



Children's Commission

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

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

**February 10, 2012
MEETING NOTEBOOK**

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

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
201 West 14th Street
Supreme Court Courtroom
Austin, Texas
February 10, 2012
10:00 a.m. – 1:00 p.m.
Meeting Agenda

- 10:00 Commencement / Opening Remarks – The Honorable Eva Guzman
Commission Membership Changes, Tab 2
Collaborative Council Member Changes, Tab 2
Committee Membership Changes, Tab 2
- 10:15 First order of business – The Honorable Eva Guzman
1. Adopt Minutes from November 18, 2011, Tab 1
2. Reorganization of Children’s Commission Committees
3. Restructure of Children’s Commission Quarterly Meetings
- 10:30 Presentation by Dr. Ira Chasnoff, Children’s Research Triangle
- 11:30 Break
- 11:45 Commission Report - Tina Amberboy/Commission Staff, Tab 3
- 12:00 Basic Committee Report - Hon. Robin Sage, Tab 3
- 12:10 Training Committee Report - Hon Camile DuBose, Tab 3
- 12:20 Technology Committee Report – Tina Amberboy, Casey Kennedy, Tab 3
- 12:30 Education Committee Report - Hon. Patricia Macias, Tab 3
- 12:40 DFPS Update – Audrey Deckinga
- 12:50 Jurist in Residence – John J. Specia
- 1:00 Comments from Collaborative Council/New Business

Next Meeting: May 4, 2012 10:00 – 4:00 pm at Supreme Court of Texas

2012 Meeting Date Schedule: September 14
2013 Meetings will be held in January, May, September

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

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Table of Contents

Minutes from November 18, 2011 Commission Meeting.....	1
Commission, Committee and Collaborative Council Member List.....	2
February 10, 2012, Report to Commission	3
January 2012 Committee Meeting Minutes.....	4
Basic Projects	
Training Projects	
Technology Projects	
Strategic Plan	5
Collaborative Council Report	6

INSERT - TAB 1

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

November 18, 2011
10:00 a.m. – 1:00 p.m.

Supreme Court of Texas Courtroom
Austin, Texas

ATTENDANCE

Members in attendance:

Chair-Emeritus, Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin
Chair, Hon. Eva Guzman, Justice, The Supreme Court of Texas, Austin
Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin
Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels
Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin
Gabriela Fuentes, Office of the Governor
Hon. Bonnie Hellums, Judge, 247th District Court, Houston
Joyce M. James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities
Hon. Patricia A. Macias, Judge, 388th District Court, El Paso
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin
Hon. Michael Massengale, Justice, 1st Court of Appeals
Carolynne Rodriguez, Dir. of Texas Strategic Consulting, Casey Family Programs, Austin
Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland
Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin
Hon. Robin Sage, CPC Northeastern Texas Foster Care Docket, Daingerfield
Terry Tottenham, Of Counsel, Fulbright and Jaworski, L.L.P., Austin

Members not in attendance:

Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston
Hon Helen Giddings, Texas Representative
Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas
Selina Mireles, Attorney At Law, Laredo
Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston
Hon. Judy Warne, District Judge, 257th Family Court, Houston
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

Staff in attendance:

Tina Amberboy, Executive Director, Children's Commission
Simi Denson, Office of Court Administration
Katie Fillmore, Policy Attorney, Children's Commission
Tim Kennedy, TexDECK Project Manager, Office of Court Administration
Mena Ramon, Office of Court Administration

Carl Reynolds, Administrative Director, Office of Court Administration
Tiffany Roper, Assistant Director, Children's Commission
Kristi Taylor, Project Manager, Children's Commission
Mari Aaron, Executive Assistant, Children's Commission

Collaborative Council Members in attendance:

Roy Block, Executive Director, Texas Foster Family Association, San Antonio
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin
Barbara Elias-Perciful, President, Texas Loves Children, Dallas
Mike Foster, Executive Director, Neighbor to Family, Austin
Leslie Hill, Managing Attorney, Travis County Office of Child Representation, Austin
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin
Judy Powell, Communications Director, Parent Guidance Center, Austin
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin
Meghan Weller, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin
Aaron Williams, Social Services Director, Alabama-Coushatta Tribe of Texas

Collaborative Council Members not in attendance:

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas
Irene Clements, Vice President for Advocacy, Children and Family Services, Lutheran Social Services
Penny Cook, Co-Founder, The Faith Connection, Dallas
William B. Connolly, Attorney, Connolly & Shireman, LLP, Houston
Elizabeth Cox, foster and adoptive parent, San Antonio
Kevin Cox, foster and adoptive parent, San Antonio
De Shaun Ealoms, Parent Program Specialist, Dept. of Family and Protective Services, Austin
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin
Natalie Furdek, Women's Substance Abuse Services Coordinator, Dept. of State Health Services, Austin
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston
Eileen Garcia, Executive Director, Texans Care for Children, Austin
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin
Robert Hartman, Executive Vice President and COO, DePelchin Children's Center, Houston
Chris Hubner, Staff Attorney, Texas Juvenile Probation Commission
Lori Kennedy, Managing Attorney, Travis County Office of Parental Representation, Austin
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General
Richard Lavallo, Legal Director, Disability Rights Texas (formerly Advocacy, Inc.), Austin
Stephanie Ledesma, Attorney/CWLS, Round Rock
Tracy Levins, Director, Admin. Svcs. And Community Relations, Texas Youth Commission, Austin
Madeline McClure, Executive Director, The Texas Association for the Protection of Children, Dallas
Kate McLagan, Executive Director, Texas Association of Workforce Boards, Austin
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin
Diana Martinez, Director of Public Policy and Education for TexProtects, Austin
Dr. Sandeep Narang, Fellowship Director, Child Abuse and Neglect Division, Pediatrics Department, UT-San Antonio
Leslie Strauch, Clinical Professor, University of Texas School of Law, Austin
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio
Johana Scot, Executive Director, Parent Guidance Center, Austin

Janet Sharkis, Executive Director, Texas Office of Developmental Disabilities, Austin
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin

CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman

Justice Guzman called the meeting to order at 10:05 a.m.

On behalf of the Commission, Justice Guzman welcomed Senior Peacemaker Joanne Battise, Tribal Leader for the Alabama-Coushatta Tribe of Texas. In addition, Justice Guzman introduced Howard Baldwin, Interim Commissioner of the Texas Department of Family and Protective Services.

Justice Guzman announced that Judge John Specia is the recipient of the T. Berry Brazelton Infant Mental Health Advocacy Award. Judge Specia will receive the award at the Texas Association for Infant Mental Health Conference on January 6 in Dallas, Texas.

Commissioner Membership Changes

Justice Guzman noted that Terry Tottenham, past president of the State Bar of Texas was appointed to the Commission in November. Mr. Tottenham is a partner at Fulbright and Jaworski. Judge Cheryl Shannon, G. Allan Van Fleet and Stewart Gagnon were reappointed to the Commission in November for three year terms.

Collaborative Council Membership Changes

There are no changes to the Collaborative Council.

Committee Membership Changes

There are no Commission Committee Membership changes to report.

Staff Member Changes

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

COMMISSION MEMBER UPDATES

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

Hon. Dean Rucker, Regional Presiding Judge, 7th Administrative Judicial Region, and District Judge, 318th District Court, Midland, reported that caseloads are up in his region as a result of the pressures of the current economic conditions and the impact on social conditions. A visiting judge will cover the caseload for four counties and alleviate some of the caseload issues.

Justice Michael Massengale, Justice, 1st Court of Appeals, Houston, provided an update on the Trial Skills Workgroup and the progress to date. The workgroup has designated a sub-group to develop a trial notebook for use by CPS practitioners and another sub-group who will focus on curriculum development to help enhance and teach trial skills aimed at improvement in the quality of representation in child welfare cases. The anticipated completion of the workgroup project is June 2012, with a rollout date of FY2013 for the trial skills training program.

Efforts are underway to address the recommendations from the report generated after the Harris County Family Court Judges meeting. A conference call was held recently to plan a meeting in Harris County this January with all Harris County family court judges. Judge Specia will facilitate the discussion on development of strategies to achieve improvements in the Harris County courts.

Hon. Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels, reported that the third annual Adoption Day for the Central Texas CPC will be held next week. Twenty-one children are on the docket for adoption by fifteen families. Since January 2012, her caseload reflects an upward trend; cases have risen by 20% for the year. Many of the other cluster court judges are reporting increased caseloads as well. The uptick in caseload volume corresponds to the increased removals noted by DFPS.

Hon. Robin Sage, Senior District Judge, CPC Northeastern Texas Foster Care Docket, Daingerfield, commented on the rural counties served by her court. The challenges faced by the counties served by her court include adjustments to the budget cuts that resulted from the last legislative session. Judge Sage shared a security incident that took place in Carthage, Texas during a permanency hearing. A relative left the courthouse and returned armed with assault rifles and made threats against CPS. She urged the judges to be mindful of the potential risk posed by volatile family members during even routine cases.

Carolyn Rodriguez, Dir. of Texas Strategic Consulting, Casey Family Programs, Austin, updated the Commission on the collaboration efforts underway with Texas Appleseed on ways to support judicial improvements. Casey Family Programs fiscal year ends in December and efforts are focused on CPS leadership development programs as well as implementation and roll out of the framework related to safety decision making. This is the culmination of a 2 year long effort. In addition, Casey Family Programs is collaborating with the Department on support of Foster Care Redesign efforts. Casey Family Programs supports the Center for Disproportionality and Disparities, headed by Joyce James, through assistance with implementation and development work around Senate Bill 501. Support includes training and leadership development across all systems. Efforts are also centered on community engagement support.

Gabriele Fuentes, Appointments Manager, Office of the Governor, commented that the appointments office efforts are focused on the appointment process for the various boards and commissions created during the last legislative session.

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, acknowledged the observations of many of the judges in their jurisdictions concerning the worker caseload increases. The Department has nearly completed the realignment needed to ensure sufficient numbers of caseworkers in the field to support day to day operations. Workloads and positions were redistributed to ensure that there are sufficient numbers of caseworkers on the front line in Texas. No cuts in caseworker staff resulted from the realignment. She commented that the increase in caseloads judges are observing in their courts have resulted from increased intakes and referrals, investigation rates and family bases safety services – which is an expected effect of stresses in the economy, Although higher numbers of children are being removed, the percentage of child removals has not. Caseworker hiring has commenced and within the next few months there will be relief for the elevated numbers of caseloads that workers are currently bringing to court. The average caseload at present for conservatorship workers across the state is 34 cases. Judge Byrne noted the spike in sexual abuse/assault referrals in the context of the Penn State investigation. Ms. Deckinga acknowledged that whenever a high profile case involving child death or sexual abuse occurs anywhere in the nation, referral rates usually increase nationwide, impacting both child protective agencies and as law enforcement. Ms. Deckinga noted that because most matters brought to the Commission involve areas that need improvement, they can overshadow successes taking place in CPS, in the courts and in the community For example, in FY11, in order to earn the Protecting Safe and Stable Families (PSSF) funds, the Department had to attain the target of 90% face-to-face contact with

children. The measurement criteria defined by the federal government was that the Department had to ensure that a child was seen each month during FY11. More than 50% of the child visits had to occur in homes in order to count toward the measurement criteria. The Department successfully met the 90% goal. The conservatorship workers and legal workers deserve credit for the efforts they made even with elevated caseloads. The monitoring process used by the federal government will change in the future. The target number will increase to 95%, but if a visit occurs in 90% of the months (1 child seen 90% of the time) it will be counted.

Justice Guzman asked Judge Specia to prepare and distribute a Jurist in Residence letter to address the redistribution of the Department workers.

Dr. Octavio Martinez, The Hogg Foundation for Mental Health, UT Austin, reported that funds are out from the Request for Proposal for the training on seclusion and restraint for residential training centers and state-supported living centers. Dr. Martinez recently attended a meeting in Dallas on cooperation between philanthropy and governmental entities. Organizations at the meeting included the Hogg Foundation, Meadows Foundation, the Houston Endowment and directors of the state Title V programs. Title V, the maternal child health block grant that goes to each of the states, was specifically targeted. A pilot project has started in Region 6 (Texas, Oklahoma and New Mexico, Arkansas and Louisiana). The Title V directors are focusing on prevention of the mental and physical illnesses that affect children. Dr. Martinez proposed having a future presentation to the Commission by a Title V director to provide information on preventative measures during the gestational period that can decrease the rate of infant mortality. He noted that the majority of psychiatric illnesses that affect young people (75 percent), present before the age of 14. Dr. Martinez also commented on his efforts to build a cadre of philanthropic organizations in Texas dedicated solely to mental health and behavioral issues. The Texas Grant Makers Behavioral Health Funders Network will hold their first meeting in Dallas in December hosted by the Meadows Foundation. The meeting will bring attendees to the table to address the impact and outcome of philanthropic efforts.

Hon. Patricia Macias, Judge, 388th District Court, El Paso, commented on the increases in domestic violence observed in her jurisdiction and noted that other jurisdictions with military bases may be seeing the same effect. Increases in domestic violence, juvenile delinquency and child abuse/custody cases have been observed. Judge Macias noted that the Commission may want to examine the issues in the context of prevention and how military service and returning from deployment is effecting children and families. Judge Macias also provided an update on the grant to El Paso from the Governor's Office to develop a firearms surrender protocol. The protocol was completed in June. The Office of Court Administration has linked El Paso on its website to make the protocol available to other interested parties. The protocol was a collaborative effort between courts, law enforcement and child protective services and is a resource to use before an incident occurs rather than after the fact.

