



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

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

**March 28, 2014
MEETING NOTEBOOK**

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

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

**February 7, 2014
Meeting Notebook**

Table of Contents

Minutes from September 27, 2013 Commission Meeting 1

Commission, Committee and Collaborative Council Member List..... 2

February 7, 2014 Report to Commission..... 3

Committee Meeting Minutes..... 4
Training Projects

FY 2013 Annual CIP Self-Assessment.....5

Hearing Timeliness Report.....6

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Supreme Courtroom
Austin, Texas
February 7, 2014
9:30 a.m. – 3:30 p.m.
Meeting Agenda

- 9:30 Commencement / Opening Remarks – The Honorable Eva Guzman
- 9:45 First order of business – The Honorable Eva Guzman
1. Adopt Minutes from September 27, 2013 Tab 1
- 9:50 Commissioner Updates
- 11:00 Executive Director Report – Tina Amberboy/Commission Staff, Tab 3
- 11:20 Data/Technology Committee Report – Vicki Spriggs, Tab 3
- 11:30 Basic Committee Report – Hon. Bonnie Hellums, Tab 3
- 11:40 Training Committee Report – Hon. Michael Massengale, Tab 3
- 11:50 Lunch
- 12:45 Psych Meds - HB 915 Implementation Workgroup – Kristi Taylor / DFPS
- 1:00 Trial Skills Workgroup – Justice Michael Massengale
- 1:15 Texas Blueprint Implementation Task Force – Judge Rob Hofmann
- 1:30 Hearing Observation Project – Judge Robin Sage
- 1:45 *Update On Foster Care Redesign Pilot in Region 2/9 – Robert Hartman, Providence*
- 2:00 DFPS Update – Judge John Specia
- 2:15 Office of Court Administration – Mena Ramon
- 2:30 New Business/Comments from Collaborative Council
- 2014 Meeting Schedule
- 2:45 Adjourn

INSERT - TAB 1

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

September 27, 2013

9:30 a.m. – 2:27 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

Senior Peacemaker Jo Ann Battise, Alabama-Coushatta Tribe of Texas, Livingston

Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels

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

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde

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

Gabriela Fuentes, Office of the Governor, Austin

Hon. Bonnie Hellums, Judge, 247th District Court, Houston

Hon. Rob Hofmann, Hon. Rob Hofmann, 452nd District Judge, Mason

Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin

Hon. Michael Massengale, Justice, 1st Court of Appeals, Houston

Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin

Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas (attendance via teleconference)

Vicki Spriggs, Chief Executive Officer, Texas CASA, Inc., Austin (proxy Cathy Cockerham)

Luanne Southern, Senior Director of Texas Strategic Consulting, Casey Family Programs, Austin

Sharayah Stiggers, Parent Liaison, Texas Dept. of Family & Protective Services, Region 8, San Antonio

Terry Tottenham, Of Counsel, Fulbright and Jaworski, L.L.P., Austin

G. Allan Van Fleet, Partner, McDermott Will & Emery L.L.P., Houston

Hon. Judy Warne, District Judge, 257th Family Court, Houston

Members not in attendance:

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

Hon Helen Giddings, Texas Representative, District 109, Dallas

Joyce M. James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities, Austin

Hon. Patricia A. Macías, Judge, 388th District Court, El Paso

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

Staff in attendance:

Tina Amberboy, Executive Director, Children's Commission
Tara Grigg Garlinghouse, Intern, Children's Commission
Tim Kennedy, TexDECK Project Manager, Office of Court Administration
Mena Ramón, Office of Court Administration
Milbrey Raney, Staff Attorney, Children's Commission
Hon. Robin Sage, Jurist in Residence
Tiffany Roper, Assistant Director, Children's Commission
Kristi Taylor, Project Manager, Children's Commission
Rashonda Thomas, Grant Account Specialist, Children's Commission
Mary Mitchell, Executive Assistant, Children's Commission
Jessica Arguijo, Administrative Assistant, Children's Commission

Collaborative Council Members in attendance:

Irene Clements, President, Texas Foster Family Consultant, Butterfly Marketing, LLC, Pflugerville
Barbara Elias-Perciful, President, Texas Loves Children, Dallas
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin
Mike Foster, Program Specialist, A Word for Children, Austin
Helen Gaebler, Sr. Research Attny, William Wayne Justice Center for Public Interest Law, Austin
Eileen Garcia, Chief Executive Officer, Texans Care for Children, Austin
Mike Griffiths, Executive Director, Texas Juvenile Justice Department, Austin
Sandra Hachem, Sr. Assistant County Attorney, Houston
Ashley Harris, Child Welfare Policy Associate, Texans Care for Children, Austin
Kelly Kravitz, Foster Care Education and Policy Coordinator, TEA, Austin
Richard Lavallo, Legal Director, Disability Rights Texas (formerly Advocacy, Inc.), Austin
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin
Hon. F. Scott McCown, Clinical Professor and Director of the Children's Rights Clinic, The University of Texas School of Law, Austin
Jeanne Stamