceptable at a specific court site, the option to determine if Internet service can be accessed through the county LAN/WAN or broadband access can be acquired and implemented directly into the courtroom will be the alternative solution. Judge Bonicoro noted the need for the most current technology as a vital element for end-users. Mr. Wilson noted that cost-efficiency assessment should be applied to the project.

f. Temporary Staffing for Data Entry at CPCs

One temporary data entry staff person was selected from a staffing agency in the Houston area. User training on the CPCMS system was conducted on January 4, and the contracted staff person reported to work in Conroe, Texas on January 5. The next site is the East Texas CPC, followed by the Brazos River Valley CPC. If funding is sufficient under the current allocation, the final two sites will be Southeast Texas CPC and the Three Rivers CPC. The goal is for all data entry in the four Region 2 CPCs to be completed by the end of the federal fiscal year, September 30, 2011.

VIII. New Business

a. CUC/ Tech Share Grant Application

Mr. Charles Gray reported to the committee on the CUC / Tech Share Grant Application. The development of a new juvenile justice system, the Juvenile Case Management System (JCMS) is the result of a collaboration between Bexar, Dallas and Tarrant counties and the Texas Juvenile Probation Commission. The JCMS will include a court case management module that is intended to improve the efficiency and operation of the Family Courts that handle juvenile delinquency cases. Because the Family Courts that work with juvenile delinquency cases frequently work with CPS cases, the intent is to expand the capabilities of the JCMS Court Module to integrate or interface with FRS.V2 and CPCMS and provide a resource to the Courts to obtain a holistic view of the child and the family through an integrated case management approach. The purpose of the application is to fund the first phase of a three phase project. Phase One efforts will identify system specifications required to integrate data elements of the FRS.V2 or interface with CPCMS into the business and technical requirements and specifications for the JCMS Court Module. These include merged docket and metrics to track court performance.

ACTION: Judge Bonicoro asked for a motion to approve allocation of \$60,000 to fund phase one of the CUC – Tech Share Project. Mr. Carl Reynolds made a motion, Ms. Tessier seconded and the motion passed unanimously.

IX. Next Meeting

The meeting schedule for 2011 for the Technology Committee: April 7 (conference call), June 30 (in person meeting in Austin), October 27 (conference call).

X. Judge Bonicoro adjourned the meeting at 1:20 p.m.



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

**PRELIMINARY REPORT
OF THE EDUCATION COMMITTEE**

TO

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

DECEMBER 31, 2010

SUBMITTED BY:

The Honorable Patricia Macias, Chair

The Honorable Cheryl Shannon, Co-Chair

Joy Baskin, Chair of the State Bar of Texas School Law Section

Claudia Canales, Attorney at Law

Jim Crow, Executive Director of the Texas Association of School Boards

Lori Duke, Clinical Professor of the Children's Rights Clinic at the University of Texas School of Law

Joe Gagen, Chief Executive Officer of Texas CASA

Anne Heiligenstein, Commissioner of the Texas Department of Family and Protective Services

Judge Rob Hofmann, Child Protection Court of the Hill Country

Carolyne Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs

Estella Sanchez

Robert Scott, Commissioner of the Texas Education Agency

Dr. Johnny Veselka, Executive Director of the Texas Association of School Administrators

Special thanks to Kathleen McNaught, Assistant Staff Director of Child Welfare and Project Director of the Legal Center for Foster Care and Education at the American Bar Association Center on Children and the Law



SUPREME COURT OF TEXAS PERMANENT JUDICIAL
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**PRELIMINARY REPORT OF THE EDUCATION COMMITTEE
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Introduction

According to national studies, youth in foster care often have poor educational outcomes, especially in comparison with the general child population. Although educational challenges are not unique to foster children and youth, they face additional hurdles when trying to succeed academically, including multiple placement and school changes, therapeutic or other needs that must be addressed during school hours, missing school to visit with parents and/or siblings, and in all likelihood, a chaotic educational history prior to entering foster care in the first place. On top of this, foster children and youth who are of school-age find themselves lost in and between two systems – child protection and education – two systems with some overlap but little ongoing and effective communication. Courts and stakeholders informally report that school changes and the subsequent loss of records, credits, services, and support systems greatly hinder the academic success of school-age foster children.

