

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

**November 12, 2010  
Meeting Agenda**

- 10:00 Commencement / Opening Remarks – The Honorable Eva Guzman**
1. Commission Membership Changes, **Tab 2**
  2. Collaborative Council Member Changes, **Tab 2**
  3. Committee Membership Changes - **Reappointments**
  4. Staff Member Changes – Katie Fillmore
  5. Guests
- 10:15 First order of business – The Honorable Eva Guzman**
1. Adopt Minutes from August 20, 2010 Meeting, **Tab 1**
- 10:20 Highlighted Issues / Commission Projects – The Honorable Eva Guzman**
1. Placeholder
- 10:30 Commission Report – **Tina Amberboy, Tab 3****
1. Judicial Disproportionality Workgroup / Judicial Convening
  2. Notice & Engagement Round Table
  3. Recent NACC Conference - Report
  4. Bench Book Online – Status Update
  5. May need to vote on a training grant if SBOT addresses comments
  6. LRS Update
- 10:40 Basic Committee Report (Hon. Robin Sage)**
- 10:50 Training Committee Report (Hon. Camile DuBose)**
- 11:00 Technology Committee Report (Judge Karin Bonicoro)**
- 11:10 Education Committee Report (Hon. Patricia Macias)**
- 11:20 Legislative Committee Update (Hon. Dean Rucker)**
- 11:30 Strategic Planning Committee Update (Harper Estes)**
- 11:40 Appleseed Report – Rebecca Lightsey**
- 12:10 DFPS Update – Audrey Deckinga**
- 12:20 Office of Court Administration Update – Carl Reynolds**
- 12:30 Commissioner Introductions**
- 1:00 Comments from Collaborative Council / New Business**
- Next Meeting – 2011 Schedule**
- 1:15 Adjourn**

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

**November 12, 2010  
Meeting Notebook**

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# PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

## MINUTES OF MEETING

August 20, 2010

10 a.m. – 1 p.m.

Supreme Court of Texas Courtroom  
Austin, Texas

### ATTENDANCE

#### Members present:

Chair, Hon. Eva Guzman, Justice, The Supreme Court of Texas, Austin  
Vice-Chair, Hon. Darlene Byrne, Judge, 126<sup>th</sup> District Court, Austin

Judge Karin Bonicoro, Associate Judge, CPC of Central Texas, New Braunfels  
Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin  
Hon. Camile Glasscock DuBose, Judge, 38<sup>th</sup> District Court, Uvalde  
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas  
Harper Estes, Shareholder, Lynch, Chappell and Alsup, Midland  
Hon. Bonnie Hellums, Judge 247<sup>th</sup> District Court, Houston  
Joyce M. James, Deputy Commissioner, Texas Dept. of Family & Protective Services, Austin  
Hon. Patricia A. Macias, Judge, 388<sup>th</sup> District Court, El Paso  
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin  
Carolyn Rodriguez, Dir. Of Texas Strategic Consulting, Casey Family Programs, Austin  
Hon. Dean Rucker, Presiding Judge, 7<sup>th</sup> Region, 318<sup>th</sup> District Court, Midland  
Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin  
Hon. Robin Sage, 307<sup>th</sup> Family District Court, Longview  
Hon. Cheryl Lee Shannon, Judge, 305<sup>th</sup> District Court, Dallas

#### Members not present:

Chair-Emeritus, Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin  
Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin  
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston  
Selina Mireles, Attorney At Law, Laredo  
Hon. Yvonne Gonzalez Toureilles, Representative, Texas House of Representatives, Alice  
G. Allan Van Fleet, Shareholder, Greenburg, Traurig, LLP, Houston  
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

#### Staff in attendance:

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

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

**Collaborative Council Members in attendance:**

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  
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin  
Barbara Elias-Perciful, President, Texas Loves Children, Dallas  
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  
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels  
Richard Lavallo, Senior Attorney, Advocacy, Inc., Austin  
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin  
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin  
Janet Sharkis, Executive Director, Texas Office of Developmental Disabilities, Austin  
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin  
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio  
Aaron Williams, Social Services Director, Alabama-Coushatta Tribe of Texas

**Collaborative Council Members not in attendance:**

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas  
William B. Connolly, Attorney, Connally & Chireman, LLP, Houston  
Penny Cook, Co-Founder, The Faith Connection, Dallas  
Elizabeth Cox, foster and adoptive parent, San Antonio  
Kevin Cox, foster and adoptive parent, San Antonio  
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin  
Tomas Esparza, Jr., Attorney at Law, The Law Office of Tomas Esparza, Jr., Austin  
Benigno F. Fernandez, M.D., President, Texas Society of Child & Adolescent Psychiatry, San Antonio  
Mike Foster, Executive Director, Neighbor to Family, 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  
Stephanie Smith Ledesma, Attorney at Law, Austin  
Donald Lee, Executive Director, Texas Conference on Urban Counties, Austin  
Tracy Levins, Director, Admin. Svcs. And Community Relations, Texas Youth Commission, 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  
Trista Miller, former foster youth, Maxwell  
Judy Powell, Communications Director, Parent Guidance Center, Austin  
Johana Scot, Executive Director, Parent Guidance Center, Austin  
Vicki Spriggs, Executive Director, Texas Juvenile Probation Commission, Austin  
Gene Terry, Operations Director, Texas Association of Counties, Austin  
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin  
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin  
Meghan Weller, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin  
Henrietta Wright, Vice President, Board of Directors, Children's Advocacy Centers of Texas, Dallas

### **CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman**

Justice Guzman called the meeting to order at 10 a.m., welcomed attendees and thanked them for their attendance.

### **Commissioner Membership Changes**

Justice Guzman noted that the Supreme Court added Dr. Octavio Martinez, the Executive Director of the Hogg Foundation for Mental Health.

### **Collaborative Council Membership Changes**

Susan Boone, who served as the Executive Director of the Texas Council of Child Welfare Boards, is leaving the council. Shannon Ireland, Executive Director of the Texas Council of Child Welfare Boards, is replacing Susan on the Collaborative Council. Conni Barker, who served as the Director of Public Policy & Government Affairs at the DePelchin Children's Center in Houston, retired August 6. Erin Ferris, J.D. has been appointed as the new Director of Government Relations for DePelchin.

Aaron Williams, Social Services Director of the Alabama-Coushatta Tribe of Texas, will join the Collaborative Council.

### **Committee Membership Changes**

Judge Robin Sage added Judge Virginia Schnarr to the Basic Committee. Judge Karin Bonicoro added D.J. Tessier to the Technology Committee. Judge Macias will report on the Education Committee and its membership later during meeting. Tina Amberboy will turn over staffing of the Basic Committee to Kristi Taylor.

### **Staff Member Changes**

Mari Aaron joined the Supreme Court in June as the Executive Assistant for the Children's Commission.

### **Recognition of Guests**

Judge Angela Ellis, Associate Judge, 315th Juvenile Court; Karen Gross, Executive Director, Anti-Defamation League; Chris Hubner, Staff Attorney for the Texas Juvenile Probation Commission, Kelly White, Executive Director, Austin Children's Shelter.

### **ADOPTION OF APRIL 30, 2010 MEETING MINUTES**

The attending members approved the meeting minutes from the April 30, 2010 Children's Commission meeting by general consent.

### **Justice Guzman - Highlighted Issues**

1. Comments regarding the transition and first meeting as the Chair.
2. Education Committee, established by Supreme Court Order on May 20, the new committee will meet on September 30 - October 1.
3. Commission launched the CPS Judges Bench Book at the CPS Judicial Conference on August 5 and will conduct a demonstration of the Bench Book later in the meeting.
4. The Strategic Planning Committee met yesterday (August 19) and the committee chair will provide an oral report to the Commission later in the meeting.

### **REPORT TO THE COMMISSION, Tina Amberboy, Executive Director**

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

## **FEDERAL CIP GRANT APPLICATIONS**

The federal court improvement program (CIP) grant applications are due August 30 to the federal Administration of Children and Families. The CIP grants for Training and Technology projects have been reauthorized for one year. All grants will be up for reauthorization next year and reauthorization is likely.

## **DISPROPORTIONALITY TRAINING FOR JUDGES**

With the Commission's approval, a workgroup will be established to determine the types of disproportionality training needed in the courts. The topic was opened for discussion and the members were invited to participate in the workgroup and submit their ideas to Ms. Amberboy or Ms. Roper. A status report will be provided to the Commission at the November meeting.

## **LEGAL REPRESENTATION STUDY**

The project to determine how legal representation of parents and children is handled in Texas is continuing. Interviews and surveys have been completed and a report will be presented to the Commission at the November 2010 meeting.

**Justice Guzman** noted that members received that meeting materials prior to commencement of the meeting and opened the floor to the committee chairs regarding the committee reports and budget approvals.

## **COMMITTEE REPORTS AND BUDGET APPROVAL**

### **Basic Projects Committee, Judge Robin Sage, Chair**

Many of the Basic Grant projects are in the third year of funding. Results were reviewed in detail at the July meeting. To ensure continuity of projects and free up funds for other projects, efforts are underway to identify alternate sources of funding for affected pilot projects. Judge Sage highlighted some of her committee's projects described more fully in the committee report in the meeting notebook.

**ACTION ITEMS:** Ms. Amberboy made a correction regarding the Harris County Infant Toddler Court mentioned by Judge Sage as part of her report. Ms. Amberboy clarified that a funding request for FY2011 funds is not before the Commission today.

