



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

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

**May 4, 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**

**May 4, 2012
Meeting Notebook**

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

Austin, Texas

May 4, 2012

9:00 a.m. – 3:00 p.m.

Meeting Agenda

- 9:00 Commencement / Opening Remarks – The Honorable Eva Guzman
Commission Membership Changes, Tab 2
Collaborative Council Member Changes, Tab 2
Committee Membership Changes, Tab 2
Staff Member Changes, Tab 2
- 9:30 First order of business – The Honorable Eva Guzman
1. Adopt Minutes from February 10, 2012, Tab 1
- 9:35 Commissioner Updates
- 10:15 Presentation of Education Committee Report – Hon. Patricia A. Macías
- 11:15 Break
- 11:30 Commission Report - Tina Amberboy/Commission Staff, Tab 3
- 12:00 Lunch (on your own)
- 1:00 Basic Committee Report – Hon. Bonnie Hellums, Tab 3
- 1:15 Training Committee Report – Hon. Camile DuBose, Tab 3
- 1:30 Technology Committee Report – Tina Amberboy, Casey Kennedy, Tab 3
- 1:45 DFPS Update – Audrey Deckinga
- 2:00 Office of Court Administration – David Slayton
- 2:15 Jurist in Residence – John J. Specia
- 2:30 Comments from Collaborative Council/New Business

2012 Meeting Dates

September 14, 2012

INSERT - TAB 1

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

February 10, 2012
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
Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde
Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin
Gabriela Fuentes, Office of the Governor
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston
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
Carolyn 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
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston
Hon. Judy Warne, District Judge, 257th Family Court, Houston

Members not in attendance:

Hon Helen Giddings, Texas Representative
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
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

Staff in attendance:

Tina Amberboy, Executive Director, Children’s Commission
Simi Denson, Office of Court Administration
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
Rashonda Thomas, Grant Account Specialist, 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 Dr. Ira Chasnoff, President of Children’s Research Triangle and a professor of clinical pediatrics at the University of Illinois College of Medicine in Chicago. Dr. Chasnoff is one of the leading researchers in the nation in the field of prenatal exposure to alcohol and illicit drugs. He has authored eight books and will make a presentation to the Commission later in the meeting. Justice Guzman acknowledged Ms. Mari Kay Bickett, Executive Director of the National Council of Juvenile and Family Court Judges. Prior to joining NCJFCJ, Ms. Bickett served as the Executive Director of the Texas Center for the Judiciary in Austin.

Ms. Bickett commented that NCJFCJ is the premier national provider of judicial education and training as well as technical assistance and research for juvenile, family court and judges who hear domestic violence cases.

Commissioner Membership Changes

Justice Guzman noted that Ms. Vicki Spriggs, the Chief Executive Office of Texas CASA has been appointed to the Children’s Commission.. Ms. Spriggs succeeds Mr. Joe Gagen. Justice Guzman noted Ms. Spriggs past work with the Texas Juvenile Probation Commission.

Justice Guzman recognized Mr. Joe Gagen, the former CEO of Texas CASA who has retired following 5 ½ years of service. Mr. Gagen also resigned his position on the Children’s Commission. During his tenure at Texas CASA, Mr. Gagen helped to significantly increase the number of volunteers who work on behalf of the best interests of abused and neglected children. The Texas CASA board adopted a resolution recognizing his leadership and advocacy for children in the state of Texas. Mr. Gagen was instrumental in strengthening the CASA brand in Texas. The Supreme Court of Texas and the Children’s Commission has awarded a certificate of recognition to Mr. Gagen in acknowledgement of his contribution as a member.

Justice Guzman acknowledged the service of Judge Karin Bonicoro as the chair of the Technology Committee. Judge Bonicoro resigned the position of chair of the committee in November. During her tenure as chair, she developed her expertise in the complex area of the data and technology projects and provided insightful leadership. The Supreme Court of Texas and the Children’s Commission has awarded a certificate of recognition to Judge Bonicoro in acknowledgement of her service.

Chair Emeritus O’Neill acknowledged Judge Bonicoro’s outstanding efforts on the committee.

Collaborative Council Membership Changes

There were no changes to the Collaborative Council membership to report.

Committee Membership Changes

There were no changes to the CIP Committee membership to report.

Staff Member Changes

Justice Guzman announced that Ms. Katie Fillmore left the staff of the Children’s Commission in December to join the firm of Bowman and Brooke in Austin. Ms. Rashonda Thomas joined the staff of the Children’s Commission in February and will serve as the grants and finance specialist. Ms. Thomas has been with the Supreme Court since 2009 as an accountant and in that role has been involved in the

distribution and accounting for the CIP funds. Ms. Thomas and her husband are the parents of three children including a 4 year old daughter, Jania, whom they adopted from foster care.

ADOPTION OF NOVEMBER 18, 2011 MEETING MINUTES

ACTION: Justice Guzman asked for a motion to adopt the meeting minutes of the November 18, 2011 meeting of the Supreme Court of Texas Children's Commission, Judge Byrne made a motion, Judge Rucker seconded. The attending members adopted the meeting minutes unanimously.

PROPOSED CHANGES TO THE CHILDREN'S COMMISSION AND CIP GRANT COMMITTEE STRUCTURE

Justice Guzman summarized the proposed changes to the organizational and strategic processes and procedures of the Children's Commission and the CIP Grant Committees that were developed by the Executive Committee and the Strategic Planning Committee. The intent of the proposed changes is to make the work of the Commission better and more productive and improve the Commission's service to children in foster care.

The proposal involves restructuring of the meetings that will allow members to review information, provide an opportunity for in depth dialogue and consider the issues before the Commission in detail. Justice Guzman asked the members to consider changes to the meetings that will entail lengthening the meetings from the current three hour timeframe to a full-day long meeting of six hours. In addition, there will be a reduction in the number of meetings that take place during the year from four to three. These meetings will occur in January, May and September.

Justice Guzman opened the floor to discussion.

Judge Byrne expressed support of the plan and noted that since 2008, the 3 hour timeframe has necessitated rushing through much of the business. Even though much work takes place in committee, in compliance with the current structure, expanding the meeting timeframe will provide a more robust opportunity to handle the work of the Commission.

Judge Warne noted that her docket in Houston is substantial. Travel in from Houston to attend the meetings in the current format takes a full day from her calendar, so she supports reducing to three meetings per year.

Ms. Rodriguez supports the longer timeframe, but will have a conflict with the month of January due to scheduling issues at Casey Family Programs.

Mr. Van Fleet concurred with Judge Warne regarding the issue of travel to Austin from Houston.

Justice Guzman acknowledged the comments from the Commissioners and the support expressed for the proposed changes.

Judge Hellums noted the fiscal impact and the reduction in travel reimbursement from four trips to three.

Justice Guzman summarized the logistical issues around holding the Children's Commission meetings in the Supreme Court Courtroom and requested the members to consider holding the meetings at the State Bar of Texas – Texas Law Center. Chair Emeritus O'Neill commented that there should be at least

one meeting per year held in the Supreme Court Courtroom in order to sustain the Court's imprimatur. Justice Guzman suggested holding the January meeting in the courtroom. There were no dissenting comments. Justice Guzman noted that the proposed changes to the Children's Commission meeting structure will be implemented and Ms. Amberboy will provide updates to the Commissioners.

Justice Guzman provided an overview of the proposed change to the CIP Grant Committees. The Basic, Technology and Training Committees will continue to exist. Presently, these committees perform the review and vetting of projects. Ms. Amberboy provides a report on the grant committee activities at the full Commission meetings.

Ms. Amberboy provided explanation regarding the proposed changes to the CIP Grant Committees. She noted that because of scheduling issues of the committee members, it is sometimes difficult to achieve quorum for the meetings. The lack of quorum prevents a vote on issues during the committee meetings and the issues must then be brought to the Commission, and due to time constraints under the present structure, the opportunity to conduct thorough discussion is limited. The other change noted by Ms. Amberboy is to have at least three commissioners serve on each CIP Grant Committee. There will be two conference call meetings per year and one in-person meeting, for a total of three committee meetings per year. The members are asked to make the commitment to participate in all three meetings of the Committees. The Commissioner members will be the voting members. One of the three Commissioners on each of these committees will assist the Commission staff in bringing committee matters to the Commission meeting for a full and complete discussion before a vote by the commission is held. The result will be a more thorough vetting of issues brought before the full Commission. The CIP Grant Committees are open meetings and open to attendance and input by any interested parties. This change is proposed to establish a procedure that will ensure proper consideration of issues and affirmative votes on matters that will come before the full Commission.

Justice Guzman opened the floor to comment and discussion.

Judge Bonicoro noted that as a former committee chair, there was regular difficulty in making quorum for votes. When matters cannot be decided during the committee meetings, the Executive Committee must then be consulted. If there is another way to secure a quorum vote, it would improve the efficiency of the committee process.

Justice Guzman noted that these are important reasons why the issue is being proposed. Current members of the CIP Grant Committees will have the opportunity to resign from their service or indicate their willingness to continue. Committee members will have the opportunity to provide input on issues prior to any voting. The Executive Committee will continue to exist for issues that arise in the interim.

There were no dissenting comments.

Justice Guzman noted that these changes will be implemented and Ms. Amberboy will provide updates to the committee members and the Commissioners.

STRATEGIC PLAN

Justice Guzman provided background information to the Commissioners on the Strategic Plan.

The plan is part of the FY 2012-2016 CIP Grant Application. The Commission began work on a revision to its Strategic Plan in 2010. This work was largely completed by November 2010. The Commission elected to wait until the ACF issued new CIP program instructions before finalizing the plan. The instructions were received in October 2011. A revised Strategic Plan was provided to the Strategic Planning Committee in December. The plan incorporated the new ACF requirements: that all CIP projects focus on building capacity; reforming systems, and/or improving court function; ensuring that legal proceedings promote due process, are timely and thorough; and, ensure high-quality legal representation for children, parents and the agency.

Ms. Amberboy made a presentation to the Commission and highlighted the goals of the Strategic Plan. The details of the presentation are provided in the meeting notebook provided to members at this meeting. The planning process was initiated several months ago and the Strategic Planning Committee met two times in person and conducted conference call meetings as well. Staff conducted a review of the projects and activities that had taken place during the past four years and developed this model. A more consistent evaluation process will be applied to projects that the Committees and the Commission choose to undertake. This evaluation process will review the need for the project and what investment of CIP funds and time will accomplish. The goals that are applicable to all of our strategies include judicial leadership, collaboration and the elimination of disproportionality. All of the projects that the Commission has worked on have used judicial leadership as the focus toward effecting reform. The structure of the Commission, the Collaborative Council, and our stakeholders provides a sound model for collaboration. The Strategic Planning Committee believes that the elimination of disproportionality must be part of the plan. The plan is built on the collaborative model that has been in place since the Commission was established in 2007. The plan is a continuous quality improvement (CQI) model informed by the 'evaluate, educate and improve' process. The plan is aimed at implementing an ongoing cycle that provides constant information to the staff and the Commission on our activities and projects and helps us to then provide the information we attain to judges, lawyers and other stakeholders. The response from the Children's Bureau on this plan has been positive and has acknowledged the CQI element of the plan. The evaluation component of the plan looks at collecting and assessing numerous elements such as data, when available, the practices being used, what is stated in the law, what is in the DFPS policy, all with goal of improving how courts function, educating stakeholders and reforming systems. The cycle enables the staff to provide information to others about what is important to them in terms of changes to practice or policy. The implications of improvement can then be considered, whether it may be a change in the law, etc., and how to track whether or not the change improved outcomes.

Justice Guzman opened the floor to discussion on the topic of the Strategic Plan. There were no comments or discussion from the members.

ACTION: Justice Guzman asked for a motion to adopt the new 2012-2016 Strategic Plan of the Supreme Court of Texas Children's Commission, Judge Hellums made a motion, Judge Byrne seconded. The attending members adopted the Strategic Plan unanimously.

Justice Guzman provided an update to the Commissioners on the discussion that pertained to the Children's Commission workgroups. She noted that Ms. Amberboy and the Children's Commission staff have evaluated the current process and assessed what functions well and developed suggested changes to the process that will facilitate the work of the staff and the Commission.

Ms. Amberboy provided details to the Commissioners about the workgroups. She noted that there are numerous workgroups, with variance in the amount of activity among them. Factors that affect

workgroup activity include resource issues, time factors – holding action until a change occurs in the law or policy. A template has been created that will allow the staff to evaluate projects and determine if the proposed activity is an appropriate use of resources. The template that will be utilized is the one that is required for the CIP projects because it specifies how to determine whether or not to invest time and resources in a given project. The proposed process will look at the need for the workgroup, what the workgroup intends to accomplish and identify what outcome will be achieved as well as how to measure the outcome. The types of available data that can be collected that will allow us to determine project effectiveness is a key component. In the past, this has occurred for some, but not all, of our workgroups. There will now be a process to improve the management of workgroups, obtain quantifiable data and designate appropriate staff.

Justice Guzman opened the floor to discussion on the topic of implementing a process for initiating and dissolving Commission workgroups.

Ms. Deckinga expressed support for the new process. It is vital to target the efforts of the staff to achieve the best outcomes and fulfill the Strategic Plan.

Justice Guzman acknowledged the work of Ms. Amberboy and the Commission staff on the Strategic Plan and the new measures to further the goals of the plan. The changes will be implemented immediately. Commissioners are invited to submit any comment or input regarding these issue to Ms. Amberboy.

Justice Guzman introduced guests in attendance to hear Dr. Ira Chasnoff's presentation. They included Hon. Ron Pope, Judge, 328th District Court, Ft. Bend County, Ms. Carol Hurley, Co-Vice Chair, State Bar of Texas Child Abuse and Neglect Committee, Mr. Jose Camacho, Executive Director and General Counsel for the Texas Association of Community Health Centers, Marian Sokol, Vice Chair, Texas Office for Prevention of Developmental Disabilities (TOPDD), Dale Simmons, Co Chair, Texas FASD Leadership and Planning Collaborative, Dr. Mary Tejerina, Co Chair, Texas FASD Leadership and Planning Collaborative, Dr. Connie Almeida, Director, Behavioral Health Services-Ft. Bend County.

FASD AND DOMESTIC VIOLENCE, DR. IRA CHASNOFF

Justice Guzman introduced Dr. Chasnoff. Prior to beginning his presentation, Judge Hellums acknowledged Dr. Chasnoff's leadership in taking a serious look at fetal alcohol spectrum disorder and the associated problems that result in a lifetime of challenges for affected children.

Dr. Chasnoff noted that he has worked with Judge Hellums over the past year as well as several others in attendance. Last summer, he had the opportunity to speak to the child welfare judges as well and has received numerous inquiries from judges. In addition, several Texas cases were referred to Children's Research Triangle for review.

Dr. Chasnoff addressed the issue of children in the child welfare system and influences on early (fetal as well as newborn and young infant) brain development. He presented an overview of the latest research findings. Although specific Texas data was not available, studies conducted in the state of Illinois show that 80% of the children in the child welfare system are in the system because of substance abuse in the family. The majority of these children were prenatally exposed to alcohol and drugs. Results from a similar study from New York state showed 70% of the children in the system were there because of family substance abuse issues. Dr. Chasnoff stated that it is reasonable to infer that there would be similar results in Texas. Prenatal exposure to illegal drugs, prescribed drugs,

alcohol and tobacco can change the structure and function of the developing fetal brain. These children enter the child welfare system accompanied by the biological impact of prenatal substance exposure, with the result often being multiple placements. Studies have shown that the most common reason for a placement disruption is because of behavioral problems that the family is not prepared to manage. The child's behavior issues become increasingly severe with each subsequent placement. There exists a child welfare system that takes vulnerable children and exacerbates their condition.

The two major difficulties faced by children transitioning into the child welfare system are 1.) prenatal exposure (noted above) and 2.) early disruption, a form of trauma. The case studies presented during the presentation will be from the perspective of these two issues.

Dr. Chasnoff noted that work in the area of domestic violence is important because a child does not have to experience direct abuse in order to have changes in the brain. It is possible to observe changes in a child's brain that result from exposure to violence in the home. Domestic violence has a direct effect on the child's long term behavioral functioning.

Dr. Chasnoff discussed the characteristics of fetal alcohol syndrome with the goal of providing information that will enable recognition of a child who is possibly at risk. There are three parameters necessary to make a diagnosis of fetal alcohol syndrome. The first is that the child is small with a frequent diagnosis of failure to thrive. The second, and most commonly recognized central nervous system problem affect intellectual abilities (IQ < 70). The third component is facial dysmorphism (changes in the facial structure). While the overt characteristics of fetal alcohol syndrome are evident to the layman, the reality is that the majority of children exposed to alcohol appear normal (i.e., they do not exhibit the three characteristics noted above). Behavior and learning problems are often manifested in these children.

Dr. Chasnoff provided detail on alcohol effects on the fetus. He explained that alcohol is a midline teratogen – a substance that affects development of everything in the midline of the body. Exposed children present with higher heart problems, kidney problems, genital malformations, as well as a flattening of the mid face. Using the photos included in his presentation, Dr. Chasnoff provided examples of the facial dysmorphism diagnosis (flat philtrum). He noted that the mid face develops concurrently with the mid brain in the fetus, and reflects what has occurred in the mid brain. Dr. Chasnoff stressed the need for caution in assessment of certain races and ethnicities (Asian, Hispanic, and Black (of Caribbean descent)). Although clenched fists are seen in newborn infants, by age 3 months, their hands should be open. Babies with fetal alcohol syndrome display weakness in the trunk of the body. A compensatory response is to become hypertonic, almost spastic, in the extremities. This is the reason for the clenched fists exhibited by the 3 month old baby in Dr. Chasnoff's case study presentation. When this 'clenching' behavior is observed in a 3 month old, it is vital to commence therapeutic early interventions to alleviate successive developmental issues at age 7 months, 3 years, 6 years. The baby in the case study began physical therapy, with the probable result of improved reading scores by age 6. These early interventions not only help the child, but are fiscally sound in that the need for special education services and special interventions for reading will very likely be unnecessary. The subject child was also shown at age 12, and Dr. Chasnoff noted that the school's response to her behavior issues was to recommend Ritalin therapy. Dr. Chasnoff mentioned the recent national study by the GAO and the Texas results regarding medications and children in the child welfare system. Ms. Deckinga noted that the study used 2008 data and did not cite the significant improvements that have occurred since the time the study was completed. Dr. Chasnoff expressed his opinion that overmedication of children in the child welfare system is a fact of life.

Dr. Chasnoff commented on the risk factors to take into account when a family appears in court. If alcohol use is disclosed, there are responses to take with regard to that information. Even in cases where only a slight amount of alcohol was used during pregnancy, there is a dose effect response. Any amount of alcohol used during any stage of pregnancy can cause damage to the fetal brain. He cited a study conducted in Detroit that followed a large cohort of children and included all accepted controls and factors. The study results indicated that any alcohol use during pregnancy produces a 3 times increased risk for delinquent behavior in the child. It is essential to disseminate the information we now have on the effects of alcohol use during pregnancy. He commented on the effects of binge (infrequent) compared to chronic (daily) drinking on the developing fetus. Studies have indicated that there are worse affects associated with binge drinking, because of the volume of alcohol consumed. Citing Austin as an example, the highest rate of binge drinking by women occurs on college/university campuses. It has been determined that high school age women are also exhibiting binge drinking behavior.

Dr. Chasnoff provided information on the results of twin studies and genetic variation. He illustrated a case study of twins having the same exposure to alcohol at the same time and same dose, and 1 of the twins exhibited the effects of fetal alcohol syndrome while the other did not. There is a 30 point difference in IQ between the twins in this study. This is due to each fetus having it's own level of genetic vulnerability. This is one of the complex factors involved in the issue.

In the studies with Native American populations, the highest rate of fetal alcohol syndrome have been identified in the Northern Plains tribes. The tribes extend over 150,000 square miles in the upper Midwest and far western United States. Dr. Chasnoff noted that the maternal characteristics of Native American females include having only been exposed to alcohol for about 200 years. The result of this time exposure is that the livers of Native American females have not developed the enzymes that Caucasian women have that break down alcohol when it is ingested.. A Native American woman who drinks alcohol passes a higher blood alcohol level to her fetus than does a Caucasian female consuming the same amount. Similar results were identified in Hawaiian women. There has not been a study to date on Hispanic females.

Dr. Chasnoff also provided data on studies that involve birth order in children exposed to alcohol while in utero. The longitudinal case study referenced three brothers, who at the onset of the study were age 11, age 8, and age 6. The youngest of the brothers exhibited full blown fetal alcohol syndrome. This study illustrated that as a woman continues to drink, with each succeeding pregnancy, each child is more severely impacted. The need to direct a woman into treatment once it is determined that she is continuing to use alcohol with successive pregnancies is critical.

Mr. Van Fleet inquired about the effect of the mother's age and length of alcohol use.

Dr. Chasnoff commented that a number of studies have been conducted in an attempt to answer this issue. However, even the studies that have utilized regression analysis of the mother's age and number of years of alcohol use have not provided definitive results. Dr. Chasnoff believes that as a woman's alcohol consumption continues, there is an increase in the amount of liver damage, making the liver less able to detoxify alcohol before it is passed to the fetus.

Mr. Van Fleet asked if the fact that the mother has had previous pregnancies affect the outcome.

Dr. Chasnoff commented that from a scientific perspective, there is no definitive answer to the question.

Mr. Gagnon inquired if any alcohol (such as that in cough medicine) have the same effect.

Dr. Chasnoff confirmed this. There has been a recent article that addresses this issue. The website for the Children's Research Triangle provides summary information on all the difference articles that address the impact of low dose exposure. The link to the website is: http://childstudy.org/research_publications.php

Dr. Chasnoff shared information on a case study of a fetal alcohol syndrome child, who at age 11 murdered his teacher.

Dr. Chasnoff consulted with a youth behavioral intervention facility in the state of Florida who reported an increasing population of children for whom traditional behavior modification techniques are ineffective. Exposure to alcohol and drugs is a characteristic shared by this population. One of the case subjects Dr. Chasnoff worked with in Florida, while not diagnosed with fetal alcohol syndrome, is afflicted with Alcohol Related Neurodevelopmental Disorder (ARND). The subject does not meet the physical or impaired IQ criteria, but his brain has been affected by alcohol exposure. Fetal alcohol exposure is ultimately about the affects on the brain.

To illustrate this, Dr. Chasnoff presented case study photographs (CT scan images of fetal brains) that illustrated the difference between a non-alcohol exposed brain and one that had been exposed. Each were comparable in age. He noted that the most rapid period of brain growth and development takes place in the 3rd trimester of pregnancy and continues through the first year of life. Brain growth occurs at such a rapid rate during this time that in order to accommodate the organ within the skull, the cortex (outer shell) of the brain begins to fold in on itself, with a resulting increase in the surface area of the brain. Research has proven a direct correlation between the brain's surface area and IQ.

When a mother consumes alcohol during her 3rd trimester, the effect is to inhibit brain cell migration in the fetus. Therefore, there is less development of folds in the baby's brain with the result being smooth brain or, the mental retardation of fetal alcohol syndrome.

Since this is a 3rd trimester affect, if the alcohol consuming mother can be identified as early as possible in her pregnancy and placed in treatment, if she is no longer consuming any alcohol by her third trimester, there is a chance to prevent the mental retardation of fetal alcohol syndrome.

Dr. Chasnoff reported on his meeting with Ms. Janet Sharkis, Executive Director of the Texas Office of Developmental Disabilities and Dr. José Camacho, Executive Director of the Texas Association of Community Health Centers and noted that their discussion focused on implementing universal screening of pregnant women who come in for prenatal care. These types of programs are underway in several states throughout the U.S. Finding published in 1992 in the Journal of the American Medical Association show that the devastating effects of fetal alcohol and drug exposure are preventable with early identification of mothers and subsequent treatment for these mothers.

Dr. Chasnoff discussed the issue of mothers who consume alcohol in the early stages of pregnancy but cease by the 3rd trimester. He reviewed brain functioning from the perspective of information processing and noted that there are four steps associated with this information processing: 1.) input; 2.) integration/information organization; 3.) memory; and 4.) output/use of information to generate appropriate responses. The brain functions by integrating information from the different sensory pathways (sensory integration) and stores the information. The part of the brain that governs integration and transmission of information is the limbic system of the brain, which resides in the mid

line of the brain. As noted during the earlier part of his presentation, this means that the limbic system is the primary target of alcohol when a woman consumes during the 1st trimester. Dr. Chasnoff provided MRI scan images to illustrate the effects on brain development, specifically effects on the corpus collosum. The corpus collosum has two functions in the brain, one being to move information between the two hemispheres of the brain and the second being emotional regulation. Research has shown that a shift in the corpus collosum that is as small as 4mm produces emotional dysregulation in the child. The result is young children (ages 3, 4, 5) who are being diagnosed with bi polar disorder because of the rage behaviors they manifest and the associated psychotropic medication treatment regime. Dr. Chasnoff sees 4 and 5 year old children at his clinic who are already medicated with drugs such as Risperdal. Dr. Chasnoff does not believe a bi polar diagnosis for a young child is appropriate, because the diagnosis is based on adult criteria. However, in order for a child (or adult) to receive mental health services, a Diagnostic and Statistical Manual of Mental Disorders (DSM IV) diagnosis is required. This essentially forces practitioners to label children with misdiagnoses in order to get services. Dr. Chasnoff would like to see an acknowledgement of the differences between children and adults and a cessation of the use of the DSM IV criteria. In its place, in Illinois, a different diagnostic system is utilized called the DC03. Instead of diagnosing a child with bi polar disorder, the diagnosis instead is emotional dysregulation. The child then receives treatment in lieu of medication.

Judge Bonicoro inquired as to whether if medication is prescribed for a child who has emotional dysregulation does this cause the symptoms / behaviors to worsen.

Dr. Chasnoff shared his views on the effects of medications and the use of multiple medications on these children.

Mr. Lavallo asked for specifics on what the treatment is for these children.

Dr. Chasnoff commented that treatment is research based. In his presentation to the DSM V Committee, he provided information on emotional dysregulation. He noted that the new DSM V that is now posted online states that there cannot be a bi polar diagnosis for a child under age 12. The DSM V uses the terminology 'temper dysregulation'. Dr. Chasnoff believes that this is a positive shift.

Dr. Chasnoff briefly referenced studies that look at the use of cocaine and methamphetamines and their effects on the fetus.

Dr. Chasnoff shared additional brain scans illustrations and related details on a case of a child with impaired response to visual motor cues resulting from low dopamine receptors in the pre-frontal cortex of the brain. He noted that there are study results that will be released soon that show 73% of alcohol and drug exposed children meet criteria for Attention Deficit Hyperactivity Disorder (ADHD). It is important to note that in alcohol and drug exposed children, the ADHD they display differs from their non-substance exposed counterparts. The currently accepted theory is that children born with genetic ADHD are born with low dopamine level receptors in the pre-frontal cortex. Responses to visual stimulation and motor regulation are impaired. That is the reason Ritalin is used for treatment because it increases dopamine levels. Children with true genetic ADHD show improvement on Ritalin therapy. A different treatment regime needs to be implemented for alcohol and drug exposed children; one that focuses on the limbic system of the brain.

Dr. Chasnoff acknowledged that psychoactive medication therapy can be effective when treating children who have methamphetamine, cocaine and tobacco exposure. Chronic use of these substances

during pregnancy depletes the dopamine receptors in the child's brain. In some of these cases, the child will respond to Ritalin therapy.

He emphasized the need to look beyond the behavior you are observing to treat the cause of the behavior.

The most common diagnoses in the child welfare system are ADHD, bi polar disorder and Oppositional Defiant Disorder (ODD). If not correctly diagnosed and treated, significant numbers of these children will become incarcerated. He cited 3 of his current active cases that involving adolescent youth who have received life sentences in prison and 1 case of a teenager who was executed in the state of Arizona. Throughout the county at present there are 65 adolescents who have been sentenced to life terms.

Dr. Chasnoff provided brain scan illustrations of children who while having no prenatal alcohol or drug exposure were subjected to neglect. Research has confirmed that early trauma, exposure to violence, neglect are factors that cause changes to the cortex and corpus collosum similar to those changes that result from prenatal alcohol and drug exposure.

This biologically vulnerable population, when moved into the child welfare system, can have worsened symptoms.

Dr. Chasnoff noted that there are tremendous long term implications for this population. The research continues on treatment of these children from birth through adolescence.

Dr. Chasnoff provided a publication, Cause and Consequences, that is a research based behavior management system developed for foster parents that has been used effectively with children involved in the child welfare system. He noted that CASA includes this in their volunteer training. The system does not specifically address mental health issues.

Dr. Chasnoff directed members to the Children's Research Triangle website for links to research articles. <http://childstudy.org/index.php>

Ms. Elias-Perciful inquired about suggestions for obtaining proper diagnosis of children.

Dr. Chasnoff commented on a program in Arizona. A model project is underway in collaboration with the Arizona Supreme Court. In Maricopa County, a Baby Court has been instituted and ensures that any child (age birth to 5) entering the child welfare system must get a developmental screen. Children with an abnormal screen result is seen by a developmental specialist within the courts to determine if intake into the early intervention system is warranted, or, if the child has special problems related to pre natal exposure, referral to the specialty clinic will occur. The majority of these services are funded through Medicaid. Judges who serve in this program commit to a 5 year term of service up to life. This ensures that the judges involved in these cases have a commitment to the issues associated with the people they see in their court. Services that include therapeutic childcare, parenting classes and substance abuse treatment for the mothers are available in the complex as well.

Dr. Chasnoff commented that the American Congress of Obstetricians and Gynecologists ACOG have noted in a recently updated publication that it is the responsibility of every obstetrician to discuss drug and alcohol use with their pregnant patients. There was some uproar within the organization

because of the ethical issue and concern over the discussion evolving into a statement of best practice. Once it is established as a statement of best practice, it becomes a malpractice issue.

Universal screening is in place in 40 states throughout the country. There are 2 programs in Texas. One is in San Antonio and the rate of alcohol, tobacco and illicit drug use among the cohort of pregnant women involved in the program is 36%. San Antonio has the highest rate of substance use among Hispanic women of any Hispanic woman population studied across the nation.

Justice Guzman acknowledged Dr. Chasnoff's informative presentation.

Justice Guzman noted that Judge Macias would give her presentation at this time due to a scheduling issue.

Hon. Patricia Macias, Judge, 388th District Court, El Paso, commended Dr. Chasnoff on the information provided in his presentation. She then provided an update to the members on the work of the Education Committee. The Committee has held meetings over the past 16 months. There has been diligent work from the Committee members as well as the sub-committee members throughout the state. There has been substantial discussion and compromise on the numerous issues that the Committee is addressing. The full Committee met last December in El Paso and reached consensus on the recommendations. Over 150 recommendations were reviewed and Ms. Roper has incorporated the input from members and consolidated these to conform to the Guiding Principles. The recommendations will be presented to the Commission at its next meeting on May 4. A webinar was held yesterday, February 9, for the full Committee, during which time the recommendations requiring additional discussion were refined. The Committee has fulfilled its goals as well as the charge from the Supreme Court of Texas. The work of the Education Committee, with the help of the collaborative members, has set out a collaborative model to use as a replication tool throughout the state. There was healthy dissent between the various perspectives represented on the Committee (Education, the Department, and the Courts). Sufficient consensus was reached and has produced a strong and innovative report. The overarching goal of improving the educational outcomes for foster youth will be a long term process. The recommendations that will be presented to the Commission will require ongoing efforts from all education, child protection system and judicial system stakeholders. Changes are certain.

Justice Guzman acknowledged the leadership demonstrated by Judge Macias in this extensive reform project.

Justice Guzman noted that the final report of the Education Report will be rolled out at a reception that will take place at the State Bar of Texas-Texas Law Center on May 3. Members of the community and all stakeholders in the issue will be invited to join the Commission in recognition of this first step toward improving educational outcomes for our foster children.

BREAK: 11:45 a.m.

RECONVENE: 12:04 p.m.

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

Ms. Amberboy reported to the members that the Children's Commission is near completion with the redesign of the Commission's website. The original website was developed to comply with the format of the Supreme Court of Texas website. Several months ago the staff received the go ahead to develop a unique site. Ms. Teri Moran has worked to develop the new site and content.

Ms. Moran provided a live demonstration to members on the new website. She highlighted the flexibility features and navigated through the content pages. The site should be live before the next meeting of the Commission in May.

Ms. Amberboy noted that the Court Improvement Program (CIP) application deadline has been extended to February 29. The entire application will be submitted at that time. The Children's Bureau notified grant recipients that they anticipate distribution of the CIP funds to the states by the end of March.

Ms. Amberboy commented on the Third Annual Implicit Bias Conference for Judges held in Austin on February 6-7. This popular event, put on by the Texas Center for the Judiciary is the highest rated CIP sponsored conference. The conference included information on wealth and income gaps between families of color and white families, the neuroscience and neurobiology of decision making and the use of criminal histories in CPS cases. Judge Byrne conducted a special training yesterday in her court on the use of criminal histories in these cases. Ms. Amberboy would like to obtain the support of the Commission to present these topics to more of the Texas judges.

The Committee Chairs will provide updates on the projects and members can refer to the Report to the Commission in this meeting notebook for additional detail. Ms. Amberboy noted that once the extended timeframe for the Commission meetings is implemented there will be additional time for in depth discussion of the projects.

