

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Supreme Court Courtroom
201 West 14th Street, Austin, Texas
August 21, 2009
10:00 – 1:00 p.m.

- 10:00 Commencement / Welcome / Member Updates – Justice Harriet O’Neill
1. Adopt minutes from January 16, 2009
 2. Adopt Collaborative Council changes reflected in April 3, 2009 Report
 3. Summit III update / invite Commissioners

11:00 Update by E.D. on following matters

Collaborative Council Retreat Report

Mediation Round Table

Newsletter

CIP Applications to ACF

CIP Grant Applications for 2009-2010 funding

Budgets (link x 3)

11:15 Committee Chair Updates / Adoption of grants and budgets / Interim Actions

Basic – Judge Robin Sage

Update on any issues not covered in the report

CPS Bench Book meeting 8/20

Report from Appleseed, Rebecca Lightsey

1. Adopt Basic CIP application to ACF;
2. Adopt / Approve Basic grant apps received by Commission
3. Adopt Basic grant budget
4. Permission for ED to NAD grants to counties who apply for adoption day funds between August and November.

Training – Judge Camile DuBose

Update on any issues not covered in the report

1. Adopt Training CIP application to ACF;
2. Adopt / Approve Training grant apps received by Commission;
3. Adopt Training grant budget
4. Adopt / Ratify interim expense for scholarships from April 09

Technology – Judge Karin Bonicoro

Update on any issues not covered in the report

1. Adopt Technology CIP application to ACF;
2. Adopt / Approve Technology grant apps received by Commission;
3. Adopt Technology grant budget

4. Adopt / Ratify OCA increase from May 09
Legislative – Judge Dean Rucker
Update on any issues not covered in committee report

11:45 DFPS -- Anne Heiligenstein, DFPS Commissioner
11:55 DFPS – Joyce James, DFPS Deputy Commissioner
12:05 Judge Darlene Byrne, Model Court Presentation
12:15 Office of Court Administration Update – Carl Reynolds
12:30 Hon. John Specia, District Judge, Ret., Jurist In Residence
12:40 Summit III & Commission Video – Kristi Taylor
12:50 Comments / New Business / Collaborative Council Issues
1:00 Adjourn
Dates for 2010 meetings:

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Meeting Notebook
August 21, 2009**

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

MINUTES OF MEETING

January 16, 2009
10 a.m. – 2 p.m.

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

COMMENCEMENT

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

ATTENDANCE

Members present:

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

Members not present:

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

Staff in attendance:

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

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

Collaborative Council members in attendance:

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

Collaborative Council members not present:

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

Guests and others present:

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

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

OPENING REMARKS, Justice Harriet O'Neill

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

Commission Membership changes

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

Recognize Collaborative Council Members

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

Committee Membership Changes

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

Commission Member Introductions

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

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

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

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

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

ADOPT MINUTES

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

EXECUTIVE DIRECTOR'S REPORT, Tina Amberboy

Adopt Commission Procedures

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

Annual Reports

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

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

Ongoing Staff Directed Projects

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

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

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

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

Commission Budget

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

Commission Informational Video Project and Fairy Rutland Award

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

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

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

COMMITTEE REPORTS

Basic Projects Committee, Tina Amberboy

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

Technology Committee, Hon. Karin Bonicoro, Chair

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

Training Committee, Hon. Camile DuBose, Chair

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

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

Legislative Committee, Hon. Dean Rucker, Chair

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

Executive Committee, Hon. Dean Rucker

No report.

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

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

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

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

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

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

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

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

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

SUMMIT III, Carl Reynolds

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

GUEST COMMENTS, Judge Jeanne Meurer, Sr. District Judge, 98th District, and Court Legal Management Administrator for Juvenile Justice Issues

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

OTHER COMMENTS

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

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

ADJOURNMENT

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

Permanent Judicial Commission for Children, Youth and Families

COMMISSION

Hon. Harriet O'Neill, Chair
Hon. Darlene Byrne, Vice Chair
Audrey Deckinga
Hon. Camile G. DuBose
Bruce Esterline
Harper Estes
Stewart W. Gagnon
Albert Hawkins
Hon. Bonnie Crane Hellums
Joyce M. James
Hon. Patricia A. Macias
Carolyn Rodriguez
Hon. Dean Rucker
Fairy Davenport Rutland
Hon. Cheryl Lee Shannon
Hon. Yvonne Gonzalez Toureilles
G. Allan Van Fleet
Hon. Jeff Wentworth

BASIC

(Standing)

Hon. Robin Sage, Chair
Joe Gagen
Hon. Bonnie Crane Hellums
Colleen McCall
Hon. Mickey Pennington
Carolyn Rodriguez
Hon. Elma Salinas Ender
Hon. Peter Sakai
Hon. Cheryl Lee Shannon
Hon. Olen Underwood
Hon. Doug Warne
Staff: Tina Amberboy
Tiffany Roper

TRAINING

(Standing)

Hon. Camile G. DuBose, Chair
Mari Kay Bickett
Cathy Cockerham
Barbara Elias-Perciful
Hon. Hal Gaither
Judge Richard Garcia
Tracy Harting
Joyce M. James
Hon. Lamar McCorkle
Pam Parker
Fairy Davenport Rutland
Chadwick Sapenter
Judge Ellen Smith
Staff: Tiffany Roper

EXECUTIVE

Hon. Harriet O'Neill, Chair
Hon. Darlene Byrne, Vice Chair
Hon. Karin Bonicoro
Hon. Camile G. DuBose
Joyce M. James
Hon. Dean Rucker
Hon. Robin Sage

TECHNOLOGY

(Standing)

Judge Karin Bonicoro, Chair
Catherine Babbitt
Hon. Alfredo Chavez
Judge Oscar Gabaldon
Hon. Gilford Jones
Elizabeth Kromrei
Robert Nolen
Carl Reynolds
Linda Uecker
G. Allan Van Fleet
Staff: Bryan Wilson

LEGISLATIVE

(Ad Hoc)

Hon. Dean Rucker, Chair
Joe Gagen
Stewart W. Gagnon
Sandra Hachem
Albert Hawkins
Hon. F. Scott McCown, ret.
Andrea Sparks
Hon. John Specia, ret.
Gerry Williams
Staff: Tina Amberboy
Tiffany Roper

STRATEGIC PLANNING

(Ad Hoc)

Cynthia L. Bryant, Chair
Bruce Esterline
Stewart W. Gagnon
Joyce M. James
Hon. Patricia A. Macias
Hon. F. Scott McCown
Hon. John Specia
Staff: Tina Amberboy

Staff

Tina Amberboy, Executive Director, Children's Commission
Tiffany Roper, Assistant Director, Children's Commission
Bryan Wilson, Grant Manager, Children's Commission
Jacque Barclay, Financial Analyst, Children's Commission
Teri Moran, Support Services Officer, Children's Commission

Carl Reynolds, Administrative Director, Office of Court Administration
Sylvia Griego, Executive Assistant, Justice Harriet O'Neill

8/17/2009

2009 COLLABORATIVE COUNCIL MEMBERS

Emy Lou Baldrige

Co-Founder

Greater Texas Community Partners

Conni Barker

Director/Government Affairs

DePelchin Children's Center

Roy Block

Executive Director

Texas Foster Family Association

Susan Boone

Executive Director

Texas Council of Child Welfare Boards

Salvador Cavazos

Assistant Superintendent

Brownsville Independent School
District

William B. Connolly

Attorney at Law

William B. Connolly & Associates

Penny Cook

Co-Founder

The Faith Connection

Cathy Crabtree

Executive Director

Children's Advocacy Centers of Texas

Susan Hopkins Craven

Executive Director

Texas Association of Infant Mental
Health

De Shaun Ealoms

Parent Program Specialist

TX Dept. of Family & Protective Svcs.

Barbara Elias-Perciful

President

Texas Lawyers for Children

Debra D. Emerson

CPS Dir. of Policy and Program

TX Dept. of Family & Protective Svcs.

Tomas Esparza, Jr.

Attorney at Law

The Law Office of Tomas Esparza, Jr.

Benigno J. Fernandez, MD

President

Texas Society of Child & Adolescent
Psychiatry

Mike Foster

Immediate Past President

Texas Association of Child Placing
Agencies

Paul E. Furrh, Jr.

Chief Executive Officer

Lone Star Legal Aid

Joe Gagen

Chief Executive Officer

Texas CASA, Inc.

Eileen Garcia-Matthews

Executive Director

Texans Care For Children

David Halpern

Director

Seedling's Promise Mentor Program

Alicia Key

*Deputy Attorney General for
Child Support*

Office of the Attorney General

Richard LaVallo

Senior Attorney

Advocacy, Inc.

Donald Lee

Executive Director

Texas Conference on Urban Counties

Tracy Levins

Director

Admn. Svcs/Community Relations

Texas Youth Commission

Rebecca Lightsey

Executive Director

Texas Appleseed

Madeline McClure

Executive Director

TexProtects

Hon. F. Scott McCown, ret.

Executive Director

Center for Public Policy Priorities

Trista Miller

Region 07 Youth Specialist

Child Protective Services

Judy Powell

Communications Director

Parent Guidance Center

Johana Scot

Executive Director

Parent Guidance Center

Bryan Sperry

President

Children's Hospital Association of
Texas

Vicki Spriggs

Executive Director

Texas Juvenile Probation Commission

Gene Terry

Operations Director

Texas Association of Counties

Gloria Terry

Coalition President

Texas Council on Family Violence

Gina VanOsselaer

Executive Director

Austin Children's Shelter

Arabia Vargas

Chair

Bexar County Child Welfare Board

Henrietta Wright

Vice President, Board of Directors

Children's Advocacy Centers of Texas

**Collaborative Council of the
Permanent Judicial Commission for Children, Youth and Families**

Meeting

July 24, 2009

The Crossings, Austin, TX

Collaborative Council Members present:

Conni Barker	Director/Government Affairs	DePelchin Children's Center
Susan Boone	Executive Director	Texas Council of Child Welfare Boards
Susan Craven Hopkins	Executive Director	Texas Association of Infant Mental Health
Barbara Elias-Perciful	President	Texas Lawyers for Children
Debra D. Emerson	CPS Director of Policy and Program	Texas Dept. of Family & Protective Svcs.
Mike Foster	Immediate Past President	Texas Association of Child Placing Agencies
Paul E. Furrh, Jr	Chief Executive Officer	Lone Star Legal Aid
Joe Gagen	Chief Executive Officer	Texas CASA, Inc.
Eileen Garcia-Matthews	Executive Director	Texans Care For Children
Donald Lee	Executive Director	Texas Conference on Urban Counties
F. Scott McCown	Executive Director	Center for Public Policy Priorities
Judy Powell	Communications Director	Parent Guidance Center
Johana Scott	Executive Director	Parent Guidance Center
Gloria Terry	Coalition President	Texas Council on Family Violence
Arabia Vargas	Chair	Bexar County Child Welfare Board

Guests present:

Audrey Deckinga	CPS Assistant Commissioner	Texas Department of Family & Protective Services
Jane Burstain	Senior Policy Analyst	Center for Public Policy Priorities
Irene Clements (Representing Roy Block)	President	Texas Foster Family Association
Tracy Harting	Staff Attorney	Travis County Office of Parental Representation
Leslie Hill	Managing Attorney	Travis County Office of Child Representation
Joy Hughes Rauls (Representing Cathy Crabtree)	Director of Community Relations	Children's Advocacy Centers of Texas
Madison Sloan (Representing Rebecca Lightsey)	Staff Attorney	Texas Appleseed
Kenneth Thompson	Fatherhood Program Specialist	Texas Dept. of Family & Protective Svcs.
Veronica Trevino	Program Manager	Texas Conference on Urban Counties
Gerry Williams	General Counsel	Texas Department of Family & Protective Services

Staff present:

Tina	Amberboy	Executive Director
David	Henry	Legal Intern
Teri	Moran	Support Services Officer
Tiffany	Roper	Assistant Director
John	Specia	Senior District Judge, ret., Jurist in Residence
Bryan	Wilson	Grant Manager

I. WELCOME AND BRIEF INTRODUCTIONS

Tina Amberboy welcomed the collaborative council members, who introduced themselves and briefly commented on current projects.

Senior District Judge John Specia, OCA Jurist in Residence, updated members on the two recent Commission-sponsored Round Table discussions. The next Round Table topic will be on data collection. The Commission is working on several projects providing judges access to data for evaluating and tracking cases.

Leslie Hill, Managing Attorney, Travis County Office of Child Representation, said the new office, which is based on a public defender model, is almost fully staffed now. Its goal is to provide comprehensive legal services to children in the system.

Maddie Sloan, Staff Attorney, Texas Appleseed (representing Rebecca Lightsey), reported on Appleseed's current study for the Commission regarding children in long-term foster care. Currently, Appleseed is interviewing people from 15 jurisdictions. The study supports DFPS data about who these kids are and how poorly they fare in permanency outcomes. The final report, which should be completed in the latter half of 2010, will make recommendations regarding improving outcomes for youth in long-term care.