Staff is seeking a grant amendment to the FY2010 budget to increase the operating budget by \$10,000 to cover the expenses for the three in-person committee meetings and one in-person strategic planning meeting. These in-person meetings were not part of the plan when the last operating budget was approved. Funding is included in the FY2011 committee budgets for in-person meetings.

Staff sought approval of the Basic Grant budget allocation as represented on page 3 of the budget documents in the meeting notebook, including that of the Education Committee. The Basic Committee discussed and recommended the expenditures at its July meeting, therefore, no motion or second was required. Ms. Amberboy reviewed the allocation for each project line-by-line. It was noted that the allocation for Judicial Technical Assistance is managed under the Basic Grant but the money comes from the Training Grant.

Justice Guzman asked for a motion to increase the FY2010 operating budget by \$10,000. A motion was made, Ms. Rutland seconded and the motion passed. Justice Guzman asked if there was any discussion.

There was no discussion and the motion from the Basic Committee to approve its amended budget was approved. Judge Byrne abstained from the vote.

### **Training Committee, The Honorable Camile DuBose, Chair**

Judge DuBose reported that the Training Committee continues to focus on providing a variety of training opportunities to judges and attorneys throughout the state, Judge DuBose reported. She highlighted some of her committee's projects described more fully in the committee report in the meeting notebook.

#### **Attorney Training**

**NACC Child Welfare Law Conference, October 20-23,2010, in Austin:** 181 Texas attorneys have applied to attend. At the March meeting of the Training Committee, \$20,000 was added to fund additional attorney scholarships.

**Advanced Family Law Child Abuse and Neglect Track, August 11, 2010 in San Antonio:** The feedback from attendees at the conference has been very positive. Funding to attend the training was provided through 40 attorney scholarships.

**Trail Skills Training:** The Committee approved \$40,000 for FY2011 and are looking at resources to provide the training.

**Child Welfare Law Certification:** The Committee set aside \$20,000 to support Redbook training and will revisit the issue of other ways to support applicants for certification at a subsequent meeting.

#### **Judicial Training**

**Beyond the Bench:** Training is set for Central Texas in 2011 with a date to be determined.

**Implicit Bias in Judicial Decision-Making:** A conference is planned for May 2011.

**Judicial Technical Assistance:** The Training Committee approved \$30,000 for data analysis for local jurisdictions.

**Drug Court Training/Roundtable:** Scheduled for Nov 3-4 in Austin.

**ACTION ITEMS:** Ms. Amberboy reviewed the training budget line-by-line. Concerning the Advanced Family Law Scholarships item, Ms. Amberboy noted that the Training Committee discussed, but did not vote at the committee meeting, to allocate the \$5,000.00, so in order to allocate these funds, the Commission needs to vote. Justice Guzman asked for a motion to approve allocation of \$5,000 for the Advanced Family Law Scholarships, Judge Rucker made a motion, Judge Bonicoro seconded, and the motion passed.

Justice Guzman asked if there was any discussion. Mr. Estes requested explanation of the allocation of the Commission Overhead line item and Ms. Amberboy provided an explanation of how the respective grant funds are allocated. Justice Guzman asked all in favor of accepting the Training Grant Committee's budget recommendations say aye; the training budget was approved.

### **Technology Committee, Judge Karin Bonicoro, Chair**

Judge Bonicoro provided an update to the members on the Technology Committee's projects described in detail in the committee report in the meeting notebook.

**ACTION ITEMS:** Ms. Amberboy presented the line item detail on the technology budget.

Justice Guzman asked if there was any discussion. There was a question from the floor from Ms. Vargas regarding use of SKYPE for visitation; Judge Bonicoro responded regarding confidentiality issues surrounding use of this technology. Ms. Amberboy noted that the committee is looking into how users of telemedicine have dealt with confidentiality issues. The staff is seeking the approval of the Technology Grant budget allocation as represented on page 3 of the budget documents in the meeting notebook. Justice Guzman asked all in favor of accepting the Technology Grant Committee's budget recommendations say aye; the technology budget was approved.

**OFFICE OF COURT ADMINISTRATION, Carl Reynolds, Administrative Director**

Mr. Reynolds reported that funds from the Children's Justice Act administered by TCJ were awarded to extend the position of Simi Denson, Child Protection Courts Attorney, for one year to continue statewide court visitation and continue researching how CPCMS can support the courts. Ms. Denson's work next year will identify a model child protection court, improve data collection processes and implement a continuous review process. Mr. Reynolds provided a history of the TexDECK project and highlights of the progress and status of the goals set out four years ago. He announced that Bruce Hermes will leave OCA to join the City of Austin's emergency management center. Justice Guzman acknowledged Mr. Hermes' contributions and expressed appreciation for his service to the Commission.

**DFPS UPDATES**

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

The department continues to work on a program improvement plan. Four activities are within the framework:

- Ensuring Child Safety
- Developing Staff and Promoting Leadership and Management Training
- Removing Barriers to Permanency
- Capacity Issues

The addition of staff to the department has highlighted the issue of tenure and the need for focused training. As a result, the Advanced Family Centered Safety Decision-Making project was initiated. Statewide management staff have received training and will in turn, train regional staff to deliver training to the front-line caseworkers. The training gives staff the skills to provide appropriate assessments and distinguish immediate safety concerns. The project is an on-going, long-term initiative.

An update on Permanency Care Assistance (PCA) was provided to the members along with details on the criteria to verify eligible relatives interested in attaining permanent managing conservatorship. The current data show that: 364 relatives have expressed interest in participating in PCA; 254 families are currently in training; 63 have completed training and are verified; and 96 children are in homes with these verified relatives. Two kids were verified through private child placement agencies. The department will continue to track cost impact measures for presentation to the 82<sup>nd</sup> Texas Legislature.

Foster Care Redesign will increase the capacity to place children. A public/private partnership (PPP) comprised of CASA, judges, private providers, DFPS staff and youths are working to make recommendations to the DFPS Commissioner by December 2010 on how to redesign the system to keep children close to home, connected to siblings and improve outcomes.

The 2 new subcommittees of the PPP are:

- Collaborative Decision-Making Workgroup to design recommendations to ensure efficient and effective structuring of service delivery and eliminate duplication.
- Assessments Group which will work during the legislative session interim period to provide input on how initial assessments are conducted and emphasize that assessments must be trauma-informed.

The recommendations on Foster Care Redesign will be presented during the next legislative session.

**BREAK - 11:25**

**RECONVENE: 11:41**

**EDUCATION COMMITTEE REPORT, Judge Patricia Macias, Judge, 388<sup>th</sup> District Court, El Paso,** provided a status report on the Education Committee. As part of 2009 Judicial Summit, state teams established action plans for their states. In Texas, improving educational outcomes for foster children was a priority. In May, the Supreme Court of Texas issued the order establishing the Education Committee. The structuring is ongoing and committee members will meet in late September to bring together shareholders of two major systems - education and child welfare. The focus is on building collaboration to improve the educational outcomes of children in the foster care system. The complexity associated with numerous state school districts was acknowledged. There is an 18-month timeframe to create the structure to improve the educational outcomes of foster youth in Texas and to issue a report. Ms. Rodriguez noted that there will be involvement by the American Bar Association (ABA) in an advisory capacity. The committee efforts will be guided by research results, initiatives and proven best practices utilized in other states. Ms. James noted the need to 'Educate the Educators' regarding issues faced by foster youth.

**STRATEGIC PLANNING COMMITTEE, Harper Estes, Shareholder, Lynch, Chappell & Alsup, Midland,** reported on the initial work underway by the Strategic Planning Committee to draft and present a reworked strategic plan to the Commission. The committee reviewed CIP grant strategies, the current strategic plan and each committee's recommendations regarding the strategic plan. The committee will move forward, mindful of the need to facilitate the reporting process to the Supreme Court and ACF. Collaboration, Judicial Leadership and Disproportionality were the 3 areas that predominated discussion among the members. In the next 30 days, the members will consider, prepare and submit their goal recommendations and will provide input on the existing strategic plan, including reviewing whether the goals of the current strategic plan have been met. The Strategic Planning Committee will meet again on November 11, 2010 and will provide a status report to the Commission at the November 12 meeting.

**THE HOGG FOUNDATION FOR MENTAL HEALTH, Dr. Octavio Martinez, Executive Director**

Dr. Martinez expressed his appreciation on becoming a member of the Children's Commission. He gave a presentation to the Commission providing an overview of the Hogg Foundation for Mental Health and detailed the foundation's mission to promote the mental health of children and adults in Texas. The major funding areas of the foundation include mental health services, workforce development, support of public policy initiatives and public education through conferences, seminars and stakeholder meetings. Many of the projects supported through the two major endowments administered by the foundation align with the mission of the Children's Commission to support the health and well-being of children in Texas.

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

Ms. Lightsey expressed appreciation to the Commission members for their support of the project and acknowledged the contribution of the policy team. An overview of the findings and policy recommendations resulting from the two-year long project will be presented to the Commission today. The full report will be issued at the end of September. The results will provide a foundation for future work with the Children’s Commission and the Casey Foundation to implement the recommendations.

Marcy Greer, Fullbright & Jaworski and Gabriella McDonald, Appleseed Inc. reported to the Commission on the findings and policy recommendations. Ms. Greer reported on the outcomes of assessments of courts and child representation that include a cross-section of geographic areas throughout the state. The thorough data analysis was supplemented by interviews with the numerous stakeholders in the judicial system, and both of these elements guide the report recommendations. In addition to the issue of the courts being under resourced, the report will highlight the issue of how to improve the sense of urgency in the processing of cases and strategies for change and improvement of the system. Ms. McDonald reported on the recommendations. It was noted that the statutory framework in the state is strong and the recommendations emphasize the need to follow the statutes. Details of the major findings are provided in the study overview document distributed to the Commissioners during the meeting.