COMMITTEE REPORTS AND VOTING MATTERS

Basic Committee

Hon. Robin Sage, Judge, reported on the Basic Committee conference call meeting on January 27. The CPS Bench Book is in the process of being updated. During the update process, the benefit of moving the Bench Book to the OCA server became evident. OCA staff is working on the transfer of the Bench Book. The Applesseed Project continues to meet and discuss issues related to permanency. Planning for a Permanency Summit is underway and will provide Texas judges with information on achieving permanency for our children in long term care. Two Round Table meetings were held; one in November that addressed the 2012-2013 CPS Budget and Its Effect on Services to Families. The final report on the meeting will be released within the next few weeks. The report will focus on the services that CPS is providing and how judges can best adapt to the realities of the budget constraints. The second Round Table took place in December of 2010 and focused on the issue of Notice and Engagement. The Lieutenant Governor has charged the Senate Jurisprudence Interim Committee to review broadening the focus of status hearings to promote the participation of extended family and potential relative caregivers and requiring more frequent placement review hearings. The report on the Round Table will be relevant to the work of the Interim Committee. Judge Sage asked members to be mindful of the issues surrounding budgetary constraints as the legislature begins the 2013 session. Judge Sage deferred to Judge Rucker to provide an update on the work of the Legal Representation Study. The study was conducted by the Children's Commission during 2009-2010. Findings included poor oversight and accountability over the appointment system, variance among judicial practices across the state and concerns about performance of appointed attorneys. The statutory duties of the

ad litem were not always fulfilled. Attorneys remained on appointment lists despite concerns about their ability to provide quality representation. There were issues regarding compensation for court appointed counsel. Training was found to be basic and not sufficient; continuing legal education is not required by law for attorneys in these cases. The workgroup was formed to address these and other issues and findings and make recommendations for reform. The efforts of the workgroup are ongoing under the structure of sub-committees that are reviewing representation methods, compensation, quality standards and training and DFPS representation. The implementation of identified reforms will require legislative action and/or training. The issues are complex and will require sustained efforts on the part of the workgroup. The group met in person on January 17 and is conducting numerous conference call meetings. Judge Rucker welcomed any suggestions from the Commission and provided his contact information for that purpose.

Judge Sage then resumed her report and provided an update on the Beyond the Bench event held in Houston in 2010. Work is ongoing in the Houston area. Judge Judy Warne reported that a meeting was held in January 2012 as a part of the monthly judges meeting. Justice Massengale and Judge Specia were in attendance and during the month of January all efforts were concentrated on the CPS system. In Harris County, the CPS docket is heard in twelve different courts that are housed in three different buildings. This, as well as the high volume of cases causes some unique problems. Some of which can be addressed from the bench, while others must be addressed by the Commissioners Court, which can be a lengthy process. There are thirteen courts and an additional twelve AJs, so it is possible to have 25 different judges making decisions on these cases. The effort is focused on finding a solution to get one consistent system on the things that can be made uniform and encourage open dialogue on the things that cannot be made uniform. The next meeting will be held on March 2 and will include only judges and associate judges. Thereafter, representatives from the County Attorneys Office, AALs and the Department will be included so that work can begin to break down each section where the judges believe the problems to be and then address issues systemically. Child Advocates began working on PMC cases in Harris County on January 1. This is helping to alleviate the issues of getting information to the court and is having a positive fiscal impact. Judge Sage noted the significance of bringing some members of the Harris County judiciary to the table.

Justice Guzman expressed appreciation to Justice Michael Massengale, Judge Hellums, Judge Farr and Judge Warne as well as Judge Specia for their leadership in regard to the Harris County Judges efforts.

Judge Sage provided an update to the Commission on some additional projects that the Basic Committee is coordinating. The Psychoactive Medications Workgroup is addressing issues including some mentioned during Dr. Chasnoff's presentation. The workgroup is scheduled to meet again on February 16. A pilot program is currently underway to enable judges to obtain information on medications. Judge Sage reported on the project funded for Disability Rights Texas (formerly Advocacy Inc.). The project provides a lawyer to represent a child who is in both the CPS system and TYC and there is no associated cost to the county. In 2009, the Commission approved CIP funds in the amount of \$50,000 to Disability Rights Texas for FY2010. Disability Rights obtained additional private funding to support the project and requested no disbursements of the FY2010 funds. In the fall of 2010, the Commission awarded \$100,000 (the original \$50,000 plus \$50,000 in additional funds) to Disability Rights for FY2011. Because of private funds applied to the project costs, their expenditure of CIP funds was approximately \$46,000 from the FY2011 total before the grant period ending on September 30, 2011. In August 2011, the Commission approved a rollover of the remaining \$54,000 from the FY2011 allocation to cover the project costs from October 1, 2011 – February 29, 2012 pending the distribution of CIP funds from the Administration for Children and Families (ACF). Disability Rights will likely expend the interim funding awarded in August 2011. An application for an

additional \$50,000 has been submitted to cover expenditures for the period March 1 – September 30 2012, again, pending receipt of CIP funds from ACF expected by the end of March 2012. Disability Rights Texas will seek its final year of funding in the fall of 2012 for FY2013.

Although there was not a quorum present at the Basic Committee meeting on January 27, 2012, those present on the conference call meeting agreed to the success of the project and recommended it to the Commission for consideration and a request for approval today.

ACTION: Judge Byrne made a motion to approve the request to award Disability Rights Texas additional funds in the amount of \$50,000. Judge Sage seconded. The members approved the award of \$50,000 to Disability Rights Texas.

Training Committee

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde, reported on the activities of the Training Committee. The Committee met on January 12 via conference call. Some of the noteworthy activities of the committee include the upcoming Parent Attorney Leadership Conference that will take place on September 11-12 in Dallas, TX. The conference is a joint effort of the CIP program in Texas, Oklahoma, Arkansas and Louisiana. The conference will bring together experienced parent attorneys, parents, judges, child welfare agency representatives and other key stakeholders and provide an opportunity to receive training and exchange ideas and information on best practices. There are a limited number of slots available for Texas and participation will be by invitation only. Judge DuBose encouraged judges to participate in the Implicit Bias Conference and noted that following her participation, the Conference gives judges a new perspective to utilize for people who appear in court. The CPS Associate Judges Conference has been redesignated as the Child Welfare Judicial Conference and will be held annually. This year it will be held on June 4-6 in San Antonio, Texas. The conference will include national and local speakers who will present on issues that include reducing time to permanency, how to understand and utilize psychological evaluations, trauma in the children of military families and fostering educational success and improving education outcomes for foster youth. Judicial resources and tools will be highlighted and the conference will be an opportunity to learn about emerging issues in child welfare and how to lead collaborative efforts. Attendance at the conference will be a prerequisite to be eligible for a scholarship to the NCJFCJ Conference that will take place in New Orleans, Louisiana during July. Judge DuBose commented on the Permanency Summit. The decisions that were made regarding holding a Permanency Summit were discussed on January 14 following the meeting of the Training Committee. Incorporating the goals and initiatives through the format of Beyond the Bench is a positive strategy. The Permanency Summit is scheduled to occur in the last quarter of 2012. Ms. Roper acknowledged Judge Sage and her contribution to the concept of the Summit.

Judge DuBose noted that her jurisdiction is the recipient of a grant from the Committee on Indigent Defense. The funds will support conducting regional magistration within the three counties covered by her jurisdiction. There are multi-purpose uses for the equipment. The vendor, LifeSize Conferencing, provided a demonstration that included how to download the application onto an i-device that will connect to the main unit at the courthouse and allow remote link in. The technology enables an attorney, psychiatric professionals, foster parents and a child to attend court remotely. The cost will decrease as usage grows. Judge DuBose will continue to provide updates on this technology.

Judge Hellums expressed appreciation that the effects of trauma on children of military families is being acknowledged.

Technology Committee

Tina Amberboy, Executive Director, Children's Commission, provided an update on the activities of the Technology Committee. The Committee held a conference call meeting on January 20. Details on the Committee's projects are described more fully in the Technology Committee Report. Several highlights include Harris County's decision to review the Child Protection Case Management System (CPCMS). OCA has indicated that they will provide assistance and hosting to any county that wants to use CPCMS. In the past this was a barrier to non child protection courts utilizing the system. It is anticipated that this will expand the utilization of CPCMS. Ms. Amberboy will continue to update the Commission on the progress of this topic. Staff assistance is ongoing for certain Child Protection Court judges who have heavy case loads and require additional help to get data loaded into CPCMS. The Commission is working on a video conference project that provides similar connectivity to that described by Judge DuBose. There are numerous vendors who provide these services, software and equipment. Different counties can utilize different kinds of equipment. The Children's Commission, through OCA, has purchased equipment and software. A pilot program showed good success in larger counties in successfully completing child's participation in their hearings. Phase Two of the project will involve larger counties and Residential Treatment Centers (RTCs) since the infrastructure to support the transmission and high quality connectivity is in place at these facilities. Tim Kennedy will be the contact person to the larger counties and assess the feasibility of implementing the equipment and process. Ms. Amberboy noted that infrastructure upgrades frequently take place when court house renovations occur and will better enable utilization of technological solutions. Ms. Amberboy updated the Commission members with regard to use of a Spanish Interpreter in the Child Protection Courts. The Commission approved funds for this project at the November meeting of the Commission. An OCA staff member provides interpretation services for Spanish-speaking families during their hearings. The parties have expressed satisfaction with the quality of the interpretation services. This is an assist to the due process of affected families. While currently being utilized only in the Child Protection Courts, there is consideration for expanding to other courts.

Ms. Amberboy noted that information is provided in the meeting notebook for Commission members to review that explains the proposed changes in the way the technology funds will be utilized. The changes will result in a significant cost saving to the Commission while also allowing more flexibility. Ms. Amberboy noted she conducted a review of the Technology Grant over the past 2 years and determined that this grant is the most frequently amended. Planning for the grant budgets takes place over the summer each year and the Commission then approves the requests. As the implementation of the technology projects takes place each year, regular assessment occurs to determine best utilization of funds and effectiveness of projects. When the assessment indicates that a change should be made, often the need for additional enhancements was identified. A change in the procedure for managing the funds through OCA will eliminate the need for ongoing amendments to the Technology Grant.

Mr. Casey Kennedy provided additional information on the proposed changes in the management of the Technology funds. As structured now, contractors are utilized to perform project scoping and provide estimates of effort required. In the IT field, contracted hours cost out at approximately 200% more than a comparable state employee position. When projects are tightly defined and can fulfill projected timelines, contractor labor can be effective. Mr. Kennedy concurs with Ms. Amberboy's assessment of the technology projects; as work begins each year, there are frequent changes to the scope of the project. The proposed changes are to take the two existing contracted positions (1 programmer and 1 Business Analyst/Project Lead) and convert to state positions. Contracted staff have been funded for the first half of FY12, so while there will be evident reduction to costs for year one, the full impact will be evident in FY13. The change will give more flexibility to the Technology

Committee in terms of adjusting priorities and schedules as well as provide the opportunity to coordinate with projects developed by the Basic and Training Committees. An example includes the proposed recommendations in development by the Legal Representation Study Workgroup that will benefit from coordination with technological solutions.

Ms. Amberboy commented on the Texas RioGrande Legal Aid (TRLA) and Foster Youth Justice Act that the Commission has funded in the past. The Foster Youth Justice project obtained operating funds from another source to support their operations (website, hotline and direct legal representation). However, TRLA is in need of funds to reprint their publication, 'The Guide for Foster Youth Aging Out of Foster Care'. The Guide is distributed each year and during 2011, 2,300 copies were distributed. TRLA recently revised the guide to conform to legislative changes that resulted from the 82nd Legislative Session and includes changes based on the experiences gained from the project. The guides are provided to the approximately 1,500 youth who age out of care each year and to the other stakeholders who assist these youth with their transition from care. The Children's Commission is able to order reprints of the Guide through House Printing at a cost of approximately \$5.00 for each copy. TRLA is requesting funds in the amount of \$5,000 to cover printing costs of 1000 updated versions of the Guide.

ACTION: Judge Rucker made a motion to approve the request to award Texas RioGrande Legal Aid funds in the amount of \$5,000. Judge Bonicoro seconded. The members approved the award of \$5,000 to Texas RioGrande Legal Aid.

Justice Guzman commented on a project underway by the Houston Bar Association to assist children aging out of foster care. Since 1999, there has been a marked increase in the percentage of children aging out of foster care. The project will commence on February 27 and conclude on March 7. The Foster Care Transition Ready Room project seeks donations of furniture, household goods, etc. The HBA website <http://hba.org/> contains information on the drive. Justice Guzman would like to see this effort replicated around the state.

COMMISSION MEMBER UPDATES

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

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, reported on the upcoming visit of the Administration for Children and Families (ACF) Children's Bureau. They will conduct a IV-E Review. The Department has received no citations from the Bureau in the last 2 years. The way the review will be conducted and the standards that will be reviewed are different, however. The Department has been working with the Alabama-Coushatta Tribe of Texas to enable the tribe to draw down IV-E funding. On April 12, in Livingston, Texas, a signing ceremony will take place. Mr. Howard Baldwin will be in attendance as well as may judges. There is a slight delay in the award of contracts for Foster Care Redesign that has resulted from the scrutiny being given to the many applications. The areas under consideration are metropolitan areas – Region 7 (Austin) or Region 11 (the Valley). The non-metropolitan areas are Region 1 (Panhandle) or Region 2-9 (Midland/Odessa and Abilene). Additional updates will be presented at the next meeting of the Children's Commission. Data analysis has been conducted to assess where the Department is staffing-wise. Review of the number of reports, number of investigations and number of removals over the past few years has been done. The time frame included FY10, FY11 and FY12-to date and the data

was averaged out per month. It appears that a high in total reports and assigned reports and the investigations occurred in FY10. Data results on removals and the children going to conservatorship can sometimes be delayed because the investigation has to be completed and many times, family based safety services are offered on some cases prior to moving forward with the removal as part of the Department's reasonable efforts. Data indicates that the high for removals occurred in FY11, but is now declining not only for removals, but in the other categories also. Ms. Deckinga reviewed issues that impacted staff that resulted from budget cuts during the last legislative session. The Department had to stay under its full time equivalent (FTE) cap on caseworkers. Staff were realigned last summer to ensure that the number of caseworkers in the field were not reduced. There will be a Jurist In Residence Letter shortly that addresses the issue. The caseworker staff realignment necessitated a reduction in subject matter experts who did not carry caseloads and increase the span of control of some of the supervisory positions. Positions were held last summer to allow staff to transition into those direct delivery positions where the need existed in the state. Beginning in September, it was clear where the vacancies existed and hiring was ramped up. Nonetheless, excessive caseload has overwhelmed some caseworkers, and has resulted in high turnover. At present, the area where caseloads are the highest are the conservatorship caseloads. There are some exceptions. In Travis County, there is turnover of investigators, resulting in caseworkers from other regions coming in to assist with catch up. The Department is experiencing difficulties with hiring in Midland/Odessa. Actions are underway to increase recruitment and retention activities. Since the focus on hiring began, incremental improvements are occurring each week. There will be a lag time before the courts perceive the improvements, but they are coming.

Mr. Baldwin commented on the site visits he has conducted. The visits have given him the opportunity to meet with both front line workers and supervisors. He observed work in progress on cases to clear the backlog. The staff acknowledged the support that has been directed to help with the case volume. In addition to the support needed at this time by CPS, attention will be focused on Adult Protective Services and Child-Care Licensing in the near future. Mr. Baldwin reviews the comments of Department staff on their outprocessing documentation and notes any issues that become evident. These can include identifying problems and issues that concerned the employee during their tenure at the Department as well as observations on the positive work environment and the dedication of the staff.

Justice Guzman suggested that Mr. Baldwin may consider sharing certain comments in the Department newsletter to further encourage remaining staff.

Ms. Deckinga also acknowledged the need for the Department to work on staff retention. There is significant time allocated to the front-end education of new workers; the normal timeframe for competency is 2 years. Beginning this June in Houston, the Department, in partnership with Casey Family Programs, will initiate an internal staffing process called Permanency Round Table. The process has been rolled out in a few other states and is a way to get new staff up to speed and provide a forum for staff to brainstorm on how to get children in PMC to permanency. Many of the Texas supervisors and staff joined the Department following the initiation of CPS reform in 2005. Previously, ten years service was mandatory before a worker could receive a promotion to a supervisory position. That is no longer the case. Permanency Round Tables bring together experts within the Department to brainstorm ideas for getting children to permanency, educate staff and provide staff support. The effort will promote the attainment of permanency as well as provide a relevant staff development opportunity. The roll out site of Houston was selected in acknowledgment of the Children's Commission efforts toward permanency and the high population of children and youth in care. Results from other states have demonstrated good outcomes. In Georgia, over a 4-year period, the

number of children in long term foster care decrease by approximately 50%. Children in care over age 18 months exited foster care at a rate of 52% and achieved positive permanency (did not age out of the Georgia system). Results over a 1 year period in the state of Kentucky showed permanency achieved for 30% of the children.