Kenneth Thompson, Fatherhood Program Specialist, DFPS, discussed the recent CFSR, which rated Texas low in engaging fathers. Research shows kids do better when fathers engage in their case planning. Four states, including Texas, are participating in the Fatherhood Initiative that focuses on processes and practices to find ways to engage nonresident fathers. Mr. Thompson said part of his assignment is to influence agency culture, to increase awareness of the value of fathers, and to get caseworkers to hold fathers accountable.

Johanna Scot, Executive Director, Parent Guidance Center, described how she came to establish the Parent Guidance Center, beginning when she was as a CASA volunteer in 2004. Ms. Scot said she saw how parents didn't have a chance and that she believed there was a systemic lack of commitment to family reunification. Her research showed a lack of resources for parents, both state and nationally, so she started providing hard services in Montgomery county, offering parenting classes and offices with computers to help parents get through their service plans. Ms. Scot said that while parents need help navigating the system, their primary need is legal representation. In 2006,

she moved her organization to Austin to work at the state level where she hopes to influence the mindset of separating families to a mindset of prevention.

Judy Powell, Communications Director, Parent Guidance Center, introduced herself.

Irene Clements, President, Texas Foster Family Association (representing Roy Block), said that because foster care has changed, the way the system approaches healing families must change. Ms. Clements reported on the many emails and calls she gets from around the state from foster parents describing their main issues of concern – lack of notification of hearings and not being allowed to have their voice heard in court.

Mike Foster, Immediate Past President, Texas Association of Child Placing Agencies, reported on a child placing agency called Neighbor to Family founded by Gordon Johnson, formerly the head of Illinois' child welfare agency. Mr. Johnson created a mentoring model that has produced good outcomes, and he was asked to replicate his success in Florida. Now, several other states are trying to do the same. In this model, agencies commit to keeping sibling groups together. Mr. Foster reported that in the two states that use the model, Florida and Georgia, they've been able to reunify families in four months. Mr. Foster commented that evidence-based practice is a higher standard than a best practices standard.

Paul Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, said his interest in this area started in child care years ago when he was in law school, where he saw a lot about human nature and how it varies. Mr. Furrh stated that best practices are usually based on experience, rather than evidence. Per Mr. Furrh, in Texas, there are many places where data is shaky, missing, or never put together. Mr. Furrh said that sometimes the hard problems get handled through the courts by a lawsuit. He said this commission seems like a good place for everyone to get together to work on these issues.

Conni Barker, Director/Government Affairs, DePelchin Children's Center, said a big concern is kids aging out and transition services provided to them. She described some collaborative projects DePelchin is involved in to help kids transition to adulthood to prevent the cycle from starting again. One pilot matches kids in residential treatment centers with a foster family, and tries to prevent multiple placements.

Debra Emerson, CPS Director of Policy and Program, DFPS, reported on the progress of her agency's workgroup on dually managed youth. DFPS and TYC have been working closely on identifying dual wards and DFPS caseworker's participation in key planning meetings involving the youth including discharge planning. TYC and DFPS exchange data twice a month and have regional staff identified to facilitate communication and services for youth.

Susan Hopkins Craven, Executive Director, Texas Association of Infant Mental Health, spoke about the importance of having persons involved in CPS cases with infants who are knowledgeable about infant mental health, which is one effort of her organization.

Susan Boone, Executive Director, Texas Council of Child Welfare Boards, reported on her organization's mission, which involves supporting the 2,000 volunteers around the state who work

on child welfare boards. As an arm of a county's commissioner's court, child welfare boards take on the responsibility of ensuring the needs of kids in CPS care are met by encouraging local residents to support various CPS programs through volunteering or monetary means. TCCWB also now offers a license plate that says "stop child abuse" as part of its fundraising efforts.

Barbara Elias-Perciful, President, Texas Lawyers for Children, described her organization as more than a website, but a way to connect attorneys and to connect judges. One of TLC's new projects is to recruit pro bono attorneys and create an appointment list for judges. Tina Amberboy told the group that Ms. Elias-Perciful will receive the Child Advocate of 2009 Award from the American Bar Association's Young Lawyer Division. The award honors lawyers for distinguished service on behalf of children.

Eileen Garcia-Matthews, Executive Director, Texans Care for Children, described her organization as one that promotes policy change to improve child well being. Membership includes a variety of stakeholders, including public/private partnerships, who hold monthly meetings that have created a more collaborative environment. TCFC projects include conducting advocacy trainings for nonprofits and for youth, creating a pilot project for former foster youth, and providing direct services such as the 471,000 parenting guides distributed recently.

Joy Hughes Rauls, Director of Community Relations, Children's Advocacy Centers of Texas (representing Cathy Crabtree), described how CAC's get involved in CPS cases that have a criminal component and how their organization helps kids get through the court system. While CPS cases take about a year to complete, it may take a criminal case four or five years before going to trial. CAC's help educate victims and families. One new CAC project is using therapy dogs during forensic interviews, which helps calm and slow children's heart rates. Some judges have allowed them into court as well. CAC's served some 40,000 children last year, and cases have increased steadily by about 3,000 cases per year. More cases are being seen where children are witnesses to other crimes.

Donald Lee, Executive Director, Texas Conference on Urban Counties, spoke about his organization's role to promote counties and help make governments more accountable, efficient and effective. Comprised of 36 urban counties, TCUC communicates county concerns to the legislature, provides education programs to counties and services such as software development and procurement. He cited an example where 13 counties have joined together to share an enterprise license for a case management system, which saved millions of dollars. In another, three large counties are building a juvenile probation case management system. Mr. Lee said it's exciting when counties and caseworkers come together, adding that his organization is working on ways to tie in with the education system in addition to CPS. Mr. Lee introduced his associate, Veronica Trevino, Program Manager, who will be working with the Collaborative Council.

Joe Gagen, Chief Executive Officer, Texas Casa, Inc., was happy to report on the new funds the Texas Legislature appropriated to Texas Casa this past session, and how it will help provide more CASA volunteers. Fewer than half of the children in the system have a CASA volunteer, and they're

committed to seeing, long term, a CASA for every child. Texas CASA's annual conference, which is the primary method of training for volunteers and staff, will be held in October. Mr. Gagen reported that CASA is proud to partner with CPS on dealing with race in the system by implementing a training called "Knowing Who You Are," to 20 CASA programs. Next year, they hope to provide it to all CASA programs in Texas. Mr. Gagen described other activities such as a pilot that follows kids who leave foster care for the juvenile justice system and then return to foster care.

Gloria Terry, Coalition President, Texas Council on Family Violence, described how her organization believes family violence affects all levels of society. TCFV hosted a statewide summit last year that included community leaders and representatives of sports and entertainment groups that are not normally involved with family violence issues. The summit's report described the kinds of bold steps that community leaders could take to address family violence. The CDC Foundation recently chose TCFV to create a primary prevention model. Other projects include hosting a national meeting of groups that include responsible fatherhood, domestic violence, and marriage groups to look for ways to align to impact families. TCFV recently formed a victims' services coalition to bring together state level victim services providers to look for ways to better serve victims. Almost 80,000 people asked for services last year in Texas, and 2/3rds of that number were children.

Audrey Deckinga, Assistant Commissioner, Child Protective Services, DFPS, described the recent federal Child and Family Services Review (CFSR). No state passed, and all states must come up with a Program Improvement Plan (PIP). CPS has submitted its second draft PIP to ACF that focuses on workforce, capacity building, youth in long-term care, and family-based services. Our state's capacity problem lies in the beds not being available where the children are removed. For instance, kids in Dallas who need residential treatment must be moved to Houston due to lack of residential treatment facilities in Dallas. Permanency projects are high on the department's list of priorities and several are ongoing.

Gerry Williams, General Council, Texas DFPS, introduced himself.

II. PURPOSE OF MEETING AND ROLE OF COLLABORATIVE COUNCIL

Ms. Amberboy described the meeting's purpose – to say thank you for serving, attending Commission meetings, and providing input to help direct Commission projects. The Supreme Court order establishing the Commission recognizes that participation by a broad spectrum of persons involved in the child-welfare system is critical to the Commission's success. Accordingly, the Commission appointed a multi-disciplinary Collaborative Council whose members serve on committees, attend Commission meetings and keep the Commission informed of events in their local community or within their organization. The Commission tries to include representatives from all disciplines, including foster youth and youth advocates, parents and parent advocate groups, attorneys ad litem, community volunteers, child-welfare policy experts, adoption and placement service providers, educators, treatment professionals, and local government.

Commission, committee, and collaborative council membership terms end in November. Ms. Amberboy said some new Collaborative Council members were being considered, and that she hopes those members who have not been able to participate will recommend replacements, so the council will include active members.

III. REVIEW COMMISSION'S STRATEGIC PLAN, AND STATE AND NATIONAL TRENDS/PERSPECTIVES

Ms. Amberboy provided the following review of the Commission's goals:

Goal 1: Promote judicial leadership to improve the administration of justice in child protection cases. Examples: The Commission, our Partnership Grant with TCJ implementing judicial education; CPS Judges Bench Book, our support of model courts in Texas. Nationally, judicial conferences in this area are becoming more multi-disciplinary and are combining child welfare, family violence and juvenile justice issues into the same conference due to the intersection of these issues. At the National Judicial Summit on Child Protection, scheduled for October, these issues and the educational needs of children in care will be examined.

Goal 2: Identify and promote best practices to improve outcomes affecting safety, permanency, and well-being in child protection cases. Examples: Supporting CASA, educating judges and attorneys about safety, permanency and well-being outcomes, incorporating best practices into the CPS Judges Bench Book, funding and participating in Beyond the Bench conferences, sponsoring and participating in Appleseed's study on kids growing up in foster care, and supporting the work of the Commission's CPS/TYC workgroup. Nationally, there are efforts to improve judicial practices to address disproportionality and dually managed and cross-over youth, to re-write the NCJFCJ Resource Guidelines, and to update of the Zero to Three best practice checklist.

Goal 3: Strengthen courts to meet the needs of children, youth and families. Examples: Round Table Discussions that range from judicial opinions that influence DFPS policy, use of mediation in CPS cases, use of data by judges to help inform their judicial practices, and in 2010, family engagement in permanency planning, notification of parties entitled to notice. Commission staff also participates on the Statewide Task Force on Disproportionality in Foster Care, the federal Child and Family Services Review, and collaborative calls.

Goal 4: Improve the quality of legal representation. Examples: Grant to Travis County to establish two public defender-type offices for legal representation of parents and children; development of a Practitioner Manual to accompany statewide attorney training, Attorney Scholarships to attend national conferences; legal representation study; TRLA hotline, and Trial Advocacy Skills Training.

Goal 5: Promote accountability for improvements in courts that administer justice in child protection cases. Examples: Funding the creation of a Functional Requirements Tool to be used by software vendors or local governments to develop a case management program for CPS cases, and the development of the child protection case management system for the child protection specialty courts, which includes most of the 31 tool kit measures. Work with DFPS ,to develop a set of nine court measures specific to Texas to help judges track whether kids on their docket are safe while they are in care, achieve permanency in a timely manner, and what type of permanency they are achieving, broken down by age and ethnicity.

IV. REVIEW COMMISSION POLICIES AND PROCEDURES, INCLUDING INFO FLOW TO COMMISSION THROUGH COMMITTEES.

Ms. Amberboy reviewed how the Commission operates under a structure that seeks input at the committee level. The Executive Director of the Children's Commission attempts to send an email notice to the collaborative council soliciting issues and concerns 30 - 45 days prior to each Commission

Meeting. Issues are forwarded to the appropriate Committee Chair for consideration and inclusion on the Committee's quarterly meeting agenda.

V. MEMBERS SHARE WHAT IS GOING ON IN THEIR LOCAL COMMUNITY OR WITHIN THEIR ORGANIZATION

This agenda item was completed as part of the introductions.

VI. PRESENTATIONS

1. *Gates* decision, The Honorable F. Scott McCown, Executive Director, Center for Public Policy Priorities

The *Gates* decision, handed down by the 5th circuit in 2008, is about the investigation stage of a CPS case. In *Gates*, the court held that the 4th amendment of the U.S. Constitution applies to CPS cases. Over time, CPS developed the practice of conducting more investigations and emergency removals based on exigent circumstances without seeking a court. Post-*Gates*, the number of removals dropped significantly, arguably as a result of a DFPS policy memo. The rate of emergency removal is beginning to return to pre-*Gates* levels.

Ms. Deckinga commented that, based on conversations with other child welfare agency administrators; many states are seeing a similar trend. The number of removals decreased significantly as a result of efforts to keep children with families. The number has now leveled off, and most believe the number of removals will begin increasing again, partly as a result of the economic downturn.

2. Fostering Connections Act, Jane Burstain, Senior Policy Analyst, Center for Public Policy Priorities

Ms. Burstain summarized the federal act designed to better connect foster children with their relatives, promote permanent families through relative guardianship, and improve education and health care for foster children.