Justice Guzman noted the State Bar of Texas and many of the local bar organizations have initiatives to assist veterans and returning service members.

Chair Emeritus O'Neill commented on the veteran's initiative developed by Terry Tottenham that has become a national model for providing legal services to the Access to Justice Commission.

Mr. Tottenham acknowledged Judge Macias' observations concerning the increasing incidents of domestic violence in military families upon return from deployment. Fort Bliss in El Paso and Ft. Hood in Killeen, Texas are centers for major deployment and re-entry. And as the military mission in El Paso

evolves from a support to a combat role, the community should prepare for the expected increase in domestic violence and its implications to the community.

Dr. Martinez commented on the increased incidence of traumatic brain injury among those returning from areas of conflict in the Middle East. The troops who perform in the trenches are the ones affected and there is significant impact on their families when they return.

CC Staff Note: Trauma and Children of Military Families is on the Child Welfare Judicial Conference agenda scheduled for 6/4/12 – 6/6/12 in San Antonio

Joyce James, Associate Deputy Executive Commissioner, Center for the Elimination of Disproportionality and Disparities, Austin, reported on the annual disproportionality meeting that brought together the regional advisory committees from throughout the state. Leaders from local communities and state systems participated. Significant work is underway throughout the state to elevate awareness of disproportionality and disparities and increase the number of community leaders and systems leaders engaged in efforts to change systems responses to produce better outcomes for vulnerable populations in Texas. The Interagency Council on Addressing Disproportionality, created in Senate Bill 501, will bring together the various systems and institutions and work collaboratively to address disproportionality and disparities. Justice Guzman will provide opening remarks at the council's initial meeting November 30. Foster youth representatives to the council should be identified and appointed before the end of the year. Ms. James also commented on the regional staff from Dallas and the training conducted in Judge Shannon's court. The Center for the Elimination of Disproportionality and Disparities is also addressing the issue of health disparities. Dr. Ben Raimer, chair of HHSC's Health Disparities Task Force, will develop a proposal for medical doctors for the University of Texas Medical Branch Medical School that will be modeled on the work developed by the CEDD. The discussion will focus on the underlying causes that contribute to the outcomes that are seen in populations throughout multiple systems in the state.

Justice Guzman commented that Ms. James efforts in Texas are receiving national attention and accolades.

Howard Baldwin, Interim Commissioner, Dept. of Family and Protective Services, Austin, made some observations on the progress of the Department. Mr. Baldwin was at the inception of the Family Law Masters for the Child Support Program and worked with regional presiding judges on the implementation of the program in the 1980s. The program provided the foundation for the current child protection cluster courts. He noted that the combination of elected and appointed judges in the state who hear child welfare cases has produced a synergy and awareness on the part of the judiciary. The leadership that is demonstrated at the local, regional and state levels has developed significantly over the past 20 years.

Hon. Bonnie Hellums, Judge, 247th District Court, Houston, provided an update on the activities of her family intervention, and infants and toddlers court. The infants and toddlers court has been joined with the family intervention court because many of the cases in the family intervention court involved young children. The first graduation was held recently and there were six graduates from the program who were reunited with their children. Community involvement and support of the program is strong. Judge Hellums is working with Justice Massengale, Judge Judy Warne and Judge David Farr on efforts to increase awareness of the Harris County judges about the data relevant to the county and the need to carefully consider case extensions. Judge Hellums is also working with the NCJFCJ Legal Orphans

Committee, and School Readiness, a subcommittee of the Commission's Education Committee. She is also working on efforts to initiate an early education effort for women in early stages of pregnancy with the Fetal Alcohol Spectrum Disorders (FASD) program. Judge Hellums also commented on the issue post-traumatic stress disorder in the population of military parents who are showing up in court cases. She also shared information on Chronic Traumatic Encephalopathy (CTE), a progressive degenerative disease that appears in individuals who have been subjected to multiple concussions and head injury/trauma. The National Football League (NFL) has focused attention on the issue because many former football players are manifesting effects.

Hon. John Specia, Jurist in Residence, Office of Court Administration, commented on the upcoming meeting of the national group of State Court Administrators that will take place in San Antonio. Judge Sakai and Judge Specia will present at the meeting on procedural due process and the use of technology in children's court.

Hon. Harriet O'Neill, Chair Emeritus, Austin, acknowledged Justice Guzman's leadership of the Children's Commission and noted that her background and knowledge has allowed for a seamless succession.

Hon. Darlene Byrne, Judge, 126th District Court, Austin, noted that Shay Bilchick, who provided a presentation on crossover youth initiative to the Commission last April, will be in Austin next week. Travis County is working on the next phase of the crossover initiative involving youth in both the juvenile justice and CPS systems. There has been successful 'collapse' of services with the help of CPS caseworkers who are conducting joint visits with the county juvenile probation officers, enabling families to attend one service plan meeting. Work is underway to collapse the court system and develop a protocol so families involved in both systems may appear in only one court hearing for adjudications, dispositions, status hearings, permanency hearings, etc. Judge Byrne also provided an update on the juvenile public defender-type model for attorneys who represent children and parents in the child welfare system. CIP funds provided by the Children's Commission supported the start up of these programs. The first data dashboard was published and reported out early this week in the oversight committee. Despite the current economic conditions, the Commissioners Court of Travis County saw the cost benefit of the program and quality of the representation and approved the addition of two attorneys, one in each office. There will be five attorneys and a social worker serving each office. The cost benefit reports are available for any interested parties. Judge Byrne noted that the National Council of Juvenile and Family Court Judges will host a meeting of all the lead judges of the Model Courts in Reno, Nevada. Travis County has one of these 32 Model Courts, which serve as a laboratory of systems change. In addition to a national model courts initiative, NCJFCJ is committing its Model Courts to conduct various statewide initiatives. The Travis County model court is involved in a small education initiative following Judge Macias' work on a statewide level as Chair of the Commission's Education Committee. Judge Byrne also commented on the issue of security and the courts and shared an incident that occurred in Travis County last week involving a physical threat to a district attorney and court reporter. The issue is serious and must be recognized.

Judge Bonicoro commented that there is presently a lack of security precautions (metal detectors) in several of the rural counties where she presides. The risk undertaken by the members of the court involved in these cases is an underlying concern on a daily basis.

Judge Hellums commented on a session concerning vicarious trauma presented by NCJFCJ and noted that the topic is relevant to parties involved in child welfare and juvenile justice cases.

Terry Tottenham, of Counsel, Fulbright and Jaworski, L.L.P., Austin, commented on one of the groups involved in the veteran's initiative – The Texas Council of Community Mental Health and Mental Retardation Centers and noted that the Commission might consider reaching out to them to discuss their input on mental health and vicarious trauma issues discussed during this meeting.

Barbara Elias-Perciful on behalf of Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin, reported highlights of the work of the State Bar's Committee on Child Abuse and Neglect. The Committee expressed appreciation to Howard Baldwin for participating in the last meeting of the Committee. The Children's Commission has provided funding to the State Bar Committee for a statewide Child Welfare Law Conference which will be held on April 19-20, 2012 in Houston, Texas at the Thurgood Marshall School of Law. Mr. Baldwin will deliver the keynote address at the conference. The Committee is investigating ways to leverage the Penn State abuse incident to highlight mandatory reporting of child abuse in Texas. There are two tools available; the first being a paper authored by Judge Camile DuBose and Judge Cathy Morris on mandatory reporting that provides clear information on the law for attorneys as well as the general public. The paper appeared in the Texas Bar Journal and efforts are underway to get it reprinted in a future edition. Secondly, the Texas Young Lawyers Association has produced a video, 'The Little Voice', that provides information on different types of child abuse and how to report suspected abuse. A series of PSAs on mandatory reporting has been developed and TYLA is seeking media outlets who will broadcast them. The committee continues work on its full-day child abuse workshop held at the annual Advanced Family Law Conference. In January, information will be distributed on the annual award (The Fairy Davenport Rutland Award for Distinguished Service to Children and Families) that the committee presents to acknowledge the outstanding attorney who has provided distinguished service on behalf of children and families. Nominations are open.

ADOPTION OF AUGUST 11, 2011 MEETING MINUTES

ACTION: Justice Guzman asked for a motion to adopt the meeting minutes of the August 11, 2011 meeting of the Supreme Court of Texas Children's Commission, Judge Hellums made a motion, Judge Rucker seconded. The attending members approved the meeting minutes unanimously.

Sr. Peacemaker Battise, Alabama-Coushatta Tribe

Sr. Peacemaker Battise provided information on the Peacemaking Court of the Alabama-Coushatta Tribe. The court commenced in July 2009 and nearly 100 cases have been processed. Sr. Peacemaker Battise explained that the tribe is a sovereign nation; and is thus a state within the state of Texas. Government-to-government working relationships are encouraged. The Peacemaker Court is governed by four legal instruments – the U.S. Constitution; the Judicial Code; the Indian Child Welfare Act (ICWA) and the Children's Code. Initially, when a child removal occurred there were no subsidies or support funds available for child placements with elders or grandparents. The Tribal Council agreed to transfer a block of funds to the Court to enable access for services. The pressures of high rates of unemployment, and drug and alcohol abuse are causing increased budgetary concerns for the Tribal Court and its programs.

Most cases originate within the small tribal community. Of the 1,200 members enrolled with the tribe, about half reside on the reservation. Sr. Peacemaker Battise is responsible for reviewing all cases that are brought to the court. The tribal social services director files on behalf of tribal people. Efforts are made to resolve issues within families by social services; and only after social services works with the family is the determination made to file in the Tribal Court for jurisdiction. The success of the Tribal Court has been supported by a team of six people. There is now national focus on the Peacemaker

Court. In addition to Sr. Peacemaker Battise, there are three other peacemakers appointed by the Tribal Council who provide a significant portion of pro bono time to the Tribal Court. The four peacemakers are fluent in the tribal language and often conduct proceedings in it, ensuring that the elders comprehend the procedures. The peacemakers reside in separate areas of the reservation and work to coordinate information that may become a court matter. Hearings begin and end with a prayer. During the hearing process, parties are expected to talk about the issues of the case and reach consensus. A pine needle basket serves as the talking tool during the hearing; speaking is permitted only by the party holding the basket, which serves as a gesture of respect.

Planning is underway for a comprehensive court that will include criminal jurisdiction and court of appeals. Efforts are underway for a judicial strategic plan which will include a peacemaker video and brochures that will be distributed. A long term goal is to create a judicial complex. Currently, hearings are conducted in a home near Hwy. 190. Security is currently provided by two bailiffs.

The Peacemaker Court came into being because tribal children were involved with the state child welfare system. The tribe may now transfer cases to its court when CPS removes tribal children. The tribe receives technical advice on legal matters from an attorney from New Mexico who provides his services on a contract basis. The court has a licensed counselor who is aware of and updated on the state programs and ensures notification of the tribe as appropriate on removal of a child. Aaron Williams, a member of the Commission's Collaborative Council, serves as the first responder for the tribe.

A state Tribal Round Table Summit on mental health and suicide prevention will be held on November 28. The summit will provide information on available resources and how tribal members and the Tribal Court can access them. First responders are expected to attend in preparation for potential incidents on the reservation.

Sr. Peacemaker Battise expressed that the tribe wants to work with the state of Texas, guided by mutual respect, collaboration and communication. She is working on the national level on issues of full faith and credit. She has spoken to the twelve federal regions. Judge William Thorne is a national speaker on issues concerning Indian child welfare. He provides information on the number of children placed nationally in boarding school facilities; his most recent figures for child welfare cases exceeded 408,000, and of this number, 2% were Native American children. These statistics drive the efforts to increase the role of the Tribal Courts in child removal issues. Sr. Peacemaker Battise seeks collaboration with the state to improve methods for protecting children, families and communities. The peacemaker's focus is unity of the family – keeping the child within the family when at all possible. The orders and agreements issued by the Tribal Courts have full effect and are as binding as any other court order. Although the Tribal Court has contempt powers, they are not used because when a tribal family appears, the expectation is that they will work together to arrive at an agreement and resolution of their issue.

The Tribal Court has built credibility; the local courts in Livingston honor Tribal Court orders. As a result of the first Judicial Symposium, peacemaking is becoming part of court systems across the nation. Plans are underway for the second Judicial Symposium to be held in the spring of 2012. Sr. Peacemaker Battise extended an invitation to the Commission to partner with the Tribal Court in this effort. Tribal Court judges from throughout the country have expressed interest in participating. Sr. Peacemaker Battise explained that the Tribal Court is contending with the same budgetary constraints affecting the rest of the state, and is working to build and sustain the Tribal Court's structure. In January, a child support enforcement division based at the Tribal Court, will begin work.

Judge Byrne asked about judges who preside in state court and what information is best to provide to the tribe when a case involves a family and child with Native American heritage. Sr. Peacemaker Battise indicated that CPS protocol is to notify the Tribal Enrollment Office in the state but noted that American Indian families reside all over the nation.