Justice Guzman noted that once the extended timeframe of the Children's Commission meetings is implemented there will be ample opportunity for Commissioners to provide detailed updates to the members. She acknowledged the attendance of several of the Commissioners.

Gabriele Fuentes, Appointments Manager, Office of the Governor

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

G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston

Justice Guzman acknowledged the comments earlier in the meeting provided by Howard Baldwin, Commissioner, Texas Department of Family and Protective Services as well as Carolyne Rodriguez, Senior Director of Texas Strategic Consulting, Casey Family Programs.

Chair Emeritus O'Neill asked that the Commission, as well as the Supreme Court, consider on its first day of argument in the new term to have a hearing to highlight some of the Commission's activities. This will provide an opportunity to spotlight the work of the Children's Commission prior to the convening of the 83rd Legislative Session in 2013.

G. Allan Van Fleet acknowledged the work of Mark G. Chretien to protect the intellectual property of the Children's Commission and completing the registration of the Children's Commission logo.

Ms. Amberboy expressed appreciation to Mr. Chretien as well as the support provided by Greenburg Traurig, LLP in Houston.

Justice Guzman acknowledged the service of Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin. Dr. Martinez provided an update for members on the training on informed trauma care that was recently completed in Travis and Harris Counties.

COLLABORATIVE COUNCIL REPORT

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

Gloria Terry, Coalition President of the Texas Council on Family Violence, Austin reported that February is Teen Dating Violence Awareness and Prevention Month. She provided materials for the members in attendance and noted figures from the most recent Centers for Disease Control (CDC) report that indicated that 1 in 3 teens are involved in an abusive relationship. A Judicial Summit is planned for June. Judge Judy Warne was a presenter at last year's summit. The intent of the summit is to bring together judges throughout the state to engage in peer to peer dialogue. The Texas Council on Family Violence will cover expenses for those judges interested in attending.

Judy Powell, Communications Director, Parent Guidance Center, Austin noted that judges can question the mental health diagnoses of children who appear in their court. She emphasized that a

mental health diagnosis will be a life-long component of a child's medical record, so it is vital that these diagnoses be accurate.

Barbara Elias-Perciful, President, Texas Loves Children, Dallas reported on that the online resource and education center project initially sponsored by the Children's Commission has been replicated for the state of Alabama.

COMMENTS/NEW BUSINESS

There was no new business brought forth for consideration.

NEXT MEETING

Justice Guzman noted that the next meeting of the Commission is scheduled on May 4, 2012. Information on the reception for the Education Committee will be distributed soon.

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. Macías
 Dr. Octavio Martinez
 Hon. Michael Massengale
 Selina Mireles
 Carolyne Rodriguez

Hon. Dean Rucker
 Fairy Davenport Rutland
 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. Macías
 Hon. Robin Sage

BASIC PROJECTS

Hon. Bonnie Crane Hellums
Chair
 Gabriela 'Gaby' Fuentes
 Colleen McCall
 Hon. Mickey Pennington
 Carolyne Rodriguez
 Hon. Peter Sakai
 Judge Virginia Schnarr
 Hon. Cheryl Lee Shannon
 Hon. Olen Underwood
 Hon. Doug Warne
Staff: Tina Amberboy
Kristi Taylor

TECHNOLOGY

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 Darrell Childers
 Ronald Clark
 Simi Denson
 Jason Hassay
 Hon. Gilford Jones
 Casey Kennedy
 Tim Kennedy
 Octavio Martinez
 Robert Nolen
 Vicki Spriggs
 D.J. Tessier
 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: Milbrey Raney

EDUCATION

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 Hon. Cheryl Shannon
Vice Chair
 Joy Baskin
 Claudia Canales
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 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
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Vice Chair
 Hon. Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Hon. Patricia A. Macías
 Hon. Dean Rucker

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 Roy Block
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 Penny Cook
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 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
 Julie Harris-Lawrence
 Robert Hartman
 Leslie Hill
 Chris Hubner
 Shannon Ireland
 Lori Kennedy
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Richard Lavallo
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 Tracy Levins
 Rebecca Lightsey
 Madeline McClure
 Kate McLagan
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 Sandeep Narang
 Judy Powell
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 Gloria Terry
 Kenneth Thompson
 Arabia Vargas
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Tina Amberboy, Executive Director
 Tiffany Roper, Assistant Director
 Milbrey Raney, Policy Attorney
 Kristi Taylor, Program Manager
 Teri Moran, Communications Manager
 Rashonda Thomas, Grants & Finance Specialist
 Mari Aaron, Executive Assistant
 Hon. Robin Sage, Jurist in Residence
Office of Court Administration
 Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration

STAFF

INSERT - TAB 3



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
May 4, 2012**

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

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for May 4, 2012**

MINUTES – February 10, 2012 meeting (adoption pending), TAB 1

COMMISSION MEMBERSHIP CHANGES, TAB 2

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES, TAB 2

COMMITTEE MEMBERSHIP CHANGES, TAB 2

STAFF CHANGES, TAB 2

COMMITTEE ACTIVITIES

Basic Grant Committee

The Basic Committee held a conference call on 04/17/12.

Update on Basic Projects

1. Child Protection Law Judicial Bench Book

The Bench Book was introduced at the 2010 CPS Judicial Conference and has been available to judges through the Texas Center for the Judiciary (TCJ) since November 2010. The Bench Book was recently moved to the OCA server after confirming that OCA could provide password protected access to the Bench Book. The location of the Bench Book on the OCA server will facilitate the update process by CIP Technology staff, who are proficient in the Flare language used to develop the software. Staff has updated the Bench Book to incorporate legislative updates and changes. The Commission staff will re-market the bench book at the Child Welfare Judges Conference in June.

2. Appleseed / Permanency Workgroup

Texas Appleseed completed its study of Texas children in PMC and published its final report last November. Since that time, Appleseed, DFPS, Casey Family Programs, CPPP, CASA, and the Children's Commission have been working on how best to implement the recommendations in the report. Appleseed recently completed a cost analysis to determine the current cost of hearings in multiple jurisdictions in order to learn how expensive a bench mark hearing process might be and a survey of several courts to evaluate PMC hearing quality. Most recently, the Children's Commission has been working with Appleseed on holding a Permanency Summit on October 8-9 in

Rockwall, Texas. Similar to Beyond the Bench, plans to date include inviting up to 25 judges who will bring a team of up to 8 people including the judge, his/her associate judge, a prosecutor, CPS caseworker and supervisor, child and parent attorneys, and CASA.

3. Round Table Series

Budget Constraints: In November 2011, with the help of Casey Family Programs and the Department of Family and Protective Services (DFPS), the Permanent Judicial Commission for Children, Youth and Families (Children's Commission) co-hosted a round table discussion to address budgetary challenges to the Child Protective Services (CPS) arm of the Texas Department of Family and Protective Services (DFPS). Specifically, 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 for children of families involved in the child-welfare system. Participants included subject matter experts, judges from across the state, executive branch leaders, and policy-makers, as well as DFPS caseworkers, attorneys, and families who have been involved in CPS cases. First, the round table addressed responsibilities and methods of evaluating the needs of families involved with CPS. Some of the issues noted with regard to Assessments included duplicative assessments, reliance on self-reporting, and working with community providers. Recommendations regarding Assessments include: Consider forming a workgroup to examine DFPS assessment tools to determine whether they provide a structured, methodical decision-making process that combines assessments where possible, avoids duplication of efforts, provides for a candid and thorough inquiry into a family's history, and will help eliminate the purchase of services that are not needed but may simply be what is available at the time or in the community; Provide caseworkers with clear guidelines regarding when and what types of additional assessments/evaluations are appropriate with specific emphasis on how to judge when a psycho-social evaluation is appropriate and sufficient; Train judges on procedures for making safety assessments and ensure that the court considers these issues when deciding whether a child should be removed and/or remain in substitute care.

The round table also discussed Services. Issues discussed with regard to services included problems accessing services, waiting periods, and over-assignment of services. Recommendations regarding Services include: Consider forming a workgroup to examine how to coordinate the provision of services by various providers to ensure the treatments and services are available, not inconsistent with each other, or duplicative; Consider developing Memorandums of Understanding (MOU) with other entities such as the Department of State Health Services (DSHS) to spell out the process by which CPS client cases will be handled. Also, examine whether an MOU or other type of agreement between DFPS and authorities handling housing and financial assistance could establish CPS families as a priority population for those services and benefits; Train caseworkers and other stakeholders about the

importance of assigning and ordering only those services that are available to the parent in a reasonable amount of time to give the parent sufficient opportunity to access and engage the service(s), and to be mindful of the legal implications under Section 161.001(1)(O) of the Texas Family Code; Consider forming a workgroup to examine DFPS visitation policies and determine alternative methods of providing it in order to increase the frequency and enhance the experience for families and whether promulgating visitation standards would be appropriate and helpful. Link to the full report here <http://www.supreme.courts.state.tx.us/children/PDF/BudgetReport.pdf>

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. Children's Commission and OCA Technology Staff recently met with DFPS to examine the feasibility of creating a publicly accessible website that would provide non-confidential information such as hearing dates and similar notice to interested persons.

4. Legal Representation Study (LRS)

The LRS Workgroup, formed by the Commission to develop plans for implementing the recommendations from the LRS Report, will hold its next in person meeting on May 15, 2012 in Austin. The meeting held on January 17 was very well-attended and the workgroup discussed the administration of legal representation and the quality of legal representation as well as the following issues:

Representation Model / Appointment Method:

At the 1/17/12 meeting, Judge Dean Rucker discussed the following with regard to the Representation Model / Appointment Method. Core principles of an appointment model would include local control, flexibility regarding type of model such as office of regional public defenders to serve rural areas; Office of Parental Representation and Office of Child Representation (Travis County); Managed Assigned Counsel (MAC) program and contract counsel options, and objective criteria for appointments and periodic review of list or appointment method, and performance evaluation.

There was discussion among the group that any principles adopted must be broad enough to accommodate the needs and discretion of the judge to use a representation model that best fits the jurisdiction, promote fairness and accountability so that appointments are not made on suspect criteria, some evidence that the attorney is not only qualified on paper, but in reality, the need for transparency in how attorneys are appointed, inclusion of a description of how the appointment system works, why people are appointed in a particular manner, what the attorney's job is, what parents and children can expect from their attorney, and a description of the grievance process. There was also discussion about evaluations or periodic performance

reviews by the judge or the judge's designee, measuring effective advocacy through observing hearings and trials, case review, mandatory training, and appropriate supervision.

Other issues discussed included timing of appointment for primary parent attorneys and whether the Family Code should be amended to clarify the timing of the parent attorney appointment, how to handle appointments for alleged fathers, and concerns about the court costs associated with earlier appointments.

There was a discussion about whether counties should be encouraged to develop and keep on file an Appointment of Counsel Plan (ACP) similar to the plans developed pursuant to the Fair Defense Act.

Compensation:

The Compensation workgroup has examined how Texas can structure a compensation system that optimizes attorney performance while ensuring quality legal representation and providing adequate and fair compensation for attorneys. Preliminary data from Travis County Offices of Parental and Child Representation indicates that a public-defender type office (or a MAC or a contract with a local bar association) is not more expensive than using a private appointment system. Also, an issue raised is whether the LRS workgroup should discuss requiring counties to publish a compensation rates and guidelines, which could promote stability and a sense of confidence to attorneys practicing within a jurisdiction that compensation is not a moving target.

Standards / Quality Assurance / Training:

The LRS also discussed standards of representation, quality, and training, which varies widely around the state. Currently there is only a 3.0 hour statutory minimum training for attorneys representing children and parents. This training is not specific nor is there any way to track or enforce whether an attorney has completed the training.

The LRS also met by conference call on 3/26/12 and determined the following steps with regard to the topics of Representation Models, Compensation, and Quality Assurance, Standards and Training. The following issues were discussed / decided:

The workgroup members agree to not express a preference of one type of representation model over another, but did agree that the LRS can / should support drafting legislation to clarify that different models of representation are allowed, if a county wants to conduct the research and engage in that.

The idea of a uniform Appointment of Counsel Plan needs further discussion and the LRS agreed to take up this matter at the May 15th in person meeting.

Regarding Quality of Representation, Standards, and Training, the LRS agreed that standards are needed, but that further discussion about what they should be and which organization should develop will be discussed at the May 15 meeting.

Regarding DFPS legal representation, the LRS discussed methods to improve the process of informing parents about rights to court appointed counsel, which involves defining rules regarding who is responsible for informing (i.e., DFPS, Judge, Other). Another topic that will be discussed on May 15th is the Affidavit of Indigence and the timing, acknowledging that one must be on file for an appeal.

Judge Rucker has been working on drafting legislation to amend the Family Code regarding indigent parents, and Judges Doug Warne and Olen Underwood have joined the workgroup.

5. *Jurist in Residence (JIR)*

In December, Justice Guzman sent a request to Judges Judy Warne, Bonnie Hellums, David Farr, and Michael Schneider requesting their help in leading efforts to implement more effective processes and protocols to help produce better outcomes for children and families served by the Harris County child protection system. Eight Harris County district judges and seven associate judges met on January 13, 2012 and again on March 2, 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

Judge Hellums provided an update to Basic committee members during the 4/17/12 conference call that many judges are interested in the work and have divided into subgroups and are inviting stakeholders to participate. Justice Massengale has taken the leadership role for the effort. The participants have divided into subgroups and various stakeholders have been approached to join committee and start workgroups. Attendance and interest is strong.

6. *Judicial Disproportionality Workgroup (JDW)*

In February, thirty-six Texas judges gathered in Austin for the third annual Implicit Bias Conference. Attendance at the conference has grown from sixteen judges in attendance during the first year it was offered and twenty five judges in attendance the year before this. This program continues to receive some of the highest evaluations of all judicial trainings. The evaluations have always been strong, but have trended slightly upwards in spite of the increased numbers and more diverse attendance. This year Kimberly Papillon, an expert on judicial and legal decision-making, introduced emerging research in neuroscience that reveals how unconscious processes like institutional racism may affect decision-making. In March, Ms. Papillon

returned to Austin to speak again at the annual gathering of the Child Protection Court Judges where her work was very well-received. The JDW Co-Chairs recently held a planning call for the next JDW meeting in May.

7. Tribal Initiatives

On April 12th, Tina Amberboy and Kristi Taylor joined many DFPS leaders including Audrey Deckinga, Dan Capouch, Michael Martinez and Pam Parker at the home of the Alabama-Coushatta Tribe of Texas for a signing ceremony honoring the first Tribal IV-E Agreement in Texas. This historic event was preceded by a day and a half Judicial Symposium entitled “Strengthening and Healing our Families and Community Through State-Tribal Collaboration.” The symposium included Peacemaking and other Tribal Judges, State Court and County Court Judges, caseworkers, attorneys, experts from domestic violence advocacy groups and many other stakeholders. As discussed in November where we heard from Senior Peacemaking Judge Jo Ann Battise, the Children’s Commission helped to sponsor the symposium. Judge Darlene Byrne spoke on the first day of the symposium on her work with the tribe in creating the first tribal model court in Texas. The Commission staff came away from the symposium with many new connections as well as concrete ideas for working with the three federally-recognized tribes in Texas. Aaron Williams, the collaborative council member representing the Alabama-Coushatta, has moved to Montana. Another representative of tribal interests, Larry Williams, has stepped forward to fill this role. We would also like to invite a tribal judge or leader to serve as a Commissioner and are currently vetting this nomination.

8. Psychoactive Medications

A Round Table meeting on Judicial Practices in the Oversight of Psychoactive Medications and Texas Children in Foster Care is being re-scheduled for June. Judge McCown will facilitate this Round Table that will bring together judges, child psychiatrists, STAR Health and DFPS leadership, as well as other subject matter experts to discuss how judges handling CPS cases can exercise informed and appropriate oversight of the medications being prescribed to the children in their courts.

9. Restraint Group / Trauma Informed Services

The Commission’s Trauma Workgroup has been on hold while DFPS has been developing its strategic plan to integrate trauma-informed care into child protective services.

Training Grant Committee

The Training Committee met by conference call on 04/09/12. 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.

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 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 May and available on-line approximately 30-45 days thereafter through the Texas Bar CLE website

Attorneys seeking appointments in CPS cases will be able to take the course free of charge.

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. Commission staff will work with the State Bar of Texas to enter an interagency agreement regarding these scholarships in the next 30 days.

