

# JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

## MINUTES OF MEETING

January 18, 2008  
10 A.M.

201 W. 14th St.  
Court of Criminal Appeals Courtroom  
Austin, Texas

### COMMENCEMENT OF MEETING

Justice Harriet O'Neill called the meeting of the Judicial Commission For Children, Youth and Families to order on January 18, 2008 at 10:10 a.m. The meeting was held at the Court of Criminal Appeals Courtroom in Austin, Texas.

### ATTENDANCE OF MEMBERS

The following members were present:

*Chair, Hon. Harriet O'Neill, Justice, The Supreme Court of Texas, Austin*

*Vice Chair, Hon. John Specia, Senior District Judge (Ret.), Plunkett & Gibson, San Antonio*

*Hon. Darlene Byrne, Judge, 126th District Court, Austin*

*Hon. Camile Glasscock DuBose, Associate Judge, Child Protection Court of South Texas, Uvalde*

*Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas*

*Stewart W. Gagnon, Partner, Fulbright & Jaworski, Houston*

*Albert Hawkins, Executive Commissioner, Texas Health & Human Services Commission, Austin*

*Joyce M. James, Assistant Commissioner, Child Protective Services, TX Dept. of Family & Protective Svcs, Austin*

*Hon. Patricia A. Macias, Judge, 388th District Court, Austin*

*Carolyn Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, Austin*

*Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland*

*Fairy Davenport Rutland, Director, Appeals Division, Texas Health & Human Services Commission, Austin*

*Eduardo Roberto Rodriguez, Senior Partner, Rodriguez, Colvin, Chaney & Saenz, LLP, Brownsville*

*Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas*

*David M. Williams, San Saba County Attorney, San Saba*

### Members absent:

*Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas*

### Staff in attendance:

*Tina Amberboy, Executive Director, Permanent Judicial Commission for Children, Youth and Families*

*Sylvia Griego, Executive Assistant, Supreme Court of Texas*

*Teri Moran, Executive Assistant, Judicial Commission for Children, Youth and Families*

*Carl Reynolds, Administrative Director, Office of Court Administration*

*Kristi Taylor, Staff Attorney for Children, Youth & Families, Supreme Court of Texas*

*Bryan Wilson, Grant Administrator, Judicial Commission for Children, Youth and Families*

### Collaborative Council members in attendance:

*Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas*  
*Conni Barker, Director/Government Affairs, DePelchin Children's Center, Houston*  
*Carolyn Bivens, Executive Director, Texas Council of Child Welfare Boards, Austin*  
*Roy Block, Executive Director, Texas Foster Family Association, San Antonio*  
*De Shaun Bradley, Parent Program Specialist, TX Dept. of Family & Protective Svcs, Austin*  
*Judy Brow, Specialized Female Services Coordinator, TX Dept. of State Health Services, Austin*  
*Penny Cook, Co-Founder, The Faith Connection, Dallas*  
*Susan Hopkins Craven, Executive Director, Texans Care for Children, Austin*  
*Barbara Elias-Perciful, President, Texas Loves Children, Dallas*  
*Debra D. Emerson, CPS Director of Policy and Program, TX Dept. of Family & Protective Svcs, Austin*  
*Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin*  
*Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General, Austin*  
*Richard LaVallo, Senior Attorney, Advocacy, Inc., Austin*  
*Rebecca Lightsey, Executive Director, Texas Appleseed, Austin*  
*Trista Miller, Region 07 Youth Specialist, Child Protective Services, Austin*  
*Bryan Sperry, President, Children's Hospital Association of Texas, Austin*  
*Gene Terry, Operations Director, Texas Association of Counties, Austin*  
*Gina Van Osselaer, Executive Director, Austin Children's Shelter, Austin*  
*Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio*  
*Mike Wood, Director, Big Springs Ranch for Children, Ingram*

**Collaborative Council members absent:**

*Tomas Esparza, Jr., Attorney at Law, The Law Office of Tomas Esparza, Jr., Austin*  
*Donald Lee, Executive Director, Texas Conference on Urban Counties, Austin*  
*Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin*  
*Vicki Spriggs, Executive Director, Texas Juvenile Probation Commission, Austin*  
*Gloria Terry, Coalition President, Texas Council on Family Violence, Austin*  
*Henrietta Wright, Vice President, Board of Directors, Children's Advocacy Centers of Texas, Dallas*