Judge Macias inquired about the type of training that Sr. Peacemakers undergo in order to serve. Sr. Peacemaker noted that appointments come from the Tribal Council, which asks that they attend NCJFCJ judicial training and the National Judicial College in addition to numerous other seminars. Training on domestic violence is pending. The Sr. Peacemakers conduct much of their own research online.

Justice Guzman expressed the Commission's appreciation to Sr. Peacemaker Battise for the information she shared about the Tribal Court process. The Commission is committed to building ongoing collaboration with the Tribal Court in Texas.

BREAK - 11:46 a.m.

RECONVENED - 12:02 p.m.

Children's Advocacy Centers of Texas - Child Friendly Courtrooms Project - Meghan Weller, Director of Public Affairs and Angie Von Pageler

Meghan Weller presented a report on the status of the Child Friendly Courtrooms Project. The Children's Commission provided CIP grant funding, supplemented by a small amount of funding from the Children's Justice Act, to develop the project. The project originated from the need to make it easier for a child witness to testify in court, in both the criminal and civil justice systems. Ms. Amberboy and Ms. Roper provided advice on the project's development. Two interns worked on the project and reviewed ideas with the Children's Rights Clinic at UT Austin.

The materials produced have been distributed to 765 judges in Texas in both hard copy and electronic format. All DFPS regional attorneys have received the materials as well as 65 Children's Advocacy Centers, 69 CASA programs and all district and county attorneys in the state. Additional copies will be provided upon request.

The project was informed by a steering committee consisting of judges who work in courts that involve many cases with children. Judge Chris Oldner of the 416th District Court in McKinney, who works closely with the Children's Advocacy Center, provided important input and oversight of the project. The Bench Card was a result of his recommendation. A stakeholder group consisting of individuals familiar with the issues also provided input during the project development phase.

During the document drafting phase, the developers took care to ensure that all items included were items for consideration and recommendation and not mandated items. The Code of Criminal Procedure is referenced heavily as is the Penal Code and new legislation.

Senate Bill 578 is cited frequently how the legislation has increased the amount of latitude judges have in implementing child friendly accommodations in the courtroom is explained.

A survey link was included in the distributed materials for users give their input on the material's effectiveness and provide information or anecdotal feedback.

A presentation will take place at the TCJ Regional Conference for criminal court judges in January and February. Ms. Weller is available to make presentations to any interested group.

This project marks the first occasion the Children's Advocacy Centers of Texas and the Children's Commission have collaborated on a significant project. CACTX is continually seeking new audiences to provide information on their model and how to work with child witnesses or victims of crime.

CC Staff Note: CACTX Judicial Resource for Child Friendly Courtrooms is on the Child Welfare Judicial Conference agenda for 6/4/12 – 6/6/12

COMMITTEE REPORTS AND VOTING MATTERS

Basic Committee

Hon. Robin Sage, Judge, reported on the Basic Committee meeting on November 9. The meeting was impacted by a problem with the conference call number and was adjourned without the members being able to vote on two requests.

These two items will require a vote by the Commission at this meeting:

The first request is from CASA for a replacement application. In August, the Commission approved reallocation of \$77,190.00 of CASA's grant funds to substitute a multidisciplinary case study video and a youth permanency toolkit for two other programs that were not going to come to fruition in FY2011. The Commission in August also approved CASA's FY2012 Interim Grant Application for \$153,879.00.

CASA completed the youth permanency toolkit in September, but did not accomplish all the steps required to spend any FY2011 money on the video. As of September 30, CASA had \$47,900.01 in unspent FY2011 funds and requested that the Commission deposit (rollover) some of the unspent FY2011 funds into its FY2012 account to complete the video project. The video will be used by Texas Center for the Judiciary for Beyond the Bench training. The rollover amount requested is \$36,300.00.

At the Children's Commission's request, CASA has submitted a new (replacement) application for FY2012 for \$246,300.00, which covers the originally proposed projects (\$210,000.00) plus the video (\$36,300.00). Because Congress reauthorized the CIP grant for full funding, the Children's Commission staff is requesting that the Basic Committee and Commission approve CASA's FY2012 replacement application for \$246,300.00. This will eliminate the need to review another application and bring back to the Commission later.

ACTION: Judge Sage made a motion to approve the replacement application, Judge Hellums seconded. The members approved the CASA replacement application for FY2012 in the amount of \$246,300.00.

The second request is for the Office of Court Administration Shared Solutions Summit. The intent is to identify collaborative local strategy opportunities in specified rural counties. Five of the teams will meet to discuss child protection issues. OCA requests funding in the amount of \$5,000.00 to cover travel expenses for the designated team members.

ACTION: Judge Sage made a motion to approve the request for \$5,000.00 for travel funds for the Shared Solutions Summit and Judge Hellums seconded. The members approved the request for \$5,000.00 for travel funds for designated members of the Shared Solutions Summit.

Training Committee

Tiffany Roper, Assistant Director, Children's Commission on behalf of Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde, provided information on the voting matters before the Commission. At the August Commission meeting, the Commission approved a partial application to support the Texas Center for the Judiciary's training efforts. Subsequent to the meeting, President Obama signed legislation that reauthorized the CIP grant for five years, and in setting up accounts at the start of the FY12 fiscal year, Commission staff decided to request that the Commission approve the full amount TCJ's grant application for \$417,525.52. Because this issue was discussed with TCJ on October 19, it was not presented to the Training Committee at its October 17 meeting. Nothing in the application has changed, it's just that now that we know we're getting full CIP funding, it will be more efficient to process the grant this way. It will allow staff to set up the reimbursement system one time and eliminate the need to review another application or bring the issue back to the commission again.

ACTION: Justice Guzman asked for a motion to approve the request to fund the full amount for FY2012 for TCJ, Judge Byrne made a motion, Judge Rucker seconded. The members approved the request to fund the TCJ's grant application for the full amount of \$417,525.52 for FY2012.

Technology Committee

Hon. Karin Bonicoro, Associate Judge, provided a summary of items covered during the meeting of the Technology Committee's October 27 meeting.

Judge Bonicoro updated the Commission members on the results of the Video Conferencing project. Details about the testing results are described in detail in the meeting notebook.

Judge Bonicoro provided details on the budget item that the Technology Committee is seeking approval for from the Commission today. OCA will begin conducting a pilot project that would provide a certified Spanish interpreter to certain rural child protection courts that either do not have one available or that must postpone hearings when one is not readily available. The amount requested is \$32,840.15 to pay for the certified Spanish interpreter's services. Technology will be utilized to set appointments and the services will be provided remotely through speaker phone and/or video conferencing equipment. Judge Bonicoro pointed out that the services of a certified Spanish interpreter ensures effective communication for parties during the hearing and will alleviate the transportation costs incurred when the court has to bring an interpreter to the court for proceedings. The project funding will piggyback on the infrastructure of a similar OCA project involving domestic violence cases that has been running successfully for a year. The Technology Committee reviewed this application and although they did not have a quorum, they voted to fund the project.

Judge Macias requested clarification about the court interpreter available through OCA that provides interpreter services for protective order cases. That service is related to the request before the Commission.

ACTION: Justice Guzman clarified the record regarding the motion to approve the request. Judge Bonicoro made a motion to approve the request for FY2012 funds in the amount of \$32,840.15 for the certified Spanish interpreter services that will be provided to certain rural child protection courts,

Judge Hellums seconded. The members approved the request to fund services of a certified Spanish interpreter for FY2012 in the amount of \$32,840.15.

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

Ms. Amberboy provided an update about the CIP Program Instructions for FY2012 that have been issued after a delay over the summer. The new application for CIP funding is due to ACF in January. Proposed legislation to reauthorize the funds would have reduced the funding by 1/3. In the past, CIP grants were funded at \$30 million for all states who applied. We initially expected a reduction of funding to \$20 million, but funds were identified to make the grant whole at \$30 million. CIP is now funded for five years and the Commission will no longer be required to submit a new annual application. There is an application due to the ACF in January 2012. There are no significant differences to the application that we will submit in January. The programs and projects that are in progress with regard to our continuing and ongoing collaboration, our Commission, which is our interdisciplinary taskforce, our collaborative efforts with DFPS and the addition of the tribal entities will continue. There are new duties, one being to make an assessment and evaluate continuous quality improvement (CQI). This involves providing joint training with CIP funds as well as information sharing and regular collaboration to address challenges and how to strategize to address identified challenges. An additional requirement is to ensure that the state's legal proceedings promote due process, are thorough and timely and complete and promote high quality legal representation to all parties, including the agency. Collaborative meetings to determine how we will meet these mandated program requirements have commenced. Expectations for clearly defined outcomes that we expect to achieve must be stated, in addition to how these outcomes will be measured and the types of data that will be captured for the measurement, and designation of who will perform an analysis of the data. Historically, many CIP projects have included a data driven component. There have been some project activities that do not easily lend themselves to data collection and analysis, but since the data emphasis is a mandate for the future, we will be mindful of the requirement when assessing future projects. The bulk of CIP funding provides staff support to manage programs and projects. Future projects must focus on improvement to court function. Examples are improving or monitoring timeliness and quality of hearings, improving court orders, improving family engagement in the process and capacity building, which includes training and knowledge sharing. Additional components that will be included in future projects are system reform such as a legislative or policy reform and judicial leadership activities. The CIP staff and Commission will participate in statewide committees and initiatives. Development of the application is underway and is informed by frequent technical assistance calls with ACF. The application will be submitted before the next scheduled Commission meeting in February 2012, but will be available for Commissioner review.

Ms. Amberboy reported on the Resource and Budget Shortfall Round Table that was held on November 14. Participants included Judge Specia, Judge Bonicoro, Mr. Baldwin, Ms. Deckinga and Ms. James in addition to Department staff and other stakeholders. Discussion focused on the effect of budget constraints on the delivery of services to families and the impact on outcomes. Attendees were engaged and the Commission expects to work on review of the multiple assessment tools and intakes that our families are involved in that can delay the ability to identify key issues with families. Development of a more unified process for assessing a family's needs will be initiated. The issue of sequencing as it relates to results was discussed. The focus at every hearing and opportunity has to be putting forth the question of 'why can't the child return home today'. An additional issue addressed at the Round Table concerned visitation. Research confirms that visitation is the primary predictor of whether or not a family will be unified and remain so. Plans are underway to develop a workgroup to

look at creative methods around visitation. The numerous barriers to quality, frequent visitation will be considered.

Education Committee

Hon. Patricia Macias, Judge

Judge Macias provided an update to the Commission on the efforts of the Education Committee since its first meeting in the fall of 2010. There are 13 members representing the education and child welfare systems and the judiciary. The Committee's activities have included five meetings, four of which were in-person meetings. Webinar technology has been utilized to maintain communication among members. In September, a joint meeting of the full Committee was held which brought together approximately 80 of the 100 sub-committee members from throughout the state who have been involved in the development of recommendations in four distinct focus areas. The focus areas are School Readiness (Age 0-5); School Stability (Age 5-17); School Experience (Age 5-17) and Post-Secondary Education. This meeting provided an opportunity for face-to-face exchange of ideas to fulfill the charge from the court, which is to formulate ways to improve educational outcomes for foster youth. The final report will be submitted to the Commission in March 2012. The intent is to structure a statewide collaboration among education, child welfare, and judicial systems to institute change for youth in foster care. Judge Shannon shares technical assistance responsibilities for two of the four sub-committees. Judge Macias acknowledged the efforts of Ms. Roper in directing the progress and focus of the groups involved. The sub-committee meetings have concluded. There were over 50 sub-committee meetings held since January 2011. Ms. Roper is working to review and condense the recommendations that these sub-committees have developed. The full committee will meet again in person on December 8-9 in El Paso to review and vet these recommendations.

Judge Macias commented on the national recognition Texas efforts' have received. To date, four national presentations have highlighted the work in Texas. The most recent being the ACF-sponsored Summit, *Child Welfare, Education and the Courts: A Collaboration to Strengthen Educational Successes of Children and Youth in Foster Care* held November 3-4 in Washington, D.C. The national summit included state teams from every state and the two US territories and included representatives from the courts, education and child welfare.

The Education Committee and the Children's Commission have become national models and representatives from other states will be seeking opportunities to meet and consult with commission members and staff. Meetings will be arranged with Supreme Court Justices from New Mexico and Nevada in 2012. The topic of discussion will be structuring a state commission.

The strategy for rollout of the recommendations that will be considered at the December 8-9 meeting in El Paso is still under development. Although the final report will be completed by March 2012, the work of the committee will continue, to ensure continuity of the efforts completed to date.

In addition, Texas was one of eight jurisdictions in the United State to receive a grant award from Health and Human Services to pilot a collaborative project between child welfare, the courts and education. Houston ISD will be the site of the project through February 2013.

COMMISSION MEMBER UPDATES

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, concurred with the comments made by Judge Macias on the November 3-4 summit in Washington, D.C. Ms. Deckinga noted that Brian Samuels, Head of the Children's Bureau, was

previously the Child Welfare Director in Illinois. Cook County Illinois gave a presentation at the summit on geo-mapping, where all foster homes are mapped as well as school boundaries. Cook County changed its placement policy to review available foster homes within the same school as the child currently attends (when placement with a relative is not an option). If a foster home is identified, the feasibility of providing wrap-around services is determined. Since 2004, Cook County has kept 34% of children removed from their homes in the same school of origin. Additionally, the distance between the initial placement and the first foster placement is 2.5 miles in urban areas and 11 miles in rural areas. Ms. Deckinga intends to investigate the possibility of implementing a geo-mapping system in Texas.