- **Parent Attorney Leadership Conference** – Scheduled September 11-12, 2012 in Oklahoma City, 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 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 October, 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 Texas Center for 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** –The National Conference on Juvenile and Family Law was held March 21-24 in Las Vegas and scholarships to the conference were awarded to 27 Texas judges to attend. The Annual Conference of the NCJFCJ will be held July 15-18, 2012 in New Orleans, LA. There will be roughly 25-30 scholarships awarded. The prerequisite for obtaining a scholarship is to attend Child Welfare Judges Conference on June 4-6, 2012 in San Antonio.
- **Permanency Summit (replaces Beyond the Bench Conference in FY 2012)**– In partnership with Texas Appleseed and an advisory group, TCJ will get planning underway in FY 2012 for a state-wide Permanency Summit to be held in October 2012. This summit will be held in lieu of a Beyond the Bench conference this year. The Permanency Summit will be held on October 8-9 in Rockwall, Texas. Similar to a Beyond the Bench conference, the Permanency Summit will bring together a comprehensive list of stakeholders in the child-protection system for a two-day multi-disciplinary training that includes open

communication and collaboration, brainstorming, and problem solving as well as discussion of best practices regarding 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 and 36 judges attended. Evaluations for the conference were very favorable and an Implicit Bias Conference will be held in FY 2013.
- ***CPS/Associate Judges Conference now 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 CIP Training Grant funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. The Office of Court Administration's annual training was held March 19-20, 2012 in Austin and 14 Child Protection Courts attended. Part of the conference consisted of a roundtable to discuss how kids move through care. Emphasis was made on timelines, how to achieve permanency, and how to improve the court process.

- **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 04/19/12. For minutes regarding the full discussion of that meeting, please see the committee minutes in this meeting notebook under Tab 4.

1. Child Protection Case Management System (CPCMS)

The last of the revised outcome measure reports were released into the CPCMS production environment on March 2nd. The outcome measure reporting capability of the CPCMS covers the following:

- Safety Measures – 4 reports
- Permanency Measures – 3 reports
- Due Process and Fairness Measures – 10 reports
- Timeliness Measures – 14 reports

CPCMS is being utilized by three Independent Counties [Atascosa – Assigned Judge Tom Lee] and [Karnes and Wilson counties – Assigned Judge John Specia]. These counties had been in the jurisdiction of the CPC of South Texas (Judge Cathy Morris) and were removed from that court jurisdiction to rebalance Judge Morris’s caseload.

An additional administrative tool has been added to CPCMS to allow for additional independent counties/courts. CIP Technology staff will work with other counties that wish to CPCMS hosted at OCA.

The CPCMS project team has been working with Judge Charlie Van Orden and his court coordinator to clean-up data and close “old” cases in CPCMS. This will enable the court coordinator and the temporary data entry staff to appropriately focus on “open” cases that need attention to the currency of case data.

Centex CPC – 3 counties

Open case count has been reduced from a high of approximately 1,040 cases to a current count of 500 cases.

Data entry support for the Centex CPC is scheduled to begin in mid to late May.

The following enhancements are planned for CPCMS:

Demo CPCMS website - provide a sandbox environment for interested courts/independent counties to test drive the CPCMS with their own data

Export CPCMS Court Docket Calendar – develop and implement an export module that will export Docket Calendar information in a standard calendar format. This will enable other devices (e.g., blackberries, iPhones) and applications (case management systems) to process and display the Docket Calendar information outside of the CPCMS system.

Expanded Roles Based Security for CPCMS – Expand the number of system user roles that can be authorized for view (only), data entry (only), a restricted combination of and data entry, or unlimited view and data entry.

- Update Training / Marketing Videos (online) CPCMS – Update and expand the training videos to cover all of the v3.0 through v3.3 releases in 2011 and the v4.0 through v4.3 releases in 2012.

Planning is underway for the following projects:

- Web page for Notice and Engagement to provide easier notification to respondents, foster parents and children of appropriate age, about future scheduled child protection hearings. DFPS will coordinate with OCA staff to identify information and data elements that can be legally provided for use on the portal.
- Attorney Assignment, Time Tracking and Billing System, a web based application to support attorneys representing children and parents in child abuse and neglect cases. The system will be on the agenda for discussion at the meeting of the Legal Representation Study workgroup on May 15.
- CIP Benchbook has been moved to the OCA Server and updated with the 82nd legislative changes.
- CIP website is now live. The commission staff have created a redesigned commission website. CIP Technology staff is working with commission staff to implement, update and support the redesigned site.
- Dashboard - CIP Technology Staff will begin working on a system for collection and analysis of the timeliness measures from the NCSC/ABA Toolkit and as mandated by the Court Improvement Program. Specifically, Measure 4A – Time to Permanent Placement, Measure 4G - Time to First Permanency Hearing, Measure 4H Time to Termination of Parental Rights Petition (filing), Measure 4I – Time to Termination of Parental Rights, and Measure 4X – Time to all Subsequent Permanency Hearings.

2. CPCMS Data Entry Staff Assistance

- Temporary data support has been provided to Judge Cathy Morris to provide coverage while court coordinator, Dora Gonzales, is on medical leave due to back surgery. The assistance has input case data for the six counties / CPC of South Texas.
- Significant progress has been made in the collective effort to catch-up on back logged CPCMS case data for the Child Protection Court Rio Grande Valley West (2 counties). The temporary data entry staffer processed five months of the court coordinator’s back logged emails that contained the case documents noted above.

3. 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. It was sufficiently successful to acquire authorization to move forward with Phase II of the project.

Participating Courts

The following courts have been solicited and confirmed for participation in the video conferencing project.

- Harris County - 315th District Court – Judge Michael Schneider
- Travis County Juvenile Court – Judge John Hathaway
- Bexar County Children’s Court – Judge Richard Garcia
- Dallas County – 304th District Court – Associate Judge George Wes

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

The DFPS/OCA collaboration team is working with a list of 58 residential treatment centers (RTC) and 7 RTCs providing intensive psychiatric transition program services that are under contract with DFPS for residential child care. Any cases in the participating court’s jurisdiction that have a child in any of these facilities are candidates to participate in the video conferencing project.

The status of scheduling video conference hearing with each court is a work in progress. The following courts have video conference hearings scheduled at this time.

- 315th District Court – April 27, 2012
- 304th District Court – multiple hearings scheduled during last week in July through mid-August. The court regularly schedules all Chapter 263 hearings together and schedules them twice per year in the February and August timeframe.

Tim Kennedy and Stephanie Ramos (DFPS/CPS liaison to the court) conducted a site visit to the Bexar County Children’s Court on Tuesday April 17. The site visit provided the opportunity for in-person introductions with Judge’s Richard Garcia, Charles Montemayor, and Peter Sakai, and their court staff. Additionally, information was collected on the video conferencing infrastructure and scheduling process the Bexar County Children’s Court has in place.

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.

4. Texas Remote Interpreter Project (TRIP)

OCA Child Protection Courts involved in the project can schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. Licensed court interpreter Marco Hanson works remotely, using a speaker phone or videoconferencing, to provide courtroom interpretation for as many as 20 hours a week.

Sixteen hearings have been scheduled since the project began in December, and participating judges include Bonicoro, Chavez, Delaney and Ottis. The judges report that they are happy with the quality of interpretation and plan to use it again.

Mr. Hanson is now set up with the equipment and protocols to interpret simultaneously those portions of the trial which are conducted entirely in English, for the benefit of the limited English-proficient parties only, which saves considerable time. Before, all interpretation was consecutive, which requires all parties to pause after each statement for interpretation to the entire courtroom.

Because utilization is still far lower than capacity, this service will be offered to judges hearing child protection cases in 141 other counties, where no specialty court exists and where the number of children in DFPS responsibility is under 500.

5. National Information Exchange Model (NIEM)

No new activities at this time.

6. CIP Technology Staff

CIP Technology staff will help the Children's Commission staff with project administration and management that pertains to all stakeholder and contact information that it uses on a regular basis.

In additional, assistance will be provided for the Education and Foster Care website. The Children's Commission is partnering with DFPS and the Texas Education Agency (TEA) in a federal grant to increase collaboration between the court, education, and child welfare systems. As part of the grant, a website will be launched regarding

education issues of children and youth in Texas foster care. In order to raise awareness of the need to improve educational outcomes of foster children and youth, the website will offer information, resources, and tools, as well as training materials. The website will be designed for use by educators, school administrators and counselors, children's caretakers, attorneys and guardian ad litem, CASA, courts, DFPS staff, and others. The website will be created as a page on the Children's Commission current website. OCA's CIP Tech staff will provide invaluable assistance in development of this website.

7. Regional Videoconference System for CPS Cases in the 38th Judicial District – Uvalde and Medina Counties

Uvalde County is the largest of three rural counties located east of San Antonio and is included in the 38th Judicial District. Census data indicates that 31.5% of the population lives at or below the poverty line. There are no local children's shelters or residential treatment centers available to children removed from the home due to abuse or neglect, with the result that children and sibling groups are placed out-of-county and often in different locations. This creates logistical issues for the court, the attorneys, the parents, therapists and other experts who are critical to the case and most importantly for the children involved in these cases. The county incurs significant costs associated with these cases. The regional videoconference system, through licenses issued by the court to attorneys who qualify, would allow those attorneys to have confidential, direct contact with their clients from their own computers as long as those computers have web-cam capability. Data will be collected on a case by case basis as to the use of the equipment.

Some key project activities include:

- Purchase of videoconferencing equipment by Uvalde and Medina Counties to meet objectives in all CPS cases that are specified in detail in the grant application.
- Selection of mobile video units to allow the Judge to provide access to the video conference system from either the bench or chambers.
- Maintenance of log books at each of the units that will provide a record of court use and of attorney use in making client contact.
- Training in use of the equipment for court staff and training for court staff in protection of any confidential information related to cases.
- Training for attorneys in use of the equipment via licenses which allow them access to the system via their own laptop computers as well as recordkeeping to document who received training and who has use of the equipment.

The method of evaluation for the project will include a cost analysis by the 38th District Court that will calculate the transportation costs for taking children, parents, attorneys and expert witnesses and a separate analysis that will determine whether there is a reduction in transportation costs resulting for use of the videoconferencing equipment. The court will also develop a documentation process to provide a quantitative measure of how the use of the equipment impacts the court's ability to provide permanency to children, and/or to improve and increase the participation of children who are placed out-of-county in court proceedings which directly involve

them. Data collection will be on a case by case basis as to the use of the videoconferencing equipment.

Education Committee Report

The Education Committee held its final meeting on Friday, April 13, concluding its work and discussing its final report, The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care. The final report, submitted to the Children's Commission and the Supreme Court of Texas at a reception held May 3, 2012, represents collaborative discussion and problem-solving of over 100 court, child welfare, and education stakeholders over a 19-month period. In total, the Education Committee and its subcommittees and workgroups met over 50 times.

Although the Education Committee officially met its charge with the submission of the Final Report, it agreed to continue its collaboration in the future. Next steps for the committee include:

- Hold annual meeting of Education Committee to continue collaboration
- Create a task force to periodically meet to develop implementation plan and assess progress of implementation
- Support a statewide, multi-disciplinary education and foster youth summit
- Raise awareness among court, education, and child welfare stakeholders both in Texas and nationally
- Assist in the creation of tools, resources, and training

INSERT - TAB 4

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

**Basic Committee Meeting Minutes
April 17, 2012
Via Teleconference
Austin, TX 78701**

ATTENDANCE OF MEMBERS-BASIC

Members Attending

Members Not Attending

Name	Name
The Honorable Bonnie Hellums, Chair Ms. Gabriela Fuentes, Member Ms. Colleen McCall, Member Ms.Carolyn Rodriguez, Member The Honorable Peter Sakai, Member The Honorable Virginia Schnarr, Member The Honorable Cheryl Lee Shannon, Member The Honorable Olen Underwood, Member The Honorable Doug Warne, Member	The Honorable Mickey Pennington, Member
Guest	
Barbara Elias-Perciful	
Staff	
Ms. Tina Amberboy Ms. Kristi Taylor	
Ms. Mari Aaron, Notetaker	

I. Call to Order

This meeting was held at 12 noon on April 17, 2012, at 201 West 14th Street Austin, Texas. Dial in instructions: 1-877-820-7831; 629943#. Ms. Taylor called the meeting to order at 12:01 p.m.

II. Minutes from the January 27, 2012, Basic Committee Meeting

The January 27, 2012 meeting minutes of the Basic Committee were reported to the Children’s Commission at its February 10, 2012 meeting.

Ms. Taylor announced that Judge Sage will serve as Jurist In Residence for OCA. She has resigned her position of Commissioner for the Children’s Commission. Judge Hellums will succeed Judge Sage as the chair of the Basic Committee.

Ms. Taylor reported on the Alabama-Coushatta Tribe of Texas’ 2nd Annual Judicial Symposium. At the November 2011 Children’s Commission meeting, Sr. Peacemaker Jo Ann Battise provided insight to the members on child welfare practices of the tribe. In

support of furthering the relationship with the tribe, the Commission co-sponsored the tribes' 2nd Annual Judicial Symposium, held on April 11-12. Participants included judges, mental health experts, and members of the Mississippi Choctaw Tribe.

The Basic Committee members were asked to ratify the expenditure of CIP funds in the amount of up to \$3,000, for used to cover the travel costs of speakers and supplies for the Symposium.

ACTION: Ms. Taylor asked for a vote to ratify the request for FY 12 CIP funds in the amount of \$3,000 to cover the travel cost of speakers and supplies for the Alabama-Coushatta Tribe of Texas 2nd Annual Judicial Symposium. Judge Sakai made a motion, Ms. McCall seconded. The members unanimously ratified the expense for the 2nd Annual Judicial Symposium.

Ms. Taylor also reported that Mr. Aaron Williams resigned from the Collaborative Council and will no longer be on the Collaborative Council. Mr. Larry Williams will join the Collaborative Council. Mr. Williams is member of the Louisiana Coushatta Tribe and affiliated with the Alabama Coushatta Tribe, currently a forensic caseworker, former MHMR employee and CASA Program Director, Ms. Amberboy reviewed and reported on the annotated agenda items.

III. Project Updates

Child Protection Law Judicial Bench Book

Ms. Amberboy reported that the Bench Book, introduced at the 2010 CPS Judicial Conference and available to judges through the Texas Center for the Judiciary (TCJ) since November 2010, was recently moved to the OCA server. The action was taken after confirming that OCA could provide password protected access to the Bench Book. Staff has updated the Bench Book to incorporate legislative updates and changes. The Commission staff will re-market the bench book at the Child Welfare Judges Conference in June. The location of the Bench Book on the OCA server will facilitate the update process by CIP Technology staff, who are proficient in the Flare language used to develop the software.

Texas Appleseed Project

Texas Appleseed completed its study of Texas children in PMC and published its final report last November. Since that time, Appleseed, DFPS, Casey Family Programs, CPPP, CASA, and the Children's Commission have been working on how best to implement the recommendations in the report. Appleseed recently completed a cost analysis to determine the current cost of hearings in multiple jurisdictions in order to learn how expensive a bench mark hearing process might be and a survey of several courts to evaluate PMC hearing quality. Most recently, the Children's Commission has been working with Appleseed on holding a Permanency Summit on October 8-9 in Rockwall, Texas. Similar to Beyond the Bench, plans to date include inviting up to 25 judges who will bring a team of up to 8 people including the judge, his/her associate judge, a prosecutor, CPS caseworker and supervisor, child and parent attorneys, and CASA. Additional information will be provided soon by the Commission staff. Ms. Amberboy asked members who want to receive an invitation to contact her.

Ms. McCall commented on the need to complete selection of participants soon because of scheduling conflicts in the fall. Ms. Amberboy confirmed that the invitations will be finalized within the next few days.

Ms. Elias-Perciful announced that TLC/Online Legal Resources Center want to facilitate the work of the Commission. The Online Legal Resources Center can disseminate information to judges through their system. The Center can help with recruitment of pro-bono attorneys, as they maintain an online contact list for attorneys. TLC has a training video for these attorneys and it is on the AYLAs website and a paper, authored by Charles Childress and Stephanie White is available to supplement the video. Additional content will be added soon.

Ms. Amberboy commented that the Austin AYLA just launched a project for young lawyers and she will follow up on their video.

Ms. Elias-Perciful noted that TLC can send a videographer to capture any upcoming training events. She requested a contact name for Austin AYLA to facilitate broader dissemination of information. The Austin AYLA contact will then be added to the TLC email network. She noted that this effort will provide a resource and equip pro-bono attorneys with what they need to handle the cases for children in PMC.

Round Table Series

Budget Constraints: Ms. Amberboy reported on the Round Table held in November 2011. Casey Family Programs and the Department of Family and Protective Services (DFPS), co-hosted the event with the Permanent Judicial Commission for Children, Youth and Families (Children's Commission). Discussion addressed budgetary challenges to the Child Protective Services (CPS) arm of the Texas Department of Family and Protective Services (DFPS). Specifically, 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 for children of families involved in the child-welfare system. Participants included subject matter experts, judges from across the state, executive branch leaders, and policy-makers, as well as DFPS caseworkers, attorneys, and families who have been involved in CPS cases.