**Others present:**

*Joy Hughes Rauls, Director of Community Relations, Children's Advocacy Centers of Texas, representing Henrietta Wright and Cathy Crabtree*  
*Tiffany Roper, Policy Analyst, Center for Public Policy Priorities, Austin, representing F. Scott McCown*  
*Michael Vasquez, Program Manager, Texas Conference on Urban Counties, Austin, representing Donald Lee*  
*Ginny Woods, CJA Grant Director, Texas Center for the Judiciary, Austin*  
*Vi Nanthaveth, Associate Attorney, The Law Office of Tomas Esparza, Jr., Austin, representing Tomas Esparza, Jr.,*  
*Jodie Smith, Public Policy Coordinator, Texans Care for Children, Austin, representing Susan Hopkins Craven*  
*Kristina Salinas, Intern, Texans Care for Children, Austin*  
*Ginger Mayeaux, Intern, Texans Care for Children, Austin*  
*Christine Gendron*  
*Katherine Yoder, Policy Analyst, Senate Committee on Health and Human Services*  
*Cynthia Bryant, Clinical Professor, University of Texas School of Law, Austin*  
*Andrea Sparks, Expansion Specialist, Texas CASA, Inc.*  
*Pam Parker, Special Projects Attorney, Texas Dept. of Family & Protective Services*  
*Judy Powers*  
*Johana Scot, Executive Director, Parent Guidance Center, Austin*  
*Jennifer Deegan, Office of Patrick M. Rose, Texas State Representative*

*Heather Goetz, Government Relations Specialist, Texas Dept. of Family & Protective Svcs.  
Scott Jones, TexDECK Project Manager, Office of Court Administration  
Mena Ramon, Deputy General Council, Office of Court Administration  
Nancy Holman, Executive Director, The Alliance of Child and Family Services*

## **OPENING REMARKS and JUDICIAL COMMISSION OVERVIEW**

Justice Harriet O'Neill described the process of the Commission's creation and welcomed Collaborative Council members, adding that input from everyone in the child protection system is critical to court improvement and to improve outcomes for children and families in the system. Every person in attendance at the meeting was invited to introduced themselves and describe their association with child welfare issues.

## **EXECUTIVE DIRECTOR'S REPORT**

Tina Amberboy briefly described the history of the Court Improvement Project (CIP) and noted the Supreme Court Task Force on Foster Care's accomplishments, including the creation of the nationally recognized Cluster Court model, and the 12-months-to-permanency statute. The CIP federal grant to Texas has grown from about \$200K in 1994, to almost \$2 million in 2007.

Tina directed members to the meeting packet and the Commission's Website at [www.supreme.courts.state.tx.us](http://www.supreme.courts.state.tx.us) for details on current grant projects that include CPS judges training, CASA expansion, sponsoring local adoption days, the Texas Lawyers for Children Website, as well as summaries of those grant projects submitted for today's consideration and Commission vote.

Other projects for which the staff is seeking grant applications include an office of parental representation, an incarcerated parent project, court video conferencing projects, and a CIP reassessment.

Increasing training for ad litem attorneys is a major Commission initiative, as well as helping establish Family Drug Treatment courts. Tina described some of the responsibilities of Commission staff that include grant management, staffing five Commission subcommittees totaling some 60-70 individuals. Collaborating closely with CPS is also a key staff activity. Others include strategic planning, preparing projects such as CARE for Kids (which will be reviewed later), keeping abreast of legislative issues, and researching the Interstate Compact for the Placement of Children Act.

Tina reviewed the Commission's structure and said Collaborative Counsel members can submit issues for Commission consideration through the committee structure. Send issues to her or other staff, and they will be brought to the relevant committee's attention for review.

## **COMMITTEE REPORTS**

The chair of each of the five committees gave a report.

- ***Basic Committee Report, by The Honorable John Specia, Chair***

Members met via conference call in January and discussed the committee's organization and agreed that they would be very hand's on in reviewing grant applications. Committee members recommended for Commission approval three grant applications: Texas Rio Grande Legal Aide and ChildSafe. At first, Judge Specia said that the third grant application, from Tarrant County, had not been reviewed by the committee. Later in the meeting he revised that comment and said the committee had reviewed the application via email and had agreed to recommend Commission approval.

The Basic Committee also discussed another grant to develop a video for recruiting foster parents, but members tabled action for further review. The committee will meet again and have a report before the April 11th Commission meeting.