According to data collected by the Texas Education Agency (TEA) and shared with the Texas Department of Family and Protective Services (DFPS), educational outcomes of Texas foster youth reflect what's happening nationally.¹

¹ For a compilation of national data and studies, please see: *Fact Sheet – Educational Outcomes of Children and Youth in Foster and Out-of-Home Care* (December 2008), National Working Group on Foster Care and Education at http://www.abanet.org/child/education/National_EdFactSheet_2008.pdf

Texas foster youth are less likely to graduate and more likely to drop out than the general school age population. They have lower high school achievement and are more likely to be in special education and less likely to be in the gifted and talented program.²

In 2008, the federal *Fostering Connections to Success and Increasing Adoptions Act of 2008*, the most sweeping child welfare law in a decade, was passed. The Act includes important provisions regarding the educational stability of foster youth, including a requirement that Child Protective Services (CPS) must consider a child's education when creating the child's service plan or choosing the child's placement. Ideally, once CPS seeks to remove a child from his caretaker, if at all possible, the child should remain in his current school. If the child must change schools, he is entitled to immediate and appropriate enrollment and transfer of school records. *Fostering Connections* also increases the amount of federal funding that may be used to cover education-related transportation costs for children in foster care and requires CPS to work with local education agencies. Passage of this act highlights the importance of improving educational outcomes of foster children and youth across the country.

Creation of the Education Committee

In October 2009, the National Center for State Courts held its third National Judicial Summit in Austin, which was attended by Supreme Court Justices and child welfare and education leaders from around the country. During the summit, the Texas team developed and adopted a state action plan that included the goals of improving education outcomes for kids in care and keeping foster children closer to their homes. The members of the Texas team envisioned that a special committee, comprised of state child protection and education decision-makers, would collaboratively address this important issue.

On May 20, 2010, the Supreme Court of Texas signed the *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*. In its order creating the committee, the Supreme Court of Texas named the Honorable Patricia Macias, Commissioner and presiding judge of the 388th District Court in El Paso, as the chair of the committee. The membership of the Education Committee reflects the diverse ethnic, gender, legal, and geographic communities in Texas and includes:

- The Honorable Patricia Macias, Chair, El Paso
- The Honorable Cheryl Shannon, Co-Chair, Dallas
- Joy Baskin, Chair of the State Bar of Texas School Law Section, Austin
- Claudia Canales, Attorney at Law, Houston
- Jim Crow, Executive Director of the Texas Association of School Boards, Austin

² Source: 2008-2009 PEIMS data.

- Lori Duke, Clinical Professor of the Children's Rights Clinic at the University of Texas School of Law, Austin
- Joe Gagen, Chief Executive Officer of Texas CASA, Austin
- Anne Heiligenstein, Commissioner of the Texas Department of Family and Protective Services, Austin
- Judge Rob Hofmann, Child Protection Court of the Hill Country, Mason
- Carolyne Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, Austin
- Estella Sanchez, San Antonio
- Robert Scott, Commissioner of the Texas Education Agency, Austin
- Dr. Johnny Veselka, Executive Director of the Texas Association of School Administrators, Austin

In its order, the Supreme Court charged the committee to:

- Identify and assess challenges to educational success of children and youth in the Texas foster care system;
- Identify and recommend judicial practices to help achieve better educational outcomes for children and youth in foster care;
- Seek to improve collaboration, communication, and court practice through partnerships with the Department of Family and Protective Services, the Texas education system, and stakeholders in the education and child protection community;
- Identify training needs regarding educational outcomes for the judiciary and for attorneys who represent DFPS, children, and parents in child protection cases;
- Seek to develop a collaborative model that will continue systemic improvement of educational outcomes;
- Make recommendations regarding the exchange and sharing of education-related data; and
- Provide the following to the Children's Commission:
 - 1) Preliminary report regarding the first meeting of the committee and the committee's structural organization and goals by no later than December 31, 2010;
 - 2) Interim report by no later than August 31, 2011 regarding the progress of the committee; and,
 - 3) Final report by no later than March 31, 2012 regarding the progress of the committee and specific recommendations for further progress.³

The creation of this committee is unprecedented in Texas and only a handful of other states have attempted to collaborate at such a high level to improve educational outcomes of foster children and youth.

³To view the order in its entirety, see:

<http://www.supreme.courts.state.tx.us/miscdocket/10/10907900.PDF>)

Inaugural Meeting

On September 30-October 1, 2010, the Education Committee held its inaugural meeting in Bastrop.⁴ The meeting was historic in that it brought together leaders from the education and child protection systems and it was attended by: the Honorable Patricia Macias, the Honorable Cheryl Shannon, Judge Rob Hofmann, Audrey Deckinga, Assistant Commissioner for CPS on behalf of Commissioner Heiligenstein, Commissioner Robert Scott, Dr. Johnny L. Veselka, Joy Baskin, Claudia Canales, Lori Duke, Estella Sanchez, Carolyne Rodriguez, Mari Kay Bickett on behalf of Joe Gagen, and Carl Reynolds, Administrative Director of the Texas Office of Court Administration. Kathleen McNaught, Assistant Staff Director of Child Welfare and Project Director of the Legal Center for Foster Care and Education at the American Bar Association Center on Children and the Law, facilitated the meeting.

The meeting opened with remarks by Justice Harriet O'Neill (ret.), Chair Emeritus of the Permanent Judicial Commission for Children, Youth and Families (Children's Commission). Justice O'Neill provided background information regarding the history of the Children's Commission and acknowledged the accomplishments of the commission's standing committees. She emphasized that the success of the Children's Commission rests on having the right people at the table and that is why the participation of the Texas Education Agency, the Texas Association of School Boards, and the Texas Association of School Administrators is critical to the success of the Education Committee. Texas is unique to have the support of the state Supreme Court, the legislature, and the highest levels of the education systems to address the issue of education of foster youth. The development of a comprehensive solution to address the educational outcomes of foster youth in Texas will likely serve as a model program for the rest of the nation and strategies and solutions developed by this committee will be replicable beyond the foster care population.

Committee members, guests, and staff introduced themselves and articulated their goals for the committee. After the introductions, the committee reviewed the charge given to them by the Supreme Court in its Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families.

Meeting participants then engaged in a short exercise to illustrate the impact of foster children's placement moves on their education. Each attendee was asked to answer a set of math word problems. Shortly after the "testing" began, a couple of committee members were approached and told to remove personal items from their pockets and place them in a plastic bag. Then, the selected members were told to move to another area of the room, where they had to start

⁴ The work of this committee will be supported by Court Improvement Program Basic Grant funds administered by the Children's Commission.

the test again. Throughout the course of the exercise, at least two people were told to move repeatedly. The moves were disruptive and caused the members who relocated to lose the ability to concentrate.

Ms. McNaught then gave a “Child Welfare 101” presentation, which included information regarding how quickly CPS legal cases move through the court system and the possible long-term placement options for children, such as reunification with a parent, placement with a relative, adoption, or foster care until the age of 18. Ms. McNaught highlighted several national studies which show that foster children struggle academically – low graduation rates, high drop out rates, below grade level reading abilities, greater likelihood of repeating a grade, and low rate of graduation from a post-secondary institution with a bachelor’s degree.