**BENCH BOOK, Tina Amberboy, Executive Director and Hon. Robin Sage, 307<sup>th</sup> Family district Court, Longview**

The online Bench Book project is functional and was introduced last month at the CPS Judges Conference in San Antonio. Ms. Amberboy conducted an online demonstration on the use of the Bench Book for the Commission and explained the process for judges to access the tool. Judge Sage noted that use of this resource will improve the practice of child protection law. Judge Sage acknowledged the efforts of the staff involved in the development of the Bench Book. A letter to the state judges will be distributed once the migration of the site to TCJ is finalized. Justice Guzman expressed support to ensure the buy-in for use of the tool.

**COLLABORATIVE COUNCIL REPORT**

Justice Guzman acknowledged the participation and contribution of the Collaborative Council. A report on the activities of some of the Collaborative Council members and their organizations is included in the meeting notebook. Texas Lawyers for Children provided an update report; the Children’s Advocacy Centers of Texas, Inc., featured their “One With Courage” campaign, and Mike Foster provided information on the TACPA symposium on placement stability scheduled for September 10<sup>th</sup>.

**COMMISSION MEMBERS UPDATES**

Justice Guzman asked the Commission members to re-introduce themselves and share news from their locales.

**Hon. Cheryl Lee Shannon, Judge, 305<sup>th</sup> District Court, Dallas**, reported that the Videoconferencing project has been delayed due to staff changes. Her presentation on disproportionality at the Advanced Family Law Conference in San Antonio was well received.

**Hon. Camile Glasscock DuBose, Judge, 38<sup>th</sup> District Court, Uvalde**, reported on the increase in removals in her area and specifically noted two cases of infants removed from teen-parents who had no prior referrals. These cases warrant a shift in focus to address the education of junior high-age youth on parenting issues.

**Judge Karin Bonicoro, Associate Judge with the Child Protection Court of Central Texas and Chair of the Technology Committee, New Braunfels,** reported a 10% increase in case load. There are two initiatives in her jurisdiction. The first, a mentor program for kids aging out, is underway and includes a financial literacy component for participating youth. The data from the CPS Judges Conference noted that the number one predictor of success for these youth is employment. The second initiative involves employers mentoring youth. An update on access of web-based information for aging out youth was provided. Transition Resource Centers already have information resources for aging out youth. DFPS now has hyperlinks to every Resource Center. The Foster Care Alumni Association also has a website and has included these hyperlinks. This was a no cost solution achieved by collaboration that benefits aging out youth. Judge Bonicoro concurs with the Applesseed recommendations on increased frequency of hearings.

**Hon. Robin Sage, 307th Family District Court, Longview,** commented that the Judicial Technical Assistance provided by Commission has benefitted her court. She has used the data to identify areas needing improvement.

**Hon. Dean Rucker, Regional Presiding Judge, 7th Administrative Region, and District Judge, 318th District Court, Midland,** reported on two issues. The first program on implicit bias funded by Commission and presented by TCJ was attended by seven of the nine regional presiding judges in Texas. It was noted that this program is a precursor to the Undoing Racism Conference. The second issue addressed the stresses inherent in the child protection practice area. Efforts to assess case loads and allocate resources more efficiently to prevent the vicarious trauma issue are vital.

**Harper Estes, Shareholder, Lynch, Chappell & Alsup, Midland,** acknowledged that participation in the Commission has been enlightening. He looks forward to sharing information about the work of the Commission and the importance of the work with attorneys in other areas of practice.

**Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin,** reported on the projects of her model court. A review of the college-bound initiative done by her model court team was provided to members. The ABA presented trial skills training earlier in the week to Travis County practitioners. The Center for Child Protection is working with Casey to draft a Family Treatment Court charter. Training on building charters to ensure continuity and succession will be a component of the Drug Court Roundtable on Nov. 3-4. Aaron Williams was acknowledged along with the multidisciplinary team that will attend the NCJFCJ all-sites conference in Louisville this October. The disproportionality bench card, which will be in use by mid-September, is among the initiatives for the upcoming year. In addition, a prior foster youth has been selected and is poised to join the local disproportionality committee.

**Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas,** reported on grant assistance to the wide array of provider groups that the courts deal with. He noted that the Meadows Foundation facilitated Dr. Martinez's introduction to the Commission and reaffirmed that he will be a superb asset to the Commission. The attention to leveraging dollars with other foundations and engaging other funders to work directly with the Commission or indirectly with programs and initiatives will be an ongoing effort.

**Dr. Octavio Martinez, The Hogg Foundation for Mental Health, UT Austin, Austin,** reviewed the highlights in his professional background and explained the progression that brought him to this stage of his career with the Hogg Foundation. He noted that as a result of discussions and efforts at increasing community awareness, the Houston Chronicle Editorial Board will highlight mental health

issues throughout Texas in a six-month series prior to the commencement of the 82<sup>nd</sup> legislative session.

**Hon. Patricia Macias, Judge, 388th District Court, El Paso,** reported that since the last commission meeting, her county received a grant for the firearms surrender program. All 10 law enforcement agencies signed an MOU ensuring that at the scene, police or deputies will request the surrender of firearms even if the weapon(s) were not used in the commission of a crime. OCA will contribute protocols developed as part of this project to its new domestic violence bench book and she will keep the Commission posted on the process. El Paso is facing serious funding shortages as a result of current economic issues. The Child Welfare Board anticipates cuts to their funding and there is a possibility that the number of association judges for child protection and family courts will be reduced, which may result in increased case backlog.

**Joyce James, Deputy Commissioner, Texas Dept. of Family & Protective Services, Austin,** thanked the Commission for support of disproportionality work to create equity throughout the systems. She expressed her appreciation to Judge Rucker for his support of the undoing racism training at the CPS Judges Conference. She announced her move to Health & Human Services Commission on September 1, where she will work to expand disproportionality awareness across the HHSC agencies. Texas is a leader due to the work done by the Commission and development of consistent training will continue. Ms. James will remain on the Children's Commission.

**Carolyn Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, Austin,** reported on partnering opportunities with Texas Appleseed based on its upcoming report. She is serving on the Education Committee and it is a priority for Casey. There will be outreach events in San Antonio and Austin in October to elevate work around getting children to permanency. Efforts to support disproportionality work across systems and family group decision-making efforts will continue.

**Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin,** reported on how the issue of child abuse came to the forefront. The Child Abuse and Neglect Committee of the State Bar of Texas celebrated their 25<sup>th</sup> anniversary last week and the Family Law Section celebrated its 50th anniversary. She reviewed many of the accomplishments of the last 25 years. Darrin Darby was honored for his outstanding work at the Advanced Family Law Conference in San Antonio in August. She noted that work with the Texas Young Lawyers Association (TYLA) is underway on pro-bono work for children who are aging out of foster care.

**Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin,** expressed appreciation to the Commission and Collaborative Council who have given child welfare in Texas a foundation for collaboration.

**Anne Heiligenstein, Commissioner, Department of Family & Protective Services, Austin,** briefly commented on her appreciation of the work of the Commission. She acknowledged Ms. James' promotion and the progress of the disproportionality work throughout the systems.

#### **COMMENTS/NEW BUSINESS**

Ms. Amberboy asked the Commission members to plan to set the 2011 meeting dates at the next commission meeting in November. There were no speaker requests submitted by Collaborative Council members.

**NEXT MEETING**

The next meeting of the Children's Commission will be November 12, 2010.

**ADJOURNMENT**

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

## Children's Commission

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

Harper Estes  
 Joe Gagen  
 Stewart W. Gagnon  
 Hon. Bonnie Crane Hellums  
 Joyce M. James  
 Hon. Patricia A. Macias  
 Dr. Octavio Martinez  
 Selina Mireles  
 Carolyne Rodriguez  
 Hon. Dean Rucker  
 Fairy Davenport Rutland  
 Hon. Robin Sage

Hon. Cheryl Lee Shannon  
 Hon. Yvonne Gonzalez Toureilles  
 G. Allan Van Fleet  
 Hon. Jeff Wentworth

### STAFF

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

## COMMITTEES

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# Children's Commission

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

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

**REPORT TO THE COMMISSION  
November 12, 2010**

**201 W. 14<sup>th</sup> Street  
Austin, Texas 78701**

**Supreme Court of Texas  
Permanent Judicial Commission for Children, Youth and Families  
Report for November 12, 2010 Meeting**

**MINUTES– August 20, 2010 meeting** (adoption pending), **TAB 1**

**COMMISSION MEMBERSHIP CHANGES TAB 2**

Later this month, the Court will sign a court order renewing the memberships of:

Hon. Camile Glasscock DuBose, Uvalde	Hon. Dean Rucker, Midland
Joyce M. James, Austin	Fairy Davenport Rutland, Austin
Hon. Patricia A. Macias, El Paso	Hon. Bonnie Crane Hellums, Houston

Each member will serve a three-year term.

**COLLABORATIVE COUNCIL MEMBERSHIP CHANGES**

New Members:

Sandeep Narang, MD, JD, Assistant Professor of Pediatrics and Associate Fellowship Director, Child Abuse Division, University of Texas Health Science Center at San Antonio

Chris Hubner, Staff Attorney, Texas Juvenile Probation Commission

Leslie Strauch, Co-Clinical Director, Children's Rights Clinic, UT Law School

Members Transitioning off:

Thomas Esparza, Jr.