The law provides:

- . Subsidized guardianship to enable children in the care of grandparents and other relatives to exit foster care into permanency
- . Kinship navigator programs to help link relative caregivers to a broad range of services and supports that will help meet their needs and the needs of the children in their care
- . Notices to adult relatives of a child placed into foster care
- . Options for states to waive non safety related licensing standards for relative foster parents

It also offers federal reimbursement to states for support provided to foster youth up to age 21, and requires increased efforts to keep siblings together when placed in foster care.

3. New Travis County Office of Parental Representation, Tracy Harting, Staff Attorney

Ms. Harting briefly summarized the new office's mission.

4. Presentation on the new Travis County Office of Child Representation, Leslie Hill, Managing Attorney

Ms. Hill briefly summarized the new office's mission.

5. Presentation on Fatherhood Initiative, Kenneth Thompson, Fatherhood Program Specialist, DFPS

Mr. Thompson previously gave his presentation as part of the introductions.

VII. SURVEY RESULTS

Ms. Amberboy led a discussion of the results of an online survey that some of the Collaborative Council members completed. Some ideas discussed included:

- . Holding a meeting such as this Collaborative Council retreat, outside of commission meetings, at least annually.
- . A Collaborative Council Report be submitted to the Commission periodically. Interested Council members could submit a few paragraphs each discussing projects that fit under the Commission's strategic plan.
- . Collaborative Council members were encouraged to serve on Commission Committees.
- . A blog or facebook page could be created for the Collaborative Council.

VIII. MEMBERSHIP ISSUES – ROTATIONS, TIMELINES, NEW MEMBERS

This item was previously discussed in section I.

IX. ADJOURN

The meeting adjourned at 3 p.m.

SUMMARIES OF FY2010 PROPOSED PROJECTS

- I. PROPOSED BASIC PROJECTS FOR FY2010 FUNDING (PAGES 1 – 5)
 - II. PROPOSED TRAINING PROJECTS FOR FY2010 FUNDING ([PAGES 5 – 6](#))
 - III. PROPOSED DATA GRANT PROJECTS FOR FY2010 FUNDING ([PAGES 6 – 7](#))
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I. PROPOSED BASIC PROJECTS FOR FY2010 FUNDING (PAGES 1 – 5)

Supreme Court Permanent Judicial Commission for Children, Youth and Families

The Children's Commission is the court-appointed body responsible for overseeing all three of the CIP grants. The Children's Commission is a collaborative body which includes a wide array of stakeholders, including representatives of DFPS, the judiciary, the Texas Legislature, lawyers in private practice, and other stakeholders. The Children's Commission has three standing committees and two ad hoc committees. The Children's Commission meets quarterly, and each committee meets at least one time between Commission meetings. The Chair of the Children's Commission is the Honorable Harriet O'Neill, Justice of the Supreme Court of Texas. The Commission is staffed by an Executive Director, Assistant Director, Grants Manager, Financial Analyst, and Support Services Officer. Since its inception, the Children's Commission has been very active and made great strides to meet the goals of the CIP Basic Grant. CIP Basic Grant funds will be used to fund the expenses associated with the Commission Meetings, Member Travel, and meeting-related expenses. A portion of the Basic Grant funds will also be used to support the activities of the Executive Director Children's Commission. The ED and commission staff will oversee all aspects of the implementation of the grant funds, conduct site visits, represent Texas courts at conferences, coordinate stakeholder meetings, and disseminate information to the judiciary and stakeholders. Another major responsibility of the ED and commission staff is to ensure that statewide collaboration on all CIP grants, and beyond, is conducted in a meaningful and ongoing manner. The ED and staff will also advocate for projects that improve court performance and practices throughout the state.

Texas CASA

The mission of Texas CASA is to advocate for abused and neglected children in the court system through the development, growth and support of local CASA programs. CASA plays an integral role in improving the court process in foster care cases. CASA volunteers have a positive impact on the timeliness of hearings and other case activities such as permanency conferences, family group decision-making and visitation.

Texas CASA -- is requesting funding for the following activities:

(1) strengthening local CASA programs' capacity to provide effective and consistent advocacy for children through volunteers. This activity will consist of several strategies:

Volunteer Recruitment Training and Assistance

Volunteer Recruitment Tools

Volunteer Education Training

Advocacy and Volunteer Management Training

Program Staff Training Retreat

Training of New Executive Directors

Board of Directors Training

Strengthening CASA's Service to Transitioning Youth

2) Expanding into counties previously unserved by CASA by assisting existing local CASA programs to expand into unserved counties and by helping to develop new CASA programs in unserved counties.

Office of Court Administration / Judge in Residence

2009 – 2010 will focus on the following activities:

TexDECK Project

Continue support and maintenance of the existing Specialty Docket Case Management System (SDCMS) utilizing contract programmer/developer on a part-time basis. Design, develop and implement the Child Protection Case Management System (CPCMS) utilizing contract resources (i.e., two business analyst, one data base administrator and one programmer/developer) in addition to agency IT staff. Continue to participate in the development of data exchange standards with other states, the Children's Bureau, the National Center for State Courts, and the Texas Department of Family and Protective Services (DFPS). The TexDECK project manager will have prime responsibility for participation. Continue to support and maintain the Judicial Web Page utilizing contract programmer/developer on a part-time basis. Develop an RFP and provide technical assistance for the evaluation of proposals for the distribution of CIP funds to vendors or local jurisdictions for the implementation of functional requirements pertaining to child protection case management. Additional technical assistance will be provided for the review, evaluation and acceptance of deliverables from CIP grant recipients. A business analyst (contractor) will be involved in this activity on a part-time basis.

Child Protection Court Support

OCA will provide a training session to target issues specific for approximately thirty-four judges and staff involved in child protection cases. OCA and judges will identify specialized child abuse and neglect training opportunities for judges and staff to attend. Child Protection judges and staff will attend the conferences, seminars, meetings and workshops that target issues specific to child protection. Wireless data cards will be provided to all judges and court staff to maintain the case management system that provides updated docket information. Provide the administrative judicial regions the use of temporary or substitute court reporting services to fully document court proceedings.

Alamo Children's Advocacy Centers (ChildSafe)

ChildSafe employs a case coordinator to assist in assessing cases with the purpose of identifying child sexual abuse (3 – 4 hours per week). Those cases in which a child has made a new disclosure of sexual abuse not previously known are referred to ChildSafe for a possible sexual assault medical exam and forensic interview. All standard reporting requirements to law enforcement and child protective services are followed.

The Case Coordinator provides verbal input and at least monthly progress notes for each client engaged in services. The Case Coordinator coordinates their services with those of the other providers, to ensure that clients are realistically able to engage in services. The Case Coordinator participates as a team member in Family Drug Court functions such as commencement ceremonies, holiday events, etc. For FBSS cases, the position helps Family Drug Court identify and address needs earlier in the process, and impacts the numbers of removals that are necessary.

Lastly, training in the identification and dynamics of child sexual abuse will be provided to Family Drug Court staff and CPS personnel by the Training and Education Department at ChildSafe. The goal of the training will be to increase staff awareness regarding the impact of child sexual abuse on the victim and the family, and the risk of re-victimization and subsequent re-referral if the abuse is not addressed therapeutically.

National Adoption Day

National Adoption Day events promote recruiting licensed foster and adoptive families and bringing more adoption cases to consummation. Efforts such as this help promote achieving safety, permanency and well-being for children in the child welfare system. The Children's Commission supports National Adoption Day by providing grants for up to \$1,500.00 to fund local attorney ad litem training to improve representation to children and promote advocacy for permanency, to provide information to the community about the need for adoptive and foster parents, to provide general support materials for the adoption day, and to support other activities related to goals of improving child safety, permanency, and well-being.

Texas Partnership for Family Recovery

Texas Partnership for Family Recovery, a collaborative partnership which works in conjunction with the National Center on Substance Abuse and Child Welfare, includes representatives from DFPS, the Children's Commission, community substance abuse treatment providers, the judiciary, and child advocates. To that end, the Partnership developed a guide for communities to work together collaboratively to develop and integrate child welfare, substance abuse treatment, and the judiciary. This guide exists to assist courts to make timely decisions for children and to understand realistic timeframes for parents with substance abuse problems.

Tarrant County Challenge Activities

With its collaborative partners, including the 323rd District Court, CPS, Lena Pope Home, Mental Health and Mental Retardation, the Defense Bar, DSHS, RRC, CASA of Tarrant County, Tarrant County Housing Authority, Workforce Solutions, the Fort Worth Transportation Authority, the Tarrant County Hospital District, and local treatment providers, Tarrant County Challenge Family Drug Treatment Court provides:

Clinical Assessments and Service Delivery, Services for Parents, Development of Treatment Plans, Arranges for Services for Families, Provides Intensive Case Management, Ensures adequate Judicial Supervision, Implements Incentives and Sanctions, Maintains Access Database

Texas Foster Youth Justice Project

The project provides a 1-800 number hotline open daily from 8:00 am to 8:00 pm. The hotline is staffed by law students who serve as intake personnel and provide basic non case-specific legal information to foster youth who call in with legal problems. All information provided by intake personnel is conducted under the close direct supervision of a TRLA staff attorney. The hotline staff also direct youth to pro se and internet resources, and conduct interviews to access the Texas RioGrande Legal Aid (TRLA) system for direct representation as appropriate. Other services:

Internet Resources: The project includes a website for Texas foster youth with information on legal issues faced by foster youth. Through the website, foster youth can submit legal questions. There are legal resources available on the website which include written pro se and attorney resources, and other needed resources and services.

Direct Representation: The project provides direct representation, in accordance with service priorities, for eligible foster youth within the TRLA service area. This includes salary and benefits for full-time staff attorney to represent youth within the TRLA service area and travel and litigation expenses. Social workers and law students will be assigned as needed to assist with supportive services. TRLA will coordinate with other Texas legal services providers and volunteer programs to refer clients within the jurisdiction of their programs.

Pro Se Resources: The project has developed and published, both online and in print, resources to assist unrepresented foster youth in navigating the court system. Possible topics include medical review and consent under chapter 266 of the Family Code, enforcing service plan provisions for sibling contact, and ensuring that children aging out of care receive important transitional documents (e.g. a valid state ID card, paperwork to extend SSI benefits) before being discharged.

Attorney Resources: The project will develop resources and trainings to assist attorneys who are willing to represent these foster children pro bono, but who are unfamiliar with the specific legal issues they are likely to encounter.

Travel and Outreach: Project staff conduct outreach to foster children throughout the state with sixteen training presentations on their legal rights and how to get legal help. The project provides "know your rights" presentations throughout the state for foster youth, as well as trainings for lawyers who are interested in representing these children but need help becoming competent, for Child Protection and Specialty Docket Court staff, and for relevant circuit riding judges.

Texas Lawyers for Children website

Provides a highly-available system, available 24x7 to the greatest extent possible that provides for:
Continually maintaining the tools and materials currently available
Continually providing and maintaining the current peer to peer consultation and collaboration
Updating the tools and materials currently available

Expanding the Website resources available

Expanding the number of participants in and the peer to peer communication in the currently existing networks, Colleague Connection – Attorney and Colleague Connection-Judicial, and the Pro Bono Network

Increasing awareness and use of the Website

Deploying and operating the four new communication tools described in the 2008 supplemental grant contract (created with private funding which paid for all software development) and any other new features that may be created with private funding

Increasing the number of Discussion Boards and Document Vaults

Office of Parental Representation

This new public defenders office for parental representation in Child Protective Services (CPS) cases is intended to improve compliance with Section 107.013 of the Texas Family Code by providing early, consistent legal representation to indigent primary parents by attorneys who have subject area expertise, institutional knowledge, and experience with the CPS docket in Travis County. By improving access to highly qualified legal services in this difficult area of law, the program should increase parent participation in identifying appropriate outcomes for their children, and improve overall efficiency of the court process.

The activities of the Office of Parental Representation are those of a small law office. The attorneys on staff investigate cases on behalf of their clients, conduct thorough and independent investigations of their client's cases, conduct discovery and respond to discovery, file pleadings and respond to pleadings, prepare for all court hearings, develop a theory of their client's case, attend all hearings and trials, prepare their cases for appeal and draft all documents necessary for an appeal, and counsel their clients throughout the pendency of their client's case.

Additionally, they are able to utilize the assistance of an office specialist, a legal secretary, a paralegal and social worker as needed. Attorneys would maintain case statistics for evaluation and continuing improvement of their court related processes. The managing public defender will periodically compile, evaluate, and report on performance measures with recommendations for improvements in efficiency that do not sacrifice quality representation. The attorney will receive continuing legal education in the area of child abuse and neglect.

Office of Child Representation

Section 107.012 of the Texas Family Code requires a Judge to appoint an attorney ad litem to represent the interests of child in Child Protective Services (CPS) suits. This request is intended to improve compliance with the Code by recommending the continuance of the Child Public Defender Office. The new office provides quality and consistent legal representation to children in the CPS cases using qualified attorneys who have subject area expertise, institutional knowledge and experience with CPS dockets of Travis County in child abuse and neglect cases.

The activities of the Office of Child Representation are those of a small law office. They investigate their cases on behalf of their clients, conduct thorough and independent investigations of cases, conduct all court hearing, develop a theory of their client's case, attend all hearing and trials, prepare their case for appeal and draft all documents necessary for the appeal, and counsel their clients throughout the pendency of their clients case.