Link to the report here:

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

The issue of responsibilities and methods of evaluating the needs of families involved with CPS were considered. Issues noted with regard to assessments included duplicative assessments, reliance on self-reporting, and working with community providers. Services issues discussed included problems accessing services, waiting periods, and over-assignment of services. Services are scarce and not tailored to the needs of families. The need to tailor service plans to family needs is apparent. Lastly, there is a need to reexamine how visitation policy is provided. The Children's Commission will continue to work with the Department on this issue. A full report from the Children's Commission was distributed on March 6, 2012. Ms. Amberboy will provide the link to the report to any interested members.

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.

CIP Technology staff will assist in developing a website for non-confidential case information to allow parties interested in the case to determine when hearings will occur.

OCA/DFPS have a connection (overnight from IMPACT system) that will expand the feed and reformat the data to populate a new website. The activity will be managed by the Technology Committee.

Legal Representation Study (LRS)

The LRS Workgroup, formed by the Commission to develop plans for implementing the recommendations from the LRS Report, will hold its next in person meeting on May 15, 2012 in Austin. The meeting held on January 17 was very well-attended and the workgroup discussed the administration of legal representation and the quality of legal representation as well as the following issues:

Representation Model / Appointment Method:

At the 1/17/12 meeting, Judge Dean Rucker discussed the following with regard to the Representation Model / Appointment Method. Core principles of an appointment model would include: 1. Local control, 2. Flexibility regarding type of model such as office of regional public defenders to serve rural areas; Office of Parental Representation and Office of Child Representation (Travis County); Managed Assigned Counsel (MAC) program and contract counsel options, 3. Objective criteria for appointments and periodic review of list or appointment method, and performance evaluation.

There was discussion among the group that any principles adopted must be broad enough to accommodate the needs and discretion of the judge to use a representation model that best fits the jurisdiction, promote fairness and accountability so that appointments are not made on suspect criteria, some evidence that the attorney is not only qualified on paper, but in reality, the need for transparency in how attorneys are appointed, inclusion of a description of how the appointment system works, why people are appointed in a particular manner, what the attorney's job is, what parents and children can expect from their attorney, and a description of the grievance process. There was also discussion about evaluations or periodic performance reviews by the judge or the judge's designee, measuring effective advocacy through observing hearings and trials, case review, mandatory training, and appropriate supervision.

Other issues discussed included timing of appointment for primary parent attorneys and whether the Family Code should be amended to clarify the timing of the parent attorney appointment, how to handle appointments for alleged fathers, and concerns about the court costs associated with earlier appointments.

There was a discussion about whether counties should be encouraged to develop and keep on file an Appointment of Counsel Plan (ACP) similar to the plans developed pursuant to the Fair Defense Act.

Compensation:

The Compensation workgroup has examined how Texas can structure a compensation system that optimizes attorney performance while ensuring quality legal representation and providing adequate and fair compensation for attorneys. Preliminary data from Travis County Offices of Parental and Child Representation indicates that a public-defender type office (or a MAC or a contract with a local bar association) is not more expensive than using a private appointment system. Also, an issue raised is whether the LRS workgroup should discuss requiring counties to publish a compensation rates and guidelines, which could promote stability and a sense of confidence to attorneys practicing within a jurisdiction that compensation is not a moving target.

Standards / Quality Assurance / Training:

The LRS also discussed standards of representation, quality, and training, which varies widely around the state. Currently there is only a 3.0 hour statutory minimum training for attorneys representing children and parents. This training is not specific nor is there any way to track or enforce whether an attorney has completed the training.

Ms. Amberboy noted that Judge Rucker will work to draft legislation to amend the Family Code regarding indigent parents.

Judge Warne and Judge Underwood expressed interest in joining the workgroup and attending May 15 meeting.

Information about the meeting and materials from previous meetings will be provided to them.

Harris County

In December, Justice Guzman sent a request to Judges Judy Warne, Bonnie Hellums, David Farr, and Michael Schneider requesting their help in leading efforts to implement more effective processes and protocols to help produce better outcomes for children and families served by the Harris County child protection system. Eight Harris County district judges and seven associate judges met on January 13, 2012 and again on March 2, 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

Judge Hellums provided an update to the committee members on the efforts stating that many judges are interested in the work and have divided into subgroups and are inviting stakeholders to participate. Justice Massengale has taken the leadership role for the effort. The participants have divided into subgroups and various stakeholders have been approached to join committee and start workgroups. She and Judge Judy Warne are on the committee and she can report that attendance and interest is strong. Judge Hellums will provide additional information to Ms. Amberboy and report at the May 4 Children's Commission meeting.

Psychoactive Medications

A Round Table meeting on Judicial Practices in the Oversight of Psychoactive Medications and Texas Children in Foster Care will be re-scheduled for June. Judge McCown will facilitate this Round Table that will bring together judges, child psychiatrists, STAR Health and DFPS leadership, as well as other subject matter experts to discuss how judges handling CPS cases can exercise informed and appropriate oversight of the medications being prescribed to the children in their courts.

Ms. Taylor reported on the activities of the workgroup to date. The group has met 4 times over the past year. A pilot project (judicial information line) is underway.

The settlement of the Johnson and Johnson lawsuit concerning Medicaid formulary payments has been discussed at length. Judges who are members of the workgroup have expressed concerns around the issues associated with the lawsuit. Members have considered the need to provide input on the addition of extra layers of oversight when HHSC updates parameters.

The need to acknowledge reinforcement of the trust between medical independence and judicial oversight will continue to be a topic of discussion.

Ms. Taylor confirmed that there are child advocate representatives on the workgroup. The role of child advocates in providing information to judges was noted. Ms. Taylor noted that the group is reviewing the informed consent process as judges are beginning to demand more accountability of the medical consenters in these cases. The workgroup is assessing processes to streamline judge requests and standardize a form that will give the judges the information that they need while not overburdening participating child psychiatrists.

Ms. Elias-Perciful commented that the online center includes 300 judges and 1500 attorney participants who can receive information on updated forms, as well as information (link) to any survey instrument that the workgroup may wish to conduct. This will be a method to assess judicial input in different regions of the state.

Ms. Taylor noted that there is data that show a trend in the decrease over the last 5 years in the rate of prescribed psychoactive medications to this cohort of children.

Ms. Fuentes inquired if there is training offered to judges on these medications, and Ms. Taylor confirmed that the topic is included on agendas at judicial training conferences.

Trauma Informed Treatment and Practices

The Commission's Trauma Workgroup has been on hold while DFPS has been developing its strategic plan to integrate trauma-informed care into child protective services.

Ms. Taylor noted that there are ongoing concerns about restraints and practices in Residential Treatment Centers (RTCs). These concerns dovetail into the focus on trauma informed care that the Department is developing within their revised Strategic Plan.

JDW

In February, thirty-six Texas judges gathered in Austin for the third annual Implicit Bias Conference. Attendance at the conference has grown from sixteen judges in attendance during the first year it was offered and twenty five judges in attendance the year before this. This program continues to receive some of the highest evaluations of all judicial trainings. The evaluations have always been strong, but have trended slightly upwards in spite of the increased numbers and more diverse attendance. This year Kimberly Papillon, an expert on judicial and legal decision-making, introduced emerging research in neuroscience that reveals how unconscious processes like institutional racism may affect decision-making. In March, Ms. Papillon returned to Austin to speak again at the annual gathering of the Child Protection Court Judges where her work was very well-received. The JDW Co-Chairs recently held a planning call for the next JDW meeting in May.

Ms. Rodriguez reported that the February conference was well received and provided an opportunity for parent and youth speakers. The initiative is spreading to other states. Future consideration will focus on defining a long range view of what the workgroup will do in addition to the annual conference and identify outcomes.

Ms. Taylor will confer with Ms. Rodriguez to schedule the next meeting of the workgroup.

Tribal Initiatives

On April 12th, Tina Amberboy and Kristi Taylor joined many DFPS leaders including Audrey Deckinga, Dan Capouch, Michael Martinez and Pam Parker at the home of the Alabama-Coushatta Tribe of Texas for a signing ceremony honoring the first Tribal IV-E Agreement in Texas. This historic event was preceded by a day and a half Judicial Symposium entitled "Strengthening and Healing our Families and Community Through State-Tribal Collaboration." The symposium included Peacemaking and other Tribal Judges, State Court and County Court Judges, caseworkers, attorneys, experts from domestic violence advocacy groups and many other stakeholders.

As discussed in November where we heard from Senior Peacemaking Judge Jo Ann Battise, the Children's Commission helped to sponsor the symposium. Judge Darlene Byrne spoke on the first day of the symposium on her work with the tribe in creating the first tribal model court in Texas.

The Commission staff came away from the symposium with many new connections as well as concrete ideas for working with the three federally-recognized tribes in Texas.

Aaron Williams, the collaborative council member representing the Alabama-Coushatta, has moved to Montana. Another representative of tribal interests, Larry Williams, has stepped forward to fill this role. We would also like to invite a tribal judge or leader to serve as a Commissioner and are currently vetting this nomination.

IV. New Business

The Judicial Tribal Symposium

Tribal Judicial Symposium -The Basic Committee needs to vote regarding the ratification of the \$3,000 to sponsor national speakers and related expenses for the Alabama-Coushatta Judicial Symposium on April 10-12th. Judge Darlene Byrne's time will be used for the match requirement.

The vote for this issue was conducted at the beginning of the meeting.

2012 Meeting Schedule (per information presented at Feb. 10, 2012)

Commission Meeting – 3 meetings per year of longer duration (9:30 a.m. – 3:30 p.m.)

The agenda will include a presentation on the Final Report of the Education Committee. The release of the report will be commemorated at a reception on May 3 at the State Bar of Texas – Texas Law Center – Hatton W. Sumners Meeting from from 4:30 p.m. – 6:30 p.m.

The final Children’s Commission meeting for FY12 will be held on September 14, 2012.

A meeting of the Basic Committee will be scheduled in late July or early August, 2012 to consider the FY2013 budget and projects.

V. Adjourn

The meeting adjourned at 12:45 p.m.

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

**Training Committee Meeting Minutes
April 9, 2012**

ATTENDANCE OF MEMBERS

Present:

Judge Camile DuBose, Chair
Ms. Barbara Elias-Perciful
Ms. Alice Emerson
Ms. Debra Emerson
Judge Richard Garcia
Ms. Tracy Harting
Ms. Joyce James
Dr. Sandeep Narang
Ms. Pam Parker
Mr. Randy Sarosdy
Judge Ellen Smith
Milbrey Raney, Staff
Tiffany Roper, Staff
Mari Aaron, Note taker

The Committee had a quorum present for this meeting.

I. Call to Order

Judge DuBose called the meeting to order at 12:01 p.m.

II. Ratification of Minutes

Judge DuBose asked if members had reviewed the January 12 meeting minutes. These minutes were included in the meeting notebook prepared for the Children's Commission meeting held on February 10, 2012. The minutes will be provided separately to members for review.

III. Commission Staff Change

On April 23, the Children's Commission will welcome a new employee, Milbrey Raney. Ms. Raney is a licensed attorney who has practiced family law, including representation of parents and clients in CPS cases, since 1996. She has been very involved with the Court Appointed Family Advocates of Travis County, the Child Protective Services Board of Travis County, the Travis County Model Court Collaborative Council, and the Region 7 Regional Child Death Committee and Citizen's Review Team. Tina, Tiffany and Kristi know Milbrey personally and professionally and are eager to welcome her and the expertise she will bring to the Commission staff. Ms. Raney will assume the duties previously staffed by Ms. Roper for the Training Committee and support its projects.

IV. Update about grant funding

- CIP reauthorized as part Child and Family Services Improvement and Innovation Act
- The Children's Commission submitted the application for the CIP grant in late February; still waiting on announcement from ACF on the specific award amount and date of distribution but the grant has been reviewed and approved

- Funds reauthorized for the next 5 yrs and this is year 1 of the 5 year grant fund cycle

V. Update on training projects

ATTORNEY EDUCATION

Attorney Practitioner Manual

- Attorney Manual written in 2009 and is available online and in print
- Commission staff is updating and making improvements

Attorney Appointment Eligibility Training

- In partnership with State Bar and practicing attorneys, have developed 2 training courses on representing parents and children in CPS cases; will meet statutorily required minimum 3 hours of CLE
- Parent Attorney training filmed at SBOT on November 3; 2011 Child Attorney training scheduled to be filmed April 18, 2012
- The Parent Attorney training is already available online and the Child Attorney training should be by June, 2012
- Goal: available on-line and free of charge to attorneys seeking appointments. Ms. Karen Langsley will assist with this effort.

Attorney Scholarships

- Approved \$50,000 in FY 2012 grant funds for attorneys to attend conferences related to representation of DFPS, children and parents – will likely do for the NACC conference in August
- Approved \$10,000 in FY 2012 grant funds for registration scholarships to attend Child Abuse and Neglect Workshop at Advanced Family Law – working with the State Bar on an interagency agreement
- Will use some of \$50,000 grant funds for Parent Attorney Leadership Conference, tentatively scheduled for September 2012. This is a joint effort of CIP programs from ACF Region 6, to allow our neighboring states, to bring together experienced parent attorneys, parents, judges, child welfare agency representatives, and other key stakeholders for a parent attorney leadership conference. Attendees will receive not only substantive training, but also tips and best practices to return to their home states and work on ways to improve the quality of parent attorney representation. There are 15 slots available and recipients will be comprised of a mix of judges, CIP staff, and attorneys. The location of the training may be changed to Oklahoma City instead of Dallas. Ms. Raney will report on the status of the training at the next committee meeting.

Trial Skills Training

- Workgroup plugging along; this will be one of Ms. Raney's top priorities after she joins the Children's Commission staff
- Timeframe remains Summer 2012, hope to have curriculum and resources developed, with plan for dissemination in FY 2013

SBOT CAN committee multi-disciplinary training in FY 2011

- Grant award of \$25,000 approved by commission at November 12 meeting
- Ms. Elias-Perciful reported that the CAN committee had scheduled the training for April 19-20, but were notified that Houston was having an ad litem training the week prior, so will reset the date to October 2012 in Houston at Texas Southern University Thurgood Marshall

School of Law. Ms. Elias-Perciful will continue to provide updates to the committee on progress.

JUDICIAL EDUCATION

The Texas Center for the Judiciary (TCJ)

- **Judicial Scholarships to Attend the NCJFCJ National Conference on Juvenile and Family Law and Annual Conference** – 27 judges attended the National Conference on Juvenile and Family Law that was held March 21-23 in Las Vegas using a TC-funded scholarship.
- The next NCJFCJ annual conference will be held July 15-18, 2012 in New Orleans; there will be roughly 25-30 scholarships awarded. The prerequisite for obtaining a scholarship is to attend Child Welfare Judges Conference on June 4-6, 2012 in San Antonio.
- **Permanency Summit (in lieu of Beyond the Bench)**– In partnership with Texas Appleseed and an advisory group, TCJ will get planning underway in FY 2012 for a state-wide Permanency Summit to be held in October 2012. This summit will be held in lieu of a Beyond the Bench conference this year. Mr. Sarosdy confirmed that the Permanency Summit will be held on October 8-9 in Rockwall, Texas, north of Dallas.
- **Implicit Bias in Judicial Decision-Making Conference**–The most recent Implicit Bias Conference was held February 6-7, 2012; 36 judges attended. Mr. Sarosdy reported that the reviews and evaluations received for the conference were very positive and the national speakers were outstanding. The next conference will be held during FY13 and the training will continue to expand. Evaluations are available upon request.
- **Child Welfare Judges Conference (formerly known as the CPS/Associate Judges Conference)** – Scheduled June 4-6, 2012 in San Antonio. The agenda will include Reducing Time to Permanency, Procedural Fairness in CPS Cases, Improving Educational Outcomes, and Tribal and Military Family issues. Conference registration cards went out at the end of March; so far, 36 judges have registered.
- **Funding for Local Training** –TCJ has received no applications to date; funds are being held.

OCA Child Protection Court Judges Conference

- Held March 19-20, 2012 in Austin and 14 Child Protection Courts attended. Used part of the conference as a roundtable to discuss how kids move through care. The roundtable received excellent reviews by participants. Emphasis was on timelines/permanency/how to improve process.

Drug Court Education – no new information to report. Will be discussing with Ms. Raney when her employment commences.

Mediation Project - The project is on hold until May and the Final Report of the Education Committee that Ms. Roper's efforts are focused on at present

VI. New Business

- A letter to committee members requesting confirmation of their intention to continue service on the committee was sent on February 15. If members haven't already, they are encouraged to contact commission staff about their appointments.
- At last commission meeting, the commission decided to go to 3 meetings a year and the committees will do the same. The next commission meeting, the last meeting of the fiscal year,

will be on September 14, 2012 from 9:30 a.m. – 3:30 p.m. The extended hours will provide ample time for members to discuss business in detail.

- Ms. Raney will circulate potential Training Committee meeting dates; probably held in August.

Ms. Elias-Perciful inquired about a training topic noted in the meeting notebook provided for the February 10 Children’s Commission meeting. Ms. Roper noted that the reference was to Ms. Katie Fillmore’s AYLA project. Ms. Amberboy has given a presentation on pro bono child welfare representation to AYLA. The project is not currently a training committee project.