Benigno Fernandez, MD

Donald Lee

Trista Miller

Vicki Spriggs

Gene Terry

Henrietta Wright

**COMMITTEE MEMBERSHIP CHANGES**

There are no changes to the committee membership.

**STAFF CHANGES**

New Staff:

Katie Fillmore, Policy Attorney, Children's Commission

## **COMMITTEE ACTIVITIES**

### **Basic Grant Committee**

The Basic Committee held a conference call on October 13<sup>th</sup>. 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 October 13<sup>th</sup> committee meeting. For minutes regarding the full discussion at the October 13<sup>th</sup> meeting, please see the committee minutes in this meeting notebook.

### **Update on Basic Projects**

Because the 2011 fiscal year had just begun on October 1, 2010, there were no budget items to consider. The meeting primarily focused on updates on the newer projects.

#### ***1. Child Protection Law Judicial Bench Book***

The Bench Book was introduced this August at the CPS Judicial Conference held in San Antonio. The Bench Book Work Group decided that the Bench Book would be housed at the Texas Center for the Judiciary (TCJ). Judges will have a secure log-in on TCJ's website and then unlimited access the Bench Book including links to cases and statutes on Lexis/Nexis. The Bench Book currently contains not only statutory requirements and checklists for each phase of a child protection case, but also informative chapters on other important 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. Resolution of technical and contractual issues associated with moving the platform for the Bench Book to the TCJ server have been completed and the Bench Book is currently available to Texas judges by accessing the Texas Center for the Judiciary website.

#### ***2. Appleseed Permanent Managing Conservatorship (PMC) Project***

Texas Appleseed has completed its study of Texas children in PMC. The final report on the study of legal barriers for children in long term care is being presented at this Children's Commission meeting on November 12, 2010. An abbreviated version of the report also appears in the October issue of the Bar Journal.

#### ***3. Round Table Series***

The goal of the Round Table Series is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. The Children's Commission sponsored two Round Tables in 2009, and a third Round Table was held in February, 2010. A Round Table on Notice and Engagement in the Court Process is scheduled for December 3, 2010. Casey Family Programs is taking the lead in planning and preparation for this event. To date, surveys have been distributed to stakeholder groups including judges, caseworkers, foster parents, parent and child attorneys and advocates, Texas CASA, and relative caregivers. The intent of this Round Table is to identify how notice is being provided, what policy changes may be needed to improve the process, how to ensure that the judiciary is

engaging caregivers and families who appear in court, and what issues the judiciary can identify concerning the engagement process.

#### **4. Legal Representation Study (LRS)**

The Children's Commission has been conducting a study of how legal representation is handled around the state. The findings of the LRS study do not differ significantly from what many in the child-protection community had anticipated. The study shows that much variation exists in almost every aspect of CPS legal representation in Texas – from the timing and length of appointments to the size of the pool of available, qualified attorneys. While attorney compensation rates, qualification standards and training opportunities also differ from county to county, one constant surfaced. According to the majority of those stakeholders surveyed who are *not* ad litem attorneys – specifically, current or former child and parent clients, CPS caseworkers and CASA volunteers – attorneys for children and parents do not communicate enough or even at all, with other principle parties, including their own clients.

Publication was scheduled for the end of October, however, some of the data collected needed to be re-verified. The report is scheduled for publication in January 2011.

#### **5. Jurist in Residence (JIR)**

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

#### **6. National Adoption Day**

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

## **7. *Judicial Technical Assistance***

Judicial Technical Assistance amounts to providing to requesting judges a report that evaluates their jurisdiction's performance on permanency outcomes as measured by the DFPS data collected due to federal requirements. The federal ACF uses the data to assess and rate how state child-protection systems perform in child safety, permanency and well-being. This joint project with the Center for Public Policy Priorities resulted from the well-received February 2010 PMC Round Table. Judges may use the data report to help them identify areas for improvement. To date, a permanency data analysis has been provided to Bexar County, Travis County, Tarrant County, Gregg County, the Cen-Tex Child Protection Court Cluster, and requests are pending for Harris County, Anderson County, Brazos County (Bryan), the Brazos River Valley Cluster, Ellis County, and Smith County. We have also used the following counties as comparison counties in preparing the specific county summaries: Harris, Dallas, McLennan, Henderson, Smith, Northeast Texas Cluster, Sabine Valley Cluster, Central Texas Cluster, South Plains Cluster, Brazos River Valley Cluster.

## **8. *Judicial Disproportionality Workgroup***

In an effort to address how cultural and institutional racism contributes to the over-representation of African-American, Native-American and Hispanic youth and families in our child protection system, the Supreme Court Children's Commission, in partnership with Casey Family Programs, Texas Strategic Consulting and the Texas Health and Human Services Center for the Elimination of Disproportionality and Disparities, is forming a workgroup to focus on helping the legal system do its part in addressing this important issue. The JDW will be co-chaired by Joyce James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities, and Carlyne Rodriguez, Senior Director, Texas Strategic Consulting, with Casey Family Programs. The JDW will hold its first meeting on 12/10/10 and will focus on adopting a purpose as well as strategies that will help with proliferation of anti-racist principles and strategies throughout our judiciary and our state.

Potential goals:

- Raise awareness and understanding of the issue among Judges and other stakeholders involved in the legal system
- Identify Disproportionality data elements that are important and helpful to judges in order to understand the effects in their jurisdiction and statewide
- Develop and promote training designed to impact institutional racism and bias
- Develop strategies for addressing Disproportionality in the courts
- Identify effective models being used elsewhere in Texas or in other states
- Identify evaluation and tracking mechanisms to assess effectiveness of strategies

Potential strategies:

- Sponsoring Undoing Racism and Implicit Bias workshops at a local jurisdictional level to initiate systemic reform within the local stakeholder community,
- Assisting with local training events, and
- Providing resource materials and technical assistance.

## **Training Grant Committee**

The Training Committee met by conference call on October 26, 2010. The details of this report include the history and ongoing progress of training committee projects. For minutes regarding the full discussion at the October 26<sup>th</sup> meeting, please see the minutes in this meeting notebook.

The Training Grant was renewed for FY 2011.

## **Training Grant Applications / Funding Requests**

### **Update on FY2010 and FY2011 Projects**

#### **Attorney Education**

**1. NACC Child Welfare Law Conference** – The NACC conference was held October 20-23, 2010, in Austin. This annual conference offered nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases. In January 2009, the Commission approved \$100,000 to sponsor the conference and to offer scholarships for attorneys to attend. Two commission members, Carolyne Rodriguez and Fairy Rutland, Gerry Williams, General Counsel at DFPS, and commission staff participated in the conference planning workgroup. At its March 2010 meeting, the committee approved adding \$20,000 for additional attorney scholarships.

DFPS Deputy Commissioner James delivered a plenary presentation during the conference on disproportionality, an area in which Texas is gaining national recognition. There were numerous Texas speakers and/or sessions relating to Texas efforts in legal representation. In all, over 220 attorneys received registration scholarships and roughly 25 members of the Texas judiciary and the Commission's Training Committee attended.

**2. Scholarships for Child Abuse and Neglect Track at Advanced Family Law (AFL)** – The committee approved funding of \$10,000 at the January 2010 meeting 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 on August 11, 2010. Approximately 40 scholarships were awarded. At its meeting on August 20, 2010, the Commission approved funding of \$5,000 for attorneys to attend next year's track.

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

**4. Trial Skills Training** – The committee approved \$40,000 at the July 2010 meeting to develop trial skills training in FY 2011. Commission staff is exploring existing options through the National Institute of Trial Advocacy (NITA), NACC and the

American Bar Association (ABA) to determine whether the training may be modified to fit the needs of Texas attorneys. NITA, in partnership with the University of Houston Law Center, will present a juvenile and family law trial advocacy course April 8-9, 2011.

**5. Child Welfare Law Certification** – In May 2009, the Texas Board of Legal Specialization approved the application of NACC to offer child welfare law certification to qualifying Texas attorneys. Fourteen Texas attorneys applied for the 2010 certification exam and thirteen of the fourteen attorneys sat for the exam. In July 2010, the NACC certified 13 Texas lawyers as Child Welfare Specialists. The committee set aside \$20,000 to support training for the certification exam and will discuss at the next committee meeting whether to otherwise support attorneys who apply for certification.

**6. Prosecutor Training** – The committee approved funding of \$35,000 for a CPS track at the upcoming Texas District and County Attorneys Association (TDCAA) Crimes against Children Conference, which is scheduled in April 2011. The funding will be used to support attendance by DFPS attorneys and prosecutors and possibly children and parents' attorneys.

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

**8. Parents' Attorney Conference** – At its next meeting, the committee will determine whether to fund attendance by Texas attorneys who represent parents at the ABA Parents' Attorney Conference, which is scheduled in July 2011.

### **Judicial Training**

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

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

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

The most recent Beyond the Bench conference was held for Harris County courts April 21-23, 2010 in Galveston. The next Beyond the Bench will occur in 2011 and will target courts in Central Texas. TCJ will get planning underway in FY 2011 for a state-wide Beyond the Bench to occur in 2012.

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

***Associate Judges Conference*** – This conference occurred July 5-7, 2010 in Austin. This annual conference was for Texas associate judges who hear the bulk of child-welfare cases and included IV-D judges. In 2011, this conference will be combined with the CPS Judges Conference. Commission staff is working with OCA to continue training for the IV-D judges, which may include a track as part of the CPS Judges Conference.