- ***Training Committee Report, by The Honorable Camile DuBose, Chair***  
 Judge DuBose said members met in January and discussed the committee's purpose and how it would consider various projects. Members agreed that attorney ad litem training would be a high priority and considered a protocol so a Request for Proposal could be made public for applicants to provide the training. Members have approved and submitted for a Commission vote two grant requests from the Texas Center for the Judiciary. Judge DuBose directed members to the strategy enclosed in the meeting notebook for reference.
- ***Data/Technology Committee Report, by The Honorable Darlene Byrne, Chair***  
 Judge Byrne reported on the excellent progress OCA staff are making on the Texas Data Enabled Courts for Kids (TexDECK) project, that includes a functional requirement study, judicial workload study, updating the Judicial Web Page, and determining standards for data exchange. She explained that improved data collection will help judges improve their courts.
- ***Strategic Planning Committee Report, by Cynthia Bryant, Chair***  
 Ms. Bryant reported that in the committee's January meeting, members agreed to develop a plan that would include not only the federal requirements, but that would also address the needs of children and families in the system. A plan will be built on the existing work of the Supreme Court Task Force on Foster Care, the Consultative Group, and the Supreme Court Order Establishing the Commission. Ms. Bryant expects to have a draft report for consideration at the April 11th meeting.
- ***Legislative Committee Report, The Honorable Dean Rucker, Chair***  
 Committee met by teleconference in January to establish ground rules and discuss the committee's mission. Because the Commission is court-focused, Judge Rucker said, there are limitations on what we are allowed to do legislatively. However, the commission is allowed to suggest improvements in the law and work with the legislature. The committee will work to monitor legislative initiatives. Judge Rucker established subcommittees for members to review the Family Code and look for areas that need improvement. The committee's next meeting is April 4, 2008.

**CHILD & FAMILY SERVICES REVIEW, by Joyce James, Assistant Commissioner for CPS**

Ms. James reported that the CFSR is scheduled for March 2008. It was created to help states improve outcomes for vulnerable children and is conducted by the federal government through the Children's Bureau of Health and Human Services. It's designed to evaluate a state's compliance on achieving safety, permanency, and child well-being and it monitors conformance to requirements associated with Title IV B of the Social Security Act. The first round took place between 2000 & 2004, and any state found to be out of conformity was required to do a Program Improvement Plan (PIP), or pay a financial penalty. No state has ever been found to be in substantial conformity in this federal review and every state has had to complete a PIP. Second round began in spring of 2007, and to date, no state has been found to be in substantial conformity with the seven systemic and seven outcomes measures, which Ms. James described in more detail.

Although other factors are included, the state is graded largely on reviews of 65 cases that include interviews with those involved in the case. Cases are always sampled from three different regions – the largest urban area is always included (Houston), and this year the other two regions are El Paso and Dallas. Ms. James summarized some of the areas in which Texas needs to improve, including too many placements and disproportionality of African American children in foster care.

Ms. James said the CFSR review helps the state determine in greater depth and detail what is actually happening to children and families in the child welfare system, adding that the court system in Texas is critical for achieving a successful outcome for children and families. Ms. Joyce said Texas has a strong collaborative partnership between the judiciary and CPS, and the Commission is going to help the state achieve greater improvements with its leadership.

## **CARE FOR KIDS INITIATIVE**

Justice O'Neill described the Court Assistance Results in Excellence (CARE) For Kids initiative, which will be a "dream team" of experts who, at a court's invitation, would provide consultation services. Headed up by Judge John Specia and retired District Judge F. Scott McCown and assisted by the Office of Court Administration (OCA) and CPS, the team would review with the court its CPS statistics and help the court implement best practices and case-management tools.

The project could help spread best practices around the state, as team members could learn what works well in one court and share that information with other courts.

## **ACTION ITEMS**

- **Approval of minutes**

The meeting minutes of the November 30, 2007, Children's Commission meeting were approved with no changes by general consent.

- **Confirm additions of members to Basic, Training, and Legislative Committees**

The chair of each committee elected to add the following members, and there being no comment the following members stand approved by general consent.

Added to the Basic Committee is Colleen McCall, CPS Director of Field, Texas Dept. of Family & Protective Services. Added to the Training Committee is Pamela Parker, Special Projects Attorney, Office of General Counsel, DFPS. Added to the Legislative Committee is Gerry Williams, General Counsel of DFPS

- **Confirm updated collaborative council list**

At the last meeting, the existing list was approved, but there were still slots to fill. The revised list was sent out for Commission review and everyone had an opportunity to review the list. There having been no comments, the Collaborative Council list stands approved by general consent.

- **Approve CARE for Kids Initiative for \$52,000**

Justice O'Neill directed members to the project description and draft budget in the meeting notebook. Judge Specia abstained from this vote. Staff will seek permission from the Administration of Children and Families to use Basic Grant funding to pay expenses associated with developing and promoting the CARE for Kids Initiative. Judge Rucker's motion to approve the grant was seconded by David Williams. The vote carried unanimously.

- **Approval to advertise a contract (RFP) for services for Attorney Ad Litem Training**

Referring to the Training Committee report, Ms. Amberboy reported that to improve the number of well-trained attorney ad litem, the committee seeks approval to advertise for providers who can develop ad litem training according to the deliverables identified. The motion for consideration is to obligate the funds and to issue an RFP, and for the executive committee, with the executive director, to have the authority to select the provider. Mr. Rodriguez moved to approve the request, and Judge Rucker seconded the motion. The vote carried unanimously.