In conjunction with Casey Family Programs, the American Bar Association Legal Center for Foster Care and Education created the *Blueprint for Change – Education Success for Children in Foster Care*, which has eight goals with benchmarks for each to indicate progress toward achieving education success:

- School stability
- School transitions
- School readiness for young children
- Access to and participation in School Activities and Services
- School Supports to prevent drop-out and truancy and to provide individualized disciplinary actions
- Foster youth involvement in education planning and decisions
- Adult awareness and involvement in the child’s educational experience
- Support to ensure entry and completion of post-secondary education

Day one of the meeting concluded with the recognition that the judiciary, CPS, educators, parents, children and youth, and the community need to work collaboratively to address these issues.

The committee reconvened on October 1 and commenced the day with a viewing of *Endless Dreams: Building Educational Support for Youth in Foster Care*. After viewing the video, the participants discussed their reactions to it, including the need for staff development for teachers, and access to information by the school and the protection of children’s privacy rights.

Judge Macias recognized the challenge of improving outcomes in a state as diverse and large as Texas. She wanted the committee to leverage current strengths in Texas to develop a blueprint specific to the state. The committee began to define its vision by reviewing the eight high-level areas of the national blueprint. The *Blueprint* served as the basis for the guiding principles developed by the committee:

1: Children and Youth in Care are Entitled to Remain in the Same School When Feasible

2: Children and Youth in Care Are Guaranteed Seamless Transitions between Schools

3: Young Children in Care Receive Services and Interventions to Be Ready to Learn (0-5)

4: Children and Youth in Care Have the Opportunity and Support to Fully Participate in All Developmentally Appropriate Activities and All Aspects of the Education Experience

5: Children and Youth in Care Have Supports to Prevent School Dropout, Truancy, and Disciplinary Actions and Reengage in the Education Experience

6: Children and Youth in Care Are Involved, and Empowered in all aspects of their education

- **Youth in care are prepared to self advocate in All Aspects of their Education**

7: Children and Youth in Care have Consistent Adult Support to advocate for and make education decisions.

8: Children and Youth in Care Have Support to Enter into and Complete Postsecondary Education

After drafting language for the Texas blueprint, the participants identified resources and strengths within the state, from programs to processes to laws.

In order to accomplish the Texas blueprint goals, work will be done by sub-committees. Participants were asked to identify people within their organizations or scope of work who might serve on one of the sub-committees. Sub-committees will be multi-disciplinary.

The committee determined the parameters for the next committee meeting and committed to completing several tasks prior to that time.

Next Steps

Structure and Work

The Education Committee will receive invaluable technical assistance from Kathleen McNaught and Debbie Staub. Ms. McNaught, J.D., is the Assistant Director for Child Welfare at the American Bar Association Center on Children

and the Law as well as the Project Director for the Legal Center for Foster Care and Education, a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. Dr. Staub, Ph.D., is an Education Advisor for Casey Family Programs, a national operating foundation located in Seattle, Washington, that serves children, youth, and families in the child welfare system. In this role she works collaboratively with others on systems improvement efforts to address the educational needs of children and youth in foster care nationally, statewide and locally. A former special education teacher, Dr. Staub has been an advocate for educational success for all youth for the past 25 years.

The Education Committee will have four sub-committees based on the goals determined at the inaugural meeting:

1. School readiness
2. School stability and transitions
3. School experience, supports, and advocacy
4. Post-secondary education

The sub-committees will begin meeting in early 2011.

Next Meeting

The Education Committee will next meet on January 7, 2011. During this meeting, several committee members and their respective organizations will provide presentations on topics identified by the committee on October 1. Additionally, the committee will finalize how its sub-committees will be structured, the membership of the sub-committees, and the purpose of each sub-committee.



Highlights of the 2010 Contributions Made by the Texas Council on Family Violence (TCFV) toward Keeping Texas Families Safe

TCFV and the National Association of Social Workers' Texas Chapter Partnership on Custody and Adoption Training

For the past three years, the Texas Council on Family Violence has provided training to social workers conducting home studies for adoption and custody cases through a partnership with the National Association of Social Workers' Texas Chapter. Our training consists of eight hours focusing on the topics of the dynamics of family violence; common legal challenges in adoption and custody cases; home study scope; and the dynamics of battering. Training is provided by TCFV staff. Legal components and the dynamics of battering are provided by Texas Rio Grande Legal Aid and the local Battering Intervention and Prevention Program.

TCFV and the Child Trauma Academy Partnership on Family Violence and Impact on Children Training

The Child Trauma Academy is a not-for-profit organization based in Houston. The group works to improve the lives of high-risk children through direct service, research, and education. In collaboration with two TCFV caucuses, the Survivors Caucus and Allies for Children and Teens, we are partnering with the Child Trauma Academy to offer a one-day training in Houston. Attendees will have an opportunity to discuss the assessment and treatment of children and families who have experienced family violence. The training will address key issues related to the child's complex set of reactions that often follow traumatic events, such as exposure to violence in the home. It will also include how adults respond to trauma and how adults in their lives can help them better understand the traumatic event.

Criminal Justice Systems Response Statewide Trainings

TCFV partners with local family violence programs to provide communities throughout Texas free, one day, high-quality trainings on three topics intersecting with the criminal justice system and family violence. Eight trainings are held annually. The CJSRT offers local family violence programs the opportunity to develop relationships with personnel who work within the criminal justice system and network with those that have an established relationship. The CJSRTs are made possible through the Criminal Justice Division of the Texas Governor's Office. TCFV will issue a request for proposals (RFP) in the spring of 2011 to be presented in fiscal year 2012 for its signature event: Criminal Justice Systems Response Trainings (CJSRT). The topic of the requested training will be focused on children, family violence, and legal options. The session may cover the following areas: youth and family violence, intersections with child protective services, children as witnesses, protective orders and child victims, parent's and children's right in family violence cases.

Family Violence Benchbook

In the last part of 2010, the Office of Court Administration completed its Family Violence Bench Book. TCFV helped throughout the year by offering our thoughts and perspectives. This publication promises to be an excellent resource for the judiciary as they work with cases involving family violence. OCA and TCFV will buttress the effectiveness of the Bench Book by offering the following resources: OCA's point of contact will provide expertise on family violence cases; TCFV's continuing efforts related to its judicial



summit (*Approaching the Bench*) will continue the careful approach to gleaning Texas best practices; and TCFV will hold a series of mini-summits at which the Bench Book will be discussed and rolled out to judges in their communities in 2011.

Judicial Summit on Family Violence Cases in the Courtroom

On June 6-8 2010, TCFV hosted *Approaching the Bench: A Judicial Summit on Family Violence*. TCFV took the charge granted to it by the Texas Court of Criminal Appeals to foster an environment of communication to and among judges who handle matters related to family violence in their courtrooms. With more than 70 diverse judges from across the state in attendance at the Summit, the event served as a response to requests from the judiciary and other community partners for an opportunity to discuss strategies, challenges and successes in the response to family violence in the courtroom and beyond. Peer dialogue centered on propelling the criminal and civil justice systems toward the approaches on this issue that will best serve survivors. The Summit also offered opportunities for judges to hear more about nationally and locally derived practices that have worked in addressing family violence as it presents in courts.

TCFV applied for and was awarded a grant for a second summit to be held in the early summer of 2011.

Focus on Family Violence Prevention

TCFV enters the third year in working with the Center for Disease Control in establishing key foundational pieces in primary prevention of violence and injury prevention. Texas was one of 19 states selected by CDC for the Delta Prep project.

The TCFV Prevention Pre-Conference was a full-day training opportunity that allowed practitioners to learn from each other, ask questions and be inspired. The event featured several workshops, a performance by a youth-led anti-violence hip hop group, and the Washington State Coalition Against Domestic Violence who provided a training on *In Their Shoes: Teens and Dating Violence*. In Their Shoes is a training kit geared toward training adults on teens' experience with violence. Topics such as sexting, pregnancy, homophobia and stalking are covered as adults personify the six teen characters. The Pre-Institute took place on Monday, September 20, 2010, a day before Moving Forward, TCFV's 26th Annual Statewide Conference. Sixty Prevention workers from across the state participated in the event.