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

#### ***Other Judicial Conferences***

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

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

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

**2. Office of Court Administration (OCA) Judicial Education** – The Office of Court Administration's training is usually scheduled in October. The CIP Training Grant funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. OCA pushed back the training to March 7-8, 2011 because of judicial interest in attending the NACC conference in October 2010. Commission staff is working with OCA on the conference agenda, which will likely include national speakers on educational outcomes of foster youth and judicial leadership. The committee approved funding of \$30,000 for the OCA Annual Conference in FY 2011.

**3. Drug Court Round Table** – In January 2010, the committee approved \$40,000 for a family treatment drug court round table. A planning workgroup held several meetings in 2009 and 2010 to put together the round table, which was held November 3-4, 2010 in Austin and attended by 16 judges who either have a family treatment drug court or would like to have one and some of their drug court teams. Children and Family Futures provided technical assistance to plan the round table and funded several national speakers.

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

**5. Mediation Project** – During June 2009, the Commission sponsored a roundtable on CPS mediations. The roundtable provided a good forum for discussion about mediation issues, including the varying levels of mediator qualifications, training, and experience. Nationally, the Association of Family and Conciliation Courts (AFCC) group is developing guidelines for child welfare mediation. The standards will not be published for another year but are likely to be adopted by other national organizations. 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.

## **Technology Committee Report**

The Technology Committee met via conference call on October 14, 2010.

## **Single Year Technology Grant Projects**

**1. Legal Representation Study** – For more information, please see the Basic Committee portion of this report.

**2. Dallas County Video Conferencing** – Dallas County has received all equipment and it has been installed. The large screen units have been setup and configured. Judge West and Judge Shannon have video units on their desk. Video conferencing was set to begin at the end of October.

## **FY2011 Technology Grants**

**1. CPCMS** – At its July 29 meeting, the Technology Committee voted to recommend that the Commission approve funding \$92,000 for FY2011 to the Child Protection Case Management System (CPCMS). The CPCMS project team is currently working on version 2.0 and enhancements as well as Outcome Reporting enhancements. Work on Version 3.0 enhancements will begin in December 2010. OCA staff will continue to provide support and maintenance to the CPCMS system as necessary.

**2. Distribution of CIP Grant Money to distribute CPCMS to other jurisdictions**– Since the July 29<sup>th</sup> meeting, CIRA has confirmed that it is unable to pursue this partnership at this time. The Technology Committee voted to recover the \$100,000 on October 14, 2010.

## **Need Commission Vote To Recover**

**3. National Information Exchange Model (NIEM)** – Judge Rob Hofmann attended a meeting in Denver the week of October 7, 2010, to discuss developing additional court performance measures focused on well-being measures, which are not currently tracked (currently the court performance measures track safety, permanency, timeliness, and due process). The Committee decided to focus on education well-being measures first.

## **4. Video Conferencing**

At its August 20, 2010, the Commission approved funding of up to \$250,000 for FY2011 to acquire and install video conferencing equipment to facilitate the participation of children who are in out of county placements in their permanency and placement hearings. Please see Tab 4 for a full report on the VTC project. In summary, the subcommittee is examining the feasibility of using Skype versus dedicated /IP systems. The primary difference is that Skype uses internet transmission exclusively, tends to be more flexible and affordable, but reliability is a factor. H323 (dedicated/IP technology) is more expensive and requires more maintenance to ensure quality resolution, but more reliable than transmission over the internet.

## **5. Data Interface for Data Sharing**

At the August 20, 2010 Commission meeting, CIRA was granted \$74,336 to hire a contractor to develop and implement Data Interface(s) for data sharing. However, CIRA is behind schedule with completion of the requirements study for the Comprehensive Integrated Justice Information Management System (CIJIMS) for all forty-seven

participating CIRA counties. Although 21 of the 47 participating are currently served by the OCA specialty courts, the procedures for establishing data measures and information exchange for the remaining 26 counties are incomplete. CIRA expects to submit the functionality report to the CIRA board by December 2010. Subsequent to that meeting, the decision will be made on whether or not to move forward to the next phase of the project. The allocation of \$74,336.00 would fund a study on the development of the technical and functional requirements of the interface. OCA will maintain the FY2011 project funding as a placeholder in order to work with CIRA later this fiscal year.

#### **6. Improve Network Connectivity at the Child Protection Court Locations**

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

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

#### **7. Temporary Staffing for Data Entry at Child Protection Courts**

The Commission voted on August 20, 2010 to approve funding \$40,000 in FY2011 to hire temporary staff to do data entry of case information into CPCMS at four CPCs. This one-time expenditure will help the court eliminate a current backlog in their data entry and bring them up-to-date.

### **Education Committee Report**

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

On September 30-October 1, 2010, the Education Committee, chaired by Judge Patricia Macias, Commissioner and presiding judge of the 388<sup>th</sup> District Court in El Paso, held

its inaugural meeting. In addition to the committee chair, the meeting was attended by: The Honorable Cheryl Shannon, 305<sup>th</sup> District Court, Dallas; Judge Rob Hofmann, Child Protection Court of the Hill Country, Mason; Audrey Deckinga, Assistant Commissioner for Child Protective Services, for Anne Heiligenstein, Commissioner, the Texas Department of Family and Protective Services, Austin; Robert Scott, Commissioner of Education, Texas Education Agency, Austin; Dr. Johnny L. Veselka, Executive Director, the Texas Association of School Administrators, Austin; Joy Baskin, Chair, State Bar of Texas School Law Section and Division Director of Legal Services, the Texas Association of School Boards, Austin; Claudia Canales, Attorney at Law, Houston; Lori Duke, Clinical Professor, Children's Rights Clinic, University of Texas School of Law, Austin; Estella Sanchez, San Antonio; Carolyn Rodriguez, Director, Texas Strategic Consulting, Casey Family Programs, Austin; and Mari Kay Bickett, former Executive Director of the Texas Center for the Judiciary and former board member of Texas CASA for Joe Gagen, Chief Executive Officer of Texas CASA, Austin.

The Education Committee meeting was facilitated by Kathleen McNaught, the Assistant Director for Child Welfare at the American Bar Association Center on Children and the Law as well as the Project Director for the Legal Center for Foster Care and Education, a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system.

During the meeting, the committee reviewed the charge given to them by the Supreme Court in its *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*, including the following responsibilities:

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

After discussion of the many educational challenges facing Texas foster youth, including a review of national and state data, the committee developed the following principles, which were based on the nationally recognized *Blueprint for Change--Education Success for Foster Care*:

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

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

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

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

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

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

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

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

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

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

### **Strategic Planning Committee**

**Report:** At its April 30 meeting, the Commission directed the three standing committees to review the existing strategic plan and submit their comments or proposed changes to the Strategic Planning Committee that will meet on August 19. The committee is chaired by Harper Estes and membership includes chairs of each committee (Basic - Robin Sage, Technology - Karin Bonicoro, Training - Camile DuBose, Education – Patricia Macias, Legislative – Dean Rucker), Commission Vice Chair

Darlene Byrne, and Audrey Deckinga, the DFPS Assistant Commissioner for CPS. A verbal report to the Commission was delivered by the Committee Chair at the August 20<sup>th</sup> meeting.

The Strategic Planning Committee is scheduled to meet on November 11, 2010, and the Chair will provide a report at the November 12, 2010, meeting.

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

**Basic Committee Meeting Minutes**

**October 13, 2010**

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

**ATTENDANCE OF MEMBERS**

**Members Present:**

**Members Absent:**

<b>Name</b>	<b>Name</b>
The Honorable Robin Sage, Chair	The Honorable Elma Salinas Ender, Member
The Honorable Bonnie Hellums, Member	The Honorable Mickey Pennington, Member
The Honorable Olen Underwood, Member	The Honorable Peter Sakai, Member
The Honorable Virginia Schnarr, Member	The Honorable Cheryl Lee Shannon, Member
The Honorable Doug Warne, Member	Ms. Colleen McCall, Member
Mr. Joe Gagen, Member	Ms. Carlyne Rodriguez, Member

Ms. Kristi Taylor, Staff  
Ms. Tina Amberboy, Staff  
Ms. Mari Aaron, Staff

The Committee did not have a quorum for this meeting, however there were no action items or voting issues on the agenda.

**I. Call to Order**

Ms. Kristi Taylor, Project Manager, Children’s Commission, called the meeting to order at 12:07 p.m.

**II. CIP Annual Reports**

Ms. Taylor reported that the FY2011 award statements were distributed to grantees. Grantee reports for FY 2010 are due on December 1, 2010, the Children’s Commission report to the ACF will be submitted by December 31, 2010 and the Children’s Commission report to the Supreme Court of Texas will be ready by January 31, 2011.

**III. Update on Basic Projects**

Ms. Taylor noted that the 2011 fiscal year began on October 1, 2010 and followed with updates on the projects accepted at the August 20, 2010 Commission Meeting.

**a. Bench Book**

The Bench Book was rolled out at the CPS Judicial Conference held in San Antonio in August. Feedback from users has been positive. Resolution of technical and contractual issues associated with moving the platform for the Bench Book to the Texas Center for the Judiciary server are nearly completed. Users will see enhanced accessibility, security and ease of use.

**b. VideoConferencing**

The project team continues to research and evaluate solutions that will optimize use of the funds allocated. Review is underway of the range of equipment options and configurations that are available. Confidentiality and security issues are key components of the evaluations. Ms. Amberboy invited members to submit any suggestions or ideas that may help with determination of a mid-range cost solution.