Ms. Deckinga provided an update to the Commission members on Foster Care Redesign. The proposals in response to the RFP are in and are in the process of being scored.

The Department is working on the issue of Trauma Informed Care (TIC). Efforts are underway to develop a coordinated approach within the Department to disseminate knowledge on TIC across the state.

Hon. John Specia, Jurist in Residence

Judge Specia reported on a meeting with some Houston judges about the Harris County Family Court Judges project. One of the judges commented that he references the bench card and in every case, poses the question, 'Why can't this child go home today'? Upon initiating the practice, county attorneys and agency attorneys were shocked by the question, but now come to court prepared to answer it. This is an example of how changes in judicial practice may impact reunification.

Justice Guzman and Justice Massengale will participate in a meeting in Harris County this January. Justice Guzman noted that Harris County can serve as a model for practice change throughout the state.

A JIR was recently distributed on Psychotropic Medications. The next JIR will feature the topic of budget constraints and include issues addressed during the Budget Round Table held last week that include visitation. Judge Specia and Ms. Deckinga will work on ways to raise visitation rates and reduce the amount of time required by case workers during visitation.

Judge Byrne commented on visitation efforts underway by Judge Nash in Los Angeles, California as well as work in Nebraska. The Commission can approach Judge Nash and Ms. Connie Coburn (sp?) to provide advisory assistance on visitation issues. Judge Specia noted that there has been discussion on taking a small team of the Harris County judges to Los Angeles to observe methods used for that population. The Harris County judges consider programs in Los Angeles, New York and Chicago to be models that are more representative of the Harris County issues. Ms. Deckinga noted that Alameda County in California has a relevant model program as well.

COLLABORATIVE COUNCIL REPORT

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

TexProtects, Madeline McClure, Executive Director

Ms. McClure provided an update on budgetary changes and legislation from the 82nd session. Ms. McClure noted that a 50% funding cut to the Nurse-Family Partnership Program was proposed during

last session. The program is one of the few that demonstrates proven results in the reduction of abuse and neglect and prevents children from entering the child welfare system. Additional benefits linked to the program include increased school readiness for children served, and a reduction in criminal activity of both the mother and child. The initial funding cuts would have eliminated 1,000 first-time at-risk mothers, and their babies and families from receiving services. Ms. McClure reported that thanks to efforts by the organization and supporters, the funding was fully restored. In addition, federal funds will come down as a part of the Affordable Care Act – the Maternal Infant Education Early Childhood and Home Visitation provision of the Affordable Care Act. Because Texas did not reduce funding to the Nurse-Family Partnership Program, Texas is eligible for a portion of funding from the Affordable Care Act. Ms. McClure noted that the program will see an increase in case loads for conservatorship and FDSS cases as a result of the impact of the re-designation of some CPS workforce staff that was reported in detail earlier in the meeting by Ms. Audrey Deckinga. There were proposed cuts of 84% for the prevention and early intervention division, but the final reduction was 30%. The final funding amount is \$62 million compared to \$88 million from the previous year. Only \$15 million of the total is for child abuse prevention, with the remainder dedicated to juvenile delinquency prevention. This figure represents 1-1/2 % of the entire CPS budget dedicated to prevention efforts.

Ms. McClure provided an update on the removal of the perpetrator provision legislation, which is intended to remove perpetrators from the home under certain protective circumstances, and prevent the child's removal from the home to reduce further trauma to the child. Ms. McClure commented on the increased information on trauma informed care that is being made available to people involved with abused children. Information on SB 434 was provided; the domestic violence taskforce. Diana Martinez, the Director of Public Policy and Education for TexProtects, was appointed to the body. SB 471 was highlighted, particularly in the context of the recent child sexual abuse scandal at Penn State University. The legislation requires Texas schools and child care organizations to provide new staff with training on how to recognize symptoms of abuse and how to properly report cases of such abuse. Efforts will be made during the 2013 session to expand the training to include all school staff and child care organizations as well as all university personnel that have access to minors on campus. Training for medical personnel will be proposed as well, and it was noted that research indicates that medical personnel are poor reporters of sexual abuse. SB 1154 re-establishes the Child Welfare Blue Ribbon Taskforce and TexProtects will work on a strategic statewide plan to combat child abuse. HB 2324, would require schools to adopt an internal written policy to be consistent with the state's mandatory reporting law, failed to pass during the last session. A complete listing of relevant legislation from the last session is provided in detail in the Collaborative Council report section of the meeting notebook.

Ms. Deckinga commented that the Department has worked with the Texas Education Agency to produce and make available a video on child abuse reporting that is accessible from the DFPS website.

Parent Guidance Center, Judy Powell, Communications Director

Ms. Powell acknowledged the safety and security concerns in the courtroom expressed earlier in the meeting. Ms. Powell asked that the Department be mindful of the need to follow policy when considering child removal particularly in light of the severe economic hardships that families are currently facing. Relative placements, when possible, are vital in diffusing desperate reactions on the part of parents.

Texas Council on Family Violence, Gloria Terry, Coalition President

Ms. Terry provided additional comment on SB 434 and the creation of the taskforce that looks at the issue of domestic violence and noted that Judge Byrne will sit on the taskforce as well. Ms. Terry provided information to Commission members on data on domestic violence in the state. Each year,

the Texas Council on Family Violence obtains raw data from DPS on deaths related to family violence and fatalities of women. The council cross checks the data through review of police reports associated with fatalities and after analysis, provides information in a report that provides snapshot data in Texas. In 2010, 142 women were killed by their partners in Texas. Victim ages ranged from 17-78. In 2009, the figure was 111. Four of the women victims in 2010 had protective orders. Strong and positive judicial responses can make the difference for women in these cases. Judge Macias has provided leadership around this issue.

Judge Bonicoro commented on the need to develop a process to safely accomplish separation of unrehabilitated perpetrators when appropriate in a case. Judges, workers and counselors need to be aware of the planning that needs to take place before advising a victim of domestic violence in how to separate from a perpetrator and acknowledge the inherent dangers. Guidance on how to safely accomplish separations is warranted.

Justice Guzman encouraged involvement of the Commission in further exploration of the issue.

Ms. Terry concurred and noted that there are local fatality review boards in existence throughout the state and their input can inform systems response and development of safety assessment in these cases to diminish the likelihood of fatalities.

Texas Association for Infant Mental Health, Susan Craven, Executive Director

Ms. Craven acknowledged Judge Specia's receipt of the Brazelton advocacy award at the TAIMH Conference on January 6-7 in Dallas and encourage attendance by all involved in child welfare. The theme of the conference is Securing the Future for our Children.

Texas Lawyers for Children, Barbara Elias-Perciful, Director

Ms. Elias-Perciful provided an update on the activities of Texas Lawyers for Children. TLC will replicate the online center project for Alabama and Florida. In 2008, TLC replicated the center for the administrative office of courts in California. Former Chief Justice Sue Bell Cobb encouraged the effort in Alabama. In addition, there are five new initiatives that TLC has created that utilized Children's Commission funding. One of these includes the addition of online training capability to the online center. CLE programs will be available in 2012. Ms. Elias-Perciful echoed Justice O'Neill's acknowledgement of Ms. Deckinga's responsiveness to judges' inquiries concerning policies. Ms. Elias-Perciful noted that there were some attorney inquiries concerning visitation and Ms. Deckinga provided timely clarifications.

COMMENTS/NEW BUSINESS

Judge Bonicoro noted that she will resign her position as chair of the Technology Committee.

NEXT MEETING

Justice Guzman noted that the next meeting of the Commission is scheduled on February 10, 2012.

ADJOURNMENT

The meeting was adjourned at 1:01 p.m.

INSERT - TAB 2

CHILDREN'S COMMISSION MEMBERS

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

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

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

COMMITTEE MEMBERS

EXECUTIVE

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

BASIC PROJECTS

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

TECHNOLOGY

Chair—To be designated
 Hon. Oscar Gabaldon
 Kevin Cox
 Jason Hassay
 Hon. Gilford Jones
 Casey Kennedy
 Tim Kennedy
 Elizabeth Kromrei
 Robert Nolen
 Carl Reynolds
 D.J. Tessier
 Linda Uecker
 G. Allan Van Fleet
 Bryan Wilson
Staff: Tina Amberboy

TRAINING

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

EDUCATION

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

STRATEGIC PLANNING

Chair—To be designated
 Hon. Darlene Byrne
Vice Chair
 Hon. Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Hon. Patricia A. Macias
 Hon. Dean Rucker
 Hon. Robin Sage

COLLABORATIVE COUNCIL MEMBERS

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

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

Stephanie Ledesma
 Tracy Levins
 Rebecca Lightsey
 Madeline McClure
 Kate McLagan
 Hon. F. Scott McCown, ret.
 Diana Martinez
 Sandeep Narang
 Judy Powell
 Chadwick Sapenter
 Johana Scot
 Janet Sharkis

Armin Steege
 Leslie Strauch
 Gloria Terry
 Kenneth Thompson
 Arabia Vargas
 Meghan Weller
 Aaron Williams

Tina Amberboy, Executive Director
 Tiffany Roper, Assistant Director
 Kristi Taylor, Program Manager
 Teri Moran, Communications Manager
 Rashonda Thomas, Grants & Finance Specialist
 Mari Aaron, Executive Assistant
 Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration
 Carl Reynolds, Administrative Director
Office of Court Administration

STAFF

INSERT - TAB 3



Children's Commission

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

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

**REPORT TO THE COMMISSION
February 10, 2012**

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

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for November 18, 2011**

MINUTES – November 18, 2011 meeting (adoption pending) - **TAB 1**

COMMISSION MEMBERSHIP CHANGES - TAB 2

Joe Gagen, former CEO of Texas CASA retired after five and a half years as the CEO of CASA, and also resigned his position on the Commission.

Welcome Vicky Spriggs as the new CEO of Texas CASA and our newest Commissioner.

Judge Karin Bonicoro will no longer chair the Technology Committee.

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES

New Members:

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

COMMITTEE MEMBERSHIP CHANGES

STAFF CHANGES

Katie Fillmore left the Commission in December to join the firm of Bowman and Brooke here in Austin.

Rashonda Thomas, who served as a Supreme Court Accountant for 2 years is now the Grants & Finance Specialist for the Commission.

COMMITTEE ACTIVITIES

Basic Grant Committee

The Basic Committee held a conference call on January 27, 2012. For minutes regarding the full discussion at the meeting, please see Tab 4.

Update on Basic Projects

1. Child Protection Law Judicial Bench Book

The CPS Online Bench Book will be relocated from the Texas Center for the Judiciary's servers to OCA's servers. The Bench Book will continue to be password protected.

2. Appleseed / Permanency Workgroup

Some 20 members of the Appleseed Permanency Project Workgroup met on January 14 to continue work on removing systemic barriers to permanency identified in Appleseed's November 2010 report that PMC children face. The workgroup is considering launching some kind of a campaign

focused on permanency. The Children's Commission has agreed with the Texas Center for the Judiciary to substitute the Beyond the Bench conference scheduled for the fall of 2012 with a Permanency Summit. The Applesseed Workgroup will advise TCJ on the content and structure. Also, Applesseed recently completed a cost analysis of hearings in several jurisdictions that may be useful in helping estimate the cost of developing and implementing a bench mark hearing process, should a jurisdiction decide to adopt that recommendation from the Applesseed report. Other projects include continuing to work with Harris County, as appropriate, to improve the administrative handling of CPS cases generally and improve the judicial practices used in PMC cases.

3. Round Table Series

Budget Constraints: A Round Table focusing on the Department's budget constraints was held on November 14, 2011, which was co-hosted with Casey Family Programs, DFPS and CPPP. The multi-disciplinary participants discussed the impact of FY 2012-2013 budget limitations, strategies for best utilizing the FY 2012-2013 funding, and available resources to achieve optimal results of safe and timely permanency. Participants discussed how CPS evaluates families and work with community providers, noting that assessments are sometimes duplicative and relied too heavily on self reporting. Issues concerning CPS-required services were discussed as well, including their over-assignment, the long waiting periods and difficulty families have accessing them. The Budget Round Table Report is available on the Children's Commission website.

Notice and Engagement: Plans for a follow up Round Table or a workgroup to focus on changes to the Status Hearing statute will be examined in 2012 to determine whether changes should be made to allow judges to monitor compliance with the notice provisions and to ensure the statute allows plenty of opportunities for engagement. This effort also fulfills PIP requirements.

4. Legal Representation Study (LRS)

The LRS Workgroup, formed by the Commission to develop plans for implementing the recommendations from the LRS Report, has continued to meet regularly. Judge Dean Rucker is serving as chair of the LRS workgroup. There are 30+ members which meet mostly by conference call and the work is broken down by Subcommittee (Practice, Policy/Legislation, Outreach) and by subtopic (Appointment Method, Compensation, Training, Standards, DFPS Representation). The Appointment Method group has been charged with examining those elements of the Commission's Legal Representation Study dealing with various types of representation around the state and nation and is directed to consider which models will best serve children and parents (including individual court appointments, public-defender type offices, regional public defenders, private contract attorneys, or a state-wide model with a centralized management structure and budget authority). The Compensation workgroup has been charged with examining how Texas can structure a compensation system that optimizes attorney performance, provides quality legal representation, and at the same time provides adequate and fair compensation for attorneys. The workgroup held a meeting on January 17, 2012, which was well-attended.

