



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**

**August 11, 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
August 11, 2011
10:00 a.m. – 1:00 p.m.
Meeting Agenda

- 10:00 Commencement / Opening Remarks – The Honorable Eva Guzman
Commission Membership Changes, Tab 2
Collaborative Council Member Changes, Tab 2
Committee Membership Changes, Tab 2
- 10:15 Commissioner Updates
- 11:00 First order of business – The Honorable Eva Guzman
1. Adopt Minutes from April 29, 2011 Meeting, Tab 1
- 11:05 Social Network Connections for Foster Youth - Chadwick Sapenter
- 11:20 DFPS Demonstration – Family Tree and Texas Adoption Assistance Exchange (TARE) –
Audrey Deckinga
- 11:40 Break
- 12:00 Commission Report - Tina Amberboy, Tab 3
- 12:15 Basic Committee Report - Hon. Robin Sage, Tab 3
1. Commission approval of Basic Grant Expenditures, Tab 5
- 12:25 Training Committee Report - Hon Camile DuBose, Tab 3
2. Commission approval of Training Grant Expenditures, Tab 5
- 12:35 Technology Committee Report - Hon. Karin Bonicoro, Tab 3
3. Commission approval of Technology Grant Expenditures, Tab 5 & 6

12:45 Education Committee Report - Hon. Patricia Macias, Tab 3

12:55 Legislative Workgroup Update - Hon. Dean Rucker, Tab 3 & Tab 7

1:00 Comments from Collaborative Council / New Business

Next Meeting – November 18, 2011

2011 Meeting Date Schedule

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

**August 11, 2011
Meeting Notebook**

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INSERT - TAB 1

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

April 29, 2011
10:00 a.m. – 1:00 p.m.

Supreme Court of Texas Courtroom
Austin, Texas

ATTENDANCE

Members present:

Chair, Hon. Eva Guzman, Justice, The Supreme Court of Texas, Austin
Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin
Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels
Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas
Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston
Hon. Bonnie Hellums, Judge, 247th District Court, Houston
Hon. Patricia A. Macias, Judge, 388th District Court, El Paso
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin
Selina Mireles, Attorney At Law, Laredo
Carolyne Rodriguez, Dir. Of Texas Strategic Consulting, Casey Family Programs, Austin
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
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston

Members not present:

Chair-Emeritus, Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin
Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde
Harper Estes, Shareholder, Lynch, Chappell and Alsop, Midland
Joyce M. James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities
Hon. Judy Warne, District Judge, 257th Family Court, Houston
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

Staff in attendance:

Tina Amberboy, Executive Director, Children's Commission
Tim Kennedy, TexDECK Project Manager, Office of Court Administration
Teri Moran, Manager, Communications, Children's Commission
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:

Roy Block, Executive Director, Texas Foster Family Association, San Antonio
Irene Clements, Vice President for Advocacy, Children and Family Services, Lutheran Social Services
De Shaun Ealoms, Parent Program Specialist, Dept. of Family and Protective Services, Austin
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
Chris Hubner, Staff Attorney, Texas Juvenile Probation Commission
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels
Lori Kennedy, Managing Attorney, Travis County Office of Parental Representation, Austin
Kate McLagan, Executive Director, Texas Association of Workforce Boards, Austin
Diana Martinez, Director of Public Policy and Education for TexProtects, Austin
Dr. Sandeep Narang, Fellowship Director, Child Abuse and Neglect Division, Pediatrics Department, UT-San Antonio
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
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin
Leslie Strauch, Clinical Professor, University of Texas School of Law, Austin
Meghan Weller, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin

Collaborative Council Members not in attendance:

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas
William B. Connolly, Attorney, Connolly & Shireman, 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
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin
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
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General
Richard Lavallo, Senior Attorney, Advocacy, Inc., Austin
Stephanie Ledesma, Attorney/CWLS, Round Rock
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
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio
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 10:06 a.m.

Remarks by Chief Justice Wallace Jefferson

Chief Justice Jefferson expressed his appreciation to Judge Meurer, Judge Byrne and the staff of the Travis County Juvenile Justice courts for their assistance with the preparation of his State of Judiciary address. Chief Justice Jefferson has met with legislators, experts in the field of juvenile justice, and academics to elevate the challenges faced in the legislature in this area. The Chief Justice expressed his commitment to sustaining the focus on juvenile justice issues following the conclusion of this legislative session.

CROSSOVER YOUTH PRACTICE MODEL, Shay Bilchik, Director, Center for Juvenile Justice Reform at the Georgetown Institute of Public Policy at Georgetown University

Justice Guzman introduced Mr. Bilchik. The Commission observed a Webinar presentation on the Crossover Youth Practice Model (CYPM). A review of the status of the practice model in Texas, and particularly Travis County, was provided.

The focus of Mr. Bilchik's work at Georgetown is directed at how to do a better job working with youth who are in the juvenile justice system or in the child welfare system or become cross over youth, or who are exposed to both systems.

The issues are reviewed from both a policy and a practice level. Casey Family Programs has developed a strong relationship and provided support in the development of the model. As the work in Travis County continues, the goal is to develop a strategy to spread the model to other select counties in Texas and achieve broader exposure over time as more counties implement the elements of the model. The intent is to align with the Commission and other stakeholders to assess how best to advance the work. Mr. Bilchik provided detail on research that addresses the prevalence of factors that often increase the probability for a percentage of those in the child welfare youth population becoming involved in the juvenile justice system. A definition of crossover youth was provided along with detailed information on prevalence, characteristics and data on system experiences of these youth. The primary and associated goals of the practice model were presented and included the essential requirements to successfully implement the model.

Judge Jeanne Meurer and Ms. Barbara Swift presented information to the members on the Travis County experience with implementation of the CYPM. The need to implement the model was in response to the increase in the numbers of children involved in both the child welfare and juvenile justice systems. Rehabilitation is the goal for these youth. The measurable benefits of the CYPM include reduction in the number of crossover youth detained, reduction in the length of stay in detention for crossover youth, reduction in the number of crossover youth sent to placement and a decrease of disruption when placement does occur. Details on the data collection methodology were presented. Three levels of data will be captured by each site and are: 1) child welfare and Juvenile Justice census data; 2) crossover youth data; and 3) individual data. While implementation of the process is challenging, once the perception of children in juvenile justice is changed, the intent of juvenile courts can shift from punishment to making things right for the children involved and protect the communities where these children live. Judge Meurer noted that serious juvenile offenders are approximately 20% of the total population in the system. The majority have experienced victimization and the overarching needs of this segment are not being addressed.

Mr. Bilchik concluded by noting that the adoption of any practice model is an iterative process. Individual sites will frequently focus on a selected number of the model elements. The practice model is flexible and can accommodate the needs of individual implementation areas. Planning is underway to identify geographic sites in Texas that include clustered counties to target for initial introduction of the model, with the ultimate goal of a statewide rollout. Colorado, Ohio and Texas are identified as sites for the initial introduction. Additional information is available to interested members.

Break

Re-convened 11:15 a.m.

Commissioner Membership Changes

Justice Guzman noted that the Supreme Court of Texas signed a court order on March 28 to appoint Hon. Michael Massengale to the Commission. Judge Massengale will serve a three-year term.

The Honorable Joe Straus, Speaker of the House, appointed The Honorable Helen Giddings, Texas Representative – District 109 as an ex-officio member of the Commission. Representative Giddings replaces outgoing Representative Yvonne Gonzalez-Toureilles.

Collaborative Council Membership Changes

Kate McLagan, Executive Director, Texas Association of Workforce Boards has joined the Collaborative Council.

Committee Membership Changes

Elizabeth Kromrei has returned from retirement to the Texas Department of Family and Protective Services and has rejoined the Technology Committee.

Staff Member Changes

There are no staff member changes to report at this time.

DISCUSSION OF NOVEMBER 12, 2010 AND JANUARY 21, 2011 MEETING MINUTES

A quorum was not present at the January 21 meeting of the Children's Commission so adoption and ratification of the meeting minutes of the November 12, 2010 and January 21, 2011 meetings were deferred until today's meeting.

ACTION: Justice Guzman asked for a motion to ratify the approval of the minutes. Mr. Gagnon made a motion and Mr. VanFleet seconded. The attending members approved the meeting minutes of the November 12, 2010 and January 21, 2011 Children's Commission meetings.

REPORT TO THE COMMISSION, Ms. Tina Amberboy, Executive Director

Ms. Amberboy directed the members to the report in the meeting notebook for updated details about the Commission's projects. The Members were encouraged to contact the Commission if there is interest in participating in the numerous workgroups and projects underway. Ms. Amberboy reported on the preliminary discussions and the work of the Restraint Workgroup and the Psychoactive Medications Workgroup. Ms. Kristi Taylor is the staff contact for these workgroups. Ms. Taylor commented that the efforts underway by these workgroups are aligned with trauma informed practices.

VOTING MATTERS

Four matters were discussed at the January 21, 2011 Commission meeting that required Commission approval. A quorum was not present at that meeting. The Commission operating procedures permit the Executive Committee to award funds in the interim and request ratification of the awards at this meeting. On Monday, January 24, 2011, Ms. Amberboy contacted the members of the Commission Executive Committee (Justice Guzman, Justice O'Neill, Judge Byrne, Judge Bonicoro, Audrey Deckinga, Judge DuBose, Judge Rucker, Judge Macias, and Judge Sage), and in an email requested approval to authorize funds on four items.

The items are:

1. The Training Committee voted on January 12, 2011 to approve \$60,000.00 in scholarships for registration and lodging for qualifying attorneys, plus a small administrative fee, for the ABA Child and Parent Legal Representation Conferences in Washington DC in July 2011.
2. The Training Committee agreed to reimburse DFPS for \$5,000.00 in travel expenses incurred by its regional attorneys to attend the August 2010 Advanced Family Law Conference. This expense was originally approved in FY2010, but DFPS was unable to submit the bill before the Fiscal Year closed; the \$5,000.00 passed through to the FY2011 account. This is not a new item, merely seeking permission to spend the money during the FY2011 fiscal rather than FY2010.
3. The Technology Committee voted on January 6, 2011 to approve \$60,000.00 in funding for the Conference of Urban Counties / TechShare grant that will begin Phase I of a three-phase project to integrate and / or interface elements of the Child Protection Case Management System (CPCMS) with the newly launched Juvenile Case Management System (JCMS) in use by many Texas counties. Bexar, Dallas, and Tarrant Counties will use JCMS and the court module, which will include the integrated elements of CPCMS, as soon as the product rolls out later this year.
4. The Technology Committee also voted to increase OCA's TexDECK grant by \$117,450.00 to cover additional CPCMS reporting and system enhancements. There are approximately 80 enhancement tickets pending that have been reviewed and approved by the Child Protection Court Judge Advisory Committee as well as by Judge Bonicoro.

ACTION: Justice Guzman asked for a motion to ratify the actions of the Executive Committee concerning these expenditures. Ms. Rodriguez made a motion and Mr. Gagnon seconded. The members in attendance ratified the actions of the Executive Committee.

STRATEGIC PLAN

Ms. Amberboy commented that the revision work on the Strategic Plan is nearing completion.. Information is pending from the Children's Bureau concerning the Court Improvement Program and further revisions to the Strategic Plan will be addressed when details are received from ACF.

COMMITTEE REPORTS

Basic Committee

Hon. Robin Sage, Judge

In addition to the detailed project information contained in the meeting notebook Basic Report, Judge Sage noted that the Bench Book is available to interested judges. Follow up is underway for the Notice

and Engagement Round Table that was sponsored by the Commission last fall. Judge Rucker will direct the workgroup for the Legal Representation Study. Judges are utilizing the Judicial Technical Assistance data. Follow up is ongoing for the Harris County Beyond the Bench Conference. The Judicial Disproportionality Workgroup (JDW) is focusing efforts on expanding Undoing Racism training and will conduct an Implicit Bias Judicial Conference in June. Ms. Rodriguez noted that Judge Mecca Walker and Judge John Specia are now co-chairs on the JDW. Ms. Taylor is working on established liaisons with the Tribal Initiative projects and recently attended a meeting in East Texas with the Alabama-Coushatta tribe. The President of The National Conference of Juvenile and Family Court Judges has indicated that he wants to emphasize efforts on children who are aging out of the legal system as orphans. At his invitation, the state of Texas was invited to join in planning for a project to address this issue. The Basic Committee approved a contribution of \$5,000.00 toward the project. Efforts are underway in several states to reform the ICPC, and Texas will be involved in future efforts. Judge Sage noted that the Basic Committee considered an application to fund a Drug Court Coordinator to support the efforts underway to establish a family treatment specialty court in Webb County. The pilot funding in the amount of \$16,905.00 was approved by the Committee and Judge Sage requested that the Commission approve the expenditure. Justice Guzman asked for the consent of the Commission for the expenditure. The full Commission consented to the request.

Justice Guzman requested clarification on the Bench Book usage and Judge Sage noted that follow up research is underway to determine the reasons for the usage levels noted to date. Judge Sage believes that judges are utilizing the Bench Book on an as-needed basis for reference on specific issues in their cases. Justice Guzman commented on the high turnover of judges in Harris County and suggested that the Bench Book be explicitly introduced to new judges. There was a brief presentation at the New Judges College, and now that new judges are having experience from the bench with CPS cases, a refresher on the Bench Book would be beneficial. Justice Guzman would like to see efforts made to encourage new judges to utilize the resource.

Training Committee

Ms. Tina Amberboy (on behalf of Hon. Camile DuBose)

During the April 6, 2011 meeting, the Training Committee approved funds in the amount of \$6,000.00 to provide registration scholarships for 15 attorneys to attend the NACC annual conference. The committee increased the amount of funding available for the August 2011 Child Abuse and Neglect Workshop at the Advanced Family Law Conference by \$5,000.00, making the total award amount \$10,000.00. Training Committee funds were used to send five DFPS attorneys to the TDCAA Prosecution Trial Sexual Assault Conference in Houston in early April. Justice Michael Massengale will lead the Trial Skills training workgroup for attorneys who handle CPS cases. Four attorneys have applied for the NACC Law Certification for this year; approximately 35 additional attorneys have requested an application from NACC. There are thirteen attorneys certified presently. To date, 125 applications have been received for the ABA Parent and Child Law Conference scholarships to be held in Washington, DC in July and there is a waiting list. Approximately 30 Texas attorneys attended the NCJFCJ National Conference in Reno in March. Ms. Amberboy noted that Mari Kay Bickett, the former Executive Director of TCJ, is now the Executive Director of NCJFCJ. The NCJFCJ 74th Annual Conference will be held in July in New York City. Any Commissioners and Judges who want to attend are eligible for a scholarship. The next Beyond the Bench is scheduled for August 24-26 in Austin and will target courts in central Texas. Implicit Bias in Judicial Decision Making will hold a conference on June 6-7 in Austin. The CPS Judges and Associate Judges Conference is combined this year in response to budgetary constraints and will take place in July in Austin. There are separate tracks for CPS Associate Judges and IV-E judges. The OCA annual Judges Conference took place in March in order to avoid a conflict with the NACC conference. At the April meeting of the committee funding in the amount of

\$25,000.00 was approved for an application from the Child Advocacy Centers of Texas to produce a best practice guide to assist judges in handling child testimony during child abuse and neglect proceedings.

ACTION: Justice Guzman asked for the consent of the full Commission for the three expenditure items reported by Ms. Amberboy. The full Commission consented to the requests. Ms. Amberboy clarified for the Commission members each item: 1) An award of \$25,000.00 to the Child Advocacy Centers of Texas to produce the best practice guide for children in court; 2) an increase of \$5,000.00 for Advanced Family Law Scholarships for lawyers to attend the AFL this August, bringing the total award amount to \$10,000.00; and 3) an increase of \$6,000.00 for registration scholarships for attorney's to attend the NACC annual conference in August. To clarify the record following the additional review of the items, Justice Guzman again asked for the consent of the full Commission regarding the three expenditure items. The full Commission again consented to the requests. Judge Sage noted a point of order and asked if a motion and second was needed; Justice Guzman noted that a second was not needed, but once again asked for the consent of the full Commission regarding the three expenditure items and the full Commission consented to the requests with none opposing.

Technology Committee

Hon. Karin Bonicoro, Associate Judge

Judge Bonicoro reported on the six projects covered at the April 7 meeting of the committee.

Child Protection Case Management System (CPCMS)

The quarterly meetings of the Child Protection Case Management System Advisory Group continue. Version 3.1 enhancements to CPCMS were implemented in early March and included 5 system enhancements and 3 bug fixes. Versions 3.3 and 3.4 are on schedule for May and June completion (respectively). Approximately 40 open enhancement tickets are expected after June 2011 and a request for additional CIP funding to address the outstanding tickets will be presented at the next meeting of the Technology Committee this summer.

National Information Exchange Model (NIEM)

The National Resource Center for Child Welfare Data and Technology (NRCCWDT) held a 2 ½ day workshop in Austin (March 1- 3). The agenda was focused on implementing privacy solutions in child welfare and the applicability of FERPA, HIPAA and 42 CFR (Confidentiality of Alcohol and Drug Abuse Patient Records). Texas state agency representatives from the Texas Education Agency (TEA), Department of Family and Protective Services (DFPS), the Office of Court Administration (OCA) and the Children's Commission attended the workshop.

The workshop participants discussed the privacy and confidentiality concerns associated with sharing information between TEA, DFPS, and Courts. The NRCCWDT is offering to fund 50% of the costs to develop data sharing interfaces between TEA, DFPS, and OCA (for CPCMS users). The remaining costs of the project would be state or CIP expense. The workshop attendees are awaiting instructions from NRCCWDT on the next steps and CC/OCA staff will bring the matter back to the Technology Committee before any final decisions are made about whether to engage in this effort this year. There are no new activities at this time.

Judicial Connectivity Support

Site visits have occurred to various CPC counties. During the visits, local contacts were established and information gathered to address improvement in access to county network resources and Internet connectivity. Details on the courts visited to date are provided in the Report to the Commission

contained the meeting notebook. Site visits to an additional 77 counties will be scheduled over the next 2-3 months. Based on 2 months of testing using a Verizon aircard with an external antenna, the CP court staff who have the Verizon aircards will be issued an external antenna to improve their cellular network connectivity.

Data Interface(s) for Data Sharing with TechShare Program - Juvenile Case Management System (JCMS)

The committee approved funding of the initial phase of the project and the funds will allow identification of system specifications required to integrate elements of the FRS.V2 or interface with CPCMS into the business and technical requirements and specifications defined for the JCCMS Court Module. The development and implementation of a Child and Protective Services (CPS) court management component of the JCMS Court Module will be piloted by the 304th and 305th Family district Courts in Dallas County, the 323rd Family District Court in Tarrant County and be evaluated for future use by the 289th, 386th and 436th Family District Courts in Bexar County.

CPCMS Staff Assistance - Region 2

The funding for this project enabled the hiring of a temporary data entry staffer to provide assistance to two of the four courts in the 2nd Administrative Judicial Region to input backlogged CPCMS case data. To date, 625 of the 757 (total) open cases in the two courts have been updated. Information from approximately 1650 court reports has been entered by the temporary staffer.

Video Conferencing

A vendor was selected from three who were initially identified from the Information and Communications Technology (ITC) Cooperative Contracts established at the Department of Information Resources (DIR). The schedule for the trial testing is set and will include non-court partners such as Disability Rights (formerly Advocacy, Inc.), and the 7th Court of Appeals in Amarillo. Inexpensive web cameras will be ordered for use with notebook computers during the pilot test. Upon completion of the trial testing period, three court sites have agreed to participate: Harris County District Court Judge Michael Schneider; Travis County Associate Court Judge John Hathaway; and Child Protection Court of Central Texas Judge Karin Bonicoro. Analysis is underway to determine whether an enhanced end-point configuration of the video conferencing equipment will be required to support the court room location.

Education Committee

Hon. Patricia Macias, Judge

Judge Macias commented on the logistical challenges faced by the Education Committee and the successes achieved to date in building collaboration between the major governmental entities: DFPS, the Texas Education Agency, Texas Association of School Boards, Texas Association of School Administrators and the courts. The charge to the committee is to draft recommendations and report to this commission by March 2012 and the work continues on target. The members, including the members of the four sub-committees are working in earnest to build recommendations that follow the guiding principles and goals developed at the fall 2011 meeting. The composition of the sub-committees includes over 100 people throughout the state who are focused on the education initiative. The levels of professional expertise represented in the sub-committees include judges, practitioners, foster parents, CASA's, DFPS field staff, representation of the entire spectrum of education and attorneys.

Judge Shannon and Judge Macias meet monthly via teleconference and webinar with the sub-committees and provide technical assistance and ongoing planning. The meetings provide a venue for

information sharing and discussion guided by the respective action plans for each sub-committee. Judge Macias acknowledged the level of cooperation and commitment demonstrated by all members. The full Education Committee will meet on June 24 to review the progress around the goals to develop recommendations regarding data/information sharing, judicial best practices, multi-disciplinary training and ongoing collaboration. In September, a meeting of members of the full Education Committee and the four sub-committees will take place at the Texas Association of School Board offices. Texas continues to receive national recognition about this initiative and the successes to date of the committee. Judge Macias noted that there are several events in 2011 that will focus on educational outcomes of foster youth, including a meeting in November jointly held by the U.S. Departments of Health and Human Services and Education. Judge Macias will represent Texas and provide insight into the efforts underway to address the educational needs of children in foster care.

Legislative Committee

Hon. Dean Rucker, Judge

Judge Rucker noted that the 82nd Legislature is addressing the statewide budget, redistricting and the numerous bills introduced. Judge Rucker commented that legislative staff is increasingly using the Legal Representation Study as a resource and the relationship between legislative members and staff and the commission continues to grow.

Judge Rucker reported on status of the bills introduced during this session that the commission was asked to provide debriefing papers on. These included HB435, HB436, HB121 and HB835, SB1025, SB1026 and HB3123. In addition to these bills, the commission staff has provided testimony on HB3311, HB3314 and HB1466. Judge Rucker acknowledged the work of Tina Amberboy and the commission staff, especially Katie Fillmore. Justice Guzman commented that she has worked with Justice Hart regarding the access to justice issues and expressed her appreciation of the work done during this session.

COMMISSION MEMBER UPDATES

Justice Guzman asked the Commission members to provide updates on their organizations and locales.

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, reported that the state budget negotiations are the predominant issue for the Department at present. She acknowledged the judges around the state of Texas for the support provided to the Department as the negotiations continue, particularly around the issue of contracted services. The scenario has improved since HB1 and SB1 were initially introduced. The Senate restored baseline cuts. Restoration by the Senate will allow the Department to move forward with the implementation of Foster Care Redesign, restore 461 full time equivalent (fte) positions (out of 745 fte initially eliminated) and continue relative caregiver funding, in addition to services in several other areas. Partial restoration was granted for prevention and early intervention programs, notably STAR and community youth development (CYD). Ms. Deckinga provided an overview on the differences in restoration funding to program areas between the House and Senate versions of the bills and acknowledged the dilemma faced to continue funding to adequately serve Texas children and families involved in the child welfare system.

Ms. Deckinga provided an update on the status of Foster Care Redesign. The draft RFP was distributed for comment and the current version will post on Monday, May 2. Members are urged to review the draft version and provide comment.

Judge Bonicoro commented that she is encouraged by restoration of programs in support of family caregivers. Although statistical evidence is pending, she has seen the numbers of children entering foster care decrease as a result of supports provided to relatives. Relative placements help in efforts to work with parents in CPS cases.

REPORT ON MEETING WITH THE MISSISSIPPI COMMISSION

Hon. John Specia and Tina Amberboy

Justice Guzman noted that Judge Specia and Tina Amberboy traveled to Mississippi to provide assistance with restructuring efforts and leadership development underway with the Mississippi Commission. Judge Specia and Tina Amberboy were invited to provide testimony at the public hearings that took place in Jackson, Mississippi on April 26. Their participation was a result of follow up to a meeting held in late January with Justice Randy Pierce, Justice, Supreme Court of Mississippi, Judge Virginia Carlton, Mississippi Court of Appeals, and Judge Thomas Broome, Rankin County Court. The Texas commission is serving as a model for the Mississippi commission's ongoing development. Judge Specia noted that Casey Family Programs is active in much of the work underway in the state. There are significant shared issues between Texas and Mississippi that include large rural areas, continued development of children's courts, addressing juvenile justice alternative schools and an overall emphasis on education in the state.

Judge Specia addressed the issue of budget deficits facing Texas in the next biennium and referenced the letter sent to Texas judges in early March. A Round Table to initiate joint planning and communicate to Texas judges was proposed. The Round Table topics will include how to strategize and develop alternative solutions to address funding cuts and move forward with a focus on the budget resources that will be available. In addition, this information should be made available to the non-profit community. Justice Guzman agreed September of 2011 is the target month for the first Round Table. Judge Bonicoro noted that Beyond the Bench will bring together community level stakeholders to collaborate and coordinate available local resources.

Judge Specia reported that work in ongoing in Harris County, following the Harris County Child-Protection Collaborative meeting held last February. Judge Michael Schneider has filled the leadership role and the new judges continue their involvement. Justice Guzman noted that additional work will take place in Harris County in the form of development of a local sub-committee that will address the unique challenges faced by youth.

COLLABORATIVE COUNCIL REPORT

Justice Guzman acknowledged the members of the Collaborative Council in attendance and opened the floor to comments.

Children's Rights Lawsuit

The issue of the lawsuit filed by Children's Rights was introduced. Ms. Deckinga provided a few comments concerning the status of the lawsuit. The proceeding is in the early stages and Ms. Deckinga can report that the Texas Attorney General's office will represent the Department in the lawsuit. The full impact cannot be determined at this stage, but as in other states the process will require resources both of time and budget.

Texas Appleseed Pilot Study

Ms. Kathryn Freeman reported on behalf of Rebecca Lightsey on the update on the Texas Appleseed study and the pilot design project. Two subsequent phases are underway. First is a cost analysis that will look associated expenditures when a child is in PMC (court costs, legal costs, cost to the Department). Visits to jurisdictions are planned for this summer. The second phase is the pilot design. A pre-pilot will be conducted to test out the design on a smaller scale before moving forward. Casey Family Program and NCJFCJ will assist with the development of a structured in-court observation evaluation process to review court practice, court relationships, and court hearings and identify patterns in the quality of data to use in the development of a dashboard of key practices for implementation of the pilot. Ms. Sarah Abraham added that input identified a lack of clarity about specific practices taking place in a given court and/or during a given hearing. The series of planned observations will result in a quality case study process that will allow for improved categorization and understanding of specific court practices that may lead to better permanency outcomes. A challenge of the interview and focus group process included in the Appleseed Report was the variation among stakeholders with regard to what is occurring in court and the preparation taking place outside of court. The intent is for the two phases of the pilot plan to provide a basis to structure a strong formal pilot in 2012.

Texas Access to Justice Commission Award

Justice Guzman acknowledged that the Texas Access to Justice Commission honored Carl Reynolds by awarding the Star of Justice Award.

Speaker Cards/Comments

Mr. Aaron Setliff, Policy Director, Texas Council on Family Violence reported on the 2nd Annual Judicial Summit on Family Violence that will take place in Austin, Texas on June 1-3 and invited all judges present to attend and share information about the Summit with their peers. The focus of the Summit is to develop judicial involvement and coordinate community response.

Ms. Barbara Elias-Perciful, Director, Texas Lawyers for Children (TLC) provided an update on the activities of TLC. Initiatives have begun for cross over youth and include sharing information from Disability Rights Texas (formerly Advocacy, Inc.) and their practices in dealing with the cross-over youth population with attorneys throughout the state. At the Advanced Juvenile Law Conference, TLC launched communication tools for juvenile law attorneys. Chris Hubner, Juvenile Law Section of SBoT will partner with TLC to distribute information about the tools to juvenile law attorneys. A new initiative underway is the addition of online training to the online center. TLC works to centralize expertise developed in the varied regions of the state and provide access to successful programs.

COMMISSION MEMBER UPDATES

Justice Guzman asked members to introduce themselves and provide updates from their locales.

Hon. Cheryl Shannon, Judge, 305th District Court, Dallas reported on activity in Dallas County. Judge Shannon noted that dedicated liaisons in place who work with CPS and the juvenile department to help manage issues regarding cross over youth. Judge Shannon commented on a success story concerning two former foster youth who have utilized the secondary education supports available to them. One of the former youth is now a CASA volunteer in Dallas County.

Hon. Robin Sage, Judge reported that following her retirement from the bench in January 2011, she is now hearing cases in ten small counties in the Child Protection Courts in rural east Texas.

Carl Reynolds, Administrative Director, Office of Court Administration, Austin commented on the numbers of youth likely involved in the child protection system and appearing in JP and municipal courts on Class C tickets for truancy. This is a potential area for the education system and the education committee to address.

Hon. Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels, commented that she will attend Beyond the Bench.

Hon. Dean Rucker, Regional Presiding Judge, 7th Administrative Region, and District Judge, 318th District Court, Midland, directed members to the Legal Representation Study provided with the meeting materials. The initial planning is ongoing to provide recommendations for changes that will be informed by the study. Sub-Committees will be designated to address Outreach, Practice, and Policy/Legislative areas. The workgroup members will have the first teleconference meeting on May 26.

Hon. Darlene Byrne, Judge, 126th District Court, Austin commented on the cost benefit analysis related to the Travis County Office of Child Representation and Office of Parent Representation. A mid-year budget modification was presented to the Commissioner's Court of Travis County to add one lawyer to each office. The cost-benefit results served to support the request to the Commissioner's Court. Judge Byrne will make copies of the analysis available to anyone interested in reviewing it. Travis County will host the Seattle Model Court at the end of May to review Texas data work and meet with Carl Reynolds and review the CPCMS. Representatives from Prince George's County Maryland will visit Travis County in June to observe best practices and resource methodology to utilize in their new model court.

Hon. Patricia Macias, Judge, 388th District Court, El Paso commented on the review of fire arm surrender in domestic violence cases begun five years ago by the 388th District Court in El Paso. A collaborative team was assembled but adequate funding sources were unavailable to develop a substantive report on the issue. The Texas Council on Family Violence assisted to secure a grant from the Governor's office to develop a replication manual on firearm surrender in domestic violence cases. The manual will be available in June and a summit for law enforcement and other stakeholders involved in the process will take place. There will be a link in the domestic violence Bench Book as well. El Paso is one of the few jurisdictions in Texas to implement cross jurisdictional protocols in firearms surrender.

Dr. Octavio Martinez, The Hogg Foundation for Mental Health, UT Austin, Austin reported that the Hogg Foundation is helping to sponsor the trauma informed workgroup. Planning is underway to invite speakers to present on the issue. The Foundation is considering further funding for restraint training for RTC's. Children at Risk in Houston has completed a Texas juvenile mental health courts evaluation, available on their website at www.childrenatrisk.org. The report provides support for the fiscal benefits of the court. One of the major metropolitan areas in the state that does not have a juvenile mental health court is Dallas. Dr. Martinez recently participated in a Round Table discussion in Dallas with local stakeholders and an op-ed piece was in the Dallas Morning News regarding the issue.

Carolyn Rodriguez, Senior Director of Texas Strategic Consulting, Casey Family Programs, Austin reported that Casey is involved in the collaboration with CPS on their statewide safety decision making efforts driven by a continuous improvement model. Casey is engaged in the Applesseed evaluation noted earlier in the meeting by Sarah Abrahams. Initial evaluation work is underway for

Foster Care Redesign. Casey is also working with HHSC and the Center for the Elimination of Disproportionality and Disparities regarding the disproportionality work across numerous child and family service systems including DFPS.

Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin, reported on behalf of the Child Abuse and Neglect Committee of the State Bar that the next recipient of the distinguished service to children and families has been selected, but the announcement will be made this summer. The CAN Conference will take place this summer. Attorneys who practice in this area and CPS attorneys can apply for scholarships to attend. The DVD's on shaken babies are in high demand in health care and education organizations. Ms. Rutland provided information on programs from the Office of Prevention of Developmental Disabilities that directly relate to the issues faced by crossover youth. The upcoming CPS Judges and Associate Judges Conference will include related topics and include a presentation by Dr. Ira Chasnoff on Fetal Alcohol Spectrum Disorder (FASD).

Sheila Craig, Disproportionality Project Manager, Center for the Elimination of Disproportionality and Disparities reported that the Waco Racial Coalition is engaged in work on disproportionality. The coalition took on the issue following a presentation by Joyce James last January. The current focus is on the criminal justice system. Ms. Craig acknowledged the presentation by Carl Reynolds to the coalition, which consists of cross-systems representatives that include juvenile justice, child welfare, criminal justice, concerned citizens, and the Chief of the Court of Criminal Appeals in Waco. A review of referral data from school districts indicates disproportional and disparate referral of Hispanic and African American children to out of school suspension, alternative schools and juvenile detention. Ms. Craig noted that the Education Committee and its sub-committees must look at the connection to the crossover work. CEDD is in the process of pulling data from all systems from state agencies to review data points that impact disproportionality. During the summer, a review of data across all system will take place and will include the juvenile justice system, education and child welfare and health disparities to general community profiles. Identification of areas in Texas with the highest rates of disproportionality across systems will be determined to allow CEDD to focus their work. Health disparities data for African American youth 11-17 indicate an HIV rate of four times that of all Texas youth in that age group. The figures are similar for African American adults. The problems of disproportionality and disparities cannot be solved through addressing issues in a single system. Cross-systems work has to be addressed because of the impact on families by multiple systems. In the criminal justice system alone, cross over youth are moving into the criminal justice system. A review of data of inmates on death row shows over 90% of the population has some connection to the child welfare system. The CEDD is providing data throughout the state of Texas to multiple systems, conducting conversations about the CEDD and the Texas Model and hosting 2 upcoming Undoing Racism training sessions (in partnership with Casey Family Programs). The goal is to elevate the conversation regarding race and institutional racism and bring the conversation to the table in recognition that all efforts cannot eliminate disproportionality until race is acknowledged as a component of the conversation. Poverty, single parent homes, and all other elements, underlying all of these elements is race. It is necessary to have the courageous conversations to address the issue. The CEDD will accommodate any judges or any persons affiliated with the courts who have interest to attend an Undoing Racism workshop.

Selina Mireles, Attorney at Law, Laredo reported that there is a high level of anticipation about the start up of the Drug Court program in Webb County. Positive results among the CPS parents are anticipated. Ms. Mireles will provide a follow up report to the Commission at the August meeting.

Bruce Esterline, Vice President for Grants, The Meadows Foundation provided an update on the Meadows Foundation. Communication from organizations who have worked with Meadows over the years is ongoing and includes CASA's, child advocacy centers, and, transition resource centers. The foundation anticipates a significant increase in requests for funding in response to the state level budget rollbacks. The foundation staff are reaching out to state associations for advice on how to be responsive in the most strategic way. Response to applications will be handled in a 'triage' manner.

Additional Speaker Cards/Comments

Ms. Johana Scot, Executive Director, Parent Guidance Center commented on the pending litigation by Children's Rights. She noted that her organization advocates for parents who are involved with CPS. Ms. Scot views the lawsuit as an indictment of the Texas system and since the members of the commission and collaborative council are working to improve the child welfare systems, she believes it is critical for all members to follow the developments in the litigation. Ms. Scot echoed Ms. Deckinga's comments, and noted that as the experiences of other states show, the process can potentially take a number of years to conclude. Ms. Scot encouraged all members to read and review the injunctions and allegations contained in the lawsuit. Ms. Scot advocated against acceptance of any settlement of the lawsuit, since the restrictions imposed on states who have accepted settlements are onerous. Ms. Scot encourages all members to contact state legislators and the AG's office in support of the Department and provide information on the numerous programs and work underway to address the allegations contained in the lawsuit.

Mr. David Halpern, Office of the Attorney General expressed his appreciation to the commission and Carl Reynolds. The commission is assisting a program that is improving the education of teachers and young people about the law. The project is unique to Texas and continues to develop with the assistance of members of the commission.

Ms. Barbara Elias-Perciful commented on a pilot project underway in Dallas County aimed at reducing the number of children in foster care. Family Based Safety Services (FBSS) and a group of attorneys who practice collaborative family law are involved in representing the child, parents and family members when an FBSS investigation occurs. The Department is involved as well. The project is similar to family group counseling, with successful outcomes in Dallas County. A statewide rollout is anticipated. A review of results and methods will be made available soon.

COMMENTS/NEW BUSINESS

NEXT MEETING

Justice Guzman noted that the next meeting of the Commission is scheduled on July 29, however, this date conflicts with the NCJFCJ Conference that takes place in New York City. The date of August 11, 2011 is proposed as the next meeting date of the Children's Commission.

ADJOURNMENT

The meeting was adjourned at 1:05 p.m.

INSERT - TAB 2

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
 Gabriela Fuentes
 Joe Gagen

Stewart W. Gagnon
 Hon. Helen Giddings
 Hon. Bonnie Crane Hellums
 Joyce M. James
 Hon. Patricia A. Macias
 Dr. Octavio Martinez
 Hon. Michael Massengale
 Selina Mireles
 Carolyne Rodriguez

Hon. Dean Rucker
 Fairy Davenport Rutland
 Hon. Robin Sage
 Hon. Cheryl Lee Shannon
*Terry Tottenham**
 G. Allan Van Fleet
 Hon. Judy Warne
 Hon. Jeff Wentworth
**appointment pending*

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
 Kevin Cox
 Jason Hassay
 Hon. Gilford Jones
 Casey Kennedy
 Tim Kennedy
 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
 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

STAFF

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
 Kate McLagan
 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, Program 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

INSERT - TAB 3



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
August 11, 2011**

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

Update: 8/9/2011 9:14 AM

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for August 11, 2011**

MINUTES– April 29, 2011, TAB 1

COMMISSION MEMBERSHIP CHANGES TAB 2

Two commissioner terms expired in May 2011. Harper Estes has elected to not renew his membership on the Children’s Commission. Allan Van Fleet has elected to serve an additional 3-year term.

Justice Guzman invited Terry Tottenham, past President of the State Bar of Texas to join the Children’s Commission. The order to appoint Mr. Tottenham to the Commission will be submitted to the Court for approval in mid-August.

On July 1, the Governor appointed Gabriela Fuentes as an ex-officio member of the Commission.

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES

New Members:

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

COMMITTEE MEMBERSHIP CHANGES

Joe Gagen has elected to discontinue serving on the Basic Committee since he serves as a Children’s Commission member.

STAFF CHANGES

No Staff Changes

COMMITTEE ACTIVITIES

Basic Grant Committee

The Basic Committee held an in person meeting on July 6, 2011. 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 July 6 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 last August and is currently being updated to add topics such as Trauma-Informed Care, Psychoactive Medications, and Tribal Law. 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

The Appleseed workgroup and a subset of workgroup members have met several times over the past quarter to discuss how to move forward with the Benchmark Pilot that was recommended in the November 2010 Appleseed Report. The group has discussed the pilot design and elements, possible jurisdictions for implementation, and an evaluation component, but has not reached consensus on the best way to move forward. However, the same considerations/recommendations remain a focus of the project including: docket changes, categorizing cases from simple to complex categories and structuring hearing schedules that are more appropriate to the category, urging stakeholders to make a cultural shift to emphasize permanency value training to examine the of PMC cost and cost savings in finding permanency, importance for child, frequent revisiting of solutions, cultural and diversity competency and training of involved parties and stakeholders.

3. Round Table Series

Notice and Engagement

In December 2010, with the help of Casey Family Programs and DFPS the Children's the Commission held a Notice & Engagement Round Table discussion that brought together various stakeholders to assess current efforts and areas for improvement. The discussion addressed service of citation and notices relating to the lawsuit, which must comply with the Texas Rules of Civil Procedure (TRCP). Additionally, the discussion addressed notification and engagement efforts to encourage parents, relatives, youth, and other participants into the case. The round table discussion revealed that notice is not consistently or timely provided, that there is confusion regarding the difference between notice of hearings and service of process in the lawsuit. Regarding engagement, the round table discussion revealed many areas for improvement and indicated that DFPS may be missing out on valuable support that relatives and other

persons might be able to provide to a case. As a follow up to the Round Table, and to assist with compliance with the Fostering Connections Act, the Texas Legislature enacted provisions to strengthen the notice required when a child is removed from their home and to require broader and deeper engagement of relatives in placing the child and serving their needs. Specifically, newly enacted SB 993 codifies the federal requirement to notify adult relatives and adds court oversight to review DFPS's diligent efforts to engage relatives. The Commission will be working on training to encourage judges to review compliance with notice and engagement requirements, and hold parties accountable. The Commission will also be working with DFPS to recommend clarifying its policy regarding the responsibility and requirements of providing service of citation and notice and engaging family members. As part of this effort, the Commission will try to address presumptions and attitudes about relatives and family members that may be driving caseworker practices. One of our focuses will be on increasing involvement of alleged fathers and paternal relatives.

As part of the judicial education piece, Tina Amberboy gave a presentation at the July 2011 CPS Judicial Conference recapping the points from our Permanency and Notice & Engagement Round Tables. The presentation provided an opportunity to communicate the issues that were identified and suggest solutions and best practices, as well as update judges on the recent changes to the law enacted during the 2011 Legislative Session.

Budget Shortfall Implications/Managing Services Under the New Fiscal Constraints

The Commission is in the process of planning a round table to address services and child-protection practice, in light of new fiscal constraints. The round table will provide a forum for participants to discuss strategies to accomplish DFPS's objectives while staying within budgetary limits. Because of the complexity of this task, the round table will be conducted in several parts.

As a starting point, the group will discuss the Department's operational budget and top expenses related to services purchased in an effort to achieve permanency for children in care. The group will discuss what is required to meet the "reasonable efforts" requirements under federal law, how the budget constraints will affect reunification and permanency overall. Part of the discussion will include an assessment of ways to coordinate and fully utilize resources that may be available for no or low cost to the Department (ex: community or nonprofit programs). DFPS will examine whether restructuring or reallocating existing resources might result in a cost savings to the Department and whether there are any duplicative or unnecessary services being provided (such as cases involving incarcerated parents or children involved in juvenile delinquency programs).

The Children's Commission will work with DFPS to identify training needs for caseworkers in their development of service plans in the most cost efficient way possible as well as for judges, attorneys, and advocates to assist with requirements of reasonable efforts, the impact of the budget cuts, the availability of other resources, and strategies for modification of service plans.