**c. Appleseed**

Ms. Amberboy provided a review of the project. The final report on the study of legal barriers for children in long term care will be presented at the Children's Commission meeting on November 12, 2010. Ms. Taylor noted that an abbreviated version of the report appears in the October issue of the Bar Journal.

**d. Advocacy Inc.**

The Commission awarded in August 2010 at this committee's recommendation a \$100,000 grant award to Advocacy Inc., to hire a third attorney to provide legal representation statewide for dually managed youth and cover travel, equipment, supplies and miscellaneous costs. Addition of the position will reduce the amount of travel time required by the two existing attorneys. Use of videoconferencing to serve the needs of the youth represented by these attorneys is under consideration.

**e. Round Tables**

A Round Table on Notice and Engagement in the Court Process is scheduled for December 3, 2010.

Casey Family Programs is taking the lead in planning and preparation for this event. To date, surveys have been distributed to shareholder groups involved in the process. Ms. Amberboy commented that the intent of this Round Table is to identify how notice is being done, what policy changes may be needed to improve the process, how to ensure that the judiciary is engaging caregivers and families who appear in court and what issues the judiciary identify concerning the engagement process.

**f. Legal Representation Study (LRS)**

The Commission LRS workgroup will conduct a two-week comment period for the study prior to submission to the Commission.

**g. Jurist in Residence (JIR)**

The current newsletter on extended care was distributed. The project has been well received and has been an effective means of communication for key issues. Ms. Amberboy asked the members to provide feedback on how the requirements of the extended care provisions that became effective on October 1, 2010 are working in their jurisdictions.

**IV. Strategic Planning**

The next meeting of the Strategic Planning Committee is scheduled for November 11, 2010 in Austin. Members will continue to work on refining recommendations developed under the four goal areas at the August 19, 2010 meeting.

**V. Zero to Three Court**

Judge Hellums reported on the Infant and Toddler Court. Additional funding was awarded and the judge is ready to staff the project. The court will be able to coordinate services and resources with the existing Drug Court.

**VI. Education Committee**

Ms. Amberboy reported on the inaugural meeting of the Education Committee held in Bastrop, Texas on September 30 – October 1, 2010. There was strong participation from representatives of the Texas Education Agency, Texas Association of School Boards and the Texas Association of School Administrators. In addition, the chair of the State Bar School Law Section serves on the committee. The Commission is positioned to develop a strong partnership with the Texas Education Agency and the Department of Family and Protective Services to work towards improving educational outcomes for foster children.

**VII. Set Meeting Schedule for 2011**

The designation of meeting dates for 2011 was deferred until the Children's Commission meets on November 12, 2010 and sets the meeting schedule for next year. The convention is for the committees to meet 2-3 weeks prior to the quarterly Commission meetings. There will be one in person committee meeting scheduled in the fourth quarter of FY2011. Ms. Taylor will notify members with information when the 2011 meeting schedule for the Basic Committee has been set.

**VIII. Adjourn** The meeting adjourned at 12:19 pm

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

**Training Committee Meeting Minutes**

**October 26, 2010**

**ATTENDANCE OF MEMBERS**

**Members Present**

**Members Absent**

Name		Name	
Judge Camile DuBose, Chair	Teleconference	Ms. Cathy Cockerham, Member	
Ms. Barbara Elias-Perciful, Member	Teleconference	Ms. Debra Emerson	
Ms. Alice Emerson	Teleconference	Judge Richard Garcia, Member	
Hon. Lamar McCorkle, Member	Teleconference	Ms. Tracy Harting, Member	
Ms. Pam Parker, Member	Teleconference	Ms. Joyce James, Member	
Ms. Fairy Rutland, Member	Teleconference	Ms. Shaneka Odom, Member	
Mr. Randy Sarosdy, Member	Teleconference		
Judge Ellen Smith, Member	Teleconference		
Ms. Ann Blankenship	Teleconference		

Ms. Tiffany Roper, Staff	In Person
Ms. Tina Amberboy, Staff	In Person
Ms. Mari Aaron, Staff	In Person

The Committee had a quorum present for this meeting.

**I. Call to Order**

Judge DuBose called the meeting to order at 12:02 p.m.

**II. Roll Call/ Introductions**

Judge DuBose requested all members on the teleconference identify themselves.

**III. Changes to Committee Membership**

At the July meeting, the committee voted to add an additional former foster youth to the committee and to extend the former foster youth's terms to 2 years (previously only one-year term). They also voted to stagger the terms. Shaneka Odom agreed to stay on the committee for an additional year. DFPS provided a couple of names for the second position; Ms. Roper is following up on these recommendations.

Judge DuBose welcomed Randy Sarosdy, Executive Director of the Texas Center for the Judiciary.

Several members' terms will expire in November. All are eligible for a second three-year term and if they desire to remain on the committee, please contact Ms. Roper.

**IV. Adoption of Minutes**

**ACTION:** Judge DuBose asked for a motion to ratify the approval of the July 14, 2010 Training Committee meeting minutes. Pam Parker made a motion, Judge Smith seconded, and the motion

passed.

**V. Update on Children's Commission Strategic Plan**

The commission's strategic planning committee met on August 19<sup>th</sup> and the feedback given by the Training Committee at its last meeting regarding the current strategic plan and possible future goals was given to the Strategic Planning Committee for its consideration. The Strategic Planning Committee will continue to meet periodically to address ongoing work on the updated plan; a proposed new strategic plan likely presented to the commission for approval in 2011.

**VI. Update on Training Projects**

Judge DuBose provided information to the committee on the status of the projects discussed at the July 14, 2010 meeting of the Training Committee.

**a. Child Welfare Law Conference 2010**

- *October 20-23, 2010 in Austin (Hilton)*
- *Scholarships awarded to over 220 attorneys, plus 25 judges and/or training committee members (registration numbers should be about the same)*
- *Funding used: close to \$110,000, plus \$20,000 to help sponsor the conference (speakers' fees, etc.)*

**b. Child Abuse and Neglect Track at Advanced Family Law**

- *42 attended on scholarships, plus Children's Commission staff attended*
- *Commission approved \$5,000 at August 20 meeting for scholarships to attend the workshop in 2011*

**c. DFPS Attorney Training**

- *7 DFPS attorneys attended AFL and around 17 attended NACC on grant funding*

**d. TCJ in 2010 and 2011**

- *Commission staff met with Mr. Sarosdy at the end of September to discuss the 2011 grant award. Ms. Blankenship will be handling CIP funded projects at TCJ.*
- *CPS Judges Conference -- Held August 4-6, San Antonio. The Associate Judges conference will no longer be a separate event and instead the content will be rolled in to this conference. Working with OCA to find a solution for the IV-D judges, which may include a track as part of/at the tail end of the CPS Judges' conference. All but about 20 attendees at the Associate Judges Conference in 2007, 2008, 2009, and 2010 were either CPC or IV-D judges. In 2011, joint conference is tentatively scheduled for July 6-8.*
- *Beyond the Bench – Start planning for statewide in 2012; tentatively scheduled August 24-26, 2011 for central Texas courts.*
- *Implicit Bias in Judicial Decision-Making – tentatively scheduled for June 20-21, 2011.*
- *National conferences –NCJFCJ Reno (March 27-30, 2011); NCJFCJ NYC (July 2011).*
- *Local jurisdictional training grants – The Training Committee approved \$10,000 for local training grants at the January meeting. There were discussions with TCJ about handling the*

*reimbursement portion of these grants, but Children's Commission staff will approve the applications. The staff continues to finalize the details with TCJ.*

- *Judicial technical assistance – Predominantly funds work of CPPP analysis of county-level data. May include other judicial expert assistance. The Commission has received recent requests from: Anderson County, Smith County, a court in Harris County, Ellis County, Cen-Tex CPC, and East Texas CPC.*
  
- e. OCA Child Protection Court Judges Conference**
  - *Moving to March 7-8, 2011 in order not to conflict with NACC conference*
  - *Ms. Roper is coordinating with OCA on the conference; helping to bring in a couple of national speakers on education and judicial leadership*
  
- f. Drug Court Round Table**
  - *Kristi Taylor took over project in September*
  - *November 3-4 in Austin*
  - *Agenda/speakers identified; receiving technical assistance and speaker assistance from Children and Family Futures*
  - *16 family treatment drug court teams attending*
  
- g. Trial Skills Training**
  - *\$40,000 approved for this training at January meeting*
  - *Ms. Roper observed 1-day trial skills course at last week's NACC conference and noted that the training effectiveness likely is improved when the size of the group is limited*
  - *Sent 1 potential Texas faculty members to the Rocky Mountain Child Advocacy Institute*
  - *Are sending Doug Lowe (DA in Anderson County) to NITA train the trainer training in November 2010*
  - *Ms. Roper attended ABA training in Austin in August and reported that the training was part of an arrangement between NCJFCJ and Judge Byrne's model court*
  - *Staff will continue to evaluate various trainings to identify outstanding training offerings to use as models*
  - *NITA and the University of Houston School of Law (Peter Hoffman) are in partnership and are offering a NITA class on advocacy in juvenile and family courts; the next one is scheduled for April 8-9, 2011; Ms. Roper is discussing the option of adding a half-day devoted to a trial notebook component and will help publicize the training*
  
- h. Prosecutor Training – working with TDCAA**
  - *Approached by TDCAA about adding CPS track to Crimes Against Children Conference in April 2011 to be held in Houston*
  - *Ms. Amberboy and Ms. Roper are working out grant application details with TDCAA*
  - *In past, \$30-40,000 to send roughly 100 DFPS attorneys, but because of lack of travel funds, DFPS estimates that 25 attorneys may attend if travel covered, so TDCAA thought the grant with them would equal \$10,000 or less (25 @ \$375/each)*
  - *To cover travel costs of 25 DFPS attorneys, estimate of \$15,000*
  - *Plus, interested in offering a limited number of registration scholarships to prosecutors, could offer approximately 36 for \$10,000 (prosecutor price = \$275)*
  - *Total proposed = \$35,000*
  - *The members discussed the benefit of rebuilding the relationship with TDCAA and also noted the importance of also providing training opportunities to parents' and children's attorneys*

- *Ms. Roper will consider options on how to offer scholarships to those attorneys who have not yet been awarded one.*
- *Ms. Parker noted that she wants to participate in the TDCAA planning group*

**ACTION:** Judge DuBose asked for a motion to approve funding of \$35,000 for the TDCAA conference. Judge McCorkle made a motion, Ms. Rutland seconded, and the motion passed.