Update on Texas Lawyers for Children January 2011

TLC Is Honored with 2010 "Award for Excellence in Social Innovation."

Texas Loves Children, Inc., the nonprofit organization that created and operates the Texas Lawyers for Children Online Legal Resource and Communication Center, was honored with the 2010 "Award for Excellence in Social Innovation" for TLC's Online Center by the Dallas Center for Nonprofit Management, after selection by an independent panel of community leaders. This prestigious award is given to the organization that best provides **"a novel solution to a social problem that is more effective, efficient and sustainable... and demonstrates significant positive change around a specific social issue."** The award ceremony was held during the "Night of Light" gala on November 19, 2010, at the Hilton Anatole Hotel, with 700 people in attendance.

Results from TLC's Annual Evaluation by Judges and Attorneys

To evaluate the impact of TLC's Online Center for judges and attorneys handling child abuse cases, an evaluation instrument was sent in October 2010 to the judges and attorneys registered to use the Online Center.

Highlights of Quantifiable Data: Of those who answered the questions below, the results were as follows:

100% of judges responding and 96.36% of attorneys responding said that TLC's Online Center helps them **achieve the best interest of the children** involved in their cases.

88.89% of judges said that TLC's Online Center **expedites reaching decisions**, which can help **move children through the system faster**, **reduce court delay**, and **reduce the time children spend in foster care**.

On the question of whether TLC's Online Center is **beneficial to their decision-making** (judges) **or advocacy** for their clients (attorneys), 100% of judges and 96.43% of attorneys answered "Yes."

Children Helped: Judges and attorneys using TLC's Online Center estimated that their cases annually involve **over 63,500 children** (as of September 30, 2010). (It is possible that this number includes some overlap since a judge and an attorney may be reporting the same child(ren) from a case they both handle. Also, this number may include children from some family law cases in which CPS is no longer a party.)

"Invaluable!": The judges and attorneys who responded to the evaluation reported that the Online Center is **"invaluable"** to their work in handling child abuse cases and provided evidence that the Online Center is **improving outcomes for children**.

Communication Tools: Judges sent 195 messages through the judicial email networks and attorneys sent 320 messages through the attorney email network during the last grant period, and both groups repeatedly commented about the **tremendous value of having a way to share expertise**.

Geographic Base: The judges and attorneys using TLC's Online Center handle cases in 245 of Texas' 254 counties. (These counties handle 99.7% of the child abuse cases in Texas. It should not be assumed that all judges and attorneys in these counties are registered to use TLC's services.)

Representative Quotes: A few key comments from judges regarding TLC's services include:

"Texas Lawyers for children is one of the **best supportive networks** for judges, and it provides wonderful research and forms which are **invaluable and time saving.**"

"Judges who handle CPS cases **are often the only ones in the courthouse doing that work.** Thus, there is no one to talk to about 'the law' and other topics that only another judge would know. **The list serve is so useful in that regard.**"

"Getting instant feedback to a question allows **timely decisions.**"

"Lots of valuable resources to help make **better decisions for the children.**"

"**Improved outcomes for children.**"

"**Invaluable to me. I am the only one in the courthouse doing this work. Until we had this, I had to pick up the phone to call someone.** Now I can e-mail many and don't have to play phone tag."

"**Judges need fast, easy access to available information on children and cases, and there is no better website.**"

"**Judges tend to be very isolated, especially while on the bench.** Colleague Connection allows me to communicate with other judges in real time and **I have been able to get immediate feedback.**"

"**Quick access to the law and other's experiences are very useful. Only judge-to-judge conversation will suffice**"

"**It improves the Court's ability to access information and ideas and reduces the necessity of reinventing approaches that have worked elsewhere.**"

"The biggest help is the resources it provides to find out **what CPS is required to do for the children** and families. It also helps in understanding **child development issues** and info on drug treatments."