4. Legal Representation Study (LRS)

The Children's Commission LRS held its initial call on May 26 and solicited from members their preference for workgroups and subcommittees. The LRS has been organized in the following manner: there are three subcommittees (Practice, Policy/Legislation, Outreach) and five topic groups (Appointment Method, Compensation, Training, Standards, and DFPS Representation). A conference call for two of the topic groups will be held on August 10 and a conference call of the larger Practice Group will be held on September 20. The first topic groups to meet will discuss Method of Appointment and Representation Model and Standards, Quality Assurance, and Accountability group. The Appointment Method and Representation Model is charged with discussing the elements of the Legal Representation Study that examined the types of representation being used around the state and the nation and consider what Texas communities would identify as core principles of representation in Texas such as fairness, independence, cost-effectiveness of various methods such as private attorneys, representation offices / institutional models, oversight or centralized agency model, contract attorneys. The Legal Representation study recommends that each jurisdiction develop an appointment of counsel plan that takes into account the feasibility of different representation models that are workable in that particular jurisdiction. In conjunction with the Standards, Quality Assurance and Accountability group, this group will consider whether the state should adopt this requirement, and if so, recommend an Appointment of Counsel plan template that each jurisdiction could use. The Standards, Quality Assurance and Accountability group will examine developing a method for evaluating qualifications of attorneys and their eligibility for appointment, which could be similar to the criteria applicable to juvenile cases. Also, consider creating uniform evaluation tools and checklists for judges to use to determine whether the attorney is meeting statutorily-defined duties. It will also consider developing procedures for imposing sanctions when an attorney fails to meet minimum standards, including removal of the attorney from the case and/or receiving contracts or appointments in the future.

The entire LRS report can be accessed on the Children's Commission website:

<http://www.supreme.courts.state.tx.us/children/pdf/LRS.pdf>

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 attended the NCJFCJ Annual Conference in New York City. He also issued JIRs on the CPS Bench Book and Texas Workforce Boards and made a presentation to the National Conference of State Legislatures in San Antonio.

6. National Adoption Day

Adoption Day is 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.

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 Administration for Children and Families (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. CPPP recently received 2010 data from DFPS and is using updated data for these analyses.

Harris County

A more intense Judicial Technical Assistance project that goes beyond merely providing permanency data analysis was 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. The issues identified included case delays, accountability and preparation, service of citation and notice, low reunification rate, lack of permanency, Disproportionality, case management and docketing, legal fees for appointed attorneys, countywide oversight and cooperation. Link to the full report here: <http://www.supreme.courts.state.tx.us/children.asp>

8. Judicial Disproportionality Workgroup (JDW)

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 Commission Center for the Elimination of Disproportionality and Disparities, formed a workgroup to help the legal system do its part in addressing this important issue. The JDW is co-chaired by Joyce James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities, and Carolyn Rodriguez, Senior Director, Texas Strategic Consulting, with Casey Family Programs, Associate Judge Meca Walker of Harris County, and Senior District Judge John Specia. The second annual Implicit Bias Conference was presented by the Children's Commission and the Texas Center for the Judiciary on June 6 & 7, 2011. The goal of the conference was to educate judges about the effect of cultural biases on decision making and how these biases have contributed to disparate outcomes for African American, Native American and Hispanic youth and families involved in the judicial system. Some of the nation's pre-eminent experts presented on race and racism, including its history in the United States, the effects of unintentional biases, current research, and tools judges can use to effect change in their courtrooms, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) Court Catalyzing Change Bench Card. The Implicit Bias Conference received some of the highest ratings of any conference sponsored by the Texas Center for the Judiciary in FY2011. Strategies for the JDW in 2012 include planning the third Implicit Bias Conference and discussing how the Children's Commission can best help judges understand and interpret child welfare data and working within their own child welfare system to bring about judicial and local practice changes.

9. Tribal Initiatives

In 2012, the Children's Commission will host a symposium to gather representatives of Texas' tribal nations and child welfare courts to promote better relationships between state and tribal courts and a deeper understanding of federal Indian law and the legal standing of tribes. This past April, Vice-chair Judge Darlene Byrne, Carl Reynolds, State Court Administrator, and Kristi Taylor of the Children's Commission traveled to the Alabama-Coushatta reservation in Livingston, Texas to attend their Judicial Symposium. The delegation met with the Tribal Peacemaking Court and Collaborative Council Member Aaron Williams. Ms. Taylor will also travel to Ysleta del Sur Pueblo to meet with representatives of the Tigua tribe on September 7th and 8th for the quarterly meeting of the Statewide Task Force on Disproportionality. The Commission is also currently updating the Judicial Benchbook with more comprehensive information on Tribal issues, including compliance with the Indian Child Welfare Act (ICWA).

10. Psychoactive Medications

A collaborative discussion regarding the newly revised Psychotropic Medication Utilization Parameters for Foster Children (Parameters) revealed the need for a longer-

term workgroup to further explore the best practices in the Parameter Review process. Using the Parameters as a guideline to ensure appropriate treatment of children prescribed psychoactive medications the Parameters have been very successful, leading to significant reduction in the overall use of psychotropic medications and decreases in the use of multiple medications for the same purpose. In the initial meeting, Dr. James Rogers, Medical Director of DFPS, Dr. David Harmon, Chief Medical Director of Superior Health Plan, and Commissioner Octavio N. Martinez, Jr., M.D., described for the group how the Parameters were developed and the ways in which the Parameters are used in health screenings, automated monthly pharmacy screenings, and by CPS staff, CASAs, caregivers, attorneys and judges in the review of the medications of foster children. Commissioner Audrey Deckinga, DFPS Assistant Commissioner for CPS, and Kathy Teutsch, CPS Division Administrator of Medical Services added institutional knowledge of the Psychotropic Medication Utilization Review (PMUR), the process to seek further scrutiny of prescriptions that appear to fall outside the Parameters. Judge Diane Guarigila, Associate Judge of the 245th Harris County District Court, Judge John Hathaway, Associate Judge of the Travis County Youth Transition Court, and Judge Karin Bonicoro, Associate Judge of the Child Protection Court of Central Texas also provided feedback about the trends they see in their courts and their ideas for improving the Parameters and the Parameter Review process.

11. Restraint Group / Trauma-Informed Care Workgroup

There is an emerging focus in child welfare on the significant role trauma plays in the lives of children in foster care and how professionals can integrate this awareness into effective practices. Research suggests that after training and implementing a trauma-informed approach in residential treatment centers, incidents of assault, property damage and running away decrease dramatically. The Children's Commission Trauma-Informed Care Workgroup was created in response to concerns raised by Richard LaVallo of Disabilities Rights Texas (formerly Advocacy, Incorporated) regarding the use of physical restraints in residential treatment centers. The TIC Workgroup is focusing on goals such as (i) writing a Trauma-Informed section for the CPS Judicial Bench Book regarding trauma-informed practices and statutory requirements on the use of physical restraint in residential treatment centers; (ii) recommending guidelines for the use of physical restraints for foster youth; (iii) proposing changes to the DFPS rules governing the physical restraint in residential treatment centers; (iv) researching what data is currently collected on the use of restraints and seclusions in residential treatment centers and how the data may support evidence-based practices; and (v) engaging with stakeholders who are applying for a Developing Trauma-Informed System of Care grant and plan to create a Texas Trauma Network.

12. Texas Permanency Initiative

Youth who age out of foster care without biological ties to any parent may not be able to inherit from certain biological relatives, benefit from being added to a parent's insurance, or receive any SSI or military benefits that might be passed through from a parent or even a grandparent. There is no one to call if they are hospitalized, and their children have no grandparents. This project focuses on how courts and judicial practices can help stem the growing number of children who are aging out of foster care as legal orphans. The NCJFCJ will issue a technical bulletin in the coming months that will guide the Children's Commission's work in Texas.

A workgroup will be formed to start a statewide and national dialogue among child welfare professionals and the judiciary, to build a curriculum around permanency counseling for children who identify as not interested in being adopted. Children's Commission staff recently attended permanency values training and will engage the new workgroup to determine how to deploy elements of that training to the legal community.

13. ICPC Reform

The Interstate Compact on the Placement of Children (ICPC or Compact) was intended to be a uniform state law governing the interstate placement of children in foster care. However, in practice, the ICPC is inconsistently applied and is criticized for being unworkable and an unnecessary delay to children's permanency. The current ICPC has been in existence for over 40 years and has been plagued with problems, primarily relating to its inconsistent interpretation and enforcement.

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 (APHSA), 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.

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. Texas submitted comments to the Conference of

State Court Administrators for inclusion in comments to the APHSA at their annual meeting in April.

14. 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; the policy research project may get off the ground during the 2012/2013 school year. An advisory group for this project will be created over the next few months.

Training Grant Committee

The Training Committee met in person on July 6, 2011. The details of this report include the history and ongoing progress of training committee projects. For minutes regarding the full discussion at the July 6 meeting, please see the minutes in this meeting notebook under Tab 4.

Update of Training Grant Projects

1. Attorney Education

Trial Skills Training – The committee approved \$40,000 at the July 2010 meeting to develop trial skills training in FY 2011. A workgroup, to be led by Justice Michael Massengale of the 1st Court of Appeals in Houston, will develop the curriculum for this training, with plans to offer the training across Texas jurisdictions.

Attorney Practitioner Manual – The Attorney Manual (“The Abuse and Neglect Case: A Practitioner’s Guide”) was written in Spring 2009. The manual is available online on the Commission’s website and was made available in print form to attorneys that attending the 2009-2010 NACC training. The manual has been praised by attorneys and judges as a comprehensive guide to the practice. The Commission is currently in the process of updating the manual and making improvements to enhance

its usefulness to practitioners. The updated manual will contain a substantive overview of the law, as well as practical and trial advocacy tips. The manual will contain the applicable curriculum for all of our attorney training courses (specifically, both the child and parent attorney training course, as well as the trial skills course).

Attorney Appointment Eligibility Training – The Commission is developing two training courses on representing parents and children in CPS cases. The courses are designed to satisfy the statutorily required minimum three hours of continuing legal education (CLE) training to be eligible for appointment as an attorney ad litem in CPS cases. While the statutory training requirement has existed for children’s attorneys for some time, the requirement for parents’ attorneys was just added during the 2011 Legislative Session. So the parent’s attorney training will be the first of its kind. Both the child and parent attorney training will be updated with the most recent statutory changes and case law. We will be filming the training courses in the State Bar’s studio in the fall. The courses will be available online through the Texas Bar CLE website, and attorneys seeking appointments will be able to take the course free of charge.

NACC Child Welfare Law Conference – The NACC annual conference will be held August 30-September 1, 2011 in San Diego, CA. This annual conference offers nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases. The Training Committee approved \$6,000 to provide registration scholarships to approximately 15 Texas attorneys who represent parents, children, and DFPS in CPS cases. Thirty-six attorneys applied for a registration scholarship and 15 were awarded. Several staff from the Children’s Commission will also attend the conference.

Scholarships for Child Abuse and Neglect Track at Advanced Family Law (AFL) – In FY 2010, 42 attorneys attended the Child Abuse and Neglect Track at Advanced Family Law on commission-funded scholarships. At the April 6 meeting, the committee approved funding of an additional \$5,000 to the \$5,000 previously approved 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. An interagency agreement regarding the 2011 scholarships was signed and the application process took place in June and July. One hundred and thirty-six attorneys applied and approximately 100 scholarships were awarded.

Scholarships for DFPS attorneys to attend the TDCAA Crimes Against Children Conference in April, 2011 – Committee members approved \$25,000 to provide scholarships for DFPS attorneys who otherwise would not be able to attend legal training to attend the Texas District and County Attorney’s Association Crimes Against Children Conference, which included a two-day track on CPS cases. The conference occurred April 12-15 in Houston. In addition to state’s attorneys, TDCAA offered several registration scholarships to parent/child attorneys.

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. Currently, at least four Texas attorneys have applied for the certification and approximately 35 have requested that the application be sent to them.

SBOT CAN Committee Multi-disciplinary Training in FY 2011 – The State Bar of Texas Child Abuse and Neglect Committee pushed back the date of its multi-disciplinary conference to FY 2012.

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, a percentage of lodging expenses, and administrative costs of the ABA. Attorneys will be expected to cover travel and other expenses. The Parent Attorney Conference was held July 13-14, 2011 and the Children and the Law Conference was held July 15-16, 2011, both in the Washington, D.C. area. Roughly 125 attorneys applied for the scholarships and close to 75 attorneys attended including Children's Commission staff.

2. Judicial Training

NCJFCJ National Conference on Juvenile and Family Law and Annual Conference – In 2011, the NCJFCJ National Conference on Juvenile and Family Law was held in March in Reno and approximately 30 attendees came from Texas. The Annual Conference of the NCJFCJ was held July 25-27 in New York City and 43 judges attended. Judges who attended the July conference were required to attend the CPS Judges Conference.

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 next Beyond the Bench will occur on August 24-26, 2011 and will target courts in Central Texas. Five judges will attend with one to two teams. 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 – The second annual Implicit Bias Conference was presented by the Children’s Commission and the Texas Center for the Judiciary on June 6 & 7, 2011. The goal of the conference was to educate judges about the effect of cultural biases on decision making and how these biases have contributed to disparate outcomes for African American, Native American and Hispanic youth and families involved in the judicial system. Some of the nation’s pre-eminent experts presented on race and racism, including its history in the United States, the effects of unintentional biases, current research, and tools judges can use to effect change in their courtrooms, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) Court Catalyzing Change Bench Card. The Implicit Bias Conference received some of the highest ratings of any conference sponsored by the Texas Center for the Judiciary in FY2011. Twenty-eight judges attended and the conference received great evaluations.

CPS/Associate Judges Conference – This annual conference was held July 6-8, 2011 in Austin and 136 judges attended. Historically, the conference was designed specifically for district and other judges who hear child-protection cases and focuses on best practices and cross-disciplinary issues. This year, commission staff worked with the Texas Center for the Judiciary regarding curriculum for this conference and combined content traditionally presented at what was known as the Associate Judges Conference. Children’s Commission staff will work with the Texas Center for the Judiciary to support a CPS Judges Conference in FY 2012.

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 2010 meeting.

3. 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 2012.

4. 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.

5. 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. This year's training was held on March 7-8, 2011 in Austin. Fifteen judges and 16 court coordinators attended the conference, which included national speakers on educational outcomes of foster youth and judicial leadership. Next year's training will be held in March 2012.

6. Children and the Courtroom Project

On April 6, 2011, the Training Committee approved funding \$25,000 for a proposal of 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. The guide, which will be available later in 2011, will be disseminated to courts across Texas. Children's Commission staff will serve as a resource in the creation of the guide.

Technology Committee Report

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

1. Child Protection Case Management System (CPCMS)

Commission's Executive Committee voted in January to approve the increase in funding to amend the OCA TexDECK grant (\$117,450.00). The Commission ratified the vote of the Executive Committee on 4/29/11. The amendment brought the total of the TexDECK grant for FY2011 to \$402,770.00.

Enhancements to CPCMS are ongoing and are based on input from the CPCMS Advisory Group, which evaluates bug fixes and enhancement requests according to the following protocol:

1. User requests come to the project team via the 40+ CPCMS users as well as the OCA specialty courts program area (OCA's legal division oversees OCA funded specialty courts).

2. The request is categorized by the project team as a “bug” (meaning the system doesn’t function as designed) – OR – as an “enhancement” (meaning that the system functions properly, but the design needs to be changed). Critical bugs (bugs that cause the system to crash) take priority and are fixed immediately. Major or intermediate bugs (bugs with identified workarounds) are fixed in the next immediate release. Minor bugs (bugs where workarounds are not needed) are worked into the scheduled releases.
3. Enhancement requests are collected by the project team and are presented to the Advisory Committee. The committee is comprised of nine CPCMS users and a representative of OCA’s legal division (program staff).
4. Once the committee decides which of the reviewed requests are approved, they review the current release schedule (which tickets will be completed when) and the list of enhancements approved but not yet scheduled.
5. The committee then re-prioritizes based on the newly approved requests, the current release schedule and enhancements approved but not yet scheduled.
6. Based on the newly established priorities, the committee re-assembles the new release schedule.

Since the amount of funding (and therefore time) is fixed, lower priority enhancements (while validly needed) are left unscheduled, but can be reprioritized at a later date.

- Version 3.1 enhancements to CPCMS were implemented in early March and included 5 system enhancements and 3 bug fixes.
- Version 3.2 enhancements to CPCMS were completed and implemented by mid-June, and included 22 system enhancements, 6 maintenance tickets for daily operations, and 13 bug fixes.
- Version 3.3 enhancements to CPCMS were completed by the end of June and included 2 system enhancements, 2 bug fixes and one maintenance ticket.
- Version 3.4 enhancements are being addressed in the July through mid-September timeframe. There are 13 enhancement tickets being addressed in this scheduled version release.
- Version 3.5 is planned to address 19 maintenance tickets and is scheduled to be implemented in early October.

OCA requested a reallocation of \$74,336.00 at the July 6, 2011 committee meeting to address the 37 tickets addressed in version 3.3, version 3.4 and version 3.5.

OCA also submitted a grant application on July 6, 2011 for a total of \$194,994.00 that includes funding for continued enhancements of the CPCMS system v4.1, which have

been approved by the CPCMS Advisory Group according to protocol and will be released in late 2011 or early 2012.

2. National Information Exchange Model (NIEM)

Texas state agency representatives from the Texas Education Agency (TEA), Department of Family and Protective Services (DFPS), the Office of Court Administration (OCA) and the Children's Commission attended the National Resource Center for Child Welfare Data and Technology (NRCCWDT) workshop in Austin in March 2011. The agenda was focused on implementing privacy solutions in child welfare and the applicability of FERPA, HIPAA and 42 CFR (Confidentiality of Alcohol and Drug Abuse Patient Records).

The workshop participants discussed the privacy and confidentiality concerns associated with sharing information between TEA, DFPS, and Courts. The NRCCWDT is offering to fund 50% of the costs to develop data sharing interfaces between TEA, DFPS, and OCA (for CPCMS users). The remaining costs of the project would be state or CIP expense. The workshop attendees are awaiting instructions from NRCCWDT on the next steps and CC/OCA staff will bring the matter back to the Technology Committee before any final decisions are made about whether to engage in this effort this year. No new activities at this time.

3. Judicial Connectivity Support

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. Originally there were 29 county court sites identified as having insufficient access to cellular internet connectivity using cellular air cards. Site visits have occurred to various CPC counties. During the visits, local contacts were established and information gathered to address improvement in access to county network resources and Internet connectivity. A total of 74 county court sites have been inspected. Those county court sites cover 10 of the 17 child protection court jurisdictions. The project is on schedule to be completed by September 30.

4. Data Interface(s) for data sharing with TechShare Program – Juvenile Case Management System (JCMS)

This project is aimed at developing and implementing a Child and Protective Services (CPS) court management component of the JCMS Court Module to be initially piloted by the 304th and 305th Family District Courts in Dallas County, the 323rd Family District Court in Tarrant County, and to be evaluated for future use by the 289th, 386th and 436th Family District Courts in Bexar County. The initial project, funded by this first phase / first award of \$60,000 will identify system specifications required to integrate elements of the FRS.V2 or interface with CPCMS into the business and

technical requirements and specifications defined for the JCMS Court Module. The TechShare project team (Conference of Urban Counties) efforts include:

Program Activities

1. Develop Systems Specifications for Developing Merged Docket

- All work sessions with the Family District Courts and local representatives from the Texas Department of Family and Protective Services, CAS, County District Attorney Offices and other interested stakeholders have been completed.
- The technical review of the CPCMS has been completed.
- Project activity report is in preparation to detail the activities related to the development of the System Specifications.

2. Develop Metrics to Monitor Court Performance Improvement

- Meeting request to discuss metrics for measuring court performance has been forwarded to the Office of Court Administration and the Children's Commission.
- Meeting requested during week beginning Monday, August 15, 2011

3. Review and Approve System Specifications

- Draft System Specifications are being prepared.
- Performance metrics will be integrated into the draft specifications.

Milestones and Approval/Review Dates

1. Develop Metrics to Monitor Court Performance Improvement

- Metrics to be identified by August 19, 2011

2. Develop Systems Specifications for Developing Merged Docket

- Draft System Specifications to be completed by August 26, 2011

3. Review and Approve System Specifications

- Draft System Specifications to be reviewed with stakeholders by September 9, 2011
- Grant Deliverables to be submitted to Children's Commission by September 16, 2011

5. CPCMS Staff Assistance – Region 2

The funding for this project has assisted two of the four courts in the 2nd Administrative Judicial Region to input backlogged CPCMS case data into the case management system. The four include:

East Texas – 5 counties, 542 cases

Brazos River Valley – 6 counties, 215 cases

Southeast Texas – no assistance needed at this time

Three Rivers – no assistance needed at this time

The temporary data entry staffer completed the entry of CPCMS open court case data for the East Texas Cluster Court and the Brazos River Valley Cluster Court by late April 2011, for a total of 757 cases. Information from approximately 1650 court reports was entered.

Data entry catch-up is still needed for the CenTex Child Protection Court and the Rio Grande Valley West Child Protection Court. Data entry work for these two courts has been postponed until October 2011 (Federal FY2012).

6. Video Conferencing

The (Logitech) LifeSize ClearSea video conferencing solution was selected to meet the needs of the video conferencing project. The selected solution provides Internet based video conferencing, featuring client software for computers using Windows or MAC operating systems. Additionally client software is available for Android devices and the iPhone. Inexpensive web cameras have been distributed to the remote sites for the children selected to participate in the pilot for the video conferencing pilot.

The first of the scheduled child protection hearings will occur on August 10 with the last of the hearings occurring in September. The three courts that have agreed to participate in this pilot are: Harris County District Court Judge Michael Schneider; Travis County Associate Court Judge John Hathaway; and Child Protection Court of Central Texas Judge Karin Bonicoro.

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.

The Education Committee membership includes high level decision-makers from the child protection and education systems. (For a list of committee members, see: Order Establishing Education Committee). Unlike other collaborations between child protection and education around the country, the Texas committee is unique because it is judicially created and led.

The Education Committee, chaired by Judge Patricia Macias, has met four times – September 30-October 1, 2010 (in-person), January 7, 2011 (in-person), April 8, 2011 (teleconference), and June 24, 2011 (in-person).

During the most recent meeting, the Education Committee received a legislative update, a national update, and reports from co-chairs of each sub-committee, which included updates about the sub-committee discussions and action plans. The Education Committee approved an action plan and gave general feedback and direction to the sub-committees' work, which will culminate in draft recommendations for the Education Committee by December 2011.

Four sub-committees were created to help address the charge given to the Education Committee:

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) (further divided into 3 workgroups: 1) school discipline; 2) education decision-making and advocacy; and 3) school services and supports).
4. Post-secondary Education (Older Foster Youth)

The sub-committees began meeting by holding a joint sub-committee meeting on February 4, 2011. At that meeting, the sub-committees learned about the Children's Commission and the creation of and charge to the Education Committee. The sub-committee members received information regarding educational outcomes of foster youth, including education data provided about Texas foster youth by the Texas Education Agency. The sub-committees will continue meeting, at least monthly,

between now and March 2012, when the Education Committee will provide recommendations in a final report to the Children's Commission.

To date, the sub-committees collectively have met over 25 times, to discuss challenges, resources, data and information sharing, judicial practices, and cross-disciplinary training. Each sub-committee and the Education Committee have created action plans.

On the national level, there are several events in 2011 that will focus on educational outcomes of foster youth, including a meeting in November jointly held by the U.S. Departments of Health and Human Services and Education. Teams from all 50 states, Washington, D.C., and Puerto Rico will participate and focus on the education needs of children in foster care. Invitations to the invite were sent in July to the state chief justices and education and child welfare agency leadership.

Texas is receiving national recognition about this initiative. The emphasis on cross-system responsibility for foster youth is guiding the work and the collaborative effort at seeking solutions to the issues is a foundation for a national model and long term relationships among the systems represented on the committee and sub-committees.

The Education Committee will next meet on September 16, 2011.

Strategic Planning Committee

The Strategic Planning Committee has reviewed the existing strategic plan and broadened the goals under three headings: Evaluate, Educate, and Improve. Accomplishment of the goals would occur under judicial leadership, collaboration and cultural awareness/disproportionality. At the annual CIP meeting in May, the Children's Commission staff learned that new CIP program instructions will be forthcoming from the Children's Bureau in July. These new instructions will include requirements for a new 2-3 year CIP strategic plan. The Strategic Planning Committee will meet next on November 17, 2011 and the committee and Children's Commission staff will integrate the new CIP strategic plan into the current draft of the Commission's strategic plan at that time. The intent is to place the new strategic plan on the agenda for adoption at the Children's Commission meeting in January 2012.

Legislative Workgroup

The Commission's legislative efforts during the 2011 Session were very successful. The Commission served as a resource to the Legislature on numerous bills, by submitting research papers, testifying at hearings, and working with legislative members and staff on crafting language to address particular issues. The Commission was able to provide

valuable insight to the Legislature about specific practical issues and unintended consequences of legislation, thanks to our continuous feedback from judges practicing in the field. We were able to use that group of judges as a sounding board on many of the issues, and then relay their first-hand prospective to the Legislature. Several pieces of legislation were passed this session to address legal representation reform (HB 3311, HB 3314, and SB 1026) and notice and engagement of families (SB 993). The Commission has prepared a legislative update to highlight the recent legislative changes

The Children's Commission has also been appointed by the Supreme Court to the HB 906 Task Force, which was enacted during the legislative session and repeals most of the Family Code's appellate procedures governing appeals from final orders terminating parental rights.¹ HB906 also directs the Supreme Court of Texas to adopt rules of appellate procedure. The order appointing the Task Force instructs the members to be guided by the principle that such proceedings should be expedited to minimize disruption and confusion in the lives of children and parents without precluding full consideration of the issues and their just and fair resolution. The Court appointed Hon. Dean Rucker (Midland) chair of the task force, along with the following task force members: Tina Amberboy (Austin), Hon. Debra H. Lehrmann (Austin), Jo Chris Lopez (San Antonio), Jack W. Marr (Victoria), Hon. Ann Crawford McClure (El Paso), Richard R. Orsinger (San Antonio), Georganna L. Simpson (Dallas), and Charles R. "Kin" Spain, Jr. (Houston). Hon. Eva Guzman will serve as the Supreme Court's liaison to the task force.

The Commission efforts during the 2012 FY will be primarily directed at the development and assessment of interim topics leading up to the 2013 Legislative Session.

¹ See Tex. Fam. Code § 263.405; HB 906, 82nd Reg. Sess. (Tex. 2011).

INSERT - TAB 4

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

**Basic, Training, and Technology Committee Meeting Minutes
July 6, 2011**

**Location: Hilton Austin Downtown
Salon E
Austin, TX 78701**

ATTENDANCE OF MEMBERS-BASIC

Members Attending

Members Not Attending

Name	Name
The Honorable Robin Sage, Chair The Honorable Elma Salinas Ender, Member Mr. Joe Gagen, Member The Honorable Bonnie Hellums, Member Ms. Colleen McCall, Member Ms.Carolynne Rodriguez, Member The Honorable Peter Sakai, Member The Honorable Virginia Schnarr, Member The Honorable Cheryl Lee Shannon, Member	The Honorable Mickey Pennington, Member The Honorable Doug Warne, Member The Honorable Olen Underwood, Member
Staff	
Ms. Tina Amberboy Ms. Tiffany Roper Ms. Kristi Taylor	
Ms. Mari Aaron	

I. Call to Order

This meeting was held at 9:30 a.m. on July 6, 2011, at the Hilton Austin Downtown, Salon E in Austin, Texas. The Basic, Training and Technology Committees met in joint session. Ms. Amberboy called the meeting to order at 9:36 a.m.

II. Minutes from the April 2011 Committee Meetings

Ms. Amberboy noted that the meeting minutes for the Basic, Training and Technology Committees were adopted by the Commission at the April 29, 2011 meeting. Members were asked if there were any changes upon subsequent review and none were offered.

III. Update on CIP Program Instructions and Timetable from the Administration for Children and Families

Ms. Amberboy reported to the members that the commission is awaiting receipt of the CIP program instructions, expected in July. The CIP grant applications are due by October 15, 2011, after the start of the federal fiscal year. These changes have required adjustments to

the grant administration process. Distribution of the FY2012 funds from the federal government are expected in January or February 2012.

a. 2011 Transitioning Grants

Several projects that received FY2011 grant awards will need to carry the funding over into FY2012.

b. 2012 New Applications

Several current grant recipients have submitted new applications.

c. 2012 Expenditures

Ms. Amberboy led a discussion of the projects and expenditures projected during 2012. Details of the projects and funding totals were detailed in the committee meeting notebook.

IV. Review of Basic Projects, Expenditures and Applications

a. Disability Rights Texas (*formerly Advocacy, Inc.*)

- Initial grant award approved by Children's Commission in FY2011; in addition, project received funding from ReesJones and Meadows foundations. CIP funding was set aside initially to utilize foundation funding for the initial project activities.
- CIP categorical budget allocation was originally placed 100% in salary and fringe. A reallocation needed to accurately reflect utilization of funding.
- Upon approval of reallocation, DRT will submit a request for reimbursement to claim approximately \$50,000 of the original \$100,000 grant awarded in October 2011. The funds left over after the submission of the RFR will roll forward to support project activities through January-February 2012.
- In January-February 2012, DRT will submit its application for grant funding to support the third year of project activities.

Discussion: In response to a question from Ms. Carolyn Rodriguez, Ms. Amberboy confirmed that Mr. Richard Lavallo, Legal Director, DRT maintains documentation related to the funding and project expenditures. In addition, Children's Commission staff will assist DRT with improvements to their project documentation and ensure compliance with Federal requirements.

ACTION: Judge Sage asked for a vote to approve the request to rollover the approximate amount of \$50,000 of FY2011 funding to FY2012 and members of the Basic Committee in attendance (listed above) voted to approve the request.

b. Lubbock Transition Center

- In October 2011, the Children's Commission approved a 2-year grant award in the amount of \$44,360.
- The Lubbock Transition Center will submit a request for reimbursement (RFR) for expenses incurred for holding court at the Transition Center. Unexpended funds will roll forward to FY2012 to provide continued support for the court-related functions of the project.
- The Lubbock Transition Center will not submit an application for additional CIP funding.

ACTION: Judge Sage asked for a vote to approve the request to rollover unexpended FY2011 funds to FY2012 and the motion passed unanimously by the members of the Basic Committee in attendance.

c. Webb County Family Drug Treatment Court

- In April 2011 the Children’s Commission approved funding in the amount of \$16,905 for the Webb County FDTTC.
- Work is ongoing to finalize the terms of the grant award statement.
- There are no expenditures to date, but outlay for salary, fringe and equipment are expected before the end of FY2011 on September 30.
- Unexpended FY2011 funds will roll forward to FY2012.
- In January-February 2012, Webb County will submit its application for grant funding to support year two of the project.

ACTION: Judge Sage asked for a vote to approve the request to rollover unexpended FY2011 funds to FY2012 and the members of the Basic Committee in attendance approved the request.

d. Texas CASA

- Two requests concerning the Texas CASA funding.
- First request is for an approval for an amendment to the grant award to eliminate two projects that were originally approved in FY2011:
 - The Court Ordered Services Initiative
 - The Family Finding and Engagement for Older Foster Youth
- The programs will be replaced by:
 - A Multidisciplinary Case Study Video
 - A Youth Permanency Toolkit
- The substitution of these two projects allows CASA to use approximately \$40,000 of FY2011 funds initially targeted for the Court Ordered Services Initiative and the Family Finding and Engagement projects.
- Second request concerns the FY2012 application. There are two phases to the application; the first is an interim application in the amount of \$153,879 to fund approximately 5 months of project and salary expenses.
- In January 2012, Texas CASA will submit its application for the remaining project expenses for FY2012.

Discussion: Members discussed the state of legislative outcomes following the recently completed session. Mr. Gagen noted that the Governor has not yet made the decision on the total amount of funding to cut from their allocation. The Governor’s office has discretion of a certain amount of the funds and Mr. Gagen expects the final action sometime this month.

ACTION: Judge Sage asked for a vote to approve 1) the request to substitute funds for the two FY2011 projects that will be eliminated and redirect those funds for the multidisciplinary video project and the youth permanency toolkit and 2) approve the interim application in the amount of \$153,879 for project costs for October 1, 2011 through March 1, 2012 along with salary allocations for 12 months, which can be prorated for the October 1,

2011 through March 1, 2012 time period and the members of the Basic Committee in attendance approved the request. Mr. Gagen abstained.

e. OCA Judicial Support

Ms. Amberboy provided information on the FY2012 application.

- The projected total of the application is in the amount of \$20,400 and will provide air cards for Child Protection Court judges who frequently travel and are away from their home office.
- These judges must access their dockets and the Child Protection Case Management System in order to handle their CPS cases from a variety of locations and courthouses.

ACTION: Judge Sage asked for a vote to approve the FY2012 application in the amount of \$20,400 to provide air cards for CPC judges and the members of the Basic Committee in attendance approved the request. Judge Sage abstained.

This concluded the review of Basic projects.

Mr. Bryan Wilson pointed out an error in the amended budget allocation matrix for Disability Rights Texas. The figures for the Amount of CIP Funds Awarded in the categories of b. fringe benefits, d. equipment, e. supplies, and h. other. Ms. Amberboy noted the corrections to the categories: b. fringe benefits: \$16,400.00; d. equipment: 3,150.00; e. supplies: \$975.00; and h. other: \$950.00

Mr. Wilson requested a re-vote on the approval of the request to rollover \$50,000 of FY2011 funding to FY2012 and members of the Basic Committee in attendance again voted to approve the request.

V. Conclusion of Basic Committee Projects

The members of the Basic Committee completed review of the projects. The training committee proceeded with the review of the Training Committee projects.

ATTENDANCE OF MEMBERS-TRAINING

Members Attending

Members Not Attending

Name	Name
The Honorable Camile DuBose, Chair Ms. Barbara Elias-Perciful, Member Ms. Alice Emerson, Member The Honorable Richard Garcia, Member Ms. Tracy Harting, Member Ms. Joyce James, Member (teleconference) Ms. Pam Parker, Member (teleconference) Ms. Fairy Davenport Rutland, Member The Honorable Ellen Smith, Member	Ms. Cathy Cockerham, Member The Honorable Lamar McCorkle, Member Dr. Sandeep Narang, Member Ms. Shaneka Odom, Member Mr. Randy Sarosdy, Member
Guest	
Ms. Hannah Liddell, Guest of Ms. Tracy Harting	

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VI. Review of Training Projects, Expenditures and Applications

a. State Bar of Texas (SBoT) Child Abuse and Neglect Conference

- During FY2011, the State Bar received an award of funding in the amount of \$25,000 to conduct a child welfare conference, originally scheduled for October 2011. The conference date is deferred to the Spring of 2012.
- The award statement has not been issued for the \$25,000; the unexpended funds will roll forward to FY2012, and an award statement will be issued to support the CAN conference in the Spring of 2012.

ACTION: Judge DuBose asked for a vote to approve the roll forward of FY2011 funds in the amount of \$25,000 for the SBoT CAN Conference to FY2012. Training Committee members in attendance (listed above), including the members attending via teleconference, approved the request.

b. Office of Court Administration (OCA) Judicial Training

- The Office of Court Administration requests funding for FY2012 in the amount of \$30,000 to conduct annual training for child protection court judges. The training is scheduled for March 2012.
- OCA will collaborate with the Children's Commission staff to prepare the agenda and training content that will target issues specific to child protection.

ACTION: Judge DuBose asked for a vote to approve the FY2012 funding in the amount of \$30,000 for the OCA Judicial Training project. Training Committee members in attendance, including the members attending via teleconference, approved the request.

c. Texas Center for the Judiciary

Ms. Amberboy reviewed the program activities covered by the grant that provide judicial training for the district and county court of law judges and associates.

- The FY2012 interim application, in the amount of \$194,944, includes funding for a statewide child welfare conference that will be similar to Beyond the Bench. At least one CPS Judicial conference will be held in addition to the Implicit Bias conference. The funding will include scholarships for judges to attend appropriate national and Texas training events and conferences.
- In January 2012, TCJ will submit its application for funding of the remaining program activities.

Discussion: Ms. Amberboy noted that the training committee is voting today on the interim amount of funding needed to cover expenses through January 2012. A number of conferences are scheduled in the fall of 2011. Judge Sage commented that a result of the reduction in 540 funds for judicial education is likely to bring more judges to child protection training events and conferences.

ACTION: Ms. Amberboy asked for a vote to approve the FY2012 interim funding in the amount of \$194,944 to fund expenditures for TCJ training activities through January 2012. Training Committee members in attendance, including the members attending via teleconference, approved the request.

VII. Conclusion of Review of Training Committee Projects

The members of the Training Committee completed review of the projects. The technology committee proceeded with the review of the Technology Committee projects.

ATTENDANCE OF MEMBERS-TECHNOLOGY

Members Attending

Members Not Attending

Name	Name
The Honorable Karin Bonicoro, Chair Mr. Casey Kennedy, Member Mr. Tim Kennedy, Member Ms. Elizabeth Kromrei, Member Ms. D.J. Tessier, Member Mr. G. Allan Van Fleet, Member (teleconference) Mr. Bryan Wilson, Member	The Honorable Oscar Gabaldon, Member Mr. Kevin Cox, Member Mr. Jason Hassay, Member The Honorable Gilford Jones, Member Mr. Robert Nolen, Member Mr. Carl Reynolds, Member Ms. Linda Uecker, Member
<p><i>Note: A quorum of members of the Technology Committee was not present; voting issues will be deferred until the August 11, 2011 meeting of the Children’s Commission</i></p>	

VIII. Review of Technology Projects, Expenditures and Applications

a. Office of Court Administration (OCA) TexDECK

- Two items for consideration.
- First request is for reallocation of FY2011 funds in the amount of \$74,336 is requested to enable the TexDECK project team to continue to work on the list of CPCMS enhancements, bug fixes, and system adjustments not already included in the current CPCMS budget.
- Second request is the OCA interim application in the amount of \$194,468 for FY2012 to enable continued improvements and maintenance of the CPCMS system, review of level of effort required for design and development of a data dashboard for judges and other users, design of a calendaring function to allow judges to view their CPCMS docket calendar from remote devices and funds to hire temporary staff to reduce backlogs with case management in CPC’s.

Discussion: Mr. Bryan Wilson reminded the members that at the April 2011 meeting, data on cost per user and cost per case were to be provided. Mr. Casey Kennedy confirmed that cost metrics were provided by OCA. Ms. Amberboy will review the information distributed regarding the costing figures and provide to members. Mr. Wilson was asked to submit his inquiries regarding this matter in email in order to have a recorded reference trail. Mr. Casey Kennedy provided information on the six sub-project activities of the TexDECK project that the interim funds will support for the first five months of the federal fiscal year. Ms. Amberboy clarified that for the County Data Dashboard web page project, no child-level data will be accessible. The intent is to provide judges with access to permanency data. Judge Sage noted the need to thoroughly consider all possible interpretation scenarios and outcomes before going public with county level data. Ms. Amberboy suggested that details

around this topic may be addressed by a workgroup or Round Table. The data on which this project is focused is already public data. The intent of the project is to make the existing data easier to read by the judges who want to access it. Ms. Kromrei noted that the data is currently by county and court level, not by judge level. The project will compliment work underway by CPS to pull aggregate data about trends and outcomes to a level where front line caseworkers and supervisors and involved staff can observe the impact of their work. After further discussion, the members of the technology committee agreed to form a workgroup to look at specific issues regarding the project and it was agreed that the workgroup will be open to members from all the committees. Mr. Wilson recommended that a legal council representative from OCA be part of the workgroup in order to have expertise in the understanding of the records and information in question. Following the detailed discussion concerning the web page sub-project, Mr. Kennedy provided information on the remaining sub-projects. He noted that the IT budget for OCA was cut by 50% by the legislature and the funds in question will allow ongoing support from OCA for special projects.

Ms. Amberboy requested the members of the Technology Committee who were present to indicate if they are in favor of awarding the interim grant amount to OCA. Liz Kromrei, Bryan Wilson, Judge Bonicoro, D.J. Tessier and Allan Van Fleet agreed. Since a quorum of the Technology Committee was not present at this meeting, the issue will be carried over to the August 11, 2011 meeting of the Children’s Commission.

IX. Conclusion of Review of Technology Committee Projects

The members of the Technology Committee completed review of the projects.

X. Budget

Ms. Amberboy reported on the 2012 Project and pass through funding obligation amounts. There was a correction in the amount for OCA Judicial Support reported in the meeting notebook; the amount is \$19,980, resulting in a grand total amount of \$720,697. The FY2012 budget for the Commission’s staff directed projects was reviewed.

a. Update on Staff Directed Projects

Children’s Commission staff provided an update to the members on the staff directed projects overseen by the Basic, Training and Technology Committees. These staff directed projects are:

BASIC	TRAINING	TECHNOLOGY
Adoption Day	AAL Manual Update	Video Conferencing
Bench Book	AAL Attorney Eligibility Training	Project
Drug Court Education	Attorney Scholarships	
Education Committee	Trial Skills	
Judicial Disproportionality Workgroup		
Jurist in Residence		
Judicial Technical Assistance		
Legal Representation		
Mediation Project		
Notice and Engagement		
Permanency Initiatives (<i>continued on next pg</i>)		

BASIC *continued*
Policy and Legislative
Psychotropic Medications
Round Tables
Trauma Informed Care
Tribal Initiatives

The status of each project is described fully in the summary report provided in the meeting notebook.

Ms. Amberboy reported on the FY2012 Operating Budget for the Children's Commission and reviewed the expense categories. It is uncertain at this time the amount funds that will carry over. Historically, the training and technology grants have not expended the total amounts funded.

XI. Legislative Update

Commission staff provided updates on the 82nd session.