**i. Child Welfare Law Certification**

- *NACC is redesigning the red book training*
- *NACC offered current model of Red Book training at last week's conference*
- *Quality Improvement Center for the Legal Representation of Children offering a application fee waiver to 200 applicants nationwide; begin accepting on January 1, covers full application fee*
- *At July meeting, discussed how to support attorneys seeking certification*
- *Voted to set aside \$20,000 for red book training and to discuss further methods of support at this meeting*
- *Judge DuBose summarized the issues concerning Child Welfare Law Certification offered by NACC; these include the issues around the Texas component and the procedures necessary to author the test, provide training to attorneys interested in taking the test, and monitor the certification.*
- *Members discussed at length points regarding the TBLS procedures and efforts necessary to seek specialization*
- *Judge DuBose proposed that the issue be tabled until the State Bar Committee on Child Abuse and Neglect meets on November 6 and reports back to this committee at the next meeting in January.*

**j. Local Jurisdiction Disproportionality Training**

- *Committee approved \$30,000 for local disproportionality training at July meeting*
- *Ms. Amberboy reported that at the August commission meeting, the commission agreed to form judicial workgroup to look at the issue, coordinate efforts and ensure a consistent method of training at local level; the group will meet in early December and report back in January*

**k. Mediation Project**

- *Committee approved \$25,000 for project at July meeting*
- *UT Law Mediation Clinic, UT Center for Public Policy Dispute Resolution Center, LBJ School of Public Affairs – joint Policy Research Project (PRP)*
- *Ms. Roper met with Cynthia Bryant and Susan Schultz on October 19 to discuss next steps in development of project and formation of workgroup, including identifying data to collect as "baseline"*
- *Ms. Bryant's mediation report will help to determine direction of project*
- *PRP kick off in Fall 2011, but pre-development starts now*

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

- *Committee approved \$25,000 for this grant*
- *Grant submitted October 20; commission staff will review and provide recommendations to the Training Committee*
- *FY2011 funds are earmarked for the conference*

**m. Parent Attorney Conference**

- *Recently learned that the ABA is hosting another Parents' Attorney Conference, July 13-14, 2011 in the DC area*
- *Ms. Roper will verify when the ABA Children's Attorney Conference will be held*
- *Ms. Roper spoke to the ABA, which thinks it can handle the hotel/travel reimbursements for Texas attorneys who travel*
- *Think this might be a project in the \$40-50,000 range, which would cover registration, lodging/travel, and possibly some admin costs for the ABA*
- *Estimate 30+ attorneys might attend*
- *Members discussed providing scholarships for both children's and parent's attorneys; Ms. Roper proposed increasing the amount of funding to \$75,000 to cover both; she and Ms. Amberboy will review the budget and report back to the committee at the January meeting*

**VII. New Business**

- **Next Meeting Schedule**

Judge DuBose proposed January 11 or January 12, 2011 as options for the next Training Committee meeting. Members will submit their preference and the dates with the most votes will be the next meeting date; Ms. Roper will inform members once the input is finalized.

**VIII. ADJOURN**

The meeting adjourned at 1:08 p.m.

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

**Technology Committee Meeting Minutes**

**October 14, 2010**

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

**ATTENDANCE OF MEMBERS**

<b>Members Present</b>		<b>Members Absent</b>
Name		Name
Judge Karin Bonicoro, Chair	In Person	Honorable Oscar Gabaldon, Member
Mr. Jason Hassay, Member	Teleconference	Honorable Gilford Jones
Ms. Elizabeth Kromrei, Member	Teleconference	Ms. Catherine Babbitt, Member
Mr. Carl Reynolds, Member	In Person	Mr. Robert Nolen, Member
Ms. D.J. Tessier, Member	Teleconference	Ms. Linda Uecker, Member
G. Allan Van Fleet, Member	Teleconference	
Mr. Bryan Wilson, Member	In Person	
Ms. Tina Amberboy	Staff	In Person
Mr. Casey Kennedy	OCA Staff	In Person
Mr. Tim Kennedy	OCA Staff	In Person
Ms. Simi Denson	OCA Staff	In Person
Ms. Mari Aaron	Staff	In Person

The Committee had a quorum present for this meeting.

**I. Call to Order**

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

**II. Roll Call/ Introductions**

Liz Kromrei announced her retirement from the Texas Department of Family and Protective Services at the end of October, 2010; her replacement at the Department will continue to serve on this committee.

**III. Adoption of Minutes**

Judge Bonicoro noted that the minutes from the July 29, 2010 meeting of the Technology Committee were adopted at the meeting of the Children’s Commission on August 20, 2010.

**IV. Update on FY2011 Technology Projects**

Judge Bonicoro provided information to the committee on the status of the projects discussed and adopted at the July 29, 2010 meeting of the Technology Committee and subsequently adopted at the August 20, 2010 Children’s Commission meeting.

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

Mr. Kennedy provided an update on the status of the CPCMS project to the committee. The project team remains engaged on version 2.0 and 3.0 activities and enhancement-related activities. The current focus is on the twenty outcome measure reports; the implementation of the first of these reports is scheduled for the week of October 15, 2010. The project team continues to be responsive to requested enhancements to the database. The \$92,000.00 allocation will cover contractual expenses associated with the project.

**b. National Information Exchange Model (NIEM)**

Ms. Amberboy noted that Judge Rob Hofmann's travel to the NCSC conference in Denver, Colorado last week was on behalf of this project. The Denver group addressed CSFR well being measures. Judge Hofmann will provide follow up information to Tina on the work done in Denver. Judge Bonicoro noted that these meetings provide an opportunity for groups from throughout the county to gather and discuss the data element packets that will be developed for information exchange between systems. The \$5,000.00 allocation for this project covers travel expenses to conferences and meetings for Judge Hofmann and the OCA staff.

**c. Data Interface for Sharing**

Judge Bonicoro provided an overview of the project. The County Information Resources Agency (CIRA) is behind schedule with completion of the requirements study for the Comprehensive Integrated Justice Information Management System (CIJIMS) for all forty-seven participating counties. Although 21 of the 47 participating are currently served by the OCA specialty courts, the procedures for establishing data measures and information exchange for the remaining 26 counties are incomplete. Mr. Kennedy commented that his contact at CIRA expects that the functionality report will be presented to the CIRA board by December 2010. Subsequent to that meeting, the decision will be made on whether or not to move forward to the next phase of the project. The allocation of \$74,336.00 would fund a study on the development of the technical and functional requirements of the interface. OCA will maintain the FY2011 project funding as a placeholder in order to work with CIRA later this fiscal year.

**d. County Information Resources Agency (CIRA) Partnership with OCA**

Judge Bonicoro confirmed with Mr. Kennedy that the initial intent of CIRA was to host the existing CPCMS source code and allow availability to counties interested in utilizing the data to track measures related to CPS cases. Following approval of the allocation of \$100,000 for the project, Mr. Kennedy confirmed that CIRA is unable to pursue the partnership opportunity to host CPCMS for their county members.

**ACTION:** Judge Bonicoro asked for a motion to approve de-allocation of \$100,000 for County Information Resources Agency (CIRA) Partnership funding in FY 2011. Carl Reynolds made a motion, Jason Hassay seconded and the motion passed unanimously..

**e. Judicial Connectivity Support**

Mr. Kennedy reported to the committee on the status of this project. There are twenty-nine county court sites identified as having insufficient access to cellular internet connectivity using cellular air cards. Improvement of connectivity at these court locations can be improved through four options:

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

Mr. Kennedy noted OCA's success in Hidalgo County and the collaboration provided by the county IT department in establishing internet access through the county network using a Wi-Fi access point in the court.

The \$160,150.00 allocation will fund the project lead, hardware and travel for necessary site visits to ensure that the solutions in place are providing optimal performance.

**f. CPCMS Staff Assistance – Region 2**

Ms. Denson reported that there are four courts in the region with a significant backlog of data to be entered into CPCMS in order to obtain meaningful data reports to provide to the courts for use in improving processes. The allocation of \$40,000 will cover temporary contract staff to perform data entry of case information for these child protection courts.

Judge Bonicoro noted the importance of timely entry of case data to determine what practices need improvement and identify trends and design remedies where indicated.

**g. Data Project to Support Education Committee**

Ms. Amberboy noted that this committee set aside funds as a placeholder at the July meeting in advance of the first meeting of the Education Committee. The Education Committee held its first meeting on September 30 – October 1, 2010 and while a specific data project has not been defined at this time, the allocation of \$100,000 will remain as a placeholder to support the activities of the Education Committee.