- **Grant Application – Texas Rio Grande Legal Aid for \$80,000**

Bryan reported that the Basic Committee reviewed and approved the proposal to make a hotline available to provide direct legal assistance for any child in PMC who doesn't have legal representation. If requests come from youth in the service areas of either Lone Star Legal Aid or Legal Aid of Northwest Texas, Texas Rio Grande Legal Aid would contract with them for pro bono services or provide other arrangements.

Because it was submitted for approval by a committee, no motion or second was required. There being no opposition, the vote passed unanimously.

- **Grant Application – Tarrant County Challenge for \$100,000**

Bryan Wilson reported that Tarrant County had recently received a grant from the governor's office that would allow them to provide drug court case management services for about ten families. The grant proposal to be considered is for funding to add to the governor's grant to provide services for another ten families, for a total of 20. As a committee motion, no second was needed. Members voted to approve the grant unanimously.

- **Grant Application – ChildSafe for \$55,927**

Bryan reported that this request from ChildSafe is to provide services to children when there is an outcry of sexual abuse and the child's family is already involved with the drug courts in Bexar County. The funds would augment the services provided by the drug court, adding ChildSafe's services. As a committee motion, no second was needed and the members voted unanimously to approve.

- **Grant Application – Texas Center for the Judiciary – \$170,284.59 for Judicial Conference Scholarships**

To send judges to national training conferences, including the National Conference on Juvenile Justice and the Annual Conference of the National Conference of Juvenile and Family Court Judges. The Grant administrator noted that because the administrative costs are high on this grant the committee should explore moving the scholarship in-house for court CIP staff to perform in the future. As a committee motion, no second was needed and the members voted unanimously to approve.

- **Grant Application – Texas Center for the Judiciary – \$403,095.72 for Judicial Training**

The grant request includes Associate Judges, CPS Judges, and Beyond the Bench Training. Bryan reported that he will be meeting with the Court of Criminal Appeals committee that oversees judicial education and the TCJ's main operating grant to see if some of the CIP funds for judicial training can be replaced with CCA funds, which could mean this grant award could ultimately be lower. If CCA funds are used then other types of magistrate judges could attend or be offered other courses than child welfare courses. As a committee motion, no second was needed and the members voted unanimously to approve.

- **Approve \$5200.00 in travel expenses for Travis County personnel to travel to Omaha for Drug Court training on 2/11/08 – 2/13/08**

Judge Byrne and her court request funds to attend drug court training (including peer on peer training) at a model drug court in Omaha. This would normally have been handled as a one-time expense through the executive committee, but the threshold is a little higher than what the executive director is allowed to authorize. Joyce asked that the region 7 substance abuse specialist be added to the roster and the commission would support the expenses for that person. Bryan suggested that that person's attendance could be funded through the currently funded Texas Partnership for Family Recovery managed by CPS. Joyce agreed. Stewart Gagnon made a motion to approve the request, Judge Rucker seconded, and the members voted unanimously to approve.

## **COMMENTS/NEW BUSINESS**

Justice O'Neil commented that the hard work on reviewing the action items and grant requests had been done at the committee level, adding that the items had been thoroughly vetted by the committees and recommended for commission approval.

Justice O'Neill said that Commissioners will consider adding to the Collaborative Council a representative from Texas Youth Commission.

Persons who had filled out speaker cards were invited to speak.

- Susan Craven, Executive Director of Texans Care for Children, commended the Commission for focusing attention on the issues of children in the system, and said she hopes it drives the state and local communities to also improve the system.
- Johana Scot, Executive Director of Parent Guidance Center, said that parents in the system are the forgotten stakeholders, for example the single mother who gets no child support who has children by several fathers who was abused as a child herself. Ms. Scot urged those in attendance not to forget the parents who were failed by the system as children, and who now have children of their own in the system, and to understand how difficult it is for such a person to turn her life around in a year's time.
- Richard LaVallo, Senior Attorney, Advocacy, Incorporated, asked the Commission to look at the problems of children in foster care who are also involved with the Texas Youth Commission, including trying to determine how many there are in the state. He also asked the Commission to review the problem of the lack of legal representation of these children, and getting them CASA representation and Preparation for Adult Living services.
- Trisha Miller, Region 07 Youth Specialist, CPS, spoke about her experiences as a foster child and how important her CASA representative was to her because her CASA was the most consistent person in her life. She also talked about how disappointed she was when she realized she had lost her lawyer and legal representation once she was in permanent managing conservatorship. She said she was glad that the Commission values the experiences of foster children.

In response to Richard LaVallo's comments, Justice O'Neill said that Commissioners will consider adding to the Collaborative Council a representative from Texas Youth Commission.

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#### **ADJOURNMENT**

Justice O'Neill thanked everyone for attending and reminded everyone that they could contact staff with questions, and that the Commission's website would include meeting materials a few days before the April 11, 2008 meeting. The meeting adjourned at 1:55 p.m.