Ms. Elias-Perciful commented that TLC has produced a 2 ½ hour videotape panel presentation for pro bono lawyers representing children growing up in conservatorship. The presentation is available at the TLC online training center and has an accompanying manual. If members are aware of any training projects that TLC can videotape to add to their online training program content, please let her know. Judge DuBose asked Ms. Elias-Perciful to provide an email update to the Training Committee so members will be aware.

VII.ADJOURN

The meeting adjourned at 12:27 p.m.

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

**Technology Committee Meeting Minutes
April 19, 2012**

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

ATTENDANCE OF MEMBERS-TECHNOLOGY

Members Attending	Members Not Attending
Name	Name
Mr. Dan Capouch, Member (teleconference) Mr. Darrel Childers, Member Ms. Simi Denson, Member Mr. Casey Kennedy, Member Mr. Tim Kennedy, Member Ms. D.J. Tessier, Member,(teleconference) Mr. G. Allan Van Fleet, Member, (teleconference) Mr. Bryan Wilson, (Member)	Mr. Kevin Cox, Member Mr. Jason Hassay, Member The Honorable Gilford Jones, Member Mr. Robert Nolen, Member
Guest Ms. Vicki Spriggs (teleconference)	
Staff Attending Tina Amberboy	
Mari Aaron, Notetaker (teleconference)	

I. Call to Order

The meeting was held at 12:00 noon on April 29, 2012 via conference call. Dial in instructions: 1-877-820-7831; Participant passcode: 692243# Tina Amberboy called the meeting to order at 12:02 p.m.

II. January 20, 2012 Minutes

The January 12, 2012 meeting minutes of the Technology Committee were reported to the Children’s Commission at its February 10, 2012 meeting.

Ms. Amberboy noted that information on the status of the current technology projects is provided in the agenda (Section III 1) below. She provided information on other planned projects (Section III 2 below).

III. Review of Current Projects

OCA was successful in retaining Ron Clark as the business analyst / project lead for programming projects (including CPCMS). Ron's position shifted from a contractor to a state (agency) employee on Monday, March 19, 2012.

OCA has also hired Darrell Childers as the new CIP Programmer from within the OCA Information Services team. Darrell will work on the CIP half-time until his current position is filled.

1) Child Protection Case Management System (CPCMS)

- The last of the revised outcome measure reports were released into the CPCMS production environment on March 2nd. The outcome measure reporting capability of the CPCMS covers the following:
 - Safety Measures – 4 reports
 - Permanency Measures – 3 reports
 - Due Process and Fairness Measures – 10 reports
 - Timeliness Measures – 14 reports
- CPCMS is being utilized by three Independent Counties [Atascosa – Assigned Judge Tom Lee] and [Karnes and Wilson counties – Assigned Judge John Specia]. These counties had been in the jurisdiction of the CPC of South Texas (Judge Cathy Morris) and were removed from that court jurisdiction to rebalance Judge Morris's caseload.
- An additional administrative tool has been added to CPCMS to allow for additional independent counties/courts. CIP Technology staff will work with other counties that wish to CPCMS hosted at OCA.
- The CPCMS project team has been working with Judge Charlie Van Orden and his court coordinator to clean-up data and close "old" cases in CPCMS. This will enable the court coordinator and the temporary data entry staff to appropriately focus on "open" cases that need attention to the currency of case data.
 - *Centex CPC* – 3 counties
 - Open case count has been reduced from a high of approximately 1,040 cases to a current count of 500 cases.
 - Data entry support for the Centex CPC is scheduled to begin in mid to late May.
- The following enhancements are planned for CPCMS:
 - *Demo CPCMS website* - provide a sandbox environment for interested courts/independent counties to test drive the CPCMS with their own data
 - Export CPCMS Court Docket Calendar – develop and implement an export module that will export Docket Calendar information in a standard calendar format. This will enable other devices (e.g., blackberries, iPhones) and

applications (case management systems) to process and display the Docket Calendar information outside of the CPCMS system.

- Expanded Roles Based Security for CPCMS – Expand the number of system user roles that can be authorized for view (only), data entry (only), a restricted combination of and data entry, or unlimited view and data entry.
- Update Training / Marketing Videos (online) CPCMS – Update and expand the training videos to cover all of the v3.0 through v3.3 releases in 2011 and the v4.0 through v4.3 releases in 2012.

2) Other Planned Projects

- Web page for Notice and Engagement – provide easier notification to respondents, foster parents and children of appropriate age, about future scheduled child protection hearings.

DISCUSSION

DFPS will coordinate with appropriate OCA staff to identify information that will be used to build the portal.

A product that is used in the state of California, Simple Notification to All Parties (SNAP) will be assessed. The Court system provides notice in California.

There was discussion about clarification of the data elements that can be legally shared. Next steps in the process will involve identification of what information is needed from IMPACT and if the elements can be legally provided for the intended purpose. The portal will address the issue of timely notice of hearings to interested parties such as Child Placing Agencies and Providers.

- Attorney Assignment, Time Tracking and Billing System – web based application to support attorneys representing children and parents in child abuse and neglect cases.

DISCUSSION

This issue will be a topic of discussion at the May 15 Legal Representation Study meeting. Mr. Wilson recently observed a system that is used in Bell County. The system includes a component that provides flexibility to the attorney billing – can bill by either flat rate, hourly or by appearance in court. Mr. Casey Kennedy and Mr. Wilson will conduct additional review and document the functionality to determine if a similar product could be designed, or if a copy of the code could be obtained and ‘reverse engineered’ CIP Tech staff will have a review in time to report to the LRS meeting on May 15.

- CIP Benchbook – The benchbook has been moved to the OCA Server and updated with the 82nd legislative changes.
- CIP website – The commission staff have created a redesigned commission website. CIP Technology staff is working with commission staff to implement, update and support the redesigned site.
- Dashboard - CIP Technology Staff will begin working on a system for collection and analysis of the timeliness measures from the NCSC/ABA Toolkit and as mandated by the Court Improvement Program. Specifically, Measure 4A – Time to Permanent Placement, Measure 4G - Time to First Permanency Hearing, Measure 4H Time to Termination of Parental Rights Petition (filing), Measure 4I – Time to Termination of Parental Rights, and Measure 4X – Time to all Subsequent Permanency Hearings.

DISCUSSION

Ms. Amberboy stated that the collection and analysis of these measures are mandated as part of the CIP funding.

3) **CPCMS Data Entry Staff Assistance**

- Temporary data support has been provided to Judge Cathy Morris to provide coverage while court coordinator, Dora Gonzales, is on medical leave due to back surgery.
 - *CPC of South Texas* – 6 counties
 - January – 108 cases handled – 225 documents scanned and attached in CPCMS
 - February – 139 cases handled – 243 documents scanned and attached in CPCMS
 - March 114 cases handled – 220 documents scanned and attached in CPCMS
 - Significant progress has been made in the collective effort to catch-up on back logged CPCMS case data for the Child Protection Court Rio Grande Valley West.
 - *CPC Rio Grande Valley West* – 2 counties
 - January – 154 Cases handled – 329 documents processed and attached in CPCMS
 - February – 342 Cases handled – 757 documents processed and attached in CPCMS
 - March – 342 Cases handled – 800 documents processed and attached in CPCMS

The temporary data entry staffer processed five months of the court coordinator's back logged emails that contained the case documents noted above. This is enabling the court coordinator to focus on handling the priority data entry on new cases being filed with the court.

4) Video Conferencing

- The following courts have been solicited and confirmed for participation in the video conferencing project.
 - Harris County – 315th District Court - Judge Michael Schneider
 - Travis County Juvenile Court – Judge John Hathaway
 - Bexar County Children’s Court – Judge Richard Garcia
 - Dallas County – 304th District Court – Associate Judge George West

- The DFPS/OCA collaboration team is working with a list of 58 residential treatment centers (RTC) and 7 RTCs providing intensive psychiatric transition program services that are under contract with DFPS for residential child care. Any cases in the participating court’s jurisdiction that have a child in any of these facilities are candidates to participate in the video conferencing project.

- The status of scheduling video conference hearing with each court is a work in progress. The following courts have video conference hearings scheduled at this time.
 - 315th District Court – April 27, 2012
 - 304th District Court – multiple hearings scheduled during last week in July through mid-August. The court regularly schedules all Chapter 263 hearings together and schedules them twice per year in the February and August timeframe.

- Tim Kennedy and Stephanie Ramos (DFPS/CPS liaison to the court) conducted a site visit to the Bexar County Children’s Court on Tuesday 4/17. The site visit provided the opportunity for in-person introductions with Judge’s Richard Garcia, Charles Montemayor, and Peter Sakai, and their court staff. Additionally, information was collected on the video conferencing infrastructure and scheduling process the Bexar County Children’s Court has in place.

DISCUSSION

The videoconferencing project began a pilot last year and produced more successful results in urban counties. The project will now expand to include more urban counties / and serve children in Residential Treatment Centers only (for now). Mr. Kennedy noted that the target population is 58 RTCs and 7 specialty services facilities in the participating counties. Tarrant County is pending.

There was discussion concerning preparation of a map and list to use as a reference source of locations of the facilities.

Mr. Casey Kennedy noted that Access to Justice has a pilot project underway to assess a couple of counties and compile a list of the videoconferencing capabilities and facilities. The information on the list will provide a resource for use when scheduling infrastructure for use by various cases. Mr. Wilson noted that requiring mobile video units ensures ease of transport among courts who can utilize the

system. MHMR has funded equipment - e.g., Comal County and this provides an example of how to maximize equipment already in place.

5) Texas Remote Interpreter Project (TRIP)

- OCA Child Protection Courts involved in the project can schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. Licensed court interpreter Marco Hanson works remotely, using a speaker phone or videoconferencing, to provide courtroom interpretation for as many as 20 hours a week.
- Sixteen hearings have been scheduled since the project began in December, and participating judges include Bonicoro, Chavez, Delaney and Ottis. The judges report that they are happy with the quality of interpretation and plan to use it again.
- Marco is now set up with the equipment and protocols to interpret *simultaneously* those portions of the trial which are conducted entirely in English, for the benefit of the limited English-proficient parties only, which saves considerable time. Before, all interpretation was *consecutive*, which requires all parties to pause after each statement for interpretation to the entire courtroom.
- Because utilization is still far lower than capacity, this service may soon be offered to judges hearing child protection cases in 141 other counties, where no specialty court exists and where the number of children in DFPS responsibility is under 500.

DISCUSSION

Ms. Amberboy reported that there is still space to accommodate more hearings; looking at expanding to non-CPC counties with fewer than 500 children on their docket.

Mr. Wilson will coordinate with Ms. Ramon and Mr. Hanson to obtain a notification list / identify county case load numbers and provide information about the service to certain County Auditors and emphasize that there will be no cost for the interpreter service.

Ms. Spriggs asked how demand would be prioritized. It was noted that this has not been a problem to date, but the response will be per first come/first serve.

6) National Information Exchange Model (NIEM)

- No new activities at this time.

7) Regional Videoconference System for CPS Cases in the 38th Judicial District – Uvalde County

Uvalde County is the largest of three rural counties located east of San Antonio and is included in the 38th Judicial District. Census data indicates that 31.5% of the population lives at or below the poverty line. There are no local children's shelters

or residential treatment centers available to children removed from the home due to abuse or neglect, with the result that children and sibling groups are placed out-of-county and often in different locations. This creates logistical issues for the court, the attorneys, the parents, therapists and other experts who are critical to the case and most importantly for the children involved in these cases. The county incurs significant costs associated with these cases. The regional videoconference system, through licenses issued by the court to attorneys who qualify, would allow those attorneys to have confidential, direct contact with their clients from their own computers as long as those computers have web-cam capability. Data will be collected on a case by case basis as to the use of the equipment..

Some key project activities include:

- Purchase of videoconferencing equipment by Uvalde and Medina Counties to meet objectives in all CPS cases that are specified in detail in the grant application.
- Selection of mobile video units to allow the Judge to provide access to the video conference system from either the bench or chambers.
- Maintenance of log books at each of the units that will provide a record of court use and of attorney use in making client contact.
- Training in use of the equipment for court staff and training for court staff in protection of any confidential information related to cases.
- Training for attorneys in use of the equipment via licenses which allow them access to the system via their own laptop computers as well as recordkeeping to document who received training and who has use of the equipment.
- The method of evaluation for the project will include a cost analysis by the 38th District Court that will calculate the transportation costs for taking children, parents, attorneys and expert witnesses and a separate analysis that will determine whether there is a reduction in transportation costs resulting for use of the videoconferencing equipment. The court will also develop a documentation process to provide a quantitative measure of how the use of the equipment impacts the court's ability to provide permanency to children, and/or to improve and increase the participation of children who are place out-of-county in court proceedings which directly involve them. Data collection will be on a case by case basis as to the use of the videoconferencing equipment.

DISCUSSION

Ms. Amberboy reported that the approval of a one-time award of CIP funds in the amount of \$44,000 for videoconferencing equipment purchases will be presented as a voting matter at the Children's Commission meeting on May 4.

There will be a quantitative assessment of the project that will include detail on the cost saving associated with reduction in transportation needs and how use of the equipment will allow the court to provide better permanency outcomes.

Ms. Spriggs asked for clarification on what type of equipment the funds will be used to purchase. The equipment is specialized and the technical list of equipment was reviewed. The inventory that will be used in the configuration will include switches, a recording unit; 2 'rollabout' units for both counties to provide mobility and ease of transport of the equipment between courtrooms.

Although web cams and computers are relatively inexpensive and adequate for a 1 on 1 video interaction, in order to capture the proceedings in a full courtroom, high quality videoconferencing equipment capable of providing high resolution, adequate screen size, and good quality speakers is required.

The equipment will enable more people to participate in court and is a comprehensive solution.

The proposed equipment configuration is compatible with the equipment being used by OCA and discussed above.

Standard match is applicable; the \$44,000 is the CIP total to accommodate the child protection portion of the effort.

Ms. Amberboy will provide supplemental information about the project to any member interested in receiving it. There will be an opportunity to in depth discussion of the project at the May 4 Children's Commission meeting.

8) New Business

- Project Administration and Management – CIP Technology staff would help Children's Commission staff manage all stakeholder and contact information that it uses on a regular basis.

DISCUSSION

Ms. Amberboy noted that funding for the CIP Technology staff was approved at the February 10, 2012 Children's Commission meeting and the time and effort for this project will be included in that budget.

- Education and Foster Care website – The Children's Commission is partnering with DFPS and the Texas Education Agency (TEA) in a federal grant to increase collaboration between the court, education, and child welfare systems. As part of the grant, a website will be launched regarding education issues of children and youth in Texas foster care. In order to raise awareness of the need to improve educational outcomes of foster children and youth, the website will offer information, resources, and tools, as well as training materials. The website will be designed for use by educators, school administrators and counselors, children's caretakers, attorneys and guardian ad litem, CASA, courts, DFPS staff, and others. The website will be created as a page on the Children's Commission current

website. OCA's CIP Tech staff will provide invaluable assistance in development of this website.

DISCUSSIONMs. Amberboy noted that the time and effort for development of this website will be covered by funds approved at the February 10, 2012 Children's Commission meeting. The site will be a resource for stakeholders interested in the implementation phase of the work of the Education Committee.

IV. The meeting was adjourned at 12:33 p.m.

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**EDUCATION COMMITTEE OF THE
PERMANENT JUDICIAL COMMISSION
FOR CHILDREN, YOUTH AND FAMILIES**

MINUTES OF MEETING

April 13, 2012

10:00 A.M. – 1:00 P.M.

The State Bar of Texas – Texas Law Center
Stewart Morris Board Road
1414 Colorado Street
Austin, Texas

1. Commencement of Meeting

Judge Macias convened the conference call/in person meeting of the Education Committee of the Permanent Judicial Commission for Children, Youth and Families to order on April 13 at 10:13 a.m.

ATTENDANCE OF MEMBERS

Members	Members Not Present
Hon. Patricia Macias	
Joy Baskin Jim Crow Lori Duke Anne Heiligenstein Judge Rob Hofmann Carolyn Rodriguez Judge Cheryl Shannon	Howard Baldwin Claudia Canales Estella Sanchez Robert Scott Vicki Spriggs Dr. Johnny Veselka
Guests	
Audrey Deckinga Kelly Kravitz Kathy McNaught (via teleconference) Debbie Staub (via teleconference) Osler McCarthy (via teleconference)	
Staff	
Tiffany Roper Tina Amberboy Teri Moran Mari Aaron, Notetaker	

2. Welcome Members and Introductions

Judge Macias welcomed the members and introduced Ms. Kelly Kravitz, Foster Care and Policy Coordinator, Texas Education Agency. Judge Macías opened the floor to comments by Dr. Staub and Ms. McNaught. They each acknowledged that the Texas work will continue to be highlighted from a national perspective. The work is extensive and sound and as the next steps toward implementation begin, there will be calls to use this work as a model for replication in other states. Other members of the Committee shared comments acknowledging the value of the process and outcome of the work. Notably, Ms. Duke acknowledged that her work on the Committee has had a direct impact on how she represents her clients. As a result of her work, she is more focused on the issue of education in her cases.