Additionally, they are able to utilize the assistance of two legal secretaries and a paralegal. The Managing Attorney ensures the office provides quality services, maintains the departments budget and develop policies and procedures for the office.

CPS Judges Bench Book

The Children's Commission has undertaken in-depth study of judicial and advocacy best practices and is developing a bench book and practitioners guide to be used by judges and practitioners in jurisdictions state-wide. The Bench Book will be password protected and connected to LexisNexis access to and searches of the Texas Family Code and Texas case law.

Children in Long-term Care / Appleseed

The Children's Commission oversees a study undertaken by Texas Appleseed in partnership with the Commission to how long-term life outcomes for PMC children growing up in foster care can be improved, and will identify common problems of PMC children, including the needs of these children, services available to them, and barriers

to successful outcomes. It will also identify best practices within the legal system and how using those best practices may improve these outcomes.

TYC/CPS Dually Managed Youth / Advocacy Inc Project

This is a three year project proposed by Advocacy, Inc. (a member of the Commission’s Collaborative Council), that would provide for attorney ad litem representation to all the long term foster kids with disabilities placed in TYC or State Schools. In the cases where there is already an attorney at litem who may not be familiar with the full range of disability issues, Advocacy, Inc. will seek appointment as co-attorney at litem. The project would employ two full time staff attorneys, one focused on youth in the TYC System and one focused on youth in the State School System. The attorneys would travel two days a week, visiting youth they represent in each facility at least once per month. During the course of the project, the attorneys would meet with the youth, review medical records; speak to doctors and institutional staff; and provide zealous advocacy in the Family Court System through representation at placement review hearings, which are held at least every six months.

The long term goal of the representation would be to provide the children an opportunity to transition back into a community placement with supports sufficient to give the children the chance to live independently and pursue their goals, thereby improving life outcomes for the youth served by the program.

Round Table Series

The Round Table Series aims to bring together subject matter experts, judicial and executive branch leaders and key policy-makers to discuss issues affecting child protection in the State of Texas. The goal is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases.

Ongoing Strategies, including Summit III –

The Children’s Commission seeks activities, conducts research, and provides opportunities to local government or other entities to support initiatives that support the goals outlined in the Children’s Commission Strategic Plan. These may include, but are not limited to, new court initiatives, studies regarding children of incarcerated parents, best practices in mentoring parents, establishing a judge in residence for the Children’ Commission, and the impact of statutes and court involvement on families.

II. PROPOSED TRAINING PROJECTS FOR FY2010 FUNDING

Supreme Court Permanent Judicial Commission for Children, Youth, and Families

Associate Judges Conference: The next Associate Judges Conference is scheduled for July 2010.

CPS Judicial Conference: The next CPS Judicial Conference is scheduled for August, 2010.

Beyond the Bench: In FY 2010, a Beyond the Bench conference will be held for Harris County (Houston).

National Conferences

In FY 2010, the National Center for Juvenile Justice will hold its National Conference on Juvenile and Family Law in March 2010 and the NCJFCJ will hold its annual conference in July 2010. In addition to providing scholarships to judges to attend these conferences, training grant funds may be used for scholarships for multi-disciplinary collaborative partners to attend, including the child protective services commissioner of Texas’ child welfare agency and/or directors of the Texas Youth Commission and the Texas Juvenile Probation Commission.

Child Protection Court (CPC) Annual Update

The next CPC Annual Update is scheduled for October 2009.

Attorney Training

In FY 2010, additional one-day trainings offered by the NACC may be scheduled in FY2010 in cities not visited during the FY 2009 training series. Additionally, training grant funds may be used to provide specialized training for Texas attorneys, which may include trial advocacy skill building, the NACC Red Book Training to prepare for child welfare law certification exams, and scholarships for national child welfare law conferences.

Round Table Series

Input from the Round Table participants will be used to inform the development of best practices and training for lawyers and judges involved with CPS mediations. Future round tables may address court performance measures, dual role (legal and best interest) legal representation of children, and disproportionality.

Child Welfare Law Conference

The Children's Commission is coordinating with the NACC to bring its child welfare law conference to Texas in 2010. Training grant funds will be used to sponsor scholarships for Texas attorneys who handle child welfare cases to attend this conference. This multi-disciplinary conference will include training on substantive law and practice issues. The conference may include training for certification through the National Association of Counsel for Children or another method of certifying attorneys in child welfare law as a specialty area of practice.

Child Welfare Law Certification

The staff of the Children's Commission will coordinate with the NACC in the scheduling and planning of the examination, which is expected to be held in 2010 and/or 2011. During 2009 and with support from Training Grant funds, NACC will offer free "Red Book" training in Dallas, Austin, and Houston to Texas attorneys who are interested in qualifying for this certification. In FY 2010, the Commission may use training grant funds to offer scholarships to judges and attorneys to offset some of the certification application and examination fees.

Specialized Judicial Training

In May 2010, the Texas Center for the Judiciary, with training grant funds, will hold a unique judicial training regarding the disproportionate share of minority children in Texas' child welfare system. In addition to looking at the issue globally, the conference will provide the opportunity to review local data and to discuss tools for judges to use in their jurisdictions to address this issue.

Additional specialized training topics may include drug courts, court performance measures, and CPS mediations.

Other Training Needs, as identified by the Commission's Training Committee

In defining its training goals more broadly this year, the Court intends to budget training funds to either develop its own training products, activities and events, or subcontract them. This will allow the Court flexibility to promote multidisciplinary training. These opportunities will be funded at statewide, regional and local levels as opportunities arise.

III. PROPOSED DATA GRANT PROJECTS FOR FY2010 FUNDING

Supreme Court Permanent Judicial Commission for Children, Youth and Families

IT Project Manager

The IT Project Manager will continue overseeing the Functional Requirements study. The manager may also identify opportunities within OCA to support new and existing local courts hearing child protection cases and the specialty docket judges in case management and analysis issues with equipment, analysis, and other technical assistance needed to promote good outcomes for children. The project manager will begin working with vendors, associations, and counties to implement the FRS in Texas' decentralized court data collection systems. The IT Project Manager will begin developing protocol and methods for data exchange to assist data collection and analysis needs identified by other Commission projects like Care for Kids and PMC kids.

Functional Requirements Study Enhancements

Since the national "toolkit" was released, the FRS version two is being prepared for release in late fall of 2009. The analyst will update the FRS to clearly reflect national standards, data elements, and performance measures agreed to in the toolkit.

Data Exchange Standards

OCA through TexDECK will continue to participate in the National Data Exchange Working Group project in conjunction with the National Center for State Courts to standardize child welfare data exchange protocols. This

group has identified five exchange scenarios and prioritized eight models for data exchange. Two of the models have been drafted and work continues on those remaining. The next working meeting of this group will be September 2009 in Austin, Texas.

Training and Continued Development of the Texas Child Protection Case Management System

(CPCMS) The Data Grant will be used to distribute and implement the new CPCMS system (application software code and database) to local jurisdictions by:

Contracting with and monitoring of (outsourced) vendor resources for the distribution and implementation of the CPCMS system. Evaluation and selection of local jurisdiction candidates for distribution and implementation of the CPCMS system. Negotiating and establishing interagency contracts (IAC) between the state and local jurisdictions. Identifying and participating in marketing events.

Additionally, these proposed projects may receive funding in FY2008:

Legal Representation Study

In 2008, the Commission approved a study to evaluate several aspects of child and family legal representation including the impact that quality representation has on timing, outcomes, and due process in child abuse and neglect cases.

Round Table Series

The Round Table Series aims to bring together subject matter experts, judicial and executive branch leaders and key policy-makers to discuss issues affecting child protection in the State of Texas. The goal is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. Future round tables may address court performance measures, dual role (legal and best interest) legal representation of children, and disproportionality.

Provide Grants and Fiscal Incentive Opportunities For Local Governments To Assess And Develop Technological Improvements

The Data Grant will be used to support the activities to implement functionality in the FRS at the local level. While the FRS effort was successful in both identification of the various aspects of child protection and collaboration of stakeholders it must be implemented in a real and tangible way. Examples of these opportunities include the awarding of grants, contracts or other appropriate fiscal arrangements designed to use the FRS to develop software in county legacy systems or proprietary software systems used by counties and courts that hear child protection cases. CIP may also promote jurisdictions making application to identify and promote best practices through the Care for Kids Initiative created by the Children's Commission. Providing funds for creating internal projects to use other systems like Fostering Court Improvement may also be included.

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

Basic Committee

Recommended FY2010 Budget and Project List

Estimated Basic Gant funds unspent from prior grant awards		\$557,106.00
FY2010 anticipated Basic award		\$770,303.00
Estimated Amount Available for FY2010		\$1,327,409.00
Budget Item	Description	Amount
Administrative / Overhead	The amount for staff and operations	\$126,993
Supreme Court Judicial Commission for Children, Youth, & Families	Commissioners' travel, support meetings, site studies, information gathering research.	\$40,000
Texas CASA	Costs of CASA staff to enhance recruitment and retention efforts and leadership training.	\$210,000
Office of Court Administration – Judicial Support	Supports training and travel for CPC judges and other administrative costs of the courts. Supports CPC annual training.	\$30,000
Alamo Children's Advocacy Centers (ChildSafe)	Staff to improve child victim identification and victim services coordination to drug courts	\$60,000
National Adoption Day	Pay for court related training and adoptive / foster parent recruitment efforts.	\$5,000
Texas Partnership for Family Recovery	Pay for travel and activities to host events designed to improve courts' abilities to coordinate drug court issues across agencies.	\$0
Tarrant County Challenge	Grants or pay for case management services in local drug courts.	\$100,000
Texas Foster Youth Justice Project	Pay for hotline and legal representation of kids in PMC	\$80,000
Texas Lawyers for Children Website	Provide on-line resources and information to attorneys and child welfare judges.	\$250,000
Office of Parental Representation*	Pay for new model of representing primary custodial parents in child protection cases.	\$100,000
Office of Child Representation*	Pay for new model of representing children in child protection cases.	\$100,000
Bench Book	Pay travel and contract time to judges and others developing best practices methodologies and literature. Pay Texas Center for Judiciary to load BB on website, manage ids and passwords, and maintain BB.	\$30,000
Children in Long-Term Care Study / Appleseed	Pay travel, contract time, and printing costs to conduct research on court impacts on children in long term foster care.	\$0
Study of DFPS and TYC Population	Pay travel, contract time, and printing costs to conduct research on court impacts on children in DFPS system while detained or incarcerated (\$10,000). Advocacy Inc Grant Application to provide legal representation to all dually managed children in CPS conservatorship and TYC custody (\$50,000)	\$60,000
Round Table	Topics will include: Judicial use of child welfare data, AAL representation including dual role versus AAL and discussion of GAL, Legal representation of parties, Disproportionality	\$5,000
Summit III	Summit-III will also provide the opportunity to broaden the scope of collaboration beyond the leadership of the courts and child protection agencies to include state education and labor agency leaders.	\$50,000
Total of FY2010 Projects		\$1,246,993
Reserved for FY2011 Programs		\$80,416
<p>The Basic CIP has not been reauthorized past FY2011, and the remainder will be set aside to continue some level of funding for two final years, allowing recipients to seek alternative funding or cease projects, and staff to administer the grant until final close. *The committee also approved allowing Travis County to use unspent 09 CIP funds during the 2010 year.</p>		

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

Technology Committee

07/30/2009 Committee Recommended FY2010 Budget and Project List

Estimated Data Gant funds unspent from prior grant awards		\$816,953
2010 anticipated Data award		\$571,127
Estimated Amount Available for FY2010		\$1,388,080
Budget Item	Description	Amount
Administrative / Overhead	The amount for staff and operations	\$126,993
TexDECK Project	Contract with OCA which includes Redesign of the Texas CPCMS, Project Management, FRS updates, promoting other data projects	\$236,742
Legal Representation Study	Hire an attorney to conduct a study to examine the quality of legal representation and its impact in Texas	\$207,568
Round Table	Pay travel and expenses to promote collaboration and dialogue about the use of data in Texas.	\$5,000
Software Development	Grant to Tarrant County to develop software using the FRS	\$350,000
Video Conferencing	Provide Grants to Dallas County (\$50,000) and other locations to promote children attending court hearings.	\$150,000
Software Development for Counties	Grants to counties to implement local versions of CPCMS	\$100,000
Total of FY2010 Projects		\$1,176,303
Reserved for 2011 Programs		\$211,777

The Data CIP Grant has not been reauthorized past 2010. If the Grant is not reauthorized, the remainder will be set aside to continue reduced level of funding for two final years, allowing recipients to seek alternative funding or cease projects, and staff to administer the grant until final close.