**h. Video Conferencing**

Judge Bonicoro provided an update on the progress of project to the committee. The acquisition and installation of video conferencing equipment provide the venue to youth in TYC to participate in their hearings. Mr. Kennedy reported on input from various vendors with regard to available product lines and technical support/customized consulting services. Judge Bonicoro noted that the Video Conferencing Subcommittee of the Technology Committee met on September 22, 2010. Ms. Amberboy provided detail on the items addressed at that meeting: scope of the project; confidentiality; security and hardware/equipment options. A report will be forthcoming to the committee to tie together the component pieces of the project. Mr. Wilson noted that the Taskforce on Indigent Defense is working with Texas Tech University in Lubbock to launch video conferencing systems for use by the public defender offices in sixteen counties. As part of the positioning for this project, those counties will be asked to grant access by the CPS courts. The members discussed the security aspects and exposure issues associated with file sharing issues.

**V. New Business**

There were no topics for new business brought forward by the members.

## **VI. Next Meeting**

The designation of meeting dates for 2011 was deferred until the Children's Commission meets on November 12, 2010 and sets the meeting schedule for next year. The convention is for the committees to meet 2-3 weeks prior to the quarterly Commission meetings. There will be one in person committee meeting scheduled in the fourth quarter of FY2011. Ms. Amberboy will send an announcement to members when the 2011 meeting schedule for the Technology Committee has been set.

## **VII. Judge Bonicoro adjourned the meeting at 12:50 p.m.**

## Children's Commission Technology Committee

### Videconference Report October 14, 2010

#### **Purpose of the Project:**

1. To promote children's participation in the court proceedings in their cases.
2. To maintain a cost effective method for judges to speak with children
3. To provide a reliable network of communication for courts to use and a court manual that informs courts on the use of videoconferencing

#### **Scope of the Overall Project:**

Scope of the overall project (statewide application)

*Note:* any strategy developed should take into account whether VTC can be used statewide and include a discussion of all the variables affecting proliferation throughout the state.

#### **Scope of the use in an individual case, i.e., in the court / at a hearing**

One to one (child location to judge location) and multiple users to one child (multiple stakeholders in the courtroom to one child location).

#### **Confidentiality implicated in using VTC**

1. the hearing in the courtroom, which would be open unless the child or another party requests that it be closed. Closing would be in the judge's discretion.
2. a conversation between the judge and the child (in chambers) could be confidential unless a party objects to the conversation. In that case, the judge would either record or use a court reporter to make a record. Unresolved: whether the judge could have a one to one conversation with the child while on the bench via phone?

#### **Security (vulnerability of the technology)**

Security: this involves vulnerability to hacking or eavesdropping on the conversations or transmissions as well as vulnerability to viruses associated with certain types of technology such as Skype.

#### **Technology issues**

This involves whether a project would need to accommodate an encrypted type of communication or internet-based communication (like skype).

#### **Equipment Required**

Equipment depends on the technology used (e.g., H.323 versus skype-type) and could involve a range of equipment from laptops or desktop computers, cameras, microphones, to very expensive zoom / pan camera and supporting video equipment.

#### **When VTC should be used in lieu of the child attending a hearing**

Only in cases where the child cannot attend court because they are a danger to self or others; or are so medically fragile that it would endanger their health to take them from their environment; OR when the child is placed 50 miles or more away from their home jurisdiction. This might require a statutory change.

## **To Do:**

### **Internal Team Responsibilities:**

Identify points of connectivity / usage

Courts (Points A):

1. Without internet service and video infrastructure
2. Without video infrastructure, but do have internet service
3. With internet service and video infrastructure

Child locations (Points B) (in order of preference):

1. Relative Placement
2. CASA office
3. CAC Office
4. School
5. Foster Home
6. CPS Offices
7. Residential Treatment Center
8. Texas Youth Commission Facilities

Identify state funded resources where children are located and provide an assessment of how these facilities may be accessed with the court inventory.

Determine if stimulus funds are available to provide additional connectivity

Develop a procedural document that informs judges on technical and procedural considerations of children in courts using technology, include where and how it can or should be used, and which courts, counties or facilities should be piloted first.

Develop an evaluation method to determine which courts are using VTC and which outcomes are being tracked and improved

### **Vendor Responsibilities:**

Overall, the vendor must help oversee the design and deployment of a court based videoconferencing system to promote access of children under state care to the court system consistent with law and court needs.

The vendor must also help determine the feasibility for the various technologies that courts can use in a cost effective manner

The vendor must assist with the coordination of the purchase of equipment for test sites.

The vendor must identify the risks associated with using various types of technology or equipment, transmission, firewall traversal and other system configuration issues

The vendor must cost and identify the most cost effective (not necessarily the cheapest)

The vendor must assist in the development of specific recommendations on the use of VTC and the best strategy for implementing statewide.

At the end of the contractor's work, he/she should be able to state precisely what type of technology is required for each of the different kinds of court locations and child locations to be able to interface for videoconferencing. A report will be produced that will include technical and procedural information on how courts and kids can communicate and identify the roles of various stakeholders.

## **Update on Texas Lawyers for Children November 2010**

Texas Lawyers for Children (“TLC”) created and operates an Online Legal Resource and Communication Center (the “Online Center”) for Texas judges and attorneys handling child abuse cases. The Online Center, which receives funding from the Commission, includes a wealth of legal, medical, and psychological materials covering more than 1,100 topics and also provides private, secure communication tools for judges and attorneys, respectively, to discuss pertinent issues and share their expertise.

### **TLC Named as Award Finalist**

TLC has been selected as one of three finalists for the “Award for Excellence in Social Innovation,” to be given by the Dallas Center for Nonprofit Management. The award recognizes TLC as one of the top three nonprofits in the award category for organizations that provide ***“a novel solution to a social problem that is more effective, efficient and sustainable... and demonstrates significant positive change around a specific social issue.”*** The nomination is based on the impact of TLC's Online Legal Resource and Communication Center and highlights the visionary leadership of the Commission in choosing this project as an innovative solution to the ongoing problem of child abuse. The winner of the award will be announced in a ceremony to be held on November 19.

### **Articles on TLC’s Online Center and Pro Bono Project Published in *Texas Bar Journal***

TLC’s Online Center was highlighted in an article in the October issue of the *Texas Bar Journal*, “Texas Lawyers for Children: Helping Judges and Attorneys Handling Child Abuse Cases.” Additionally, TLC’s joint project with the Texas Young Lawyers Association and the State Bar Committee on Child Abuse and Neglect to recruit pro bono attorneys to help in child abuse cases was also the subject of a *Bar Journal* article, “Texas Foster Children Need Your Help.” This publicity has resulted in attorneys across the state registering to use the Online Center and also to serve in TLC’s Pro Bono Network.

### **TLC Can Help Connect Key Groups Statewide, Including Multidisciplinary Groups**

If you are working on one of the Commission’s projects or another project that serves abused or neglected children in Texas, TLC might be able to assist you by linking the members of your group with an email network for ongoing email communications. This service is now being expanded to multidisciplinary groups as well as judges and attorneys. For example, TLC has created statewide email networks for judges handling child abuse cases, drug courts, and juvenile delinquency cases, attorneys handling child abuse cases, 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. Having an email network can be a powerful way to keep the dialogue and flow of ideas going in your group. If you would like more information on how TLC can help your group, contact TLC’s Director, Barbara Elias-Perciful, at [Barbara@TexasLawyersforChildren.org](mailto:Barbara@TexasLawyersforChildren.org).

### **Collaboration Between Advocacy, Inc. and TLC**

As you know, the Commission sponsors a project implemented by Advocacy, Inc. to provide specially trained attorneys to represent youth in TYC who have a child abuse case pending. In order to spread the wonderful expertise of these attorneys to all

others in the state, the attorneys from Advocacy, Inc. have graciously accepted TLC's invitation to participate in TLC's communication tools for attorneys so they can share their ideas and expertise with others. They are also going to provide TLC with all of their written materials to post in the Online Center, so TLC can make them available to all attorneys in the state. Because of the Commission's interest in improving outcomes for dually managed youth in both the child welfare and juvenile justice systems, some of the new services TLC will be providing through its Online Center under its 2010-2011 grant from the Commission are new communication tools for all attorneys handling juvenile delinquency cases, including an email network for attorneys to share questions and ideas with hundreds of colleagues statewide, a document vault to share forms and other documents with each other, and discussion boards for ongoing dialogue on critical topics. These tools will give attorneys handling these cases a way to access information on how to best handle the children and youth who are in both the child welfare and juvenile justice systems and to promote awareness of the needs of youth with juvenile delinquency cases who may not have been identified yet as having been abused.

### **Special Resources for Judges**

TLC posts new information, including articles, forms, and summaries of cases, in the Online Center on an ongoing basis. Over the last year, 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, Casey Family Programs, Hon. John Specia, and Hon. Darlene Byrne's Model Court.

### **Distributing Information from the Commission and Other Groups**

TLC sends email alerts to the more than 300 judges and 1300 attorneys registered to use the Online Center to distribute information from the Commission on a statewide basis or to help the Commission gather information from the field that would be helpful in planning various projects. For example, TLC has sent links to the Commission's surveys seeking information about drug courts and about efforts in Texas to notify stakeholders of child welfare proceedings. TLC is pleased to offer this two-way conduit for information from the Commission to the judges and attorneys across the state and back. If you are working on a project for the Commission and would benefit by this type of communication flow, please contact TLC to see how we might be able to help. .