There are two main areas of focus – the administration of legal representation and the quality of legal representation in child protection cases. Most developed recommendations have come out of the Appointment Method / Representation Model and the Standards / Quality Assurance subcommittees. Most of the discussion about appointment systems has focused on public defender-type offices (PDs) and Managed Assigned Counsel (MAC) offices. The MAC program is executed through an agreement between the county and a non-profit corporation which is entrusted with the responsibility to represent indigent defendants by managing a pool of qualified

attorneys for appointments. The Standards and Quality Assurance discussion has focused on the need for the state to adopt standards of practice, minimum training requirements, judicial evaluation of attorney performance, and helping counties track who is providing legal representation and tracking the amount of money spent on child and parent representation. The group is considering the feasibility of a statutory change to clarify that timing of appointment for parent attorney is no later than the Adversary Hearing. The group may also consider suggesting that counties be allowed to hire a special prosecutor, with consent of local elected prosecutor, to handle CPS cases for county or to form a regional or multi-county special prosecutor office or unit. Recommendations already adopted /enacted by 82nd Legislature: imposes a minimum of 3 hours training and delineates duties for parent attorneys, including meeting with their client prior to hearings, and making them subject to disciplinary procedures when the attorney fails to complete their duties. Also, the Family Code was also amended to require that an attorney file a written statement with the court indicating that the attorney ad litem complied with their duty to see their client under subsection (d)(1), if the child or individual is not present at the court hearing. 2013 Legislative changes may also include clarifying the Government Code that counties can contract with a non-profit (such as Legal Aid or local bar association) to provide legal representation to children or parents (or both), and that counties can set up public defender offices and use the Managed Assigned Counsel model.

5. Jurist in Residence (JIR)

The Jurist in Residence project was created to foster judicial leadership and promote greater expertise among child protection judges. The Commission's JIR, Judge John Specia, has been instrumental in advancing judicial education and community collaboration across the state. OCA will add another JIR position to assist the Children's Commission for FY2012. The Children's Commission will continue to publish JIR newsletters to assist judges hearing CPS cases with practical information and tools to help them do a better job.

6. Judicial Technical Assistance

CPPP will continue its partnership on technical assistance and will provide the Children's Commission with 30 permanency reports using 2010 data for 5 Large Urban counties (Bexar, Dallas, Harris, Travis, Tarrant) that will compare the large urban counties collectively to rest of state and that will compare each urban county to the other collective large urban numbers. 20 reports that will compare all CPC's vs Non-Large Urban courts in the rest of state and the Large Urban courts as well as compare each CPC to the Overall CPC numbers. Also, CPC will produce reports on counties not included in CPC or Large Urban that have more than 500 kids in care (Denton, El Paso, Nueces and Williamson), which will compare each county to collective average of all 4 counties. The geographic areas covered by these reports include about 80% of all kids in CPS custody. CPPP will also create 2 - 4 ad hoc reports or provide assistance to Children's Commission staff with identifying what type of data must be collected to support a particular CIP funded activity to demonstrate the effectiveness of the intervention funded.

Update on Harris County Technical Assistance

In December, Justice Guzman sent a request to Harris County Judges Judy Warne, Bonnie Hellums, David Farr, and Michael Schneider asking them to lead efforts to implement improved processes and protocols to produce better outcomes for children and families involved with Harris County CPS. Eight Harris County district judges and seven associate judges met on January 13, 2012 to discuss how the juvenile and family judges can work together to address some of the legal and child welfare system barriers that are contributing to the delays in foster youth exiting the system.

Justice Massengale and Judge Specia are serving as advisors to the group and the Children's Commission has conveyed its availability to assist when and where needed. This newly formed leadership council for juvenile and family court judges will address system barriers identified in the Texas Appleseed Study and the LRS study. Improving service and docketing will be two of the group's first priorities.

7. Judicial Disproportionality Workgroup (JDW)

Since the last Commission meeting, the JDW has been planning the Third Annual Implicit Bias conference for February 2012. The JDW will be expanding the conference to include judges who hear criminal cases, juvenile cases and other areas of the law which overlap with child protection cases. A wider audience will bring a richer discussion of how cultural and institutional racism contributes to the over-representation of African-American, Native-American and Hispanic youth and families in CPS system. The group would also like to hear from experts regarding how racism within other systems affects the CPS system. The JDW is co-chaired by Joyce James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities, and Carolyne Rodriguez, Senior Director, Texas Strategic Consulting, with Casey Family Programs, Associate Judge Meca Walker of Harris County, and Senior District Judge John Specia.

8. Tribal Initiatives

Senior Peacemaker Batisse of the Alabama-Coushatta tribal nation attended the November Commission meeting, sharing insight from the traditions and practices of the Peacemaking Court as well as her thoughts for strengthening and enhancing the state-tribal relationship. The Children's Commission will be working with the Alabama-Coushatta in the development of Texas' first tribal model court, a new Court Improvement Program grant application, and the second annual judicial symposium. Also, Commission staff has been connecting with members of the Ysleta del Sur Pueblo and the Kickapoo tribes for continued collaboration in our work with vulnerable children and families.

9. Psychoactive Medications

The Psychoactive Medications Workgroup was formed to improve policy and practices surrounding the use of these medications with children in foster care. Members continue to focus on evaluating the current medication screening system and medication review processes. At its December 2 meeting, the group discussed a November 30 national television news show (ABC World News with Diane Sawyer) on the overuse of psychoactive drugs in the nation's foster care population. The Diane Sawyer show highlighted a then unreleased federal report from the General Accounting Office (GAO) that stated foster children in Texas were more likely to be prescribed psychoactive drugs than other Texas children. Members agreed that the GAO study should be closely reviewed.

The group has also discussed ways to improve the Prescription Medication Utilization Review (PMUR) process. The PMUR is a child-specific review that is initiated by request or triggered by automatic screening system. The Workgroup has also endorsed a new pilot project developed by STAR Health, the Judicial Medication Information Line, to answer general questions about prescribing psychoactive medications. This will allow judges to get answers quickly without having to initiate the more formal, and lengthy PMUR process. The Workgroup meets again February 16 and is open to accepting new members.

10. Restraint Group / Trauma Informed Services

This Workgroup brought together representatives from DFPS, child-placing agencies, advocacy groups, universities, and foundations to examine the use of restraints and other emergency behavioral interventions in foster care. The Workgroup researched national best practices and found that rethinking restraint policy is part of a bigger paradigm shift to Trauma-Informed Care. The Workgroup found that this shift in policy is being contemplated in many child welfare arenas including a Hogg Foundation Advisory Committee which helped develop training for mental health professionals entitled "Culture Change: Advancing Trauma-Informed Care in Texas." DFPS is currently engaged in strategic planning to further develop a trauma-informed system of care that would include agency staff, judges, therapists, foster/kinship parents, residential contractors, and STAR Health. This Commission Workgroup will continue to collaborate with the ongoing efforts and communicate these best practices to judges and lawyers.

11. NCJFCJ Legal Orphan Project

A new project started in FY2011 focuses on how courts and judicial practice can help stem the growing number of children who are aging out of foster care as legal orphans. Judge Michael Key, current president of the NCJFCJ, heads an ad hoc committee composed of representatives from a few states to examine the issue in order to present findings and recommendations to the Administration of Children and Families. Texas was selected as one of the states to participate in the project.

The Legal Orphan Project targets youth who are at risk of aging out without biological ties to any parent. Courts terminate parental rights to free a child for adoption so that they can find a loving, permanent family. However, for some children in foster care, permanency plans fail and the child remains in the foster care system until the child turns 18 and "ages out" of the system. When the child becomes an adult, he or she leaves foster care without family connections or a support system. As a result, many of these legal orphans fall on hard times and end up in the criminal justice system. To reduce the number of children that "age out" of the system, the Legal Orphan Project focuses on those children that tend to have difficulty achieving permanency.

The deliverables for each participant state: to identify the number of children who are 12 and older with termination of parental rights regardless of whether their plan is adoption and who have been in foster care for at least one year; to produce a written report about the problem, propose solutions, and start a national dialogue among child welfare professionals and the judiciary; and to build a national curriculum around permanency counseling for children who identify as not interested in being adopted. Texas submitted a Technical Brief in October to the NCJFCJ that will be included in the materials published by this workgroup. The NCJFCJ workgroup intended to submit a resolution to the Board of Trustees at its January meeting, however, prior to that meeting, the NCJFCJ Permanency Division reviewed the resolution and had questions that required that the resolution be sent back to the committee for further review. The Children's Commission staff will continue to participate on the national committee and provide reports to the Children's Commission at its quarterly meetings.

Training Grant Committee

The Training Committee met by conference call on January 12, 2012. The details of this report include the history and ongoing progress of training committee projects. For minutes regarding the full discussion at the meeting, please see Tab 4.

Update on Training Projects

1. Attorney Education

Attorney Practitioner Manual – The Attorney Manual (“The Abuse and Neglect Case: A Practitioner’s Guide”) was written in Spring 2009 as part of the grant with the National Association of Counsel for Children (NACC). The manual is available online on the Commission’s website and was made available in print form to attorneys that attended the 2009 NACC trainings in Texas. The manual has been praised by attorneys and judges as a comprehensive guide to the practice. Commission staff is currently in the process of updating the manual and making improvements to enhance its usefulness to practitioners. The updated manual will contain a substantive overview of the law, as well as practical and trial advocacy tips and material included in the curriculum of attorney training developed as part of court improvement projects.

Attorney Appointment Eligibility Training – Commission staff is helping to develop two training courses on representing parents and children in CPS cases. The courses are designed to satisfy the statutorily required minimum three hours of continuing legal education (CLE) training to be eligible for appointment as an attorney ad litem in CPS cases. While the statutory training requirement has existed for children’s attorneys for some time, the requirement for parents’ attorneys was just added during the 2011 Legislative Session. The course developed for parents’ attorneys, in partnership with the State Bar of Texas, will be the first of its kind.

The parent’s attorney course was filmed at the State Bar’s studio on November 3, 2011 and is available online on the State Bar of Texas website. The course is titled “Representing Texas Parents in Abuse and Neglect Cases (for Parent Attorney Ad Litem Certification).” The presenters included Rob Galvin, Tricia Heil Davis, Marisa Secco, and Martha Newton.

The child’s attorney course will be filmed in the upcoming months. Both courses will be available online through the Texas Bar CLE website, and attorneys seeking appointments will be able to take the course free of charge.

Permanency Ad Litem Training— In partnership with the Austin Young Lawyers Association and supported by funding from the Texas Young Lawyers Association, Commission staff will also be working on a CLE/orientation course for pro bono attorneys volunteering to take appointments for children in the permanent managing conservatorship (PMC) of DFPS. In some areas of the state, the child’s attorney ad litem that served during the beginning of the case is relieved of his or her duties after a final order appointing DFPS, with or without termination of parental rights, is entered. In those instances, the children are in need of advocacy to help achieve permanency goals and have their voices heard. The volunteers will be attorneys from all areas of practice, so the training will be designed to start from the basics and equip the attorneys with the skills and knowledge to advocate for children in the PMC of DFPS.

Attorney Scholarships – In July 2011, the Training Committee approved use of \$50,000 in FY 2012 grant funding for attorney scholarships to attend conferences related to representation of DFPS, children, and parents in child abuse and neglect cases. Although the conferences for which attorneys scholarships will be available in FY 2012 have not been wholly identified, they will likely include:

- **NACC Child Welfare Law Conference** – The NACC annual conference, which offered nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases, will be held in August 14-16, 2012 in Chicago, Illinois.
- **Scholarships for Child Abuse and Neglect Track at Advanced Family Law (AFL)** – The day-long Child Abuse and Neglect Track at the State Bar of Texas Annual Advanced Family Law Conference will occur in August 2012 in Houston. Registration scholarships will be offered for the track.
- **Parent Attorney Leadership Conference** – Scheduled September 11-12, 2012 in Dallas, this conference is a joint effort of the CIP programs in Texas and its neighboring states, New Mexico, Oklahoma, Arkansas, and Louisiana. The conference will bring together experienced parent attorneys, parents, judges, child welfare agency representatives, and other key stakeholders to receive not only substantive training, but also tips for returning to their home states to work on ways to improve the quality of legal representation for parents.

Trial Skills Training – The Training Committee approved FY 2012 funding for this project at the July 2011 joint committee meeting. A workgroup, led by Justice Michael Massengale of the 1st Court of Appeals in Houston, has met several times since its first meeting in August 2011. The workgroup identified the need to develop curriculum for trial skills training as well as to identify and develop trial skills related resources, including a trial notebook for attorneys who represent parents and children. The workgroup will hold periodic meetings during FY 2012, with a plan to disseminate any trial skills resource materials and curriculum developed by the workgroup in FY 2013.

SBOT CAN Committee Multi-disciplinary Training in FY 2011 – The State Bar of Texas Child Abuse and Neglect Committee plans to hold its multi-disciplinary conference April 19-20, 2012 in Houston, but may change the date due to scheduling conflicts. Funding for this project was included in the FY 2012 budget approved by the committee. The agenda is currently under development.