The Supreme Court of Texas
Permanent Judicial Commission for Children,
Youth and Families
Training Committee
Recommended FY2010 Budget and Project List

Estimated Training Grant funds unspent from prior grant awards		\$957,736
FY2010 anticipated Training award		\$572,723
Estimated Amount Available for FY2010		\$1,530,459
Budget Item	Description	Amount
Administrative / Overhead	The amount for staff and operations	\$126,993
Texas Center for the Judiciary	Associate Judges Conference, CPS Judicial Conference, Beyond the Bench (Harris County), National Conferences	\$487,238
Child Protection Court Annual Update (OCA)	Training grant funds to provide training, equipment, supplies and technical assistance as needed. It also partially funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics.	\$20,000
Attorney Training	Scholarships to national conferences, Additional NACC trainings, Trial skills training	\$125,000
Roundtable Series	Topics may include: Judicial use of child welfare data, AAL representation including dual role versus AAL and discussion of GAL, Legal representation of parties, Disproportionality	\$5,000
Child Welfare Law Conference	Coordinate with the NACC to bring its multi-disciplinary child welfare law conference to Texas in 2010 and to provide scholarships to Texas attorneys for registration fees.	\$100,000
Child Welfare Law Certification	Coordinate with the NACC in the scheduling and planning of the examination, which is expected to be held in 2010 and/or 2011. In FY2010, scholarships may be offered to judges and attorneys to offset some of the certification application and examination fees.	\$20,000
Specialized Training for Judges	In May 2010, the Texas Center for the Judiciary, with training grant funds, will hold a unique judicial training regarding the disproportionate representation of minority children in Texas' child welfare system.	\$33,734.00
Total of FY2010 Projects		\$917,965
Reserved for FY2011 Programs		\$612,494
The Training CIP Grant has not been reauthorized past FY2010. If the Grant is not reauthorized, the remainder will be set aside to continue reduced level of funding for two final years, allowing recipients to seek alternative funding or cease projects, and staff to administer the grant until final close.		

Interim Executive Committee Actions

The following matters were acted on by the Executive Committee during the interim and need to be ratified by the Commission at the 8/21/09 meeting.

1. In March, 2009, the Training Committee voted to set aside 25,000 for attorney scholarships to attend national trainings throughout 2009. On March 27, 2009, the Executive Committee voted via email vote to allow staff to spend up \$25,000 on attorney scholarships to attend the First Annual ABA Center on Children and the Law Parent's Attorney Conference held in May 2009. And, again on April 01, 2009, the Executive Committee voted to allow staff to spend an additional \$16,000 on scholarships due to the overwhelming response from over 30 attorneys from around the state. The additional expense allowed every attorney who applied to attend the conference.

Attorneys from the following cities attended the conference with the help of the scholarships: Austin, Brenham, Bryan, Buffalo, Conroe, Crockett, Dallas, Edinburg, El Paso, Groesbeck, Houston, Odessa, Raymondville, Round Rock, and Waco. Generally, the attorneys who attended this conference felt they learned a great deal about best practices in the representation of parents.

Feedback received from some of the attorneys who attended:

"Yes these scholarships are beneficial. Without this scholarship I would not have been able to attend this conference. Conferences such as these expose parents' attorneys to different approaches and ideas about representing parents."

"A new practice I plan to implement is asking the judges to bring the children to court. Another is to set up mediation earlier in the process. Also, I plan to get more creative with various services having gotten some good ideas from other attorneys."

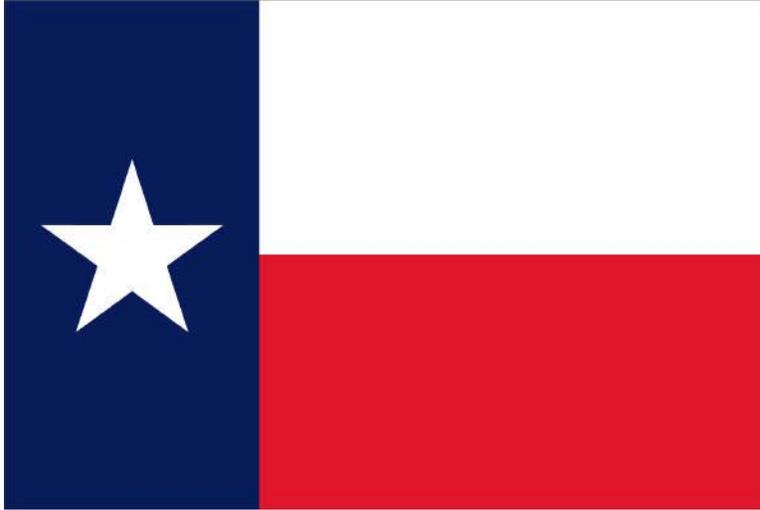
"But for the scholarship I would not been able to attend. I am a small town solo practitioner but dealing with big city issues, drug addiction, criminal matters, mental health issues. It was great to make contact with attorneys from the larger areas that are willing to talk with me and make suggestions. I would not have had that otherwise!"

"The conference exceeded my expectations. It was great to have the opportunity to discuss how the child welfare system works in other parts of the country and share practice advice for how to best represent parents whose children are in the system. I feel like I learned a lot both in terms of

how to better handle the cases and ways the system/parent representation needs to improve.”

2. On May 21, 2009, the Executive Committee considered a request from OCA for an increase in their 2008-09 grant funds in the amount of \$84,809. OCA requested the additional funding to cover contractor hours needed to address an increase in the level of effort and support required on the Judicial Web Page, Specialty Docket Case Management System (SDCMS), and the Child Protection Case Management System (CPCMS). The funding will primarily be used to pay for additional contractor hours to continue work on the new CPCMS to allow the project to remain on schedule (it is scheduled to go online in September '09). Increased system design and complexity, data migration from the old SDCMS to the new CPCMS, and inclusion of the "Toolkit for Court Performance Measures in Child Abuse and Neglect Cases" (at the request of the Commission's E.D.) have added to the expense of these three TexDECK projects.

Staff recommended that the increase be funded with the caveat that no additional increases would be considered. The Executive Committee approved the increase on May 28, 2009.



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

**REPORT TO THE COMMISSION
August 21, 2009**



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

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for August 21, 2009 Meeting**

MINUTES– January 16, 2009 meeting (adoption pending) ([view minutes](#))
April 3, 2009 Commission Report ([view report](#)).

COMMISSION MEMBERSHIP CHANGES ([view Commissioner biographies](#))
Reported in April 3, 2009 Report: Per Supreme Court Order, the Assistant Commissioner of Child Protective Services is a standing member of the Commission. Audrey Deckinga was named the new Assistant Commissioner for CPS, effective March 1, 2009.

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES

The Executive Committee of the Commission added to the Collaborative Council Judy Powell and Johana Scot, founders of the Parent Guidance Center. The Parent Guidance Center’s mission is to equip the parents of children who have been removed from their homes by CPS with the necessary tools to become successful families by providing guidance with dignity, support services, education, and resource coordination in Texas and beyond, to promote family reunification, and to provide preventative help to families at risk for abuse and neglect.

Staff has proposed adding four new members to the Collaborative Council effective November 13, 2009, and will bring forward collaborative council membership changes at that time.

New members for 2009 – 2010:

Leslie Hill, Legal Representation / Child Advocacy

Stephanie Ledesma, Legal Representation for Parents / Parent Advocacy

Kenneth Thompson, Fatherhood Initiatives

COMMITTEE MEMBERSHIP CHANGES

Judge DuBose added Tracy Harting, an attorney with the Travis County Office of Parent Representation, and Cathy Cockerham, with Texas CASA, to the training committee.

COLLABORATIVE COUNCIL RETREAT

Commission staff held a collaborative council retreat on July 24, 2009 ([view report](#))

COMMITTEE ACTIVITIES / REPORTS

Basic CIP Grant Application to ACF ([view application](#))

Basic Grant Applications to Commission for 2010 funding ([view project summaries](#))

Basic Grant Committee Report ([view report](#))

Staff-directed initiatives

Bench Book – The Bench Book Committee met on June 4, 2009. LexisNexis representatives made a presentation regarding features available for purchase for the Bench Book, including search functions that return dynamically indexed information. Committee members agreed that at most, the online Bench Book only should search the Texas Family Code and Texas case law. As the Texas Center for the Judiciary (TCJ) already hosts two only Bench Books on its website, it should also host this CPS Bench Book. The committee also agreed that judges should be able to log into the TCJ website and pass through to Lexis whenever access to a case or statute is selected, rather than having to enter multiple logon IDs and passwords.

The Committee met again on July 14, 2009. Discussions included changing topic names, adding checklists to certain addendum topics such as disproportionality, fatherhood, education and others as they become available, and creating a one-page printable “checklist” with check boxes and one sentence explanations, which would be shorter than the pre-hearing and hearing checklists so judges may print them out and take them to the bench rather than looking through the longer checklists online.

The next meeting is scheduled for 8/20/09 at 6:00 p.m. in Austin.

Estimated Cost

TCJ	Project Manager – TCJ to load the BB onto website, establish user ids (2 weeks or 80 hours)	\$3,000
BB Updates	New information added Legislative Updates (this work will be done by Commission interns, directed by Commission staff)	\$0.00
Lexis	Up to 200 users per year @ 100.00 per user	\$20,000
	Custom User Interface – OTC	\$5,000
	Hourly charge to load all citations (time-based at 10 hours @ 200.00 per hour)	\$2,000
Total Launch	Launch BB in January 2010 (year 1)	\$30,000
Lexis	Ongoing (year two and beyond)	\$20,000
TCJ / Commission	Maintain BB on website, maintain user ids / passwords	\$3,000
Total Ongoing	Annual maintenance	\$23,000

Appleseed PMC Project – Appleseed will provide a written and/or verbal report at the Commission meeting.

TYC/CPS Project – The workgroup suspended meetings until the 81st Texas Legislative Session ended and the group has not met again to date. Travis County assembled a group to apply for the Breakthrough Series Collaborative Training and

Certification through the Center for Juvenile Justice Reform, but the program was cancelled due to lack of funding. The Center for Juvenile Justice Reform (CJJR) also sponsored a one-day symposium on April 23, 2009, that focused on juvenile justice and child welfare policy development. State leaders heard from policy directors, judges, and advocates as they discussed the challenges youth face as they transition out of the child welfare and/or juvenile justice systems into adulthood and solutions being implemented around the country to address these challenges. Click [here](#) to read a complete set of notes from the CJJR Symposium held on April 23, 2009 ([view report](#)).

One highlighted project from the symposium:

Benchmark Permanency Hearings from Cook County Illinois

Goals: to use every federal, state, and local programs to establish emancipation plans for each youth that is tailored to the youth's specific needs; to give youth a voice as active participants in their emancipation plan; to ensure youth are educated and closer to independence once emancipated; to help youth establish a relationship with one responsible adult. The youth attends each hearing, signs a contract, and prepares a folder containing important documents such as birth certificate, social security card, etc. The hearings are held in the courtroom conference room around a conference table. The judge wears a judicial robe but does not sit on the bench. Resource materials are available and provided to the youth. The multidisciplinary team includes the Youth, Judge, GAL/AAL, Caseworker, Therapist, CASA, Prosecutor, Court Coordinator, Dept Legal Liaison, School District Representative, Youth's support system (mentor, family member, paramour, coach), and Law Enforcement. The hearings may also include acknowledgment of achievements, include graduation gifts, tickets or access to cultural/sporting events, birthday celebrations, and even baby showers

Travis County is establishing a Transition Court to implement the Cook County model.

Additional activities:

At the committee's last meeting in January 2009, the committee discussed a project that would focus on legal representation of kids in long term care and placed in TYC facilities. As a result, Advocacy Inc., applied for a grant from the ReesJones Foundation for a three year project to provide attorney ad litem representation to all youth who have disabilities, are in long-term foster care, and placed in either TYC or State Schools. In the cases where an appointed attorney at litem is unfamiliar with the full range of disability issues, Advocacy, Inc. will seek appointment as co-attorney at litem. As proposed, the project will employ two full time staff attorneys -- one focused on youth in the TYC System and one focused on youth placed in one of the state schools. The attorneys will travel two days a week, visiting youth they represent in each facility at least once per month. During the course of the project, the attorneys will meet with the youth, review medical records, speak to doctors and institutional staff, and provide zealous advocacy in the Family Court System through representation at placement review hearings, which are held at least every six months. Currently, youth, especially institutionalized youth, do not get to participate in these hearings even though it may be the only way in which the court finds out about the youth's care. In this project, Advocacy, Inc. will take advantage of TYC's newly installed video conferencing equipment to participate in placement review hearings remotely unless the hearing is contested. The Advocacy, Inc. lawyer and the youth being represented will be together in

the TYC facility's video conferencing room, allowing the youth the opportunity to receive counsel from his attorney and to participate in the hearing about their needs and future. This effort will also be supported by the Commission's video technology conferencing workgroup, which is working to provide most, and eventually all, judges hearing CPS cases with the technology to hold video conferences in various locations, including CASA and CAC offices, throughout the state.

This project was discussed with the Basic Committee, which recommended using \$50,000 of CIP funds for the project. Partial funding from CIP will help ensure Commission involvement in the project and the ability to gain evaluation data regarding improved outcomes as a result of the focused representation.