XII. Strategic Planning

The Strategic Planning Committee has reviewed the existing strategic plan and broadened the goals under three headings: Evaluate, Educate, and Improve. Accomplishment of the goals would occur under judicial leadership, collaboration and cultural awareness/disproportionality. At the annual CIP meeting in May, the Children's Commission staff learned that new CIP program instructions will be forthcoming from the Children's Bureau in July. These new instructions will include requirements for a new 2-3 year CIP strategic plan. The Strategic Planning Committee will meet next on November 17, 2011 and the committee and Children's Commission staff will integrate the new CIP strategic plan into the current draft of the Commission's strategic plan at that time. The intent is to place the new strategic plan on the agenda for adoption at the Children's Commission meeting in January 2012.

Mr. Gagen mentioned the importance to consider both the sunset provision affecting CPS in 2015 and the Children's Rights lawsuit, which is likely to intensify by 2013 and the results of the CFSR review expected in a couple of years. It is important to anticipate how to approach the legislature in the next two to four years, being mindful of the impact of external factors on the work of this Commission. Mr. Gagen posed the question of attaining more legislative involvement in the processes. Ms. Amberboy commented on the upcoming National Conference of State Legislatures that will take place on August 8-11 in San Antonio. There will be Children's Commission representation at the meeting.

XIII. Adjourn

The meeting adjourned at 11:42 a.m.

INSERT - TAB 5

Corrected Version 2012 Project List / Funding Obligations

Grant Recipient	2011 Award	Rollover*	Interim FY2012	FY2012	Total Obligation starting October 1, 2011 (FY2012)
Disability Rights (formerly Advocacy Inc.)	100,000.00	50,000.00	0.00	Will apply for funds in Jan 12	50,000.00
Lubbock Transition	44,360.00	35,521.00	0.00	No additional request	35,521.00
Webb County	16,905.00	0.00	0.00	Will apply for add'l funds Jan	16,905.00
Texas CASA	210,000.00	0.00	153,879.00	210,000.00 Will apply for remainder in Jan	153,879.00
OCA – Judicial Supp	19,980.00	0.00	19,980.00	No additional request	19,980.00
OCA – Judicial Training	30,000.00	0.00	30,000.00	No additional request	30,000.00
TCJ	467,866.00	0.00	194,944.00	467,866.00 Will apply for remainder in Jan	194,944.00
SBoT CAN	25,000.00	25,000.00	0.00	No additional request	25,000.00
OCA – TexDECK	617,039.00	0.00	194,468.00	617,039.00 Will apply for remainder in Jan	194,468.00

TOTAL \$720,697.00

*unused 2011 funds that will roll over to complete / continue project

Staff Directed (salary included in Operating Funds – see below)	2011 Amount	2012 Amount	Total
AAL Manual Update (T)		0.00	0.00
AAL Atty Eligibility Training (T)		5,000.00	5,000.00
Adoption Day(B)	5,000.00	5,000.00	5,000.00
Attorney Scholarships (T)		50,000.00	50,000.00
Bench Book (B)	20,000.00	20,000.00	20,000.00
Drug Court Education (B)	0	10,000.00	10,000.00
Education Committee (B)	25,000.00	25,000.00	25,000.00
Judicial Dispro Workgroup(B)	15,000.00	15,000.00	15,000.00
Jurist in Residence (B)	50,000.00	50,000.00	50,000.00
Judicial Technical Asst (B)		0.00	0.00
Legal Representation (B)		5,000.00	5,000.00
Mediation Project (B)		25,000.00	25,000.00
Notice & Engagement (B)		0.00	0.00
Permanency Initiatives (B)		0.00	0.00
Policy / Legislative (B)		0.00	0.00
Psychotropic Medications (B)		0.00	0.00
Round Tables (B)	15,000.00	15,000.00	15,000.00
TIC (B)		0.00	0.00
Trial Skills (T)	40,000.00	40,000.00	40,000.00
Tribal Initiatives (B)		10,000.00	10,000.00
Video Conferencing Project			0.00

TOTAL	\$275,000.00
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Operating	2011 Amount	2012 Amount	Total
Operating Budget	55,000.00	50,000.00	50,000.00
Salaries/Fringe	482,000.00	482,000.00	482,000.00
Staff Travel	15,000.00	25,000.00	25,000.00
Equipment	3,000.00	3,000.00	3,000.00
Court Services Fee	20,000.00	20,000.00	20,000.00
TOTAL			\$580,000.00

Pass-Through	720,697.00
Staff Directed	275,000.00
Operating	580,000.00

TOTAL	\$1,575,697.00
Divided by 12 months	131,308.00/ mo
Oct 2011 - Feb 2012	656,540.00
Projected Deposits	1,800,000.00

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Basic Grant 2012 Project List / Funding Obligations

Grant Recipient	2011 Award	Rollover*	Interim FY2012	FY2012	Total Obligation starting October 1, 2011 (FY2012)
Disability Rights (AInc.)	100,000.00	50,000.00	0.00	Will apply for funds in Jan 12	50,000.00
Lubbock Transition	44,360.00	35,521.00	0.00	No additional request	35,521.00
Webb County	16,905.00	0.00	0.00	Will apply for add'l funds Jan	16,905.00
Texas CASA	210,000.00	0.00	153,879.00	210,000.00 Apply for remainder Jan	153,879.00
OCA – Judicial Supp	19,980.00	0.00	19,980.00	No additional request	19,980.00
TOTAL					\$276,285.00

Staff Directed (salary included in Operating Funds – see below)	2011 Amount	2012 Amount	Total
Adoption Day(B)	5,000.00	5,000.00	5,000.00
Bench Book (B)	20,000.00	20,000.00	20,000.00
Drug Court Education (B)	0	10,000.00	10,000.00
Education Committee (B)	25,000.00	25,000.00	25,000.00
Judicial Dispro Workgroup(B)	15,000.00	15,000.00	15,000.00
Jurist in Residence (B)	50,000.00	50,000.00	50,000.00
Judicial Technical Asst (B)		0.00	0.00
Legal Representation (B)		5,000.00	5,000.00
Mediation Project (B)		25,000.00	25,000.00
Notice & Engagement (B)		0.00	0.00
Permanency Initiatives (B)		0.00	0.00
Policy / Legislative (B)		0.00	0.00
Psychotropic Medications (B)		0.00	0.00
Round Tables (B)	15,000.00	15,000.00	15,000.00
TIC (B)		0.00	0.00
Tribal Initiatives (B)		10,000.00	10,000.00
TOTAL			\$180,000.00

Operating	2011 Amount	2012 Amount	Total
Operating Budget	55,000.00	50,000.00	50,000.00
Salaries/Fringe	482,000.00	482,000.00	482,000.00
Staff Travel	15,000.00	25,000.00	25,000.00
Equipment	3,000.00	3,000.00	3,000.00
Court Services Fee	20,000.00	20,000.00	20,000.00
TOTAL			\$580,000.00
1/3 to Basic			193,333.00

Pass-Through	Total Awarded as of 10/01	276,285.00
Staff Directed		180,000.00
Operating	1/3 to Basic	193,333.00

Est. Obligation As of 10/01/11		\$649,618.00
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Projected Deposits

1,800,000.00

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Training Grant 2012 Project List / Funding Obligations

Grant Recipient	2011 Award	Rollover	Interim FY2012	FY2012	Total Obligation starting October 1, 2011 (FY2012)
OCA - Judicial Training	30,000.00	0.00	30,000.00	No additional request	30,000.00
TCJ	467,866.00	0.00	194,944.00	467,866.00 apply for remainder Jan	194,944.00
SBOT CAN	25,000.00	25,000.00	0.00	No additional request	25,000.00
TOTAL					249,944.00

Staff Directed (salary included in Operating Funds - see below)	2011 Amount	2012 Amount	Total
AAL Manual Update (T)		0.00	0.00
AAL Atty Eligibility Training (T)		5,000.00	5,000.00
Attorney Scholarships (T)		50,000.00	50,000.00
Trial Skills (T)	40,000.00	40,000.00	40,000.00
TOTAL			\$95,000.00

Operating	2011 Amount	2012 Amount	Total
Operating Budget	55,000.00	50,000.00	50,000.00
Salaries/Fringe	482,000.00	482,000.00	482,000.00
Staff Travel	15,000.00	25,000.00	25,000.00
Equipment	3,000.00	3,000.00	3,000.00
Court Services Fee	20,000.00	20,000.00	20,000.00
TOTAL			\$580,000.00
1/3 to Training			193,333.00

Pass-Through	Total Awarded as of 10/01	249,944.00
Staff Directed		95,000.00
Operating	1/3 to Training	193,333.00

Est Obligation as of 10/01/11		\$538,277.00
Projected Deposits		1,800,000.00

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Technology Grant 2012 Project List / Funding Obligations

Grant Recipient	2011 Award	Rollover*	Interim FY2012	FY2012	Total Obligation starting October 1, 2011 (FY2012)
OCA - TexDECK	617,039.00	0.00	194,468.00	617,039.00 Will apply for remainder in Jan	194,468.00
TOTAL					\$194,468.00

Staff Directed (salary included in Operating Funds - see below)	2011 Amount	2012 Amount	Total
Video Conferencing Project			0.00
TOTAL			0.00

Operating	2011 Amount	2012 Amount	Total
Operating Budget	55,000.00	50,000.00	50,000.00
Salaries/Fringe	482,000.00	482,000.00	482,000.00
Staff Travel	15,000.00	25,000.00	25,000.00
Equipment	3,000.00	3,000.00	3,000.00
Court Services Fee	20,000.00	20,000.00	20,000.00
TOTAL			\$580,000.00
1/3 to Technology			193,333.00

Pass-Through	Total Awarded as of 10/01	194,468.00
Staff Directed		0.00
Operating	1/3 to Technology	193,333.00

Est Obligation As of 10/01/11		387,801.00
Projected Deposits		1,800,000.00

INSERT - TAB 6

SUPPLEMENTAL AWARD FOR 2010 EXPENSES

Grant Number: 201-10-0002-1
 Grantee Name: Texas Office of Court Administration
 Program Title: Texas Data Enabled Courts for Kids (TexDECK)
 Grant Award Amount: \$32,451.00

Original award effective October 1, 2010:

Texas CIP Grant		Requested			
		Total Program	Amount of CIP Funds Requested	Cash Match	In-Kind Match
a	Personnel	\$131,654	\$ 80,618		\$51,036
b	Fringe Benefits	\$ 37,469	\$ 22,944		\$14,525
c	Travel	\$ 10,200	\$ 10,200		
d	Equipment	\$ 1,500	\$ 1,500		
e	Supplies	\$ 13,600	\$ 13,600		
f.	Contractual	\$107,880	\$107,880		
g	Construction	\$0	\$0		
h	Other	\$ 13,352	\$0		\$13,352
i	Total Direct Charges (sum a-h)	\$315,655	\$236,742	\$0	\$78,913
j	Indirect Charges				
k	Totals	\$315,655	\$236,742	\$0	\$78,913

Amended by Children's Commission at the April 30, 2010 meeting based on the following request:

The CPCMS system was developed initially without full development of certain reporting functionality. Commission and OCA staff agree that it is important to have access to all the reporting capabilities and functions associated with tracking the data being gathered in the CPCMS system and are requesting an amendment to accommodate the creation of the reports associated with the data measurements being collected. The request is to increase the current TexDECK award from \$236,742.00 by \$27,840 for a total of \$264,582.00 for the FY.

Amended Award Statement effective April 30, 2010:

Texas CIP Grant		Requested			
		Total Program	Amount of CIP Funds Requested	Cash Match	In-Kind Match
a	Personnel	\$131,654	\$ 80,618		\$51,036
b	Fringe Benefits	\$ 37,469	\$ 22,944		\$14,525
c	Travel	\$ 10,200	\$ 10,200		

d	Equipment	\$ 1,500	\$ 1,500		
e	Supplies	\$ 13,600	\$ 13,600		
f.	Contractual	\$135,720	\$135,720		
g	Construction	\$0	\$0		
h	Other	\$ 13,352	\$0		\$22,631
i	Total Direct Charges (sum a-h)	\$315,655	\$264,582	\$0	\$88,192
j	Indirect Charges				
k	Totals	\$315,655	\$264,582	\$0	\$88,192

Due to personnel changes, there was an oversight and delay in submitting the request for reimbursement for this work and OCA did not bill the Children's Commission before the end of the 2010 fiscal year invoice deadline, which was November 15, 2010. The usual practice of the Children's Commission is to sweep all unspent money back into the main CIP account after all invoices for the prior fiscal year have been paid.

Summary: OCA was awarded a total of \$264,582.00 in FY2010, but only claimed \$207,775.75 up through November 15, 2010, leaving \$56,806.25 in the account, which was swept back into the CIP fund and reallocated toward FY2011 expenditures.

OCA is requesting that \$32,451.00 of the \$56,806.25 be re-obligated to cover the 2010 expenses incurred late in the fiscal year.

The Children's Commission and OCA will work together as the end of FY2011 approaches to ensure that all outstanding expenses are submitted prior to the November 15, 2011 deadline.

INSERT - TAB 7

Legislative Update 2011

This packet provides a compilation of several relevant sections that were amended during the 82nd Regular and Special Session. The amendments are formatted with underlining and strikethrough. We added several comments following some of the sections to help explain the intent of the amendments.

Note that there are some statutes that were amended that are not included in this packet. The following sections were selected because they are the sections most relevant to judges presiding over CPS cases.

Contents

Chapter 34, Family Code	3
Chapter 107, Family Code	10
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Chapter 34, Family Code

Sec. 34.001. APPLICABILITY. This chapter applies only to:

(1) an authorization agreement between a parent of a child and a person who is the child's:

(A) [~~1~~] grandparent;

(B) [~~2~~] adult sibling; or

(C) [~~3~~] adult aunt or uncle; and

(2) an authorization agreement between a parent of a child and the person with whom the child is placed under a parental child safety placement agreement.¹

Sec. 34.0015. DEFINITION. In this chapter, "parent" has the meaning assigned by Section 101.024.²

Sec. 34.002. AUTHORIZATION AGREEMENT. (a) A parent or both parents of a child may enter into an authorization agreement with a relative of the child listed in Section 34.001 to authorize the relative to perform the following acts in regard to the child:

(1) to authorize medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;

(2) to obtain and maintain health insurance coverage for the child and automobile insurance coverage for the child, if appropriate;

(3) to enroll the child in a day-care program or preschool or in a public or private primary or secondary school;

(4) to authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities;

(5) to authorize the child to obtain a learner's permit, driver's license, or state-issued identification card;

(6) to authorize employment of the child; and

(7) to apply for and receive public benefits on behalf of the child.

¹ HB 848, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

² SB 482, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

(b) To the extent of any conflict or inconsistency between this chapter and any other law relating to the eligibility requirements other than parental consent to obtain a service under Subsection (a), the other law controls.

(c) An authorization agreement under this chapter does not confer on a relative of the child listed in Section 34.001 or a relative or other person with whom the child is placed under a child safety placement agreement the right to authorize the performance of an abortion on the child or the administration of emergency contraception to the child.³

(d) Only one authorization agreement may be in effect for a child at any time. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect.⁴

Sec. 34.0021. AUTHORIZATION AGREEMENT BY PARENT IN CHILD PROTECTIVE SERVICES CASE.⁵ A parent may enter into an authorization agreement with a relative or other person with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services to allow the person to perform the acts described by Section 34.002(a) with regard to the child:

- (1) during an investigation of abuse or neglect; or
- (2) while the department is providing services to the parent.

Sec. 34.003. CONTENTS OF AUTHORIZATION AGREEMENT. (a) The authorization agreement must contain:

(1) the following information from the relative of the child to whom the parent is giving authorization:

- (A) the name and signature of the relative;
- (B) the relative's relationship to the child; and
- (C) the relative's current physical address and telephone

number or the best way to contact the relative;

(2) the following information from the parent:

- (A) the name and signature of the parent; and
- (B) the parent's current address and telephone number or

the best way to contact the parent;

³ HB 848, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

⁴ SB 482, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

⁵ HB 848, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

(3) the information in Subdivision (2) with respect to the other parent, if applicable;

(4) a statement that the relative has been given authorization to perform the functions listed in Section 34.002(a) as a result of a voluntary action of the parent and that the relative has voluntarily assumed the responsibility of performing those functions;

(5) statements that neither the parent nor the relative has knowledge that a parent, guardian, custodian, licensed child-placing agency, or other authorized agency asserts any claim or authority inconsistent with the authorization agreement under this chapter with regard to actual physical possession or care, custody, or control of the child;

(6) statements that:

(A) to the best of the parent's and relative's knowledge:

(i) there is no court order or pending suit affecting the parent-child relationship concerning the child;

(ii) there is no pending litigation in any court concerning:

(a) custody, possession, or placement of the child; or

(b) access to or visitation with the child; and

(iii) the court does not have continuing jurisdiction concerning the child; or

(B) the court with continuing jurisdiction concerning the child has given written approval for the execution of the authorization agreement accompanied by the following information:

(i) the county in which the court is located;

(ii) the number of the court; and

(iii) the cause number in which the order was issued or the litigation is pending;

(7) a statement that to the best of the parent's and relative's knowledge there is no current, valid authorization agreement regarding the child;

(8) a statement that the authorization is made in conformance with this chapter;

(9) ~~(8)~~ a statement that the parent and the relative understand that each party to the authorization agreement is required by law

to immediately provide to each other party information regarding any change in the party's address or contact information;

(10) [~~+9~~] a statement by the parent that establishes the circumstances under which the authorization agreement expires, including that the authorization agreement:

(A) is valid until revoked;

(B) continues in effect after the death or during any incapacity of the parent; or

(C) expires on a date stated in the authorization agreement; and

(11) [~~+10~~] space for the signature and seal of a notary public.

(b) The authorization agreement must contain the following warnings and disclosures:

(1) that the authorization agreement is an important legal document;

(2) that the parent and the relative must read all of the warnings and disclosures before signing the authorization agreement;

(3) that the persons signing the authorization agreement are not required to consult an attorney but are advised to do so;

(4) that the parent's rights as a parent may be adversely affected by placing or leaving the parent's child with another person;

(5) that the authorization agreement does not confer on the relative the rights of a managing or possessory conservator or legal guardian;

(6) that a parent who is a party to the authorization agreement may terminate the authorization agreement and resume custody, possession, care, and control of the child on demand and that at any time the parent may request the return of the child;

(7) that failure by the relative to return the child to the parent immediately on request may have criminal and civil consequences;

(8) that, under other applicable law, the relative may be liable for certain expenses relating to the child in the relative's care but that the parent still retains the parental obligation to support the child;

(9) that, in certain circumstances, the authorization agreement may not be entered into without written permission of the court;

(10) that the authorization agreement may be terminated by certain court orders affecting the child;

(11) that the authorization agreement does not supersede, invalidate, or terminate any prior authorization agreement regarding the child;

(12) that the authorization agreement is void if a prior authorization agreement regarding the child is in effect and has not expired or been terminated;

(13) that, except as provided by Section 34.005(a-1), the authorization agreement is void unless:

(A) the parties mail a copy of the authorization agreement by certified mail, return receipt requested, or international registered mail, return receipt requested, as applicable, to a parent who was not a party to the authorization agreement, if the parent is living and the parent's parental rights have not been terminated, not later than the 10th day after the date the authorization agreement is signed; and

(B) if the parties do not receive a response from the parent who is not a party to the authorization agreement before the 20th day after the date the copy of the authorization agreement is mailed under Paragraph (A), the parties mail a second copy of the authorization agreement by first class mail or international first class mail, as applicable, to the parent not later than the 45th day after the date the authorization agreement is signed; and

(14) [~~+12~~] that the authorization agreement does not confer on a relative of the child the right to authorize the performance of an abortion on the child or the administration of emergency contraception to the child.⁶

Sec. 34.005. DUTIES OF PARTIES TO AUTHORIZATION AGREEMENT. (a) If both parents did not sign the authorization agreement, the parties shall mail a copy of the executed authorization agreement by certified mail, return receipt requested, or international registered mail, return receipt requested, as applicable, to the parent who was not a party to the authorization agreement at the parent's last known address not later than the 10th day after the date the authorization agreement is executed if that parent is living and that parent's parental rights have not been terminated. If the parties do not receive a response from the parent who is not a party to the authorization agreement before the 20th day after the date the copy

⁶ SB 482, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

of the authorization agreement is mailed, the parties shall mail a second copy of the executed authorization agreement by first class mail or international first class mail, as applicable, to the parent at the same address not later than the 45th day after the date the authorization agreement is executed. An authorization agreement is void if the parties fail to comply with this subsection.

(a-1) Subsection (a) does not apply to an authorization agreement if the parent who was not a party to the authorization agreement:

(1) does not have court-ordered possession of or access to the child who is the subject of the authorization agreement; and

(2) has previously committed an act of family violence, as defined by Section 71.004, or assault against the parent who is a party to the authorization agreement, the child who is the subject of the authorization agreement, or another child of the parent who is a party to the authorization agreement, as documented by one or more of the following:

(A) the issuance of a protective order against the parent who was not a party to the authorization agreement as provided under Chapter 85 or under a similar law of another state; or

(B) the conviction of the parent who was not a party to the authorization agreement of an offense under Title 5, Penal Code, or of another criminal offense in this state or in another state an element of which involves a violent act or prohibited sexual conduct.⁷

(b) A party to the authorization agreement shall immediately inform each other party of any change in the party's address or contact information. If a party fails to comply with this subsection, the authorization agreement is voidable by the other party.