2. Judicial Education

The Texasfor the Judiciary (TCJ) – At the July committee meeting, FY 2012 funding was approved by the committee for TCJ to continue its CIP projects, including the following:

- **Judicial Scholarships to Attend the NCJFCJ National Conference on Juvenile and Family Law and Annual Conference** – In 2012, the National Conference on Juvenile and Family Law will be held March 21-24 in Las Vegas. Scholarships to the conference have already been awarded. The Annual Conference of the NCJFCJ will be held July 15-18, 2012 in New Orleans, LA.
- **Beyond the Bench Conference** – The Beyond the Bench conference brings together a comprehensive list of stakeholders in the child-protection system from a particular region for a two-day multi-disciplinary training that includes open communication and collaboration, brainstorming, and problem solving as well as discussion of best practices. Stakeholders who participate include judges, prosecutors, CASA, CPS, foster parents, educators, mental health/substance abuse professionals, public health professionals, law enforcement, the Texas Workforce Commission, educators, former foster youth, and parents formerly involved with CPS. TCJ will get planning underway in FY 2012 for a state-wide Beyond the Bench Conference, which will focus on permanency.
- **Implicit Bias in Judicial Decision-Making Conference** – The goal of the conference is to educate judges about the effect of cultural biases on decision making and how these biases

have contributed to disparate outcomes for African American, Native American and Hispanic youth and families involved in the judicial system. Some of the nation's pre-eminent experts presented on race and racism, including its history in the United States, the effects of unintentional biases, current research, and tools judges can use to effect change in their courtrooms, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) Court Catalyzing Change Bench Card. The Implicit Bias Conference was held February 6-7, 2012 in Austin.

- ***CPS/Associate Judges Conferencenow called the Child Welfare Judicial Conference*** - This annual conference will be held June 4-6, 2012 in San Antonio. This year's conference will have national and local speakers presenting on issues such as Reducing Time to Permanency, How to Understand and Utilize Psychological Evaluations, Trauma and the Children of Military Families, and Fostering Educational Success: Improving Education Outcomes for Foster Youth. Judicial resources and tools will be spotlighted and courts will learn about emerging issues in child welfare and how to lead collaborative efforts in their jurisdictions. Attendance at this conference is a prerequisite to be eligible for a scholarship to attend the annual NCJFCJ Conference in New Orleans.
- ***Other Judicial Conferences*** - TCJ broadened the scope of the language in its grant application to include conferences held by national organizations other than the NCJFCJ, which was approved by the committee in July 2011.
- ***Judicial Technical Assistance*** - The committee approved funding for the Texas Center for the Judiciary to work with experts who may provide judicial technical assistance to improve moving children to permanency. In past fiscal years, judicial technical assistance primarily funded analysis of county-level data, particularly looking at permanency outcomes. At the July committee meeting, the committee approved funds requested by TCJ to continue providing judicial technical assistance in FY 2012.
- ***Funding for Local Training*** - Funding for local training is included in the award given to TCJ.

Office of Court Administration (OCA) Judicial Education - The Office of Court Administration's training is usually scheduled in October. The CIP Training Grant funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. The next OCA annual training is scheduled for March. The committee approved FY 2012 funding for OCA judicial education at the meeting in July.

Drug Court Education - In FY 2012, commission staff will explore a meeting or training as follow up to the Family Drug Court Roundtable held in November 2010.

Technology Committee Report

The Technology Committee met via conference call on January 20, 2012. For minutes regarding the full discussion of that meeting, please see the committee minutes in this meeting notebook under Tab 4.

Update on Technology Projects

1. Child Protection Case Management System (CPCMS)

After a demonstration of CPCMS in Harris County, county officials asked for a copy of the software system and a software agreement between OCA and Harris County was sent in September. Harris County is still evaluating the system and no determination has been made on moving forward. They

report that higher priorities that involve the upgrade of their legacy systems are hampering their analysis and evaluation efforts.

The latest set of enhancements and maintenance fixes, were released into the CPCMS production environment on January 13th. The last of the planned enhancements (Outcome Measure Reports) are scheduled to be completed in the next seven weeks. CPCMS enhancements will be minimal for the remainder of FY12 and resources will be redirected due to planned development activities to support the other projects.

Atascosa, Karnes and Wilson counties are no longer part of the South Texas Cluster Court, however, OCA will continue to provide CPCMS support and service, and these courts will be the first non-cluster courts to use CPCMS. OCA will monitor the use of CPCMS in these three courts to assess the possibility of use by counties outside the traditional clusters. Training for the judges and staff taking over these three dockets will be provided. This action was not previously undertaken because of issues with interfacing with hardware outside of the system. The environment has changed since the rollout and as an outcome from the Shared Solutions Summit and the support for change is firming up. However, all of the approximately 220 additional Texas counties will not be added at once. OCA will monitor and consider potentially using the methodology as a platform. The benefit will be reduced costs to the smaller counties; infrastructure will run in Austin.

CPCMS will no longer require use of the RSA token in order to login to the system. In short order, staff will change the login facilitate access directly to CPCMS.

2. National Information Exchange Model (NIEM)

No new activities at this time.

3. CPCMS Staff Assistance – Region 2

One temporary staff position was filled to perform data entry of case information into CPCMS in support of the Centex, Rio Grande Valley West, and South Texas CPCs starting January 4th. This one-time expenditure will help two courts eliminate a current backlog in the data entry and bring them up-to-date and will help one court keep up-to-date while the court coordinator is on medical leave. Both Judge Van Orden and Judge Flores have confirmed that subsequent to the temporary data entry person completing the catch-up of case data into CPCMS, and assuming their case loads do not significantly increase, their respective courts will maintain current and robust case data entry into CPCMS.

4. Video Conferencing

The Texas Office of Court Administration (OCA) and the Texas Department of Family and Protective Services (DFPS); Child Protective Services (CPS) are moving forward with phase II of the video conferencing project for child abuse and neglect cases.

Purpose

The purpose of the (phase I) pilot was to test the feasibility of using Internet based video conferencing technology to enable children involved in child abuse and neglect cases to participate in the placement/permanency hearing without being physically present in the courtroom. Phase I of the pilot was conducted June 2011 through September 2011. Phase I was sufficiently successful

to acquire authorization to move forward with Phase II of the project. Phase II will begin Winter/Spring of 2012.

Participating Courts

Phase I had three courts participate.

- 315th District Court – Harris County – Judge Michael Schneider
- Travis County Juvenile Court – Judge John Hathaway
- Child Protection Court of Central Texas – Judge Karin Bonicoro

Phase II will include the 315th District Court and the Travis County Juvenile Court listed above as well as one or more courts from Bexar, Dallas, and Tarrant counties. Each court is responsible for identifying and selecting cases/children appropriate for use of video conferencing technology to participate remotely in scheduled placement or permanency hearings.

Participating Facilities

Phase II will be focused on children placed in group homes and residential treatment centers (RTC) that have stable broadband internet service (above basic service) and some level of technical staff available (on staff or through contract services) to help support the facility during video conference sessions.

CPS Liaisons

The liaison works with CPS program staff to let them know when one of their children and provider will be participating in the project. The liaisons are responsible for contacting the group homes and residential treatment centers (RTC) that host the selected children. The liaison will confirm the provider has Internet (cable or DSL broadband) connectivity and they are able and willing to participate in the project. The liaison will be in communication with Tim Kennedy at the Texas Office of Court Administration to assist in coordinating getting the necessary equipment to the RTC.

The Texas Office of Court Administration

The Texas Office of Court Administration is responsible for ensuring participating providers facilities and the courts have the needed equipment and network connectivity for video conferencing. Technical support will be provided by the Texas Office of Court Administration (OCA) service desk at (512) 463-1642 or support@courts.state.tx.us . Additional support may be provided by contacting Tim Kennedy, OCA Project Manager at (512) 463-6057 or tim.kennedy@courts.state.tx.us .

If a selected and verified facility does not have video conference equipment on-site, then a Logitech Pro 9000 webcam will be provided to each facility site. A separate communication will be provided to the participants with a "User Name" and "Password" to connect to the video conferencing server, download the client (endpoint) software and then test with the server.

5. Spanish Interpreter Program

OCA Child Protection Courts have access to a Spanish interpreter using a web-based calendaring system on a first-come, first-served basis. Licensed court interpreter Mr. Marco Hanson works remotely, using a speaker phone or videoconferencing, to provide courtroom interpretation for as many as 20 hours a week to Child Protection Courts. Hearings held since the project began in December include three for Judge Bonicoro in New Braunfels and one for Judge Chavez in Odessa. The judges report that they are happy with the quality of the service and the process and will continue to utilize the service. The service is currently available solely to the Child Protection

Courts, and OCA staff will contact CPC judges to publicize and expand utilization of the service. The service at present uses low level technology. Minimal equipment requirements and resources (headphones) may be needed by courts that elect to begin the service and this may entail expenditures by the court. Mr. Bryan Wilson noted that when considering expansion of the service, the factor that some counties may have existing contracts or commitments to utilize another option.

The project is also testing technology that would allow the interpreter to interpret simultaneously those portions of the trial which are conducted entirely in English, for the benefit of the limited English-proficient parties only, to save time overall. Currently, all interpretation is consecutive, which requires all parties to pause after each statement for interpretation to the entire courtroom. The project includes an evaluation process and the ability to develop an inexpensive way to increase the use of the services should be a priority.

6. CIP Technology Staff

Mr. Casey Kennedy provided a report to the members on the proposed staffing plan that will be presented at the Children's Commission meeting in February. The project activities are moving from a defined, time-specific focus to ad hoc, long-term activities. To more effectively utilize staff resources, OCA will provide three full-time staff to plan, develop, and implement technology projects designed to improve child protection court processes and outcomes. This staff will provide expertise to respond to the collection of project data and data interpretation that is mandated by ACF starting in FY2013. A dedicated staff will allow the Texas CIP to improve efficiency and quickly move from concept to realization for various projects requiring technological expertise.

Staff will consist of a Project Manager, Business Analyst/Project Lead and a Programmer.

Business Analyst/Project Lead

- Architects and designs optimum solutions to complete technology-related projects assigned by the Children's Commission
- Keeps apprised of the business processes in use by the court hearing child protection cases.
- Manages the day-to-day operations with regards to existing systems including the management of operational support and system enhancements
- Provides project management to CIP projects requiring programming services, ensuring that priorities and projected timelines are met

Programmer

- Codes web-based programs as designed by the CIP Business Analyst/Project Lead
- Analyzes existing code to increase system efficiency and speed
- Ensures that system security is in place and functioning correctly
- Updates the system as needed as court operations change

Manager

- Prepares reports for the technology committee, the commission, federal partners and others related to the technology projects currently underway
- Prepares and monitors the CIP Technology budget and related projects Provides proactive updates to the commission, technology committee and OCA management regarding CIP Technology projects

- Manages all CIP Technology projects not requiring programming service

Implementing permanent staff would allow OCA the flexibility to redirect technology staff to assess special projects and the changing scope of current projects while providing more flexibility at a better cost point.

Education Committee Report

On December 8-9, 2011, the Education Committee held a pivotal meeting in El Paso. The El Paso meeting marked the culmination of months and months of information gathering, exchange, discussion, and compromise. It represented a milestone in the charge issued by the Supreme Court of Texas to the committee as Education Committee members discussed, modified, clarified and refined the recommendations submitted to it by the four sub-committees and three workgroups. The result was consensus on many recommendations and an agreement to continue discussion on those which require greater collaboration to find solutions.

The proposed recommendations were organized according to the committee charge provisions:

- Judicial Practices
- Data and Information Sharing
- Training
- Collaborative Model
 - School Readiness
 - School Stability and Transitions
 - School Experience, Supports, and Advocacy
 - Post-Secondary Education

Committee members now have the opportunity to provide commentary to the recommendations, which will be included in the Final Report submitted to the Children's Commission by the Education Committee in March 2012.

Strategic Planning Committee

The Children's Commission completed its 2012 – 2016 Strategic Plan, and it will be submitted to the Children's Commission for adoption at the February 10, 2012 meeting. The new Strategic Plan is under Tab 5.

INSERT - TAB 4

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

**Basic Committee Meeting Minutes
January 27, 2012
Via Teleconference
Austin, TX 78701**

ATTENDANCE OF MEMBERS-BASIC

Members Attending

Members Not Attending

Name	Name
The Honorable Robin Sage, Chair Ms. Colleen McCall, Member The Honorable Peter Sakai, Member* The Honorable Virginia Schnarr, Member *A quorum was not present at the January 27, 2012 meeting of the Basic Committee	The Honorable Bonnie Hellums, Member The Honorable Mickey Pennington, Member The Honorable Cheryl Lee Shannon, Member Ms. Carolyn Rodriguez, Member The Honorable Elma Salinas Ender, Member The Honorable Doug Warne, Member The Honorable Olen Underwood, Member
Staff	
Ms. Tina Amberboy	
Ms. Teri Moran, Notetaker	

I. Call to Order

This meeting was held at 12 noon on January 27, 2012, at 201 West 14th Street – Fourth Floor Children’s Commission conference room, Austin, Texas. Dial in instructions: 1-866-633-3380; *1278673* Ms. Amberboy called the meeting to order at 12:01 p.m.