Round Table Series: In 2009, the Children's Commission began holding round tables to discuss issues pertinent to the Texas child protection system. The new Round Table Series aims to bring together subject matter experts, judicial and executive branch leaders, and key policy-makers to discuss these issues. The goal is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. The first Round Table, held in February 2009, brought together state child protection leaders to discuss a recent 5th Circuit case regarding child protective services investigations. The second Round Table, held in June 2009, brought together judges, attorneys, mediators, CASA, child welfare agency representatives, and prosecutors to discuss Child Protective Services (CPS) mediations. A third Round Table will be held in October 2009 to discuss the use of data by the judiciary to help inform judicial practices and to identify problem areas. New tools available to judges include Fostering Court improvement data, and a Texas-specific data query that DFPS can pull at a judge's request.

Summit III – Staff continues to work with the National Center for State Courts, the National Council of Juvenile and Family Court Judges, Casey Family Programs, the National Association of Public Child Welfare Administrators, and the Conference of State Court Administrators to plan the 3rd National Judicial Leadership Summit on the Protection of Children, set for October 15-17, 2009 in Austin. The Summit's theme, "Many Things We Need Can Wait – A Child Cannot, His Name is Today," is based on poem published in 1924 by Gabriela Mistral, an elementary school educator and Nobel Prize winner for literature in 1945. The Summit will include workshops and peer exchange events on:

- Engaging Youth In and Out of Court
- Educational Outcomes – Blueprint For Change (toolkit)
- Crossover Youth / Dually Managed Youth
- Disproportionality in Foster Care
- Legal Representation for Children and Parents
- Transition to Adulthood: Permanency For Older Youth
- Fostering Connections to Success Act
- Collaborating for Kids: Child Welfare / Courts / Education
- Engaging Relatives to Care for Youth
- Performance Measures for Courts
- Data Exchange

The Joint Committee on Courts, Children, and Families of the Conference of Chief Justices and the Conference of State Court Administrators strongly endorses Summit III. The President of the National Council of Juvenile and Family Court Judges expressed that organization's willingness to again partner in the effort. As in the first two Summits, each state's Chief Justice will be invited and strongly encouraged to attend with a state team, which includes the State Court Administrator, the state official responsible for overseeing the provision of services to neglected and abused children, the state official responsible for education in the state, and a trial judge. The two-day program will include individual and panel presentations, sets of small group workshops, and opportunities for the state teams to meet and update the action plans prepared in the previous summits in Minneapolis and New York.

The Basic Committee recommends using \$50,000 of Texas CIP funds for some of the costs of hosting the cost of hosting the Summit. This recommendation awaits Commission approval.

Child and Family Services Review – Commission staff is working with DFPS on the Program Improvement Plan (PIP), focusing primarily on addressing permanency outcomes for children in the long-term conservatorship of the state. The Executive Director is a member of the CPS PIP team. Proposed PIP strategies include the use of Commission Round Tables which are responsive to permanency outcomes strategies, including mediation (held in June 2009), PMC without termination of parental rights (TPR), and providing appropriate notice to parties for the opportunity to be heard (to be scheduled in 2010).

Additionally, CASA is initiating PMC pilots in three counties.

Disproportionality – Commission staff continues to work with DFPS on disproportionality initiatives and attended the third meeting of the Statewide Task Force on Disproportionality on June 24, 2009. The group updated on the Commission's efforts to integrate disproportionality training into judicial education curriculum funded by CIP dollars. A program called Courts Catalyzing Change (CCC): Achieving Equity and Fairness in Foster Care, was launched in 2008 by Casey Family Programs, the Office of Juvenile Justice and Delinquency Prevention, and the National Council of Juvenile and Family Court Judges Permanency Planning Division. The NCJFCJ Permanency Planning Division is developing a bench card for judges and the bench card will be incorporated into the Commission's CPS Judges Bench Book. A Judicial Conference on Disproportionality will be held in Austin on May 10 and 11, 2010.

Legal Representation Study – Although the legal representation study will be a joint project of the Basic and the Technology Committees of the Commission, as the funding will be provided through the CIP Technology grant, a description of the project is located below in the Technology Committee update.

Training CIP Grant Application to ACF ([view application](#))

Training Grant Applications to Commission ([view project summaries](#))

Training Committee Report ([view report](#))

Staff directed initiatives

Attorney Training:

NACC Training – Through CIP funding and with the support of the Commission, in 2009 the National Association of Counsel for Children (NACC) will conduct 14 one-day trainings around Texas for attorneys representing children, parents, and DFPS in CPS cases. The training covers state and federal statutory material, case law, and best practices for representation in these complex cases in an effort to improve the quality of legal representation of children in child abuse and neglect cases and benefit the families involved with our child welfare system. The NACC is using national experts as well as experienced local attorneys to provide the training. So far, approximately 400 people have registered for the trainings.

The remaining training dates are:

Texarkana	September 18
Longview	October 2
Waco	October 20
Fort Worth	October 22
Dallas	November 6
Harlingen	December 2
Corpus Christi	December 4

Attorney Scholarships – The Training Committee set aside funding for attorney scholarships to send Texas attorneys who represent parents in CPS cases to the Parent’s Attorney Conference sponsored by the American Bar Association Center on Children and the Law held in May. The committee originally considered using the \$25,000 to provide approximately 15 scholarships on a first-come-first-served basis with some discretion to geographic and regional balance. However, the Commission received over 30 scholarship applications by the deadline of March 31, 2009. The Executive Director sought additional funding through the Executive Committee to accommodate all applicants. Approximately 30 attorneys attended the training and reported they learned a great deal about best practices. Many of the attorneys expressed gratitude for the opportunity to attend specialized training for parents’ attorneys and interest in attending future conferences.

Mediation Round Table – Committee members and mediation experts formed a workgroup to plan the round table on CPS mediation held in June. Commission staff organized the planning committee in February 2009 and the first conference call was held in March. There were 2 to 3 additional conference calls to discuss the round table date, location, agenda, and participants. The planning committee strived to invite participants from jurisdictions across Texas, with an eye to geographic location and population size.

Additionally, two surveys were posted and completed – one by staff of DFPS and one by attorneys who represent children, parents, or DFPS in CPS mediations. The results of

these surveys, plus one answered by numerous CASA programs in Texas, were provided to Cynthia Bryant, Clinical Professor at the University of Texas School of Law, to assist in her study of CPS mediations.

Invitations were sent to approximately 35-40 judges, mediators, attorneys, and CASA and DFPS staff. Approximately 30 invitees responded in the affirmative.

Attendees at the round table included:

Deedra Baker	Texas CASA
Mark Briggs	Attorney/Mediator, El Paso County
C.J. Broussard-White	DFPS Regional Attorney, Regions 4, 5, and 6
Cynthia Bryant	Clinical Professor, Mediation Clinic, UT School of Law
Judge Sylvia Chavez	Child Protection Court of the Permian Basin
Simi Denson	DFPS Attorney
Debra Emerson	DFPS
Ann Forman	Travis County D.A.'s Office
Mike Kopp	Mediator, McLennan County
Michelle Latray	Attorney, Limestone and Freestone counties
Tracy Leissner	Mediator, Harris and surrounding counties
Kim Martinez	CASA of Navarro County
Trista Miller	DFPS Youth Specialist
Malcolm Miranda	Collin County D.A.'s Office
Austin O'Toole	Attorney/Mediator, Harris and Galveston counties
Beth Page	DFPS Attorney
Pam Parker	DFPS Attorney
Judge Michael Schneider	District Judge, Harris County
Susan Schultz	Center for Public Policy Dispute Resolution, UT School of Law
Judge Cheryl Shannon	District Judge, Dallas County
Mark Sims	Attorney/Mediator, Travis and Williamson Counties
Judge John Specia	District Judge (ret.), Bexar County
Leslie Strauch	Clinical Professor, Children's Rights Clinic, UT School of Law
Margaret Tenorio	CASA, Bexar County
Judge Larry Thorne	District Judge, Jefferson County

The round table occurred on Friday, June 12, 2009 from 9:00 a.m. to 4:15 p.m. at the University of Texas School of Law in Austin, Texas. Over the course of the round table, Cynthia Bryant gave an overview of existing CPS mediation practices in Texas, attendees discussed local practices, Susan Schultz presented suggested guiding principles for the future of child protection mediation in Texas, and the participants gave feedback regarding these principles.

The suggested guiding principles for the future of child protection mediation in Texas include:

1. Establish the expectation that judges will refer appropriate child protection cases to mediation.

2. Assure consistency and quality in the delivery of mediation services.
 - a. Collect consistent, relevant data about court-ordered child protection mediation.
3. Assure reliable consistent mediation services and secure stable funding.
4. Provide to mediators training focused on the unique characteristics of child protection cases.
5. Provide to lawyers, CASAs, and DFPS staff training focused on effective participation in the mediation process.

Commission staff is preparing minutes from the round table and may approach the commission in the future regarding possible projects, including development of suggested practices for CPS mediation and topics for judicial and attorney training.

Child Welfare Law Conference – Commission staff is working with the NACC to bring its annual child welfare law conference to Texas in 2010. The annual NACC conference offers nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases. There will be a significant number of scholarships available for Texas attorneys to cover the conference registration fees. Attendees will be responsible for their travel expenses. The Commission is committing \$100,000 to sponsor the conference. Two training committee members will serve on the advisory board for the 2010 conference.

Judicial Training:

Beyond the Bench - The Texas Center for the Judiciary will hold two Beyond the Bench conferences in 2009. The first was held in May 2009 and included teams from Midland, El Paso, Lubbock, Amarillo, and Wichita Falls. The second Beyond the Bench will be held in September 2009 and will include teams from Corpus Christi and the Rio Grande Valley. This annual training brings together a comprehensive list of stakeholders in the child-protection system from a particular region for a two-day cross-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. In 2010, a Beyond the Bench Conference will be held in Harris County.

CPS Judges Conference - This annual conference is designed specifically for judges who hear child-protection cases and focuses on best practices and cross-disciplinary issues. This conference was held in June 2009 and included speakers on disproportionality and a panel from the child welfare agency, which included the DFPS Commissioner, Deputy Commissioner, and Assistant Commissioner for CPS, and General Counsel. The next CPS Judges Conference will be held in 2010.

Associate Judges Conference - This annual conference is for Texas associate judges who hear the bulk of child-welfare cases and includes IV-D judges. The conference provides education to equip associate judges to better handle their difficult caseloads. The associate judge conference was held in July 2009 and was attended by approximately 60 judges. The next Associate Judges Conference will be held in 2010.

National Conferences - The training grant makes funding available for judges who hear child-protection cases to attend trainings sponsored by national groups such as the annual conference of the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Child Abuse and Neglect Institute of the NCJFCJ. In 2009, over 100 scholarships will be awarded to attend national conferences.

Child Protection Court (CPC) Annual Update - Although Texas' child protection courts (formerly known as Cluster Courts) are now state-funded, CIP Training grant funds are available to provide training, equipment, supplies and technical assistance as needed. It also partially funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. The next CPC Annual Update will be held in October 2009.

Child Welfare Law Certification - In May 2009, the Texas Board of Legal Specialization approved the application of the NACC to offer child welfare law certification to qualifying Texas attorneys. The staff of the Children's Commission will coordinate with the NACC in the scheduling and planning of the examination, which is expected to be held in 2010 and/or 2011. During 2009 and with support from Training Grant funds, NACC will offer free "Red Book" training in Dallas, Austin, and Houston to Texas attorneys who are interested in qualifying for this certification. In FY 2010, the Commission may use training grant funds to offer scholarships to judges and attorneys to offset some of the certification application and examination fees. The NACC created a Texas advisory board to assist in the certification process.

Technology CIP Grant Application to ACF ([view application](#))

Technology Grant Applications to Commission ([view project summaries](#))

Technology Committee report ([view report](#))

Staff directed initiatives

A Round Table titled "Using CPS data in Texas Child Protection Courts"—The third in the Commission's Round Table Series is scheduled for October 21, 2009. This round table will help identify how agency and court data can be used to remove permanency barriers.

Legal Representation Study – Since the report in April, Commission staff revisited the option of issuing a Request for Proposal for the Legal Representation Study and decided to seek permission from the Supreme Court to hire a project manager / attorney to handle the study in-house. The Supreme Court approved hiring a Project Manager and staff developed the following project plan and budget:

Legal Representation Study Plan

Adequate legal representation is essential to ensure the protection of rights that have constitutional dimension. For families to receive satisfactory legal representation, attorneys who represent children and parents need sufficient training and fair compensation. Making sure that families have quality representation is one of the top goals for the Permanent Judicial Commission for Children, Youth and Families (the Commission) in 2009 and 2010. Investing more in legal representation up-front may ultimately cost counties less because better representation produces better outcomes and allows cases to be resolved in a timelier manner. In 2008, the Commission approved a study to evaluate several aspects of child and family legal representation, including the impact that quality representation has on timing, outcomes, and due process in child abuse and neglect cases.