"Colleague Connection is **very valuable in getting instant feedback on cutting edge issues from a wide variety of judges.**"

"**Being able to ask a question instead of reinventing the wheel is time saving,** and I have seen that work for other judges."

"**I go there first** to look for answers."

“On one occasion I had an evidence question during a bench trial. I sent out an email and got several responses. One judge even sent me case law that was right on point!”

I use my computer on the bench, so I have materials and judicial input at my fingertips.

“This is very valuable. Good way to let everyone know about trainings around the state. Sharing practice tips is great! I’ll be happy to help you in any way I can. This service you provide us is wonderful!!!!!”

“I have greatly relied on it for case law regarding termination grounds, evidence issues and interventions, and this has helped me with my rulings and decision making as a presiding judge... I don’t want to waste any further time or delay rulings and decisions by asking the attorneys for legal briefs.”

Key comments from attorneys include:

“Child law is very dynamic and having an opportunity to seek feedback from other attorneys often helps solidify strategy and decisions.”

“learn about cases with facts similar to mine; learn what other attorneys do to handle child protection cases and get best results”

“Provides resources not available in any other medium.”

“resources and contacts [are] extremely important. I don’t have to reinvent the wheel or start my own research over when it has already been encountered by another colleague. “

“Access to the materials and communication tools is invaluable. The amount of information collected, updated, and catalogued in easily accessible ways helps to inform me and refresh me about things I used to know or on which I need an update. ..This site is by far the most helpful, comprehensive resource I know of for attorneys and judges who directly impact the lives of children and families.”

“As a solo practitioner the biggest challenge is having other attorneys with whom to ‘bounce around’ ideas. The TLC network allows me to do that.”

“There are a lot of issues that are specific to the representation of children and resources and information about these issues are hard to find.”

“Having a “one stop shop” saves me time and energy – and I am short on both! Sometimes I find answers to questions I don’t even realize I should be asking. When an issue or topic arises I just have to go to one site to find information, the law, and forms. If I want to brainstorm with colleagues I have them at my fingertips.”

“Often in fact, it has increased the time it may take to come to a decision: which pays off ultimately for everyone. A better decision, slowly considered and with

the luxury of input of scores of talented professionals often results in a conclusion which serves both the child and the system well for a long, long time.”

“The resources help me answer questions, find law and resources efficiently, and **prepare me in areas in which I am not experienced.** The educational tools **make me a better attorney and help me represent children more effectively.**

“I do not know if helps make a decision quicker, but I feel **like I am always on the right track, and am current on what I am doing.** “

“Because of the information and experience of other lawyers in the same situations you are **better able to respond to your clients needs.**”

“There are **some especially obscure issues involved with DFPS cases and these are frequently discussed and valuable references and information is provided.** Many times only one or two attorneys may have dealt with a particular issue and they are generous in **sharing their experiences.**”

“I feel no matter what the question someone will have information and experience to **help better provide services to my client.**”

“We all put our heads together: **better representation.**”

“The website materials offer training and education **you cannot find anywhere else with such ease and completeness.**”

“To put a dollar value on it would be impossible & it is **priceless in value to my clients.**”

“I love CC[Colleague Connection email network]. **I learn from it all of the time – it is like a mini CLE!**”

“**It helps me know the next right step to take, and provides guidance when I have questions.**”

“Some of the specific advice and links to information has helped me to **advocate more thoroughly, or explore new ways of approaching an issue** in my representation of children.”

“**Learning from other attorneys is key to effectively advocating for our clients.**”

“Lawyers are willing to help other lawyers to do a good job in this area of practice, and having a way to do that easily and without cost is of enormous **value, especially to young and less experienced attorneys.**”

“I found the website helpful, not only in providing a form that was useful, but also in **providing an outline of what my role was in the case and what steps I needed to take to ensure that the children were properly protected.**”