II. Minutes from the November 9, 2011, Basic Committee Meeting

Although a quorum was not present at the November 9, 2011, meeting of the Basic Committee, the November 9, 2011, minutes were reported to the Children’s Commission members at the November 18, 2012 Commission meeting.

III. Project Updates

Child Protection Law Judicial Bench Book

Ms. Amberboy reported that within a couple of weeks the CPS Online Bench Book will be relocated from the Texas Center for the Judiciary’s servers to OCA’s servers after staff completes updates. The Bench Book will continue to be password protected on OCA’s servers. The Bench Book was introduced at the 2010 CPS Judicial Conference and has been available to judges through the (TCJ) since November 2010.

Texas Appleseed Project

Some 20 members of the Appleseed Permanency Project Workgroup met January 14 to continue work on removing systemic barriers to permanency identified in Appleseed’s

November 2010 report that PMC children face. Ms. Amberboy reported that Judge Robin Sage suggested that the group consider launching some kind of a campaign that focuses on permanency, for example, naming 2012 the “Year of Permanency.” The Children’s Commission staff offered to approach TCJ about holding a Permanency Summit in the late fall of 2012.

Also, Appleseed recently completed a cost analysis of hearings in several jurisdictions that will be used to help estimate the cost of developing and implementing a bench mark hearing process that could serve as a standard for measuring the quality of the state’s PMC hearings.

Other projects include continuing to work with Harris County, as appropriate, to improve the administrative handling of CPS cases generally and improve the judicial practices used in PMC cases.

Round Table Series

Budget Constraints: Ms. Amberboy reported that her staff is editing a draft report from the November 2011 Budget Constraints Round Table the Commission co-hosted with Casey Family Programs and CPS. The multi-disciplinary participants discussed the impact of FY 2012-2013 limitations, strategies for best utilizing the FY 2012-2013 funding, and available resources to achieve optimal results of safe and timely permanency. Participants discussed how CPS evaluates families and work with community providers, noting that assessments are sometimes duplicative and rely too heavily on self reporting. Issues concerning CPS-required services were discussed as well, including their over-assignment, the long waiting periods and difficulty families have accessing them.

Notice and Engagement: Plans for a follow up Round Table or a workgroup to focus on changes to the Status Hearing statute will be examined in 2012 to determine whether changes should be made to allow judges to monitor compliance with the notice provisions and to ensure the statute allows plenty of opportunities for engagement. This effort also fulfills PIP requirements. Judge Sage related an incident in one of the courts over which she presides as a visiting judge where a child was removed and parent did not appear for the Adversary Hearing for lack of notice. Extending the hearing puts it outside the statutory 14-day requirement. Ms. Amberboy noted that while the round table covered service, notice, and engagement, engagement surfaced as the focus issue. Members discussed the positive and negative implications of changing the statute to give judges more extension flexibility. Ms. McCall offered to follow up on any specific cases that are sent to her and also suggested that CPC specialty courts begin tracking the issue to get an idea of how Texas is doing in rural counties. Ms. McCall said she would look at CPS data for any trends that could contribute to solutions, and Ms. Amberboy offered to poll her list of 30 to 35 judges and ask them about their experiences.

Legal Representation Study (LRS)

The LRS Workgroup, formed by the Commission to develop plans for implementing the recommendations from the LRS Report, met on January 17, 2012 in person in Austin. The meeting was very well-attended and the workgroup discussed the administration of legal representation and the quality of legal representation, and has been charged with examining how Texas appoints counsel, when counsel is appointed in the case, how much attorneys are paid and how (hourly / per case), and the structure of legal representation of the State/DFPS

as well as examining qualifications and training as well as accountability within the judicial system to help ensure parties are receiving high-quality legal representation.

Harris County

In December, Justice Guzman sent a request to Harris County Judges Judy Warne, Bonnie Hellums, David Farr, and Michael Schneider asking them to lead efforts to implement improved processes and protocols to produce better outcomes for children and families involved with Harris County CPS. Eight Harris County district judges and seven associate judges met on January 13, 2012 to discuss how the juvenile and family judges can work together to address some of the legal and child welfare system barriers that are contributing to the delays in foster youth exiting the system. Justice Massengale and Judge Specia are serving as advisors to the group and the Children's Commission has conveyed its availability to assist when and where needed. This newly formed leadership council for juvenile and family court judges will address system barriers identified in the Texas Appleseed Study and the LRS study. Improving service and docketing will be two of the group's first priorities.

Psychoactive Medications

The Psychoactive Medications Workgroup, whose members include the top physicians from both DFPS and STAR Health, has met four times to address concerns of overprescribing. Members continue to focus on evaluating the adequacy of current medication screening system and medication review processes. At its December 2 meeting, the group discussed a November 30 national television news show (ABC World News with Diane Sawyer) on the overuse of psychoactive drugs in the nation's foster care population. The Diane Sawyer show highlighted a then-unreleased federal report from the General Accounting Office (GAO) that stated foster children in Texas were more likely to be over-prescribed psychoactive drugs than those in the four other states (Florida, Massachusetts, Michigan and Oregon) the GAO reviewed in its two-year investigation. Members agreed that the GAO study's data should be closely reviewed.

The group discussed ways to improve STAR Health's Prescription Medication Utilization Review (PMUR) process, which is formal, lengthy, and is triggered by outliers identified by the automatic screening system, but can also be initiated by request. The group is initiating the Judicial Medication Information Line, a pilot project scheduled to begin in January in which STAR Health staff will be available by phone to answer general questions from a group of about 30 judges about psychotropic drug utilization. This will allow judges to get answers quickly without having to initiate a full-blown PMUR review. The workgroup meets again February 16 and is open to accepting new members.

Trauma Informed Treatment and Practices

This workgroup formed originally to review the use of restraints in RTC, but discussions expanded to include the larger issue of the system's need for trauma informed treatment and practices for. Ideally, standards could be established that incorporate sensitivity to the effects of trauma. Several members recommended a book written by a former foster parent called, The Language of Flowers.

IV. New Business

Disability Rights Application for funding effective March 1, 2012

In 2009, the Commission awarded 50K to Disability Rights (aka Advocacy Inc) for the Legal Advocacy for Dually Managed Youth Program (specialized legal representation for foster youth who are incarcerated in a TYC facility or placed in a State Supported Living Center (SSLC) for FY2010). Due to additional private funding aimed at supporting the project, DR did not use the original 50K and it remained in the DR account at the end of FY2010.

In the fall of 2010, the Commission awarded 100K (original 50K plus additional 50K) to DR for the project for FY2011. Again, DR was able to exhaust private funds for most of the project costs and only used approximately 46K of the FY2011 funding before the end of the grant period (September 30, 2011).

In August 2011, the Commission granted permission to rollover the remaining 54K from FY2011 to cover the project from October 1, 2011 – February 29, 2012, pending the CIP distribution from the Administration of Children and Families (ACF). DR is on track to exhaust the interim funding awarded in August and has submitted an application for an additional 50K to cover the period of March 1, – September 30, 2012, pending receipt of the CIP funds from ACF (projected by end of March).

Members discussed the project and there were no objections to the staff taking this matter to the commission for a vote on 2/10/12.

V. Adjourn

The meeting adjourned at 12:30 p.m.

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

**Training Committee Meeting Minutes
January 12, 2012**

ATTENDANCE OF MEMBERS

Members Present		Members Absent
Name		Name
Judge Camile DuBose, Chair	Teleconference	Ms. Debra Emerson, Member
Ms. Cathy Cockerham, Member	Teleconference	Ms. Tracy Harting, Member
Ms. Barbara Elias-Perciful, Member	Teleconference	Dr. Sandeep Narang, Member
Ms. Alice Emerson, Member	Teleconference	Ms. Shaneka Odom, Member
Judge Richard Garcia, Member	Teleconference	Ms. Fairy Davenport Rutland, Member
Ms. Joyce James, Member	Teleconference	Judge Ellen Smith, Member
Judge Lamar McCorkle, Member	Teleconference	
Ms. Pam Parker, Member	Teleconference	
Mr. Randy Sarosdy, Member	Teleconference	
Ms. Heidi Penix, Guest	Teleconference	
Ms. Tiffany Roper, Staff	Teleconference	
Ms. Mari Aaron, Notetaker	Teleconference	

The Committee had a quorum present for this meeting.

I. Call to Order

Tiffany Roper called the meeting to order at 12:05 p.m.

II. CIP Funding Update

Ms. Roper reported on the status of the CIP grant funds. The grant application for FY 2012 funding was due on January 27, 2012, but ACF extended the deadline to February 29. Because ACF delayed disbursing grant funds, no new projects are being proposed at today's meeting. Ms. Roper will give an update at the next committee meeting.

III. Ratification of Minutes

ACTION: Judge DuBose asked for a motion to ratify the approval of the October 17, 2011, meeting minutes. Judge McCorkle made a motion, Ms. James seconded and the minutes were ratified.

IV. Update on training projects

a. Attorney Practitioner Manual

Commission staff is updating the attorney manual written in 2009 to include new legislative changes. The updated manual should be online in a few months.

b. Attorney Appointment Eligibility Training

The Parent Attorney training was filmed at the State Bar of Texas in November and meets the statutorily required training for attorneys representing parents in CPS cases. The Child Attorney

training is in development. The CLE will be available online and free of charge to attorneys seeking appointments.

c. Attorney Scholarships

The Training Committee previously approved \$50,000 in FY 2012 grant funds for attorneys to attend conferences related to representation of DFPS, children, and parents and \$10,000 for registration scholarships to attend the Child Abuse and Neglect Workshop at Advanced Family Law. In the past, training grant funds were used to fund scholarships to the NACC Annual Child Welfare Law Conference and the ABA Parent and Child Attorney Conferences. Commission staff will track national conferences of interest that may offer good opportunities for scholarships. Additionally, commission staff is working with CIP programs in neighboring states to plan a Parent Attorney Leadership Conference, which will be held in September 2012.

d. Trial Skills Training

A workgroup headed by Justice Michael Massengale began meeting in August and has held several meetings to date. The workgroup divided into two smaller workgroups, one working on curriculum development and the other on trial notebook and other resources. The workgroup hopes to have the curriculum and other resources developed by summer 2012, with a plan for dissemination in FY 2013.

e. State Bar of Texas Child Abuse and Neglect Committee Multi-Disciplinary Conference

The conference is scheduled for April 19-20, 2012, at the Thurgood Marshall School of Law in Houston. Howard Baldwin, DFPS Commissioner, will give the keynote speech. The agenda is currently under development.

f. Texas Center for the Judiciary Projects

- Child Welfare Judges Conference – Scheduled June 4-6, 2012 in San Antonio. Agenda in development.
- Beyond the Bench – planning underway for statewide conference in 2012.
- Implicit Bias in Judicial Decision-Making – Scheduled for Feb. 6-7, 2012 in Austin.
- Judicial Scholarships will be available to two national conferences – National Conference on Juvenile and Family Law (NCJFCJ) in Las Vegas in March and the NCJFCJ Annual Conference in New Orleans in July.
- TCJ is also working on an improved evaluation component modeled after one used by the NCJFCJ.

g. OCA Child Protection Court Judges Conference

Next one scheduled for March 19-20, 2012.

h. Children’s Advocacy Centers of Texas

The guide, *Child-Friendly Courtrooms: Items for Judicial Consideration*, was completed in November 2011 and disseminated around Texas and there have been reports of its use in the courtroom.

i. Drug Court Education

This is a follow-up to the Drug Court Round Table held in November 2010. Commission staff is working on next steps for this project.

j. Mediation Project

Follow up work is needed on this project.

V. New Business

Ms. Roper reported on the new data requirements in the ACF grant, including the requirement to show the effectiveness of any programs implemented.

VI. Next Meeting Schedule

Ms. Roper will circulate dates for the next meeting, which will probably be held in early April.

VII. ADJOURN

The meeting adjourned at 12:30 p.m.

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

**Technology Committee Meeting Minutes
January 20, 2012**

12:00 noon - 1:00 p.m.

ATTENDANCE OF MEMBERS-TECHNOLOGY

Members Attending	Members Not Attending
<p>Name</p> <p>Mr. Casey Kennedy, Member Mr. Tim Kennedy, Member Mr. Carl Reynolds, Member Ms. D.J. Tessier, Member,(teleconference) Mr. G. Allan Van Fleet, Member Mr. Bryan Wilson, (Member)</p> <p>Staff Attending Tina Amberboy Mari Aaron, Notetaker (teleconference)</p>	<p>Name</p> <p>Mr. Kevin Cox, Member The Honorable Oscar Gabaldon, Member Mr. Jason Hassay, Member The Honorable Gilford Jones, Member Ms. Elizabeth Kromrei, Member Mr. Robert Nolen, Member Ms. Linda Uecker, Member</p>
<p><i>Note: A quorum of members of the Technology Committee was not present</i></p>	

I. Call to Order

Tina Amberboy called the meeting to order at 12:01 p.m.

II. October 27, 2011 Minutes

The October 27, 2011 meeting minutes of the Technology Committee were reported to the Children’s Commission at its November 18, 2011 meeting.

III. Review of Current Projects

1. Child Protection Case Management System (CPCMS)

Mr. Tim Kennedy reported on the Harris County request for the CPCMS system.