What the study will examine:

- longitudinal data for a three year period (calendar year 2005-2008) coupled with a qualitative analysis based on interviews with judges and other stakeholders regarding several elements affecting quality representation, including different appointment models used by the counties such as appointment by a judge according to local custom or rule, a children's law office model that uses a managing attorney with associate attorneys and support staff, individual contracts executed by counties or local jurisdictions with individual attorneys or law firms, public defender models, and state or county-run offices of child or parent representatives.
- the method of appointment (rotation, random, by specialization, open or closed lists); timeliness (at what point in the case an attorney is appointed for both children and parents); and duration of appointment employed by each county surveyed (how long does each type of attorney appointed remain on a parent case and a child case).
- Local practices regarding qualifications required of attorneys, including training or other requirements used in counties by judges making the appointments.
- Local practices regarding training, including how many hours of training are required, whether the jurisdiction has training and/or requirement tracking systems, and how often training occurs, and recommendations about whether training should be mandatory, how often it should occur, and what type of training is necessary, which may necessitate changes to the Texas Family Code.
- Use of the dual role attorney ad litem and the impact on children/cases.
- Any methods used to evaluate the quality of the representation provided.
- Compensation, including whether fees are paid hourly, flat fee per hearing or per case, different fees paid for in-court versus out-of-court work, whether payment is or should be stratified (for example: more experienced attorneys receiving higher compensation).
- The total amount each county spends annually on court appointments in child protective services cases broken down by child and parent representation.

Oversight

The study will be overseen by a Commission Legal Representation Study (LRS) workgroup comprised of national, state, and local stakeholders. This group will monitor the design, data collection, data analysis, and report writing to ensure sound science and logic were used in developing the study.

Who will be interviewed?

- Judges who hear child protection cases,
- Attorneys who represent children and parents,
- County and district prosecutors & DFPS Regional Attorneys
- CASA, DFPS caseworkers, parents, and foster youth.
- Other stakeholders as deemed appropriate.

Work Plan:

- Stage 1 – Hire Project Manager/Attorney (PMA) (completed by August 10, 2009)

The Project Manager/Attorney will possess knowledge of legal principles, practices and proceedings, the Texas Family Code, the Texas judicial system and court structure, and knowledge of local, state, and federal laws and regulations relevant to child welfare/child protection. The PMA will also possess advanced skills in research, writing, and analysis. Also, the PMA will demonstrate the ability to exercise sound judgment in making critical decisions; to analyze complex information and develop plans to address identified issues; to demonstrate negotiation and facilitation skills; to prepare reports; to communicate effectively; and to plan, assign, and/or supervise the work of others, including interns and 3rd party contractors.

- Stage 2 – Design a Research Model / Conduct Interviews (begin no later than October 1, 2009, and conclude no later than April 30, 2010).

A qualitative survey tool aimed at gather information articulated in section 1.2 will be developed by the PMA, with oversight by the Commission staff and vetted by the LRS workgroup. A second component of the survey tool will focus on best practices for advocacy on behalf of children and parents.

Interview subjects will be identified and contacted regarding participation. Minimally, one judge from each of Texas' ten most populous counties, and at least ten child protection court judges will be interviewed using the tools developed. In addition, at least one court administrator, county auditor or county employee with responsibility/oversight of the court appointment process, including payment, will be interviewed. At least one practicing child attorney and one practicing parent attorney, and a CASA Executive Director or Supervisor for the jurisdiction will be interviewed. The PMA will work with the Department of Family and Protective Services (DFPS) to gain access to foster family and foster youth subjects for interviews.

Concurrent with developing a survey tool, the PMA will work in partnership with Texas A&M Public Policy Research Institute (PPRI) to gather county/local

quantitative data relevant to the project. The PMA and PPRI will identify which elements of the qualitative data sought have corresponding quantitative data elements and initiate data collection or solicitation from the targeted counties or courts. PMA/PPRI will coordinate methods needed to begin the data collection or solicit the information to locate potential sources of data through surveys, direct contact, mailings, and coordination with other state and local entities. The PMA and PPRI staff will conduct or coordinate the interviews with stakeholders and individuals possessing data about processes. The PMA will also conduct or coordinate the review of cases to ascertain data veracity when necessary. The research will include gathering information from around the United States about other representation models currently used and a literature review of studies or reports issued regarding these models.

- Stage 3 – Interview responses and data collection compiled (completed by April 30, 2010)
- Stage 4 – Preliminary Report (Completed by May 31, 2009)

A preliminary report will be issued May 31, 2010, for review by the advisory committee. Points of clarification will be made in data or surveys as necessary and anomalous data and findings will be resolved.

- Stage 5 – Final Report (Completed by August 31, 2010)

The final report will be constructed by the PMA, reviewed and edited by Commission staff and submitted to the LRS workgroup for final review by August 1, 2010. A final report with recommendations will be submitted to the Children’s Commission and the Legislature no later than October 31, 2010.

Timeline

08/10/09	Hire attorney/project manager	
08/10/09	Joe & Teresa Long Intern starts (internship ends 11/10/09 (total of 400 work hours)	
10/01/09	Qualitative survey tool drafted	
10/01/09	Advocacy/best practices survey tool drafted	
10/01/09	Quantitative data identified	
11/01/09	Survey tools reviewed and approved by the LRS advisory committee	
11/01/09 – 05/01/10	Surveys/interviews conducted and data analyzed (ongoing throughout study period)	
06/01/10	Preliminary report due	
08/31/10	Final report due to Commission	
10/31/10	Recommendations due to Legislature	

Estimated Cost

Salary (up to 14 months at 4500.00 to 5600.00 per month)	Project Manager –Attorney III Temporary Position. Responsible for design, coordination, implementation, and management of project.	\$63,000 to \$78,400
Fringe (12 months)	27% estimate state fringe rate	\$17,010 to 21,168
PMA Travel	Estimated 20 trips. Average \$300 per trip.	\$6,000
Workgroup Travel	2 in-person meetings at \$1,000.00 per person plus conference / facility fees	\$22,000
Supplies	on existing CIP budget	3,000
Equipment	on existing CIP budget	2,000
Contract	Interagency contract with Public Policy Research Institute, Texas A&M, to provide expertise, data cleaning, mapping, and analysis.	\$75,000
Estimated Total		\$207,568

Legislative Report ([view report](#))

BUDGET

Basic Projects Budget ([view budget](#))

Technology Budget ([view budget](#))

Training Budget ([view budget](#))

The Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Basic Projects Committee Report – July 27, 2009

A meeting of the Permanent Judicial Commission for Children, Youth and Families Basic Projects Committee was held via teleconference on July 27, 2009 at noon.

Discuss federal CIP Basic Projects grant application: Staff will submit the CIP FY 2010 grant applications by August 30th. We can expect CIP Basic Project funds to continue for FY 2010 and FY2011. (Unlike the Data and Training CIP grants, which Congress has not reauthorized past FY2010).

Discuss new funding: Two new projects – the Round Table Discussions and the National Judicial Summit in Austin this October– have been added to this year’s application. Both projects fit the Commission’s strategies.

Discuss FY2010 budget: Ms. Amberboy referred members to the list of projects included in this year’s application and their amounts, which are the same as last year’s amounts.

- 1) **Commission activities and strategies:** Commission meeting expenses including travel, staff development and implementation of programs (for example, we hired a legal research assistant during the legislative session). **\$40k**
- 2) **Texas CASA:** Recruitment and training. **\$210k**
Because CASA received a substantial new appropriation from the legislature, Judge Sage asked staff to ensure and CIP grant award would not be duplicative. Committee members agreed to recommend to the Commission funding this amount with the condition that staff determine whether funds are duplicative.
(Later in the meeting, Joe Gagen entered the teleconference and said the new state appropriations will go to local programs, while CIP funds are spent at the state CASA level for recruitment and training programs. Because the funds are not duplicative, the committee agreed to recommend funding Texas CASA at **\$210k**)
- 3) **OCA – Cluster court judges support:** Travel, training and other administrative costs such as wireless cards, cell phones. Also supports jurist-in-residence (Specia). **\$30k**
- 4) **ChildSafe:** Third year of funding. Expanding their CAC services. **\$60k**
- 5) **National Adoption Day:** Promote adoption days, training expenses. **\$5k**
- 6) **TX Partnership for Family Recovery:** Not allocating money. Didn’t spend money last year, but committed to project. Project undergoing a revamp, figuring out if need to develop any new strategies.
- 7) **Tarrant County Challenge:** Staff and services for a family drug court support. **\$100k**
- 8) **Texas Foster Youth Justice Project – Rio Grande Legal Aid.** Third year of funding. Legal services, hotline, transitioning guide for foster kids. **\$80k**
- 9) **Texas Lawyers for Children Website:** Third year of funding. Online resources and information for attorneys and child welfare judges. **\$250k**
- 10) **Benchbook:** Oversight committee meeting expenses, research, develop, write and maintain online Benchbook. (Lexus came back with a much lower price than they originally quoted). **\$30k.**
- 11) **Children in Long term Care Study/Appleseed:** Travel, contract time, and printing costs for study of how court processes and decisions affect outcomes. The Commission does not incur expenses in its partnership with Appleseed.
- 12) **TYC-CPS Dually Managed Youth:** Started as small project budget of \$10k. Project has grown, have a large oversight committee. Asking for additional \$50k, to fund an Advocacy Inc project, to provide legal representation to all CPS kids in TYC who don’t already have an attorney. We know

dual population number (about 120), but not number of which have/don't have attorneys. Advocacy has applied to a private foundation for funding, and we're recommending CIP make a small investment in project. If sufficient private funds come through, we could pull back CIP investment. **\$60k**

13) Roundtable Discussions: Aimed at bringing together experts and stakeholders to talk about policy issues. Helping judges learn to use data will be the topic of the next Roundtable, which will be the third one. **\$5k**

14) Summit III: One-time event in October 2009 – part of focus will be educational needs of kids in foster care. Federal partners approve, as other states have used CIP funds to help pay for previous Summits. **\$50k**

Tina emailed members an updated budget (the first one sent was missing two amounts)

15) Office of Parental Representation (OPR), Travis County: \$100k

16) Office of Child Representation (OCR), Travis County): \$100k

Discussion of Travis County OPR and OCR. This committee had previously recommended \$300k to each office last year, which frontloaded the offices to help them start up. The tentative plan had been to fund each office for three years – frontload each office \$300k the first year, \$100k the second year, and \$50k the third year. But, Travis County is not on track to spend the first year's amount (\$300k each office) because they didn't have the full amount of time in which to spend it (delays because it's a new office, personnel issues, etc.). Staff recommends keeping with the above three-year schedule, then dealing with unexpended balances (estimated to be about \$80k from last year's awards for each office) ahead of time by recommending the unexpended balances be reallocated back to Travis County through an amended grant award statements.

The committee approved the recommended budget in the amount of \$1,246,993.00, with \$80,416.00 reserved for FY2011 programs. Their budget approval includes recommending pre-authorization for Travis County to roll over last year's unexpended balances into this year.

The next Basic Projects committee meeting was not scheduled.

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

August 21, 2009

**Legislative Committee Report –
Highlights of 81st Texas Legislative Session**

The following is a list of bills relevant to the commission’s work that became law during the 81st session

Court Hearings and Findings

Permanency Hearings:

Concurrent permanency goals (SB 939) – During permanency hearing, court must determine whether DFPS has made reasonable efforts to finalize the permanency plan that is in effect for the child, *including the concurrent permanency goals for the child.* (Texas Family Code §263.306(b) (1) (E)).

Codified List of Permanency Goals (SB 939) – The Department’s permanency plan for a child may include as a goal:

- (1) the reunification of the child with a parent or other individual from whom the child was removed;
- (2) the termination of parental rights and adoption of the child by a relative or other suitable individual;
- (3) the award of permanent managing conservatorship of the child to a relative or other suitable individual; or
- (4) another planned, permanent living arrangement (APPLA) for the child. (Texas Family Code §263.3026(a)).

Limitation on Permanency Goals (SB 939) – If the goal of the Department’s permanency plan for a child is to find another planned, permanent living arrangement (APPLA) for the child, DFPS shall document that there is a compelling reason why the other permanency goals are not in the child’s best interest. (Texas Family Code §263.3026(b)).

Dually Managed Youth:

Review of Placements by the Court (HB 1629) – The court must review the child’s commitment in or release under supervision of the Texas Youth Commission (TYC) during review of placements. (Texas Family Code §263.002).

Attendance at Permanency Hearing (HB 1629) – A child committed to TYC may attend a permanency hearing in person, by telephone, or by videoconference. (Texas Family Code §263.302).

Permanency Hearing Findings (HB 1629) – The court shall, if the child is committed to or released under supervision by TYC, determine whether the child’s needs for treatment, rehabilitation, and education are being met. (Texas Family Code §263.306(a) (12)).

Placement Hearings:

90 Day Hearing Post-Termination (SB 939) – If DFPS has been named a child’s managing conservator in a final order that terminates a parent’s parental rights, the court shall conduct a placement review hearing not later than the 90th day after the date the court renders the final order. The court shall conduct additional placement review hearings at least once every six months until the date the child is adopted or the child becomes an adult. (Texas Family Code §263.501(b)).