Sec. 34.008. TERMINATION OF AUTHORIZATION AGREEMENT. (a) Except as provided by Subsection (b), an authorization agreement under this chapter terminates if, after the execution of the authorization agreement, a court enters an order:

- (1) affecting the parent-child relationship;
- (2) concerning custody, possession, or placement of the child;
- (3) concerning access to or visitation with the child; or

⁷ SB 482, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

(4) regarding the appointment of a guardian for the child under Section 676, Texas Probate Code.

(b) An authorization agreement may continue after a court order described by Subsection (a) is entered if the court entering the order gives written permission.

(c) An authorization agreement under this chapter terminates on written revocation by a party to the authorization agreement if the party:

- (1) gives each party written notice of the revocation;
- (2) files the written revocation with the clerk of the county

in which:

- (A) the child resides;
- (B) the child resided at the time the authorization

agreement was executed; or

- (C) the relative resides; and

- (3) files the written revocation with the clerk of each court:

(A) that has continuing, exclusive jurisdiction over the child;

(B) in which there is a court order or pending suit affecting the parent-child relationship concerning the child;

- (C) in which there is pending litigation concerning:

- (i) custody, possession, or placement of the child;

or

- (ii) access to or visitation with the child; or

(D) that has entered an order regarding the appointment of a guardian for the child under Section 676, Texas Probate Code.

(d) If an authorization agreement executed under this chapter does not state when the authorization agreement expires, the authorization agreement is valid until revoked.

(e) If both parents have signed the authorization agreement, either parent may revoke the authorization agreement without the other parent's consent.

(f) Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement.⁸

⁸ SB 482, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

Chapter 107, Family Code

Sec. 107.004. ADDITIONAL DUTIES OF ATTORNEY AD LITEM FOR CHILD. (a) Except as otherwise provided by this chapter, the attorney ad litem appointed for a child shall, in a developmentally appropriate manner:

(1) advise the child;

(2) represent the child's expressed objectives of representation and follow the child's expressed objectives of representation during the course of litigation if the attorney ad litem determines that the child is competent to understand the nature of an attorney-client relationship and has formed that relationship with the attorney ad litem; and

(3) as appropriate, considering the nature of the appointment, become familiar with the American Bar Association's standards of practice for attorneys who represent children in abuse and neglect cases, the suggested amendments to those standards adopted by the National Association of Counsel for Children, and the American Bar Association's standards of practice for attorneys who represent children in custody cases.

(b) An attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall complete at least three hours of continuing legal education relating to child advocacy as described by Subsection (c) as soon as practicable after the attorney ad litem's appointment. An attorney ad litem is not required to comply with this subsection if the court finds that the attorney ad litem has experience equivalent to the required education.

(c) The continuing legal education required by Subsection (b) must:

(1) be low-cost and available to persons throughout this state, including on the Internet provided through the State Bar of Texas; and

(2) focus on the duties of an attorney ad litem in, and the procedures of and best practices for, a proceeding under Chapter 262 or 263.

(d) Except as provided by Subsection (e), an attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 shall:

(1) meet before each court hearing with:

~~(1)~~ (A) the child, if the child is at least four years of age;

or

~~(2)~~ (B) the individual with whom the child ordinarily resides, including the child's parent, conservator, guardian, caretaker, or custodian, if the child is younger than four years of age; and

(2) if the child or individual is not present at the court hearing, file a written statement with the court indicating that the attorney ad litem complied with Subdivision (1).⁹

(d-1) A meeting required by Subsection (d) must take place:

(1) a sufficient time before the hearing to allow the attorney ad litem to prepare for the hearing in accordance with the child's expressed objectives of representation; and

(2) in a private setting that allows for confidential communications between the attorney ad litem and the child or individual with whom the child ordinarily resides, as applicable.¹⁰

(e) An attorney ad litem appointed for a child in a proceeding under Chapter 262 or 263 is not required to comply with Subsection (d) before a hearing if the court finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance with that subsection is not feasible or in the best interest of the child. Additionally, a court may, on a showing of good cause, authorize an attorney ad litem to comply with Subsection (d) by conferring with the child or other individual, as appropriate, by telephone or video conference.

Comment § 107.004:

Part (2) of subsection (d) of 107.004 was added to require that the attorney file a written statement with the court indicating that the attorney ad litem complied with (d)(1), if the child or individual is not present at the court hearing. This requirement is not intended to require that the attorney state what the child said in the meeting. It only requires that the attorney file with the court a written statement of compliance with the meeting provision in Section 107.004. The purpose of this amendment is to facilitate the court's oversight of attorneys and enforcement of the attorney's duty to meet with the client.

Subsection (d-1) was added to Section 107.004 to clarify that the required meeting under subsection (d) must take place (1) a sufficient time before the hearing to allow the attorney ad litem to prepare for the hearing in accordance with the child's expressed objectives of representation; and (2) in a private setting that allows for confidential communications between the attorney ad litem and the child or individual with whom the child ordinarily resides, as applicable. This amendment is intended to clarify that a brief meeting in the hallway before a hearing is not sufficient to comply with an attorney's obligation to meet with his or her client (or other individual). The meeting needs to occur sufficiently in advance of the hearing date to allow time to prepare for the hearing in light of the information obtained at the meeting.

Sec. 107.006. ACCESS TO CHILD AND INFORMATION RELATING TO CHILD.

(a) In [~~Except as provided by Subsection (e), in~~] conjunction with an appointment under this chapter, other than an appointment of an attorney ad litem for an adult or a parent, the court shall issue an order authorizing

⁹ HB 3314, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

¹⁰ HB 3311, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

the attorney ad litem, guardian ad litem for the child, or amicus attorney to have immediate access to the child and any information relating to the child.

(b) Without requiring a further order or release, the custodian of any relevant records relating to the child, including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the child is a beneficiary, shall provide access to a person authorized to access the records under Subsection (a).

(c) Without requiring a further order or release, the custodian of a [A] medical, mental health, or drug or alcohol treatment record of a child that is privileged or confidential under other law shall release the record [may be released] to a person authorized to access the record [appointed] under Subsection (a), except that a child's drug or alcohol treatment record that is confidential under 42 U.S.C. Section 290dd-2 may only be released as provided under applicable federal regulations [only in accordance with the other law].

(d) The disclosure of a confidential record under this section does not affect the confidentiality of the record, and the person provided access to the record may not disclose the record further except as provided by court order or other law.

(e) Notwithstanding the provisions of this section, the requirements of Section 159.008, Occupations Code, apply.

(f) Records obtained under this section shall be destroyed on termination of the appointment.¹¹

Comment

Sec. 107.013. MANDATORY APPOINTMENT OF ATTORNEY AD LITEM FOR PARENT.

(a) In a suit filed by a governmental entity in which termination of the parent-child relationship is requested, the court shall appoint an attorney ad litem to represent the interests of:

- (1) an indigent parent of the child who responds in opposition to the termination;
- (2) a parent served by citation by publication;

¹¹ HB 2488, 82nd Tex. Leg. Reg. Sess. (2011) (effective immediately).

(3) an alleged father who failed to register with the registry under Chapter 160 and whose identity or location is unknown; and

(4) an alleged father who registered with the paternity registry under Chapter 160, but the petitioner's attempt to personally serve citation at the address provided to the registry and at any other address for the alleged father known by the petitioner has been unsuccessful.

(b) If both parents of the child are entitled to the appointment of an attorney ad litem under this section and the court finds that the interests of the parents are not in conflict, the court may appoint an attorney ad litem to represent the interests of both parents.

(c) In a suit filed by a governmental entity requesting temporary managing conservatorship of a child, the court shall appoint an attorney ad litem to represent the interests of an indigent parent of the child who responds in opposition to the suit.

(d) A parent who claims indigence under Subsection (a) must file an affidavit of indigence in accordance with Rule 145(b) of the Texas Rules of Civil Procedure before the court can conduct a hearing to determine the parent's indigence under this section.

(e) A parent who the court has determined is indigent for purposes of this section is presumed to remain indigent for the duration of the suit and any subsequent appeal unless the court, after reconsideration on the motion of the parent, the attorney ad litem for the parent, or the attorney representing the governmental entity, determines that the parent is no longer indigent due to a material and substantial change in the parent's financial circumstances.¹²

Comment: Subsection (e) was added to Section 107.013 to create the presumption, *for the purposes of eligibility for appointed counsel*, that an indigent person remains indigent through the pendency of a case and appeal, if any. However, the court will still need to assess indigence between the trial and any appeal, per Section 13.003 of the Texas Civil Practice and Remedies Code, for the purpose of obtaining a free record. Additionally, a party seeking to proceed with appeal without advance payment of costs must file an affidavit of indigence in the trial court on or before the notice of appeal, per Rule 20.1 of the Texas Rules of Appellate Procedure. See Tex. R. App. P. 20.1(a)(2), (b), (c). If the affidavit filed per rule 20.1 is contested, the court may be required to assess indigence under Rule 20.1(i) of the Texas Rules of Appellate Procedure. If the determinations under Ch. 13 of the Texas Civil Practice and Remedies Code or Rule 20.1 of the Texas Rules of Appellate Procedure reveal that the party is no longer indigent, that would likely be a material and substantial change to warrant releasing appointed counsel from his or her duties.

¹² HB 906, 82nd Tex. Leg. Reg. Sess. (2011) (applicable to a suit filed on or after Sept. 1, 2011).

Sec. 107.0131. POWERS AND DUTIES OF ATTORNEY AD LITEM FOR PARENT.¹³

(a) An attorney ad litem appointed under Section 107.013 to represent the interests of a parent:

(1) shall:

(A) subject to Rules 4.02, 4.03, and 4.04, Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview:

(i) the parent, unless the parent's location is unknown;

(ii) each person who has significant knowledge of the case; and

(iii) the parties to the suit;

(B) investigate the facts of the case;

(C) to ensure competent representation at hearings, mediations, pretrial matters, and the trial on the merits:

(i) obtain and review copies of all court files in the suit during the attorney ad litem's course of representation; and

(ii) when necessary, conduct formal discovery under the Texas Rules of Civil Procedure or the discovery control plan;

(D) take any action consistent with the parent's interests that the attorney ad litem considers necessary to expedite the proceedings;

(E) encourage settlement and the use of alternative forms of dispute resolution;

(F) review and sign, or decline to sign, a proposed or agreed order affecting the parent;

(G) meet before each court hearing with the parent, unless the court:

(i) finds at that hearing that the attorney ad litem has shown good cause why the attorney ad litem's compliance is not feasible;
or

(ii) on a showing of good cause, authorizes the attorney ad litem to comply by conferring with the parent, as appropriate, by telephone or video conference;

¹³ SB 1026, 82nd Tex. Leg. Reg. Sess. (2011) (applicable to attorney appointed on or after Sept. 1, 2011. An attorney ad litem appointed before that date is governed by the law in effect on the date the attorney ad litem was appointed, and the former law is continued in effect for that purpose).

(H) become familiar with the American Bar Association's standards of practice for attorneys who represent parents in abuse and neglect cases;

(I) complete at least three hours of continuing legal education relating to child protection law as described by Subsection (b) as soon as practicable after the attorney ad litem is appointed, unless the court finds that the attorney ad litem has experience equivalent to that education; and

(J) abide by the parent's objectives of representation;

(2) must be trained in child protection law or have experience determined by the court to be equivalent to that training; and

(3) is entitled to:

(A) request clarification from the court if the role of the attorney ad litem is ambiguous;

(B) request a hearing or trial on the merits;

(C) consent or refuse to consent to an interview of the parent by another attorney;

(D) receive a copy of each pleading or other paper filed with the court;

(E) receive notice of each hearing in the suit;

(F) participate in any case staffing conducted by the Department of Family and Protective Services in which the parent is invited to participate, including, as appropriate, a case staffing to develop a family plan of service, a family group conference, a permanency conference, a mediation, a case staffing to plan for the discharge and return of the child to the parent, and any other case staffing that the department determines would be appropriate for the parent to attend, but excluding any internal department staffing or staffing between the department and the department's legal representative; and

(G) attend all legal proceedings in the suit.

(b) The continuing legal education required by Subsection (a)(1)(I) must:

(1) be low-cost and available to persons throughout this state, including on the Internet provided through the State Bar of Texas; and

(2) focus on the duties of an attorney ad litem in, and the procedures of and best practices for, a proceeding under Chapter 262 or 263.

Comment: Section 107.0131 provides enumerated duties for parents' attorneys including 3 hours of CLE training and meeting with the client before each hearing.

The Children's Commission is in the process of developing CLE training for parents' attorneys and children's attorneys (there will be two separate courses). The CLEs will be filmed at the State Bar in the fall. The CLEs will be available online through the State Bar's Online CLE Center and free of charge for attorneys seeking appointments in CPS cases.

Sec. 107.0132. POWERS AND DUTIES OF ATTORNEY AD LITEM FOR ALLEGED FATHER.¹⁴

(a) An attorney ad litem appointed under Section 107.013 to represent the interests of an alleged father shall:

(1) conduct an investigation regarding the petitioner's due diligence in locating the alleged father, including by verifying that the petitioner has obtained a certificate of the results of a search of the paternity registry under Chapter 160;

(2) interview any party or other person who has significant knowledge of the case who may have information relating to the identity or location of the alleged father; and

(3) conduct an independent investigation to identify or locate the alleged father, as applicable.

(b) If the attorney ad litem identifies and locates the alleged father, the attorney ad litem shall:

(1) provide to each party and the court the alleged father's name and address and any other locating information; and

(2) if appropriate, request the court's approval for the attorney ad litem to assist the alleged father in establishing paternity.

(c) If the alleged father is adjudicated to be a parent of the child and is determined by the court to be indigent, the court may appoint the attorney ad litem to continue to represent the father's interests as a parent under Section 107.013(a)(1) or (c).

(d) If the attorney ad litem is unable to identify or locate the alleged father, the attorney ad litem shall submit to the court a written summary of the attorney ad litem's efforts to identify or locate the alleged father with a statement that the attorney ad litem was unable to identify or locate the alleged father.

¹⁴ SB 1026, 82nd Tex. Leg. Reg. Sess. (2011) (applicable to attorney appointed on or after Sept. 1, 2011. An attorney ad litem appointed before that date is governed by the law in effect on the date the attorney ad litem was appointed, and the former law is continued in effect for that purpose).

Comment: Section 107.0132 provides duties for an attorney appointed to represent an alleged father that cannot be located. Specifically, those duties are limited to conducting an investigation regarding the petitioner's due diligence in locating the alleged father, and conducting an independent investigation to locate the father, including interviewing parties or persons with knowledge of the identity or location of the alleged father. If located, the attorney ad litem shall provide to each party and the court with the alleged father's name and locating information. If appropriate, the court may allow the attorney to assist the alleged father in establishing paternity. If the alleged father is adjudicated to be a parent of the child and is determined by the court to be indigent, the court may appoint the attorney ad litem to continue to represent the father's interests as a parent under Section 107.013(a)(1) or (c).

If the attorney ad litem is unable to identify or locate the alleged father, the attorney ad litem shall submit to the court a written summary of the attorney ad litem's efforts to identify or locate the alleged father with a statement that the attorney ad litem was unable to identify or locate the alleged father.

The purpose of the alleged father section is to limit the duties to tasks related to finding the father and bringing him into the case.

Sec. 107.0133. DISCIPLINE OF ATTORNEY AD LITEM FOR PARENT OR ALLEGED FATHER.¹⁵ An attorney ad litem appointed for a parent or an alleged father who fails to perform the duties required by Section 107.0131 or 107.0132, as applicable, is subject to disciplinary action under Subchapter E, Chapter 81, Government Code.

Sec. 107.016. CONTINUED REPRESENTATION; DURATION OF APPOINTMENT. In a suit filed by a governmental entity in which termination of the parent-child relationship or appointment of the entity as conservator of the child is requested:

(1) ~~[7]~~ an order appointing the Department of Family and Protective [and Regulatory] Services as the child's managing conservator may provide for the continuation of the appointment of the guardian ad litem or attorney ad litem for the child for any period set by the court; **and**

(2) an attorney appointed under this subchapter to serve as an attorney ad litem for a parent or an alleged father continues to serve in that capacity until the earliest of:

(A) the date the suit affecting the parent-child relationship is dismissed;

¹⁵ SB 1026, 82nd Tex. Leg. Reg. Sess. (2011) (applicable to attorney **appointed on or after Sept. 1, 2011**. An attorney ad litem appointed before that date is governed by the law in effect on the date the attorney ad litem was appointed, and the former law is continued in effect for that purpose).

(B) the date all appeals in relation to any final order terminating parental rights are exhausted or waived; or

(C) the date the attorney is relieved of the attorney's duties or replaced by another attorney after a finding of good cause is rendered by the court on the record.¹⁶

¹⁶ HB 906, 82nd Tex. Leg. Reg. Sess. (2011) (applicable to a suit filed on or after Sept. 1, 2011).

Ch. 261, Family Code

Sec. 261.3013. CASE CLOSURE AGREEMENTS PROHIBITED.¹⁷ (a) Except as provided by Subsection (b), on closing a case, the department may not enter into a written agreement with a child's parent or another adult with whom the child resides that requires the parent or other adult to take certain actions after the case is closed to ensure the child's safety.

(b) This section does not apply to an agreement that is entered into by a parent or other adult:

(1) following the removal of a child and that is subject to the approval of a court with continuing jurisdiction over the child;

(2) as a result of the person's participation in family group conferencing; or

(3) as part of a formal case closure plan agreed to by the person who will continue to care for a child as a result of a parental child safety placement.

(c) The department shall develop policies to guide caseworkers in the development of case closure agreements authorized under Subsections (b)(2) and (3).

Sec. 262.010. CHILD WITH SEXUALLY TRANSMITTED DISEASE.¹⁸ (a) If during an investigation by the Department of Family and Protective Services the department discovers that a child younger than 11 years of age has a sexually transmitted disease, the department shall:

(1) appoint a special investigator to assist in the investigation of the case; and

(2) file an original suit requesting an emergency order under this chapter for possession of the child unless the department determines, after taking the following actions, that emergency removal is not necessary for the protection of the child:

(A) reviewing the medical evidence to determine whether the medical evidence supports a finding that abuse likely occurred;

(B) interviewing the child and other persons residing in the child's home;

(C) conferring with law enforcement;

¹⁷ SB 218, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

¹⁸ SB 218, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

(D) determining whether any other child in the home has a sexually transmitted disease and, if so, referring the child for a sexual abuse examination;

(E) if the department determines a forensic interview is appropriate based on the child's age and development, ensuring that each child alleged to have been abused undergoes a forensic interview by a children's advocacy center established under Section 264.402 or another professional with specialized training in conducting forensic interviews if a children's advocacy center is not available in the county in which the child resides;

(F) consulting with a department staff nurse or other medical expert to obtain additional information regarding the nature of the sexually transmitted disease and the ways the disease is transmitted and an opinion as to whether abuse occurred based on the facts of the case;

(G) contacting any additional witness who may have information relevant to the investigation, including other individuals who had access to the child; and

(H) if the department determines after taking the actions described by Paragraphs (A)-(G) that a finding of sexual abuse is not supported, obtaining an opinion from the Forensic Assessment Center Network as to whether the evidence in the case supports a finding that abuse likely occurred.

(b) If the department determines that abuse likely occurred, the department shall work with law enforcement to obtain a search warrant to require an individual the department reasonably believes may have sexually abused the child to undergo medically appropriate diagnostic testing for sexually transmitted diseases.

Ch. 262, Family Code

Sec. 262.1015. REMOVAL OF ALLEGED PERPETRATOR; OFFENSE. (a) If the department determines after an investigation that child abuse has occurred and that the child would be protected in the child's home by the removal of the alleged perpetrator of the abuse, the department shall file a petition for the removal of the alleged perpetrator from the residence of the child rather than attempt to remove the child from the residence.

(a-1) Notwithstanding Subsection (a), if the Department of Family and Protective Services determines that a protective order issued under Title 4 provides a reasonable alternative to obtaining an order under that subsection, the department may:

(1) file an application for a protective order on behalf of the child instead of or in addition to obtaining a temporary restraining order under this section; or

(2) assist a parent or other adult with whom a child resides in obtaining a protective order.¹⁹

(b) A court may issue a temporary restraining order in a suit by the department for the removal of an alleged perpetrator under Subsection (a) if the department's petition states facts sufficient to satisfy the court that:

(1) there is an immediate danger to the physical health or safety of the child or the child has been a victim of sexual abuse;

(2) there is no time, consistent with the physical health or safety of the child, for an adversary hearing;

(3) the child is not in danger of abuse from a parent or other adult with whom the child will continue to reside in the residence of the child; ~~and~~

(4) the parent or other adult with whom the child will continue to reside in the child's home is likely to:

(A) make a reasonable effort to monitor the residence; and

(B) report to the department and the appropriate law enforcement agency any attempt by the alleged perpetrator to return to the residence; and²⁰

(5) the issuance of the order is in the best interest of the child.

¹⁹ SB 218, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

²⁰ HB 253, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

(c) The order shall be served on the alleged perpetrator and on the parent or other adult with whom the child will continue to reside.

(d) A temporary restraining order under this section expires not later than the 14th day after the date the order was rendered.