Judge Macías acknowledged the numerous thoughts she has experienced as the culmination of the work approaches. She is confident that this group has shaped the effort and it is appropriate to move forward to the next phase of the project.

Adoption of December 8-9, 2011 and February 9, 2012 Meeting Minutes

Judge Macías asked for a motion to adopt the meeting minutes of the December 8-9, 2011 meeting of the Supreme Court of Texas Children’s Commission Education Committee. Ms. Rodriguez made a motion and Ms. Deckinga seconded. The attending members approved the December 8-9, 2011 meeting minutes.

Judge Macías asked for a motion to adopt the meeting minutes of the February 9, 2012 meeting of the Supreme Court of Texas Children’s Commission Education Committee. Ms. Rodriguez made a motion and Ms. Duke seconded. The attending members approved the February 9, 2012 meeting minutes.

3. Progress Report: DECEMBER 2011 THROUGH MARCH 2012

Judge Macías acknowledged Ms. Roper’s work and effort in preparing the commentary to the report following the February 9, 2012 webinar meeting. The commentary has provided texture to the recommendations and will be a valuable resource for other states to utilize. The Education Committee received the final report in early March and had the opportunity to provide comment and reaction by mid-March. The finalized report was given to the designer at the end of March. Ms. Roper commented that the designer works for House Printing and work is underway for the final design product. Judge Macías reminded the members present about the reception to mark the release of the final report that will take place on May 3. On the following day, at the meeting of the Children’s Commission, the report will be formally presented to the Children’s Commission and the Supreme Court of Texas. Ms. Roper noted that the Texas Education Agency (TEA) has reviewed the final report, indicated by comments provided by Mr. Todd Webster, Chief of Staff, and correspondence from Mr. Ryan Franklin, Senior Policy Advisor. Judge Macías confirmed that she is assured that TEA is behind these recommendations based on her discussions with Mr. Webster.

4. Final Report

Members discussed the key components of the Final Report.

Ms. Roper and Ms. Moran reported on the status of the design. A designer’s proof copy of the final report was provided in the meeting notebook for reference by the members. The designer is regularly meeting with Ms. Moran for ongoing edits. Members were asked to make the Children’s Commission staff aware of the total number of final copies desired. In addition, the report will be available on the Children’s Commission website.

Judge Macías commented that the title of the report “The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care” was the result of extensive discussion with Justice Guzman and Ms. Amberboy. Judge Macías was inspired by the Blueprint for Change publication developed by the American Bar Association Center on Children and the Law and Casey Family Programs. The final design of the Texas report was influenced by both of these organizations.

Judge Macías noted that the next task for the committee members is their sign off on the report. The members discussed the importance of their signatures in the context of legitimizing the document. Judge Macías commented on the process that occurs when a judge signs an order; that act is a powerful demonstration that the judge is assuming responsibility. The signatures of this committee supporting the report embody the endorsement and commitment of the members to the recommendations. Ms. Rodriguez commented that each signature symbolically states that the organization each member represents supports the work.

Ms. Baskin requested clarification about signing as participants versus signing as representatives of an organization and whether that is clarified in the preface. Ms. Roper noted that the point is not specifically delineated, but a preface can be included before the signature page. The members held discussion about why the signature page is situated at the back of the report. Several members commented that an acknowledgement should be included on the front inside cover of the report. Ms. Amberboy will write an acknowledgement that will recognize the work of Ms. Roper in the production of the report. Additional discussion occurred about clarifying the context of the signatures as noted by Ms. Baskin. Ms. Roper commented that additional work will be done on the language prefacing the signatures.

Judge Macías asked members for their reaction to the report design and asked members to consider what this committee wants to be noteworthy about the report; how to answer the question ‘What is the Education Report?’ The Committee members reviewed how the process of meetings and sub-committee work resulted in the final report.

Ms. Amberboy noted that the guidelines that informed the discussions and work of the committee and the sub-committees will be translated for use by all of the Children’s Commission committees, task forces and workgroups.

Ms. Rodriguez noted that the guidelines were instrumental in establishing a clear vision for the work.

Ms. Heiligenstein acknowledged the impact of framing the discussion of the foster child population as ‘our children’ and the importance of legitimizing the reality that the legal parent of these children is the government, the State of Texas, and the uniqueness of the state’s responsibility to these children. She noted that it is important when messaging the issue to highlight and distinguish this subset of children.

Ms. Rodriguez commented that the systems involved (child welfare, the judiciary, the education system) hold the obligation to these children and must continue to build collaboration and cooperation in serving their needs.

Ms. Duke observed that there is a reactive response prevalent in the systems as they are now; the work of this committee has moved toward crafting recommendations that will build a proactive, collaborative environment.

Ms. Baskin noted that those in the education system are governed by rules, best practices and the 'right way' to do things. A key element of the work accomplished by this committee legitimizes setting aside standard practices in the context of individual circumstances.

Mr. Crow acknowledged that there are three 'sets' of parents who must work together to parent these children – the schools, CPS, and the courts. Going forward, members must consider how to work in the message noted by Ms. Heiligenstein concerning the government's obligation to these children.

Ms. Roper acknowledged that at the onset of the committee's work, Mr. Crow's comments about the collaborative climate of the group established the expectations of no finger pointing and set ground rules that were applied to the work of the sub-committees.

Ms. Baskin noted that implementation will be the ultimate success. The schools continue to deal with the issue of whether to emphasize the importance of standardization. There continues to be a trust issue at the individual level.

Judge Hofmann observed that group efforts often water down the final product and praised Ms. Roper's conscientious effort to avoid this result. Her efforts resulted in the numerous recommendations that were brought forth. Members will be able to recognize their input in the final report. Ms. Roper acknowledged that there was an opportunity for robust input from the stakeholders involved in the development of the recommendations. Judge Hofmann commented that the recommendations reflect full ownership and due process accorded to the work.

Judge Macías observed that the document makes clear that there is an understanding of the role of education for the well-being of these children.

Ms. Roper noted that the take away is that the systems and those who represent them are not being asked to do more, but do things differently.

Judge Macías observed that the work of the committee has raised the level of awareness about foster children and education. The next step is to continue to ask different questions.

Ms. Heiligenstein noted that the courts, the child welfare and the education system are all overburdened by the demands on them; however, all members understood the issues faced by each other's systems and this prevented any finger pointing or scapegoating.

Ms. McNaught observed that efficiencies and effectiveness will improve as each of the systems continues with the alignment of their efforts.

Ms. Deckinga noted that efforts to keep a child in their school will concurrently keep the child close to home and involve kinship placements, more visits with family and siblings, and overall, more stability, which will mean that permanency will be reached sooner.

Ms. Rodriguez commented that there will be a positive impact on behavioral issues as well. The greater number of connections in a child's life frequently results in successful placements and more manageable behaviors.

Ms. Rodriguez also noted that foundations have an interest in supporting initiatives around education. There is an opportunity to build and develop strategic alliances. Casey Family Programs is working to educate potential funders. The emphasis is on the success of foster youth and making the connection to the impact that lifting these children through education will have in the long-term.

Ms. Heiligenstein observed that the report is a means of educating those in the education community about the functions of the child welfare system. The report content is a 'scene-setter' and going forward, can be used in multiple strategic ways.

Judge Macías reminded the group to consider what negative reactions might be from school districts, other judges, community representatives, etc., and how to approach these.

Judge Hofmann noted that judges will perceive the report as increasing the number of questions required to ask during a case and requiring additional time on their docket. It is important to frame questions to be clear, relevant and in such a way that will expedite issues. The recommendations should be framed as practical and be presented clearly.

Ms. Duke commented on the need to amass data and be clear about what elements to collect and who should receive data.

Lawyers involved in these cases have a learning curve to master with regard to education issues for these children. Success stories are important and will provide the inspiration element crucial to continuity of the effort. It will be important to acknowledge and emphasize the role of teachers and coaches within the schools who affect the lives of these youth.

Ms. Roper noted that this work will provide knowledge to the school district about what issues surround children in care and the modifications that are appropriate for these children.

Mr. Crow observed that practitioners in the schools may perceive that their role has been underrepresented in the process. Ms. Roper noted that following publication of the report, an informational outreach to educational organizations will be needed to initiate dissemination of the report. She would like to meet with Mr. Harley Eckhart, Texas Elementary Principals and Supervisors Association, and Mr. Tom Leyden, Texas Association of Secondary School Principals, and solicit their support and obtain their feedback. Both were on workgroups and contributed to the recommendations.

Judge Hofmann observed that there was a lack of involvement of representatives for special education.

There is a concern among campus staff when a lawyer arrives at the school. Ms. Roper noted that an article on the role the attorney plays in a CPS case could be developed with a focus to provide information to campus staff.

The members noted that the role of the committee and sub-committee members included the responsibility to return to their peers (e.g., Head Start) and share information about the recommendation process and provide any relevant feedback. Are we confident that those who served fulfilled or will fulfill this role?

Ms. Baskin commented that the recommendation development was high level. This was how the Children's Commission wanted the process to begin with the understanding that after the final report was released, the process would continue to evolve.

Ms. Rodriguez noted that the development of the recommendations were informed by those with decision making authority so that the recommendations could be assessed in the respective systems and informed on how to make them operational.

Ms. Heiligenstein noted that acknowledgement of the impact of one caring educator in a foster child's life will be a powerful way to inoculate against the Mr. Crow's concern that there will be a perception of underrepresentation of campus staff in the process.

Ms. Roper commented that a cultural shift in how to think about the issue of children in foster care will begin with the discussion of the recommendations.

Ms. Baskin noted that she has spoken with school board members and the issue resonates with those who have a personal connection to the issue. An approach to schools may be in the context of fiscal benefits.

Judge Shannon observed that the focus should emphasize the need to invest in these children's lives and avoid the cost of not doing so.

Judge Macías noted that the members have given a final review to the recommendations and considered the spectrum of reactions.

The group will take a break and reconvene to discuss carrying the collaboration forward.

BREAK

5. Members discussed the statewide and national dissemination plan.

Judge Macías asked members to comment on how to get the word out in Texas.

Ms. Baskin commented that the topic will be included in sessions at education conferences. Public Service Announcements can be produced and presented in full convenings.

Ms. Rodriguez supports the development of a public awareness campaign. Ms. Roper commented that production costs for a video might be covered by CIP funds; the video content can be such that it may be presented in multiple contexts, much like the 'Endless Dreams' video.

Judge Hofmann noted that a marketing strategy should be developed.

Ms. Baskin noted that she will address statewide superintendents over the summer. She will make the audience aware that she is a resource for information and follow up.

Judge Macías stressed the need to create the will around the state for ongoing dialogue about the recommendations.

Mr. Crow observed that at the National Leadership Summit on School-Justice Partnerships he became aware of a major report about Texas and children in the juvenile justice system. The Summit was the first opportunity he had to learn about the issues identified in the report. The Final Report of the Education Committee has to be linked to a vast audience. He proposes disseminating hard copies of the report to each educational organization identified as vital to the implementation of the recommendations, educating the members of these organizations, and encouraging them to share the document with their respective board of directors. Making sure that the document is provided to these groups is the first step; the 'buy-in' can come next.

Judge Shannon noted that there will be a crossover youth event in May; this group needs to be invited to become knowledgeable and involved in the issues identified in the recommendations.

A plan to post the report on external websites needs to be developed as well.

Ms. Roper noted that the Texas TRIO grant will include a stand alone website that will contain guidebooks, forms, documents, etc., and be accessible for teachers, foster parents and other stakeholders. CIP funds will be used to develop the website.

Ms. Deckinga commented that the University of Texas Austin School of Social Work has funding for a lecture series and the report could be a topic of one of these lectures.

In every region of the state, the Department will hold supervisor/caseworker meetings that will include a presentation on the report and the recommendations. In some regions, planning will be undertaken to bring in facilitators to brainstorm and assist in development of local plans to address the recommendations.

Ms. Staub noted that the report can be 'deconstructed' to focus on parts that educators should be aware of, what parents should be aware of, etc.

There was discussion on development of training on the report content through the Texas Center for the Judiciary as well as the Child Abuse and Neglect Committee of the State Bar, among others.

Osler McCarthy joined the meeting via conference call and directed the discussion toward issues around involving the press. He explained that he is participating in the discussion from a journalist's lens. It is important to identify a 'headline' for the issue and be clear about what will be addressed at the press conference. If there is a problem, identify it and provide information on how these recommendations will fix it.

Judge Shannon suggested that there should be a focus on graduation rates and dropout rates. This is an abused population and we are furthering their abuse through the education system.

Mr. McCarthy explained that it is important to be clear and define the 'lead'.

Ms. Heiligenstein suggested that a powerful story line would be a former foster youth accompanied by a teacher; this will be an opportunity to acknowledge the role of the teacher.

Ms. Moran commented that the group should select 1-3 of the recommendations that can be clearly expressed for the reporters. She will work with Ms. Roper to refine the language.

Judge Macías noted that bullet points will be prepared and distributed to members so they can familiarize themselves with the content. Judge Macías returned to the issue of how to define and spread the word about the report and the recommendations.

Ms. Staub provided comments about how the work done in Texas differs from the efforts of other states. She noted that Texas is the first to create a document that includes a collaborative model component. The work referenced the ABA Blueprint for Change, a document intended for states to use and adapt, but Texas is the only state that used the document to its full scale in the creation of its report. She noted the difference between the state of California, which began by implementing strategies and practices and then a community focus, while Texas started by bringing together representatives from the systems and then determined collectively what needed to be done. The Texas mode is note worthy because it is replicable.

Judge Macías asked members to consider how the discussion will be framed when made in presentations around the country. She noted that cross over organizations would be a good strategy (e.g., judges presenting to educators).

Ms. Rodriguez commented that there is an internal group at Casey Family Programs that will disseminate an overview of the process to all jurisdictions and noted that this is how the Nevada process was initiated.

Judge Macías noted that this needs to be added to the logic model that has been utilized by the Committee. There will be other national organizations and states who will seek assistance from Texas.

Ms. Roper noted that the education associations, including the Texas Association of School Boards, the Texas Association of School Administrators, and the Texas Education Agency, all deserve recognition for coming to the table and participating in this work.

Ms. Heiligenstein asked if the Superintendent of Houston Independent School District will speak to this as part of excellence – noting the need to work with the court, child welfare systems. Mr. Crow will facilitate the contact with Terry Grier.

6. Press Conference

Judge Macías provided an overview on the press conference and the reception that will take place on May 3. Some members may be asked to make remarks at the reception.

Ms. Moran and Ms. Roper will finalize the press plan, press summary and fact sheet and provide the information to members in time for them to familiarize themselves with the information.

Judge Macías introduced Ms. Kelly Kravitz, Foster Care and Policy Coordinator for TEA. Ms. Kravitz acknowledged the partnership with the Children’s Commission and the Department of Family and Protective Services in successfully receiving one of the 10 federal grant awards to fund the Texas TRIO project. She noted that her work will focus on operationalizing the strategies within the recommendations and work with education specialists and schools in Houston ISD. Part of the capacity building for schools will include webinars and training guides for use by campus staff as

well as developing dialogue with campus staff through placement on relevant event agendas. To further continuity and ongoing collaboration, groups will be identified to participate in surveys. The expanse of people who can provide feedback and information is sizeable.

Ms. Roper noted that school administrators will be identified to participate in focus groups related to the grant efforts. Ms. Roper met with Ms. Jenny Hinson, CPS Division Administrator for Permanency to discuss the application for the subsequent 2 year grant opportunity. If awarded, the grant can be used to extend the groundwork of the current Texas TRIO grant and designate efforts for long term roll out.

Judge Macías directed discussion to evaluation.

Ms. Roper noted that Casey Family Programs will support follow up work. In addition, the University of Texas Austin School of Social Work will conduct the evaluation of the Texas TRIO work and will assess the successes and identify areas of improvement.

Ms. McNaught reiterated that first steps at a marketing effort have begun. Over the past year, there have been presentations at various conferences that have resulted in much inquiry about Texas and this process. Numerous states are interested in the work and want to learn more about the effort. The members discussed the issue of capacity, as some states do not have the size and scope of effort that the Texas effort utilized. When discussing the Texas process in others states, the issues of the time commitment and need to develop intersystem relationships should be stressed.

Judge Macías acknowledged that the Supreme Court of Texas had the vision to initiate the process through the order.

7. Closing

Judge Macías asked members to reflect on the special relationship developed during the process and noted that the relationships will continue as the implementation moves forward.

8. ADJOURNMENT

The meeting was adjourned at 1:36 p.m.

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