Permanency Goals Post-PMC to DFPS (SB 939) – At each placement review hearing, the court shall determine:

- (1) For a child in DFPS permanent managing conservatorship without termination of parental rights, whether a permanent placement, including appointing a relative as permanent managing conservator or returning the child to a parent, is appropriate for the child.
- (2) For a child whose permanency goal is another planned, permanent living arrangement (APPLA), the department has:
 - a. Documented a compelling reason why adoption, PMC with a relative or other suitable individual, or returning the child to a parent is not in the child’s best interest; and
 - b. Identified a family or other caring adult who has made a permanent commitment to the child. (Texas Family Code §263.503(a) (6) and (7)).

Continued Services to Parents (SB 939) – For a child for whom DFPS has been named managing conservator in a final order that does not include termination of parental rights, the court may order DFPS to provide services to a parent for not more than six months after the date of the placement review hearing if:

- (1) the child has not been placed with a relative or other individual, including a foster parent, who is seeking permanent managing conservatorship of the child; and
- (2) the court determines that further efforts at reunification with a parent are:
 - a. in the best interest of the child; and
 - b. likely to result in the child’s safe return to the child’s parent. (Texas Family Code §263.503(b)).

Dually Managed Youth:

Attendance at Placement Hearing (HB 1629) – A child committed to TYC may attend a placement review hearing in person, by telephone, or by videoconference. (Texas Family Code §263.501(f)).

Dismissal of PMC to DFPS for Youth in TYC Prohibited (HB 1629) – A court required to conduct placement review hearings for a child for whom the department has been appointed permanent managing conservator may not dismiss a suit affecting the parent-child relationship filed by DFPS regarding the child while the child is committed to or released under the supervision of TYC, *unless the child is adopted or permanent managing conservatorship of the child is awarded to an individual other than DFPS.* (Texas Family Code §263.501(g)).

Placement Hearing Findings (HB 1629) – At each placement review hearing, the court shall determine whether, if the child is committed to or released under the supervision of TYC, the child’s needs for treatment, rehabilitation, and education are being met. (Texas Family Code §263.503(7)).

Extended Jurisdiction (HB 704) – This bill added new subchapter G to Texas Family Code Chapter 263, giving courts the authority to extend jurisdiction over a child in the conservatorship of DFPS after the child’s 18th birthday, if the child consents or the court believes the child may be incapacitated. (Texas Family Code §263.602). If the court’s jurisdiction is extended under this subchapter, the court may hold periodic hearings or hold a hearing upon the request of the young adult to review the services provided to the young adult. (Texas Family Code §263.609). If the court believes that the young adult is entitled to additional services under the rules or policies of DFPS or under contract with a service provider, the court may order DFPS to take appropriate action to ensure that the young adult receives the additional services to which the young adult is entitled. (Texas Family Code §263.609). Once jurisdiction is extended, the court can continue or renew appointment of the attorney ad litem, guardian ad litem, or volunteer advocate for the young adult for purposes of assisting the young adult to access services from DFPS or any other public or private service provider. (Texas Family Code §263.605). The court’s extended jurisdiction terminates on the earlier of the young adult’s 21st birthday or the date the young adult withdraws consent to the extension of the court’s jurisdiction in writing or in court. (Texas Family Code §263.603).

New Termination Ground

SB 1838 amends Texas Family Code §161.001(1)(T) to include as a ground for termination conviction for criminal attempt to murder or criminal solicitation to commit murder of the child’s other parent.

Attorney Appointment List not applicable to CPS Cases

SB 1369 requires local administrative judges to establish and maintain a list of all attorneys qualified to serve as attorneys ad litem and establishes a procedure for appointing attorneys from this list to cases. Attorney appointments made pursuant to the

Texas Family Code, presumably including attorneys appointed to represent children and parents in CPS parents, do not have to come from this list. (Texas Government Code §§74.092 and 74.098).

Relatives

Permanency Care Assistance Program (SB 2080 and HB 1151) – Authorizes DFPS to create a permanency care assistance program for qualifying relatives who are licensed as foster parents by DFPS and deemed eligible to receive permanency care payments. (Texas Family Code §§264.760 et seq.).

Authorization agreements for Nonparent Relative (SB 1598) – Allows parents to enter into written agreements with specified relatives (grandparent, adult sibling, or adult aunt or uncle to perform a laundry list of acts in regard to the child, including authorizing medical, dental, psychological or surgical treatment, obtaining health insurance, and enrolling in school. (Texas Family Code §34.001 et seq.).

Child placement Resources Form (SB 2385) – DFPS must file with the court by the full adversary hearing a redacted copy of any proposed child placement resource form completed by a parent or child’s custodian, a copy of any completed home study on the proposed placements, and the name of the relative or other caregiver with whom the child is placed. If the child is not placed with a relative or designated caregiver by the date of the full adversary hearing, DFPS must file a statement explaining why and the actions DFPS is taking to place the child with the relative or designated caregiver. (Texas Family Code §§262.114 and 262.201(c).

Sibling access (HB 1012) – A sibling of a child who is separated from the child because of actions of DFPS may file a suit for modification requesting access to the child in the court with continuing exclusive jurisdiction. (Texas Family Code §156.002).

Older and Aging Out Youth

Tuition Exemption (SB 939) – Tuition waiver benefits extended to children who were in the conservatorship of DFPS on the day preceding the date the child is adopted, if adopted after September 1, 2009, or the date permanent managing conservatorship of the child is awarded to a person other than the child’s parent, if that date is on or after September 1, 2009. (Texas Education Code §54.211).

Tuition fee waiver extended to age 25 (SB 43) – A foster or former foster youth who qualifies for the tuition fee waiver has until age 25 to first enroll in college. (Texas Education Code §54.211).

Transitional Planning (HB 1912) – DFPS must provide transition planning to children age 14 and older who are in its permanent managing conservatorship, including enrolling

the youth in PAL services before age 16. Transitional living services may be provided to qualifying youth over the age of 18, regardless of residence. (Texas Family Code §264.121).

Document Provision (SB 983) –DFPS must provide a personal identification certificate, a social security card, and proof of enrollment in Medicaid, if appropriate, prior to the date a child leaves conservatorship. (Texas Family Code §264.014).

Adoption Assistance Beyond Age 18 (HB 1151) – If DFPS first entered into an adoption assistance agreement with a child’s adoptive parents after the child’s 16th birthday, DFPS shall offer adoption assistance after the child’s 18th birthday to the child’s adoptive parents under an existing adoption agreement until the last day of the month of the child’s 21st birthday, in limited circumstances. (Texas Family Code §162.3041).

Employment Preference (HB 1043) – An individual who was under the permanent managing conservatorship of DFPS on the day preceding the individual’s 18th birthday is entitled to a preference in employment with a state agency over other applicants for the same position who do not have a greater qualification. The preference is applicable until the individual is 25 years old. (Texas Government Code Chapter 672).

Education

Interagency MOU (SB 2248) – The Texas Education Agency and DFPS must enter an agreement to exchange information to assist foster youth in school transition and encourage school districts and open-enrollment schools to provide services to children in substitute care. (Texas Education Code §25.007(a)).

Transition Assistance (SB 2248) – The Texas Education Agency shall assist the transition of substitute care students from one school to another, including ensuring that school records for a student in substitute care are transferred to the student’s new school not later than the 14th day after the date the student begins enrollment at the school, and developing procedures for awarding credit for course work, including electives, completed by a student in substitute care while enrolled at another school. (Texas Education Code §25.007(b)).

Other

Placement with Former Foster Parent (SB 1332) – If a child is not placed with a relative or other designated caregiver, DFPS must consider placing the child in the foster home where the child previously resided during the prior conservatorship of DFPS if the placement is available and the placement would be in the child’s best interest. (Texas Family Code §262.114(c)).

Birth Certificates (SB 703) – DFPS does not have to pay for verification of birth information or for a certified copy of a birth certificate if a child is in the managing

conservatorship of DFPS, parental rights have been terminated, and the child is eligible for adoption. (Texas Family Code §264.014).

The Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Technology Committee Report – July 30, 2009

The Technology Committee met via teleconference from 12:00 noon until 1:00 PM CDT at 205 West 14th - 6th Floor conference room, Austin, Texas. Ten of the eleven members were present to conduct the meeting. The meeting was also attended by Commission staff, OCA staff and others.

Ratification of Executive Committee Action

The Technology Committee considered the action that the Executive Committee took on May 28, 2009. OCA had submitted a request for additional funds for the operation of TexDECK. The request was presented to the Executive Committee by the grants manager. The Executive Committee voted to provide an additional \$84,809 to OCA to continue the programming work and keep TexDECK on schedule. *The Technology Committee recommends that the Commission ratify the Executive Committee's action in awarding an additional \$84,908 from the Data Collection and Analysis Grant to the OCA for the FY2009 TexDECK award.*

A Roundtable titled "Using CPS data in Texas Child Protection Courts"

A Roundtable discussion is scheduled for October 21, 2009. Roundtable discussions have been added to the federal strategic plan. Two other Roundtables have been held already. mediation. These roundtables dovetail with the departments CFSR/PIP. The goal of this roundtable is to find ways to remove permanency barriers. It will help identify how agency and court data can be used to remove permanency barriers.

TexDECK Report

The Judicial Webpage (JWP) was launched back in September and OCA marketed the project with judges to get registered users. The system still continues to see low utilization. The JWP has been integrated with OCA's Automated Registry. There are currently 118 registered users. 20 users accessed the system from April 1 – July 28.

CPCMS— In mid-September will go live for all Specialty Docket Courts in OCA's Child Protection Courts. OCA will provide web training to judges and court personnel.

Data Exchange- OCA, CPS and CIP will meet in Chicago with regional Administration for Child and Families staff in Chicago next month. The meeting is to discuss barriers to data sharing between courts and child welfare agencies. In September, OCA is hosting a data modeling workshop with the National Center for State Courts and other states. They will work on one of the 8 information exchange packets. These packets help different data systems communicate and share data. The FRS will be revised this next year to include national performance measures.

FY2010 Federal Application for the Data Collection and Analysis Grant – The application will be submitted by August 30, 2009. This is 4th year of 4-year grant. The most significant change is adding the roundtables as a CIP strategy. The 2010 award will be end of data grant, unless congress reauthorizes in next 12 months.

Videoconferencing Workgroup – The Workgroup has completed the work and issued a report. The report identified that there are over 12,000 children in Texas in out-of-county placements. The report provides a roadmap that courts can use to develop videoconferencing.

Grant Program Recommendations - *The Committee recommends awarding \$236,742 to OCA for the FY2010 TexDECK projects.* This included the project management, contractor hours for CPCMS.

Dallas County Videoconferencing – *The Committee recommends awarding Dallas County \$50,000 to install videoconferencing equipment to use to connect the court to children in out of county placements.*

Tarrant County CPS Enhancements to Juvenile Case Management System – *The Committee recommends awarding \$350,000 to Tarrant County to develop software that incorporates elements of the Functional Requirements Study into practice.* The software will be used in Tarrant, Dallas, and Bexar Counties upon completion. It will be made available to other counties also.

Legal Representation Study – The study has been included in the Commission strategic plan and funds were budgeted but not spent. The project plan has been formalized and ***the Committee recommends that \$207,568 be budgeted to implement the research project.***

The Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Training Committee Report – July 23, 2009

The training committee met on Thursday, July 23, 2009 via conference call.

Committee updates:

- By November, there will be changes in committee membership as the terms of some of current members will expire. Cathy Cockerham, Texas CASA, and Tracy Harting, Travis County Office of Parent Representation, are new members of the committee.
- Training grant funds were used to sponsor a CPS Mediation Round Table on June 12, 2009. Attendees came from around Texas and included judges, attorneys for children, parents, DFPS, CASA, and mediators. The participants discussed existing practices and suggested improvements to those practices.
- The NACC has completed 7 of the 14 attorney trainings, and over 400 attorneys have registered to attend.
- The NACC is working with commission staff to bring its multi-disciplinary child welfare law conference to Texas in fall, 2010. Two committee members will work on the advisory board for this conference.
- Training grant funds were used for scholarships for approximately 30 Texas parents' attorneys to attend the ABA Parents' Attorney Conference held in May, 2009. Positive feedback was received from program participants.
- To date, the Texas Center for the Judiciary, a primary grantee recipient, has held the CPS Judges' and Associate Judges' Conferences and one of two Beyond the Bench conferences scheduled this year. Additionally, TCJ has provided over 100 scholarships to Texas judges to attend national conferences regarding child protection issues.
- The Training Committee is in the process of putting together a drug court training workgroup, which will meet at the end of 2009 or early 2010.

2009 CIP Grant Application - The Training Committee approved a proposed budget for fiscal year 2010. Proposed projects which may receive funding in FY 2010 include:

- Associate Judges Conference
- CPS Judges Conference
- Beyond the Bench (Harris County)
- Scholarships for National Judicial Training
- Child Protection Court Annual Update
- Attorney Training
- Round Table Series
- Child Welfare Law Conference
- Specialized Training for Judges

The next training committee meeting is tentatively scheduled for Friday, October 2, 2009.