(e) A temporary restraining order under this section and any other order requiring the removal of an alleged perpetrator from the residence of a child shall require that the parent or other adult with whom the child will continue to reside in the child's home make a reasonable effort to monitor the residence and report to the department and the appropriate law enforcement agency any attempt by the alleged perpetrator to return to the residence.

(f) The court shall order the removal of an alleged perpetrator if the court finds that the child is not in danger of abuse from a parent or other adult with whom the child will continue to reside in the child's residence and that:

(1) the presence of the alleged perpetrator in the child's residence constitutes a continuing danger to the physical health or safety of the child; or

(2) the child has been the victim of sexual abuse and there is a substantial risk that the child will be the victim of sexual abuse in the future if the alleged perpetrator remains in the residence.

(g) A person commits an offense if the person is a parent or other person with whom a child resides, the person is served with an order containing the requirement specified by Subsection (e), and the person fails to make a reasonable effort to monitor the residence of the child or to report to the department and the appropriate law enforcement agency an attempt by the alleged perpetrator to return to the residence. An offense under this section is a Class A misdemeanor.

(h) A person commits an offense if, in violation of a court order under this section, the person returns to the residence of the child the person is alleged to have abused. An offense under this subsection is a Class A misdemeanor, except that the offense is a felony of the third degree if the person has previously been convicted under this subsection.

Sec. 262.1095. INFORMATION PROVIDED TO RELATIVES AND CERTAIN INDIVIDUALS; INVESTIGATION.²¹ (a) When the Department of Family and

²¹ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to child taken into DFPS custody on or after Sept. 1, 2011).

Protective Services or another agency takes possession of a child under this chapter, the department:

(1) shall provide information as prescribed by this section to each adult the department is able to identify and locate who:

(A) is related to the child within the third degree by consanguinity as determined under Chapter 573, Government Code, or is an adult relative of the alleged father of the child who the department determines is most likely to be the child's biological father; and

(B) is identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307; and

(2) may provide information as prescribed by this section to each adult the department is able to identify and locate who has a long-standing and significant relationship with the child.

(b) The information provided under Subsection (a) must:

(1) state that the child has been removed from the child's home and is in the temporary managing conservatorship of the department;

(2) explain the options available to the individual to participate in the care and placement of the child and the support of the child's family;

(3) state that some options available to the individual may be lost if the individual fails to respond in a timely manner; and

(4) include, if applicable, the date, time, and location of the hearing under Subchapter C, Chapter 263.

(c) The department is not required to provide information to an individual if the individual has received service of citation under Section 102.009 or if the department determines providing information is inappropriate because the individual has a criminal history or a history of family violence.

(d) The department shall use due diligence to identify and locate all individuals described by Subsection (a) not later than the 30th day after the date the department files a suit affecting the parent-child relationship. In order to identify and locate the individuals described by Subsection (a), the department shall seek information from:

(1) each parent, relative, and alleged father of the child; and

(2) the child in an age-appropriate manner.

(e) The failure of a parent or alleged father of the child to complete the proposed child placement resources form does not relieve the department of its duty to seek information about the person under Subsection (d).

Comment: Sec. 262.1095 codifies federal law requiring the Department of Family & Protective Services (DFPS) to notify adult relatives within 30 days of a child's removal from home. 42 U.S.C. § 671(a)(29).

Who should be provided notice:

The notice shall be provided to each adult the department is able to identify and locate who

- (A) is related to the child within the third degree by consanguinity as determined under Chapter 573, Government Code, or is an adult relative of the alleged father of the child who the department determines is most likely to be the child's biological father;
- (B) is identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307.

- **Third Degree of Consanguinity** (Gov't Code § 573.023(c)) *An individual's relatives within the third degree by consanguinity are the individual's:*
 - (1) *parent or child (relatives in the first degree);*
 - (2) *brother, sister, grandparent, or grandchild (relatives in the second degree); and*
 - (3) *great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).*

However, there is an exception if the department determines providing information is inappropriate because a relative has a criminal history or a history of family violence.

DFPS may in its discretion also provide information to each adult the department is able to identify and locate who has a long-standing and significant relationship with the child.

Purpose: This notice is intended as an effort to engage and welcome relatives into the CPS case. It is well established that the involvement of relatives in a case greatly increases the likelihood for a positive outcome. Relatives can provide placement resources as well as emotional support.

Due Diligence: DFPS should use due diligence to locate all adult relatives. In exercising due diligence, caseworkers should interview each parent and the child in an age appropriate manner. The caseworker should also search available locator databases. Recently adopted federal law allows DFPS to have access to the Federal Parent Locator Service (a tool managed by the Attorney General's Child Support Division) to obtain state and federal child support data to help locate missing parents and relatives of children in child protection cases.²² DFPS should utilize this and other resources to search for and engage relatives and engage fathers at the beginning of the case.

What is Provided in Notice: DFPS will be providing relatives with a form letter stating the names of the children

²² On December 29, 2010, the Office of Child Support Enforcement in the Administration on Children and Families issued a Final Rule expanding the disclosure of information to assist in locating relatives. (<http://www.acf.hhs.gov/programs/cse/pol/AT/2010/at-10-12.htm>).

that have been removed and inviting the relative's participation. The department will provide relatives with a check box form to allow relatives to indicate their interest in providing support or maintaining a relationship with the child. Specifically, the relative will be able to indicate his or her interest in the following:

- I am interested in having this child(ren) placed with me in my home (for up to 12 – 18 months)
- I am interested in becoming a kinship caregiver and learning more about supportive services
- I am interested in becoming a foster parent for this child and learning more about supportive services
- If the parent's rights are terminated, I am interested in adopting this child
- I am interested in learning about Adoption Assistance Payments
- If the parent's rights are not termination, but the child is not reunified, I am interested in becoming this child's legal and permanent conservator
- I am interested in learning more about the Permanency Care Assistance Program
- I cannot serve as a placement for the child(ren) at this time, but am interested in supporting the child(ren) in one or more ways

Ch. 263, Family Code

Sec. 263.007. REPORT REGARDING NOTIFICATION OF RELATIVES.²³ Not later than the 10th day before the date set for a hearing under Subchapter C, the department shall file with the court a report regarding:

(1) the efforts the department made to identify, locate, and provide information to the individuals described by Section 262.1095;

(2) the name of each individual the department identified, located, or provided with information; and

(3) if applicable, an explanation of why the department was unable to identify, locate, or provide information to an individual described by Section 262.1095.

Comment: 263.007 requires DFPS to provide the court with a report regarding their compliance with 262.1095. The court should review this report to assess the department's diligent efforts.

Sec. 263.103. ORIGINAL SERVICE PLAN: SIGNING AND TAKING EFFECT.

(a) The original service plan shall be developed jointly by the child's parents and a representative of the department or other authorized agency, including informing the parents of their rights in connection with the service plan process. If a parent is not able or willing to participate in the development of the service plan, it should be so noted in the plan.

(a-1) Before the original service plan is signed, the child's parents and the representative of the department or other authorized agency shall discuss each term and condition of the plan.

(b) The child's parents and the person preparing the original service plan shall sign the plan, and the department shall give each parent a copy of the service plan.

(c) If the department or other authorized agency determines that the child's parents are unable or unwilling to participate in the development of the original service plan or sign the [~~service~~] plan, the department may file the plan without the parents' signatures.

(d) The original service plan takes effect when:

(1) the child's parents and the appropriate representative of the department or other authorized agency sign the plan; or

²³ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to child taken into DFPS custody on or after Sept. 1, 2011).

(2) the court issues an order giving effect to [~~department or other authorized agency files~~] the plan without the parents' signatures.

(e) The original service plan is in effect until amended by the court or as provided under Section 263.104.²⁴

Comment: The amendments clarify that the service plan shall be developed *jointly* with the parents. If the parents refuse to or are unable to participate, the department is required to file the service plan with the court and have the court order that it is effective. The service plan remains in effect until amended by the court or under 263.104.

Sec. 263.104. AMENDED SERVICE PLAN. (a) The service plan may be amended at any time. The department shall work with the parents to jointly develop any amendment to the service plan, including informing the parents of their rights in connection with the amended service plan process.

(b) The amended service plan supersedes the previously filed service plan and takes effect when:

(1) the child's parents and the appropriate representative of the department or other authorized agency sign the plan; or

(2) the department or other authorized agency determines that the child's parents are unable or unwilling to sign the amended plan and files it without the parents' signatures.

(c) A parent may file a motion with the court at any time to request a review and modification of the amended service plan [~~The amended service plan remains in effect until amended by the court~~].

(d) An amended service plan remains in effect until:

(1) superseded by a later-amended service plan that goes into effect as provided by Subsection (b); or

(2) modified by the court.²⁵

Comment: The amendments clarify that any amendments to the service plan shall be developed *jointly* with the parents. If the parents refuse to or are unable to participate, the department is required to file the service plan with the court for it to become effective. The parent is allowed to file a motion with the court at any time to request review and modification of the amended service plan.

Sec. 263.105. REVIEW OF SERVICE PLAN; MODIFICATION.²⁶ (a) The service plan currently in effect shall be filed with the court.

²⁴ SB 218, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

²⁵ SB 218, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

²⁶ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to child taken into DFPS custody on or after Sept. 1, 2011).

(b) The court shall review the plan at the next required hearing under this chapter after the plan is filed.

(c) The court may modify an original or amended service plan at any time.

Comment: The court is permitted to modify the original or amended service plan at any time to make appropriate changes.

Sec. 263.106. COURT IMPLEMENTATION OF SERVICE PLAN.²⁷ After reviewing the original or any amended service plan and making any changes or modifications it deems necessary, the [The] court shall incorporate the original and any amended service plan into the orders of the court and may render additional appropriate orders to implement or require compliance with an original or amended service plan.

Sec. 263.201. STATUS HEARING; TIME.²⁸ (a) Not later than the 60th day after the date the court renders a temporary order appointing the department as temporary managing conservator of a child, the court shall hold a status hearing to review the child's status and the service plan developed for the child.

(b) A status hearing is not required if the court holds an initial permanency hearing under Section 262.2015 and makes findings required by Section 263.202 before the date a status hearing is required by this section.

(c) The court shall require each parent, alleged father, or relative of the child before the court to submit the proposed child placement resources form provided under Section 261.307 at the status hearing, if the form has not previously been submitted.

Sec. 263.202. STATUS HEARING; FINDINGS.²⁹ (a) If all persons [parties] entitled to citation and notice of a status hearing under this chapter were not served, the court shall make findings as to whether:

(1) the department or other agency has exercised due diligence to locate all necessary persons, including an alleged father of the child,

²⁷ SB 218, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

²⁸ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to child taken into DFPS custody on or after Sept. 1, 2011).

²⁹ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to child taken into DFPS custody on or after Sept. 1, 2011).

regardless of whether the alleged father is registered with the registry of paternity under Section 160.402; and

(2) the child and each [~~custodial~~] parent, alleged father, or relative of the child before the court have [~~has~~] furnished to the department all available information necessary to locate an [another] absent parent, alleged father, or relative of the child through exercise of due diligence.

(b) Except as otherwise provided by this subchapter [~~Subsection (e)~~], a status hearing shall be limited to matters related to the contents and execution of the service plan filed with the court. The court shall review the service plan that the department or other agency filed under this chapter for reasonableness, accuracy, and compliance with requirements of court orders and make findings as to whether:

(1) a plan that has the goal of returning the child to the child's parents adequately ensures that reasonable efforts are made to enable the child's parents to provide a safe environment for the child; [~~and~~]

(2) the child's parents have reviewed and understand the [~~service~~] plan and have been advised that unless the parents are willing and able to provide the child with a safe environment, even with the assistance of a service plan, within the reasonable period of time specified in the plan, the parents' parental and custodial duties and rights may be subject to restriction or to termination under this code or the child may not be returned to the parents;

(3) the plan is reasonably tailored to address any specific issues identified by the department or other agency; and

(4) the child's parents and the representative of the department or other agency have signed the plan.

(b-1) After reviewing the service plan and making any necessary modifications, the court shall incorporate the service plan into the orders of the court and may render additional appropriate orders to implement or require compliance with the plan.

[(c) and (d) repealed]

(e) At the status hearing, the court shall make a finding as to whether the court has identified the individual who has the right to consent for the child under Section 266.003.

(f) The court shall review the report filed by the department under Section 263.007 and inquire into the sufficiency of the department's efforts to identify, locate, and provide information to each adult described by Section 262.1095(a). The court shall order the department to make further efforts to identify, locate, and provide information to each adult described by Section 262.1095(a) if the court determines that the department's efforts have not been sufficient.

(g) The court shall give the child's parents an opportunity to comment on the service plan.

(h) If a proposed child placement resources form as described by Section 261.307 has not been submitted, the court shall require each parent, alleged father, or other person to whom the department is required to provide a form to submit a completed form.

Comment: Section 263.202 is modified to clarify that the court shall review citation and notice on all persons entitled to notice of the suit or notice of the hearing. As per subsection (f), the court is required to review the report filed by the department under 263.007 regarding their diligent efforts to locate all adult relatives, and may order the department to take additional efforts if the department has not made sufficient efforts.

If child placement resource forms have not been submitted by the persons in court, the court shall require those persons to submit a form.

Additionally, the court should review the service plan and provide the parents with an opportunity to comment on the service plan. The court should make findings regarding whether it is reasonably tailored to address specific issues identified by the department and whether the child's parents and the representative of the department or other agency have signed the plan. The court is permitted to make appropriate modifications to the service plan. Accordingly, if the service plan is a standard fill-in-the-blank form, not tailored to address the specific problems/safety risks with the parents, the court can modify the plan to make it more tailored to the specific needs of the family.

Sec. 263.203. APPOINTMENT OF ATTORNEY AD LITEM; ADMONISHMENTS.³⁰

(a) The court shall advise the parties of the provisions regarding the mandatory appointment of an attorney ad litem under Subchapter A, Chapter 107, and shall appoint an attorney ad litem to represent the interests of any person eligible if the appointment is required by that subchapter.

(b) The court shall advise the parties that progress under the service plan will be reviewed at all subsequent hearings, including a review of whether the parties have acquired or learned any specific skills or knowledge stated in the plan.

³⁰ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to child taken into DFPS custody on or after Sept. 1, 2011).

Comment: Section 263.203 was added to include the admonishment moved from 262.202 relating to the progress under the plan. Additionally, it adds (a) to require the court to advise parties of their right to an attorney, if one has not already been appointed.

Sec. 263.405. APPEAL OF FINAL ORDER. (a) An appeal of a final order rendered under this subchapter is governed by the procedures [~~rules of the supreme court~~] for accelerated appeals in civil cases under the Texas Rules of Appellate Procedure [~~and the procedures provided by this section~~]. The appellate court shall render its final order or judgment with the least possible delay.

(b) A final order rendered under this subchapter must contain the following prominently displayed statement in boldfaced type, in capital letters, or underlined: "A PARTY AFFECTED BY THIS ORDER HAS THE RIGHT TO APPEAL. AN APPEAL IN A SUIT IN WHICH TERMINATION OF THE PARENT-CHILD RELATIONSHIP IS SOUGHT IS GOVERNED BY THE PROCEDURES FOR ACCELERATED APPEALS IN CIVIL CASES UNDER THE TEXAS RULES OF APPELLATE PROCEDURE. FAILURE TO FOLLOW THE TEXAS RULES OF APPELLATE PROCEDURE FOR ACCELERATED APPEALS MAY RESULT IN THE DISMISSAL OF THE APPEAL."

(c) The supreme court shall adopt rules accelerating the disposition by the appellate court and the supreme court of an appeal of a final order granting termination of the parent-child relationship rendered under this subchapter.³¹

[NOTE: (b-1), (d), (e), (f), (g), (h), and (i) are repealed.]

Comment: The Court has started the process of developing TRAP rules as per (c). Check the Supreme Court's website for updates on the new rule when it becomes available.

³¹ HB 906, 82nd Tex. Leg. Reg. Sess. (2011) (Applicable to a final order issued on or after Sept. 1, 2011; Supreme Court to adopt rules as soon as practicable, but no later than March 1, 2012).

Extending Jurisdiction

SUBCHAPTER G, CHAPTER 263, Family Code³² EXTENDED JURISDICTION AFTER CHILD'S 18TH BIRTHDAY

Sec. 263.601. DEFINITIONS. In this subchapter:

(1) "Foster care" means a voluntary residential living arrangement with a foster parent or other residential child-care provider that is:

(A) licensed or approved by the department or verified by a licensed child-placing agency; and

(B) paid under a contract with the department.

(2) "Guardianship services" means the services provided by the Department of Aging and Disability Services under Subchapter E, Chapter 161, Human Resources Code.

(3) "Institution" means a residential facility that is operated, licensed, registered, certified, or verified by a state agency other than the department. The term includes a residential service provider under a Medicaid waiver program authorized under Section 1915(c) of the federal Social Security Act that provides services at a residence other than the young adult's own home.

(3-a) "Trial independence period" means a period of not less than six months, or a longer period as a court may order not to exceed 12 months, during which a young adult exits foster care with the option to return to foster care under the continuing extended jurisdiction of the court.

(4) "Young adult" means a person between 18 and 21 years of age who:

(A) was in the conservatorship of the department on the day before the person's 18th birthday; and

(B) after the person's 18th birthday, resides in foster care or receives transitional living services from the department.

Sec. 263.602. EXTENDED JURISDICTION. (a) A court that had continuing, exclusive jurisdiction over a young adult on the day before [may, at] the young adult's 18th birthday continues to have extended [request, render an order that extends the court's] jurisdiction over the young adult and shall retain the case on the court's docket while the young adult remains in extended foster care and during a trial independence period described [as provided] by this section [subchapter].

(b) A court with extended jurisdiction over a young adult who remains in extended foster care shall conduct extended foster care review hearings every six months for the purpose of reviewing and making findings regarding:

(1) whether the young adult's living arrangement is safe and appropriate and whether the department has made reasonable efforts to place the young adult in the least restrictive environment necessary to meet the young adult's needs;

(2) whether the department is making reasonable efforts to finalize the permanency plan that is in effect for the young adult, including a permanency plan for independent living;

(3) whether, for a young adult whose permanency plan is independent living:

(A) the young adult participated in the development of the plan of service;

(B) the young adult's plan of service reflects the independent living skills and appropriate services needed to achieve independence by the projected date; and

³² This document contains proposed amendments to Subchapter G, Chapter 263, Family Code, as those amendments appeared in SB 1 and HB 79 of the 82nd Legislature, First Called Special Session, on June 24, 2011.

(C) the young adult continues to make reasonable progress in developing the skills needed to achieve independence by the projected date; and

(4) whether additional services that the department is authorized to provide are needed to meet the needs of the young adult [~~The extended jurisdiction of the court terminates on the earlier of:~~

~~[(1) the young adult's 21st birthday; or~~

~~[(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court].~~

(c) Not later than the 10th day before the date set for a hearing under this section, the department shall file with the court a copy of the young adult's plan of service and a report that addresses the issues described by Subsection (b).

(d) Notice of an extended foster care review hearing shall be given as provided by Rule 21a, Texas Rules of Civil Procedure, to the following persons, each of whom has a right to present evidence and be heard at the hearing:

(1) the young adult who is the subject of the suit;

(2) the department;

(3) the foster parent with whom the young adult is placed and the administrator of a child-placing agency responsible for placing the young adult, if applicable;

(4) the director of the residential child-care facility or other approved provider with whom the young adult is placed, if applicable;

(5) each parent of the young adult whose parental rights have not been terminated and who is still actively involved in the life of the young adult;

(6) a legal guardian of the young adult, if applicable; and

(7) the young adult's attorney ad litem, guardian ad litem, and volunteer advocate, the appointment of which has not been previously dismissed by the court.

(e) If, after reviewing the young adult's plan of service and the report filed under Subsection (c), and any additional testimony and evidence presented at the review hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

(f) A court with extended jurisdiction over a young adult as described in Subsection (a) shall continue to have jurisdiction over the young adult and shall retain the case on the court's docket until the earlier of:

(1) the last day of the:

(A) sixth month after the date the young adult leaves foster care; or

(B) 12th month after the date the young adult leaves foster care if specified in a court order, for the purpose of allowing the young adult to pursue a trial independence period; or

(2) the young adult's 21st birthday.

(g) A court with extended jurisdiction described by this section is not required to conduct periodic hearings for a young adult during a trial independence period and may not compel a young adult who has exited foster care to attend a court hearing.

Sec. 263.6021. VOLUNTARY EXTENDED JURISDICTION FOR YOUNG ADULT RECEIVING TRANSITIONAL LIVING SERVICES. (a) Notwithstanding Section 263.602, a court that had continuing, exclusive jurisdiction over a young adult on the day before the young adult's 18th birthday may, at the young adult's request, render an order that extends the court's jurisdiction beyond the end of a trial independence period if the young adult receives transitional living services from the department.

(b) The extended jurisdiction of the court under this section terminates on the earlier of:

(1) the young adult's 21st birthday; or

(2) the date the young adult withdraws consent to the extension of the court's jurisdiction in writing or in court.

(c) At the request of a young adult who is receiving transitional living services from the department and who consents to voluntary extension of the court's jurisdiction under this section, the court may hold a hearing to review the services the young adult is receiving.

(d) Before a review hearing scheduled under this section, the department must file with the court a report summarizing the young adult's transitional living services plan, services being provided to the young adult under that plan, and the young adult's progress in achieving independence.