A software agreement was negotiated and a copy of all CPCMS materials were provided to Harris County in September 2011 (per their request). Harris County is still evaluating the system and no determination has been made on moving forward. They report that higher priorities that involve the upgrade of their legacy systems are hampering their analysis and evaluation efforts.

The latest set of enhancements and maintenance fixes, were released into the CPCMS production environment on January 13th. The last of the planned enhancements (Outcome Measure Reports) are scheduled to be completed in the next seven weeks. CPCMS enhancements will be minimal for the remainder of FY12, resources will be redirected due to planned development activities to support the other projects listed in briefing note #4 below.

Atascosa, Karnes and Wilson counties are no longer part of the South Texas Cluster Court, however, OCA will continue to provide CPCMS support and service, and these courts will be the first non-cluster courts to use CPCMS. OCA will monitor the use of CPCMS in these three courts to assess the possibility of use by counties outside the traditional clusters. Training for the judges and staff taking over these three dockets will be provided. This action was not previously undertaken because of issues with interfacing with hardware outside of the system. The environment has changed since the rollout and as an outcome from the Shared Solutions Summit and the support for change is firming up. However, all of the approximately 220 additional Texas counties will not be added at once. OCA will monitor and consider potentially using the methodology as a platform. The benefit will be reduced costs to the smaller counties; infrastructure will run in Austin.

CPCMS will no longer require use of the RSA token in order to login to the system. In short order, staff will change the login facilitate access directly to CPCMS.

2. National Information Exchange Model (NIEM)

There are no new activities associated with the project to report at this time.

3. CPCMS Staff Assistance - Region 2

Mr. Tim Kennedy reported on the contracted services secured to assist the CPC courts catch up with data entry resulting from heavy case loads.

One temporary staff position was filled to perform data entry of case information into CPCMS in support of the Centex, Rio Grande Valley West, and South Texas CPCs starting January 4th. This one-time expenditure will help two courts eliminate a current backlog in the data entry and bring them up-to-date and will help one court keep up-to-date while the court coordinator is on medical leave. Both Judge Van Orden and Judge Flores have confirmed that subsequent to the temporary data entry person completing the catch-up of case data into CPCMS, and assuming their case loads do not significantly increase, their respective courts will maintain current and robust case data entry into CPCMS.

4. Video Conferencing

The collaborative effort between OCA and DFPS/CPS was approved to proceed with phase II of this project for FY12. Work is ongoing with the Department to refine details of the business process. The project will be initially expanded to work with courts in Bexar, Tarrant and Dallas counties. In general expansion will continue in areas with sufficient Internet bandwidth to support video conferencing. Coordinated planning between OCA and DFPS/CPS for Phase II will begin no later than February 1, 2011.

5. Spanish Interpreter

OCA Child Protection Courts have access to a Spanish interpreter using a web-based calendaring system on a first-come, first-served basis. Licensed court interpreter Mr. Marco Hanson works remotely, using a speaker phone or videoconferencing, to provide courtroom interpretation for as many as 20 hours a week to Child Protection Courts. Hearings held since the project began in December include three for Judge Bonicoro in New Braunfels and one for Judge Chavez in Odessa. The judges report that they are happy with the quality of the service and the process and will continue to utilize the service. The service is currently available solely to the Child Protection Courts, and OCA staff will contact CPC judges to publicize and expand utilization of the service. The service at present uses low level technology. Minimal equipment requirements and resources (headphones) may be needed by courts who elect to begin the service and this may entail an expenditure by the court. Mr. Bryan Wilson noted that when considering expansion of the service, the factor that some counties may have existing contracts or commitments to utilize another option.

The members discussed the mechanics of the interpreter process during the hearings. Based on a suggestion by Judge Bonicoro, Mr. Hanson is testing technology that would allow him to interpret simultaneously those portions of the trial which are conducted entirely in English, for the benefit of the limited English-proficient parties only, to save time overall. Currently, all interpretation is consecutive, which requires all parties to pause after each statement for interpretation to the entire courtroom.

The members discussed the evaluation process for the project and will request a report on metrics. The need to develop an inexpensive way to increase the use of the services should be a priority.

IV. New Business

1. Full-time CIP Technology Staff

Mr. Casey Kennedy provided a report to the members on the proposed staffing plan that will be presented at the Children's Commission meeting in February. The project activities are moving from a defined, time-specific focus to ad hoc, long-term activities. To more effectively utilize staff resources, OCA will provide three full-time staff to plan, develop, and implement technology projects designed to improve child protection court processes and outcomes. This staff will provide expertise to respond to the collection of project data and data interpretation that is mandated by ACF beginning in FY2013. A dedicated staff will allow the Texas CIP to improve efficiency and quickly move from concept to realization for various projects requiring technological expertise.

Staff will consist of a Project Manager, Business Analyst/Project Lead and a Programmer.

Business Analyst/Project Lead

- Architects and designs optimum solutions to complete technology-related projects assigned by the Children's Commission
- Keeps apprised of the business processes in use by the court hearing child protection cases.
- Manages the day-to-day operations with regards to existing systems including the management of operational support and system enhancements
- Provides project management to CIP projects requiring programming services, ensuring that priorities and projected timelines are met

Programmer

- Codes web-based programs as designed by the CIP Business Analyst/Project Lead
- Analyzes existing code to increase system efficiency and speed
- Ensures that system security is in place and functioning correctly
- Updates the system as needed as court operations change

Manager

- Prepares reports for the technology committee, the commission, federal partners and others related to the technology projects currently underway
- Prepares and monitors the CIP Technology budget and related projects Provides proactive updates to the commission, technology committee and OCA management regarding CIP Technology projects
- Manages all CIP Technology projects not requiring programming service

During the 2010 Notice and Engagement Round Table meeting, a follow up discussion proposed development of a web-based tool to enable access

to non-confidential case information for parties involved in child protection proceedings. Mr. Kennedy commented that at present, OCA staff would have to redirect hours to work on special activities such as this. Implementing permanent staff would allow OCA the flexibility to redirect technology staff to assess special projects such as development of this web-based tool. Ms. Amberboy noted that the OCA grant is frequently amended because needs change; scope change with the result that tracking of the original project intent can be difficult to track. Having permanent staff assigned to the CIP technology project will provide more flexibility at a better cost point.

V. Future Meetings and Proposed Changes to Committee Structure

Ms. Amberboy provided an update to the members on the structure of the CIP Grant committees and the organizational changes will be presented at the Children's Commission meeting in February. The 2012 committee meeting schedule and designation of a new committee chair to succeed Judge Bonicoro will be deferred until the Commissioners have the opportunity to provide input on the proposed changes to the committee structure. The proposed changes to the committee structure are intended to provide better use of the committees and clarify the role they perform. As they presently function, the committees necessitate an extra layer of reporting; although final decisions are ultimately determined by the Commission. In the proposed plan to restructure, the current members can remain on the committees but more Commissioner involvement will be instituted.

VI. The meeting was adjourned at 12:47 p.m.

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Supreme Court Children’s Commission Strategic Plan

(2012 – 2016)

Mission:

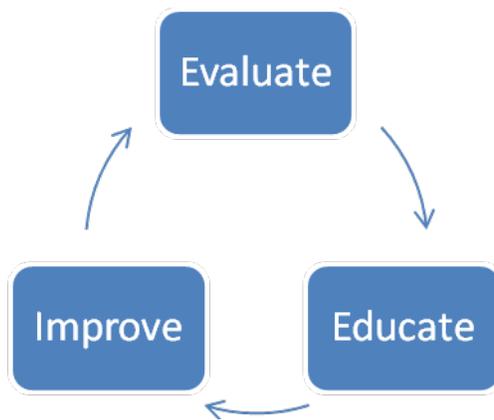
The mission of the Children's Commission is to strengthen courts for children, youth and families in the Texas child-protection system and thereby improve the safety, permanency and well being of children and youth.

Goals applicable to all strategies:

- Judicial Leadership
- Collaboration
- Eliminate Disproportionality

Strategies

The Children’s Commission’s 2012 – 2016 Strategic Plan is built on a collaborative model in place since 2007 when the Children’s Commission was established, and that has evolved over time to include a standard of continuous quality improvement applicable to all Commission supported projects. The overall strategy can be summarized in three words: *Evaluate, Educate and Improve*. It is aimed at implementing an ongoing, cyclical process that constantly informs efforts and ensures that projects address ever-changing needs, resources, and issues.



Evaluate

Collect, assess, and analyze data, practices, law and policy with the goal of improving court functioning, building capacity, and reforming systems

- Evaluate the judicial processes that directly impact Disproportionality and disparities in the child welfare system and make recommendations for improvement

- Evaluate judicial processes to ensure they provide due process of law, timely and thorough court hearings, and high quality legal representation to children, parents and the child welfare agency
- Identify and evaluate data collection, reporting, and sharing for projects receiving CIP support
- Evaluate timeliness and quality indicators of legal proceedings and hearings and quality legal representation through data collection and onsite observation
- Evaluate judicial practices to ensure families are engaged in court proceedings, the depth of court hearings, and the timeliness of permanency
- Evaluate Commission’s feedback mechanism to elicit input from stakeholders regarding the need for and effectiveness of CIP interventions and activities
- Evaluate methods available to analyze projects receiving CIP support throughout the project to implement midcourse adjustments and modifications to the activities and interventions

Educate

Inform, train and raise awareness of best practices and areas requiring improvement, including efforts to improve court functioning, build capacity, and reform systems

- Educate the judiciary on Disproportionality and disparities and the adverse effects on children, youth and families in the child welfare system
- Educate judges and child welfare stakeholders on the importance and methods of providing due process of law, timely and thorough court hearings, high quality legal representation for children, parents, and child welfare agency, and the need for participant accountability in order to ensure timely permanency
- Educate judges and other legal system stakeholders on the meaning, importance, and standards of review of the federal Child and Family Services Review and Title IV-E Foster Care Eligibility Reviews
- Educate the judiciary and child welfare stakeholders on the importance of permanency for families and methods for achieving better and timelier outcomes (including notice and engagement efforts), and the need for adequate and consistent education resources for children and youth
- Provide high quality, multidisciplinary training opportunities for all child welfare stakeholders and community partners
- Educate the judiciary and child welfare stakeholders on importance of collecting data and providing feedback to make midcourse adjustments and modifications to the activities and interventions funded by CIP
- Provide information and resources to parents, relatives, youth, and other individuals to assist with their understanding of the child-welfare system, the legal process, and their rights

Improve

Support innovative projects, policy and procedural changes that promote improving court functioning, capacity building, and systems reform

- Support strategies to eliminate Disproportionality and disparity of outcomes for families involved in the child welfare system

- Support reform efforts regarding allocation and funding of resources for courts, court systems and legal representation resources
- Improve communications with the public and serve as a resource in the development of policy, including educating officials on the requirements of federal law and current system issues
- Strengthen partnership with the State Bar of Texas and seek its assistance in ensuring the availability of quality legal representation across the state
- Encourage, support, and educate judges in the area of ethical judicial leadership in child welfare matters and encourage judicial leadership at local levels to address local issues and implement systems reform
- Assist judges in leading local and statewide efforts to ensure due process of law, timely and thorough court hearings, and high quality legal representation for children, parents, and child welfare agency to help ensure timely permanency
- Assist judges with monitoring compliance with legal representation standards and ensuring accountability
- Promote the inclusion of children, youth, families, and caregivers in the judicial process and ensure their voices are heard
- Support statewide implementation of a computerized case management system for CPS cases to monitor case status, timeliness, and quality of legal representation
- Assist judges in their understanding and the importance of participating in the federal Child and Family Services Review and Title IV-E Foster Care Eligibility Review processes
- Assist with ongoing monitoring and data collection to evaluate Commission and CIP supported interventions, activities, resources gaps, and system redundancies and make recommendations for improvements
- Ensure each CIP supported activity includes a method for collecting data to evaluate the success of each project supported, and for soliciting feedback from stakeholders in order to implement midcourse adjustments, as necessary
- Increase collaboration with Tribes, and train judges, attorneys and other stakeholders on the requirements of the Indian Child Welfare Act
- Improve outcomes for foster youth by reforming relevant systems to ensure educational readiness, stability, experience, advocacy, and post secondary education and employment opportunities

INSERT - TAB 6

Texas Office for Prevention of Developmental Disabilities

- TOPDD continues to engage partners throughout the state in developing and implementing the statewide FASD plan. Goals of the plan include screening and brief intervention for pregnant women, public and professional education, access to services for children and specialized services for high risk populations. According to the National Organization on Fetal Alcohol Syndrome:
 - 80% of children with an FASD do not stay with their birth parents.
 - The rise in alcohol and drug use has resulted in 60% more children coming into state care since 1986.
 - Nationally, spending on children's mental health care grew by 37% over the past 3 years (Open Minds).
 - According to the Texas PRAMs report, in 2007, 8.3% of women reported drinking while pregnant in the 3rd trimester, 1.7% of the women were binge drinking.

If you are interested in learning more about this work, please contact TOPDD:
janet.sharkis@hhsc.state.tx.us

TOPDD is seeking nominees of organizations or individuals in its annual statewide safety award. This award recognizes contributors to child safety. For more information, please contact june.villarreal@hhsc.state.tx.us