(e) If, after reviewing the report and any additional testimony and evidence presented at the hearing, the court determines that the young adult is entitled to additional services, the court may order the department to take appropriate action to ensure that the young adult receives those services.

Sec. 263.603. EXTENDED JURISDICTION TO DETERMINE GUARDIANSHIP. (a) Notwithstanding Section 263.6021 [~~263.602~~], if the court believes that a young adult may be incapacitated as defined by Section 601(14)(B), Texas Probate Code, the court may extend its jurisdiction on its own motion without the young adult's consent to allow the department to refer the young adult to the Department of Aging and Disability Services for guardianship services as required by Section 48.209, Human Resources Code.

(b) The extended jurisdiction of the court under this section terminates on the earliest of the date:

(1) the Department of Aging and Disability Services determines a guardianship is not appropriate under Chapter 161, Human Resources Code;

(2) a court with probate jurisdiction denies the application to appoint a guardian; or

(3) a guardian is appointed and qualifies under the Texas Probate Code.

(c) If the Department of Aging and Disability Services determines a guardianship is not appropriate, or the court with probate jurisdiction denies the application to appoint a guardian, the court under Subsection (a) may continue to extend its jurisdiction over the young adult only as provided by Section 263.602 or 263.6021.

Sec. 263.604. GUARDIAN'S CONSENT TO EXTENDED JURISDICTION. (a) A guardian appointed for a young adult may request that the court extend the court's jurisdiction over the young adult.

(b) A court that extends its jurisdiction over a young adult for whom a guardian is appointed may not issue an order that conflicts with an order entered by the probate court that has jurisdiction over the guardianship proceeding.

Sec. 263.605. CONTINUED OR RENEWED APPOINTMENT OF ATTORNEY AD LITEM, GUARDIAN AD LITEM, OR VOLUNTEER ADVOCATE. A court with extended jurisdiction under this subchapter may continue or renew the appointment of an attorney ad litem, guardian ad litem, or volunteer advocate for the young

adult to assist the young adult in accessing services the young adult is entitled to receive from the department or any other public or private service provider.

Sec. 263.606. DUTIES OF ATTORNEY OR GUARDIAN AD LITEM. An attorney ad litem or guardian ad litem appointed for a young adult who receives services in the young adult's own home from a service provider or resides in an institution that is licensed, certified, or verified by a state agency other than the department shall assist the young adult as necessary to ensure that the young adult receives appropriate services from the service provider or institution, or the state agency that regulates the service provider or institution.

Sec. 263.607. PROHIBITED APPOINTMENTS AND ORDERS. (a) The court may not appoint the department or the Department of Aging and Disability Services as the managing conservator or guardian of a young adult.

(b) A court may not order the department to provide a service to a young adult unless the department:

- (1) is authorized to provide the service under state law; and
- (2) is appropriated money to provide the service in an amount sufficient to comply with the court order and the department's obligations to other young adults for whom the department is required to provide similar services.

Sec. 263.608. RIGHTS OF YOUNG ADULT. A young adult who consents to the continued jurisdiction of the court has the same rights as any other adult of the same age.

Comment: Federal law (Fostering Connections Act) allows a youth to voluntarily remain in foster care after their 18th birthday – referred to as "Extended Foster Care", if they meet certain requirements such as staying in school, working, or participating in a job training program. Extended Foster Care is eligible for Title IV-E funding from the federal government until the youth's 21st birthday.

Once the new legislation is effective, any court with jurisdiction over a youth on the day before they turn 18 will automatically continue to have jurisdiction of the youth beyond the 18th birthday for at least six months. The court must conduct periodic hearings every six months, and must make specific findings (these are not currently required by the Family Code). The court must also maintain jurisdiction over the youth age 18 or older who temporarily leaves foster care for a "trial independence" period so that if / when the youth returns to foster care, the youth (and the State) will not lose eligibility for federal funding. These changes will help ensure roughly 5 million dollars in federal funding to help fund extended foster care services. Without it, DFPS would not be able to serve many of the youth who leave foster care after turning 18, and then find they need to return to care for additional supports and services while they transition to independence.

Biggest change: Trial Independence – this allows youth to voluntarily exit foster care after their 18th birthday, and then decide to voluntarily return to foster care within six months (or within a 12 month period if authorized by a court order) for additional support. The federal law requires a court to retain jurisdiction during the trial independence period (which can be 6 – 12 months) in order for DFPS to draw down federal dollars for those youth who exit and later return.

Also, this bill modifies the definition of the term "foster care" to cover the new "**supervised independent living**" that may provide residential foster care services in a more independent setting for young adults 18 and older, but which are not required to be regulated/licensed child-care facilities (e.g., possibly a college dorm). Children who live in an "approved" supervised independent living setting will be eligible for Title IV-E funding.

Chapter 264, Family Code

Sec. 264.119. NOTICE OF CHANGE OF PLACEMENT.³³ (a) In this section, "residential child-care facility" and "child-placing agency" have the meanings assigned by Section 42.002, Human Resources Code.

(b) Except in the case of an emergency or as otherwise provided by a court order or agreed to by a residential child-care facility or child-placing agency, the department must provide written notice to the residential child-care facility and any child-placing agency involved with a child before the department may change the child's residential child-care facility.

(c) The department must provide the notice required under Subsection (b) at least 48 hours before the residential child-care facility is changed.

Sec. 264.408. USE OF INFORMATION AND RECORDS; CONFIDENTIALITY AND OWNERSHIP. (a) The files, reports, records, communications, and working papers used or developed in providing services under this chapter are confidential and not subject to public release under Chapter 552, Government Code, and may only be disclosed for purposes consistent with this chapter. Disclosure may be to:

(1) the department, department employees, law enforcement agencies, prosecuting attorneys, medical professionals, and other state or local agencies that provide services to children and families; and

(2) the attorney for the child who is the subject of the records and a court-appointed volunteer advocate appointed for the child under Section 107.031.

(b) Information related to the investigation of a report of abuse or neglect under Chapter 261 and services provided as a result of the investigation is confidential as provided by Section 261.201.

(c) The department, a law enforcement agency, and a prosecuting attorney may share with a center information that is confidential under Section 261.201 as needed to provide services under this chapter. Confidential information shared with or provided to a center remains the property of the agency that shared or provided the information to the center.

³³ HB 807, 82nd Tex. Leg. Reg. Sess. (2011) (effective Sept. 1, 2011).

(d) A videotaped interview of a child made at a center is the property of the prosecuting attorney involved in the criminal prosecution of the case involving the child. If no criminal prosecution occurs, the videotaped interview is the property of the attorney involved in representing the department in a civil action alleging child abuse or neglect. If the matter involving the child is not prosecuted, the videotape is the property of the department if the matter is an investigation by the department of abuse or neglect. If the department is not investigating or has not investigated the matter, the videotape is the property of the agency that referred the matter to the center. If the center employs a custodian of records for videotaped interviews of children, the center is responsible for the custody of the videotape. A videotaped interview may be shared with other agencies under a written agreement.

(d-1) A videotaped interview described by Subsection (d) is subject to production under Article 39.14, Code of Criminal Procedure, and Rule 615, Texas Rules of Evidence. A court shall deny any request by a defendant to copy, photograph, duplicate, or otherwise reproduce a videotape of an interview described by Subsection (d), provided that the prosecuting attorney makes the videotape reasonably available to the defendant in the same manner as property or material may be made available to defendants, attorneys, and expert witnesses under Article 39.15(d), Code of Criminal Procedure.³⁴

(e) The department shall be allowed access to a center's videotaped interviews of children.

SUBCHAPTER L. PARENTAL CHILD SAFETY PLACEMENTS³⁵

Sec. 264.901. DEFINITIONS. In this subchapter:

(1) "Caregiver" means an individual, other than a child's parent, conservator, or legal guardian, who is related to the child or has a long-standing and significant relationship with the child or the child's family.

(2) "Parental child safety placement" means a temporary out-of-home placement of a child with a caregiver that is made by a parent or other

³⁴ SB 1106, 82nd Tex. Leg. Reg. Sess. (2011) (Adopting Subch. L, Ch. 264, Family Code effective Sept. 1, 2011).

³⁵ SB 993, 82nd Tex. Leg. Reg. Sess. (2011) (Adopting Subch. L, Ch. 264, Family Code effective Sept. 1, 2011).

person with whom the child resides in accordance with a written agreement approved by the department that ensures the safety of the child:

(A) during an investigation by the department of alleged abuse or neglect of the child; or

(B) while the parent or other person is receiving services from the department.

(3) "Parental child safety placement agreement" means an agreement between a parent or other person making a parental child safety placement and the caregiver that contains the terms of the placement and is approved by the department.

Sec. 264.902. PARENTAL CHILD SAFETY PLACEMENT AGREEMENT. (a) A parental child safety placement agreement must include terms that clearly state:

(1) the respective duties of the person making the placement and the caregiver, including a plan for how the caregiver will access necessary medical treatment for the child and the caregiver's duty to ensure that a school-age child is enrolled in and attending school;

(2) conditions under which the person placing the child may have access to the child, including how often the person may visit and the circumstances under which the person's visit may occur;

(3) the duties of the department;

(4) the date on which the agreement will terminate unless terminated sooner or extended to a subsequent date as provided under department policy; and

(5) any other term the department determines necessary for the safety and welfare of the child.

(b) A parental child safety placement agreement must contain the following statement in boldface type and capital letters: "YOUR AGREEMENT TO THE PARENTAL CHILD SAFETY PLACEMENT IS NOT AN ADMISSION OF CHILD ABUSE OR NEGLECT ON YOUR PART AND CANNOT BE USED AGAINST YOU AS AN ADMISSION OF CHILD ABUSE OR NEGLECT."

(c) A parental child safety placement agreement must be in writing and signed by the person making the placement and the caregiver.

(d) The department must provide a written copy of the parental child safety placement agreement to the person making the placement and the caregiver.

Sec. 264.903. CAREGIVER EVALUATION. (a) The department shall develop policies and procedures for evaluating a potential caregiver's qualifications to care for a child under this subchapter, including policies and procedures for evaluating:

- (1) the criminal history of a caregiver;
- (2) allegations of abuse or neglect against a caregiver; and
- (3) a caregiver's home environment and ability to care for the

child.

(b) A department caseworker who performs an evaluation of a caregiver under this section shall document the results of the evaluation in the department's case records.

(c) If, after performing an evaluation of a potential caregiver, the department determines that it is not in the child's best interest to be placed with the caregiver, the department shall notify the person who proposed the caregiver and the proposed caregiver of the reasons for the department's decision, but may not disclose the specifics of any criminal history or allegations of abuse or neglect unless the caregiver agrees to the disclosure.

Sec. 264.904. DEPARTMENT PROCEDURES FOR CLOSING CASE. (a) Before closing a case in which the department has approved a parental child safety placement, the department must develop a plan with the person who made the placement and the caregiver for the safe return of the child to the person who placed the child with the caregiver or to another person legally entitled to possession of the child, as appropriate.

(b) The department may close a case with a child still living with the caregiver in a parental child safety placement if the department has determined that the child could safely return to the parent or person who made the parental child safety placement but the parent or other person agrees in writing for the child to continue to reside with the caregiver.

(c) If the department determines that the child is unable to safely return to the parent or person who made the parental child safety placement, the department shall determine whether the child can remain safely in the home of the caregiver or whether the department must seek legal conservatorship of the child in order to ensure the child's safety.

(d) Before the department may close a case with a child still living in a parental child safety placement, the department must:

(1) determine and document in the case file that the child can safely remain in the placement without the department's supervision;

(2) obtain the written agreement of the parent or person who made the parental child safety placement, if possible;

(3) obtain the caregiver's agreement in writing that the child can continue living in the placement after the department closes the case; and

(4) develop a written plan for the child's care after the department closes the case.

(e) The department is not required to comply with Subsection (d) if the department has filed suit seeking to be named conservator of the child under Chapter 262 and been denied conservatorship of the child.

Sec. 264.905. REMOVAL OF CHILD BY DEPARTMENT. This subchapter does not prevent the department from removing a child at any time from a person who makes a parental child safety placement or from a caregiver if removal is determined to be necessary by the department for the safety and welfare of the child as provided by Chapter 262.

Sec. 264.906. PLACEMENT PREFERENCE DURING CONSERVATORSHIP. If, while a parental child safety placement agreement is in effect, the department files suit under Chapter 262 seeking to be named managing conservator of the child, the department shall give priority to placing the child with the parental child safety placement caregiver as long as the placement is safe and available.

INSERT - TAB 8

Update on Texas Lawyers for Children -- August 2011

Special Thank You to the Commission:

As Texas Lawyers for Children ("TLC") draws near the end of its four years of funding from the Commission, we want to express how honored TLC has been to be a project of the Commission and how grateful we are for the Commission's generous financial support for the last four years. With this funding, TLC has been able to continue to provide a unique service in Texas, the Texas Lawyers for Children Online Legal Resource and Communication Center ("Online Center"), which now has over 300 judges and over 1,550 attorneys registered to use its services. These legal professionals estimate that their court cases involve **over 63,500¹ Texas children annually**.

The Online Center includes a wealth of legal, medical, and psychological materials covering almost 1,300 topics and also provides private, secure communication tools for judges and attorneys, respectively, to discuss pertinent issues and share their expertise. All of TLC's services are free to Texas judges and attorneys.

The Commission has enabled TLC's Online Center to play a significant and unique role in advancing the welfare of abused and neglected children in the courts. The Online Center has received national and regional accolades that have showcased the innovative work being done by the Commission in Texas and has often been described as a national model. It has been a privilege to be a project of the Commission and its important mission of improving the resources and processes of the courts throughout the state in handling abused children's cases. TLC plans to continue its mission of helping abused children and will continue to work to further the goals of the Commission. With tremendous gratitude, TLC shares below some highlights of what the Commission's funding and support have enabled TLC to accomplish.

Facilitating Statewide Policy Changes:

Texas judges have used TLC's communication tools to identify statewide policies that cause delays in achieving permanency for abused children. These judges brainstormed new solutions online and collaborated with the Department of Family and Protective Services on policy changes that could ultimately benefit thousands of children statewide. For example:

- The judges recommended a way to expedite the process for finding a child an adoptive home after termination of parental rights.
- The judges recommended a way to expedite getting birth certificates for abused children.

National and State Awards:

With the investment and support of the Commission, TLC has received two very significant awards:

- TLC's Director received the national **2009 Child Advocacy Award**, given by the **American Bar Association**, largely because of the Online Center project.
- Texas Loves Children, Inc., the nonprofit organization that created and operates TLC's Online Center project, received the **2010 Award for Excellence in Social Innovation** for the Online Center project, given 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."***

¹ Some children may have been double-counted if a judge and attorney included the same child in their respective estimates.

The Texas Online Center as a National Model:

TLC has replicated the Online Center project for California's Administrative Office of the Courts. California's Online Center is multidisciplinary, has been online since December 2008, has over 2,000 registered users, and has continued to be enhanced for use by their Blue Ribbon Commission. Six other states are actively considering having TLC replicate the Online Center for their states.

Magnifying the Impact of Other Commission Projects:

TLC's Online Center can spread the expertise developed through other projects sponsored by the Commission to practitioners across the state. As one example, three attorneys from Disability Rights Texas (formerly Advocacy Inc.) are specializing in representing youth who have been abused and who are also involved in the juvenile justice system. These attorneys are graciously providing TLC with their training materials, which have been made available to other attorneys through the Online Center, and are also participating in TLC's communication networks so that attorneys statewide will be able to benefit from the expertise gained in this project. By creating a conduit between the project's attorneys and attorneys across the state, the Commission can leverage the expertise developed through its project so that it impacts the cases of youth statewide.

Assisting the Texas Association of Child Protection Judges:

The Texas Association of Child Protection Judges ("TACPJ"), formed in September of 2008, has been actively using TLC's secure, private communication tools. Since the inception of TACPJ, an average of 228 messages per year have been sent among the judges using TLC's services.²

Serving as a Conduit for Information from the Commission:

TLC is using its statewide reach to disseminate information from the Commission and its members to the 300+ judges and 1,550+ attorneys registered in the Online Center, including:

- TLC has publicized the availability of scholarships offered by the Commission for qualifying Texas attorneys to a number of national and state conferences, including recent conferences sponsored by the American Bar Associations' Center on Children and the Law.
- TLC distributed a survey regarding Family Drug Treatment Courts to over 300 Texas judges for the Drug Court Work Group of the Commission's Training Committee.
- TLC publicizes the Jurist in Residence letters from Hon. John Specia to judges and attorneys and posts them in the Online Center.
- Hon. Darlene Byrne provides TLC with information about her Model Court for TLC to disseminate to the judges.
- Audrey Deckinga provides TLC with information about DFPS initiatives to send to judges and attorneys, fostering collaboration between DFPS and the court system.

The Project's Statewide Reach:

- TLC's Online Center is available at no charge for use by all active Texas judges and all Texas attorneys who are in good standing with the State Bar.
- The Online Center now has **over 1,850 registered users**, with **over 300 judges** and **over 1,550 attorneys** registered to use its services. This is more than a 300% increase in registrations since TLC began receiving funding from the Commission.
- These judges and attorneys handle cases in **245 of Texas' 254 counties**.

² Based on the years for which TLC has a complete year's worth of data from the time of the inception of the Texas Association of Child Protection Judges in September 2008.

- These professionals estimate that they handle the cases of over **63,500 children** annually. (A child may be counted twice if a judge and an attorney both include the same child in their respective estimates.)

New Capabilities Created by TLC:

During the period of funding by the Commission, TLC created significant new capabilities, including the following:

- TLC created private, secure communication tools, including email networks, online discussion boards, and document vaults, for numerous groups, including:
 - Judges and attorneys, respectively, handling child abuse cases;
 - Judges and attorneys, respectively, handling juvenile delinquency cases;
 - Judges presiding over or interested in Family Drug Treatment Courts;
 - The State Bar Committee on Child Abuse and Neglect and each of its subcommittees;
 - Participants of the training on “Undoing Racism”; and
 - Participants in the Commission’s PMC Round Table group (built but not yet launched).
- TLC significantly enhanced the online registration capability of the Pro Bono Network in the Online Center as new ways were identified for attorneys to provide pro bono services in child abuse cases. TLC then established a joint project with the Texas Young Lawyers Association and the State Bar Committee on Child Abuse and Neglect to recruit attorneys willing to provide pro bono services in these cases.
- TLC has built the facilities to begin working with an exciting Dallas County pilot project on using collaborative law techniques with families identified by CPS as at risk for abuse. The goal is to collaboratively arrive at a safe outcome for the child that all participants are committed to achieve as a way to avoid placing the child in foster care. TLC’s services will enable the pilot’s leaders to effectively provide information to attorneys in other jurisdictions who are interested in starting a similar program, as well as provide participating attorneys with resources they need to handle the cases effectively.
- TLC is in the process of adding the capability to offer online training to Texas judges and attorneys on key topics on child abuse and neglect.

Special Resources for Judges:

TLC posts new information, including articles, forms, and summaries of cases, in the Online Center on an ongoing basis. TLC has made a special effort to post resources that would be of special interest to judges, including numerous articles, judicial checklists, and benchcards, from the National Council of Juvenile and Family Court Judges, the ABA’s Center on Children and the Law, Casey Family Programs, Hon. John Specia, and Hon. Darlene Byrne’s Model Court.

Increase in Usage and Materials:

Commission funding has enabled TLC to expand the reach and content of the Online Center in numerous ways, including the following:

- TLC has **more than tripled** the number of judges and attorneys registered to use the Online Center, from 564 when Commission funding began to over 1,850 now.
- During the time of Commission funding, judges and attorneys using TLC’s communication tools have sent almost **4,000 messages** through the various email networks.
- TLC has **more than doubled** the number of topics covered by resource materials in the Online Center, from approximately 600 when Commission funding began to almost 1,300 now.
- TLC has steadily added new resource materials to its Online Center and, through the period of Commission funding, has added over **3,500** new materials.

Comments from Judges:

The following quotes from judges about the value of the Online Center are from TLC's Annual User Evaluations. They are representative of the hundreds of positive comments TLC has received through the years of Commission funding.

"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.”

“Many times I receive answers from colleagues within minutes of my request - justice delayed is justice denied especially with children.”

“Having access to TLC’s website materials allows me to access a variety of information and opinions very quickly. When I use [the email network] for judges, I get numerous responses almost immediately. As a new judge, I find this particularly helpful. I also benefit from reading comments and dialogues between and among other judges. I have found judges to be extremely generous in providing documents, including forms, to me.”

“I’ve had legal questions answered many times with case law and statutory cites.”

“The time factor is the most significant value, and having CPS specific information in one place.”

I’ve used **ideas from other judges’ orders** which were posted in the document vault.

Comments from Attorneys:

“Information is well organized which allows me to not only review the material I believe to be relevant, but review other topics that may be of importance that were not evident at the beginning of my search.”

**“Pulled forms that would have taken me hours to draft...and I might not have done it right....
“Had a question answered by one of the state’s leading experts - how else would that have happened? Was able to refer another attorney to information that I hope will lead her to understand why I am concerned about child safety in a family law case.”**

“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 [Colleague Connection email network]. I learn from it all the time—it’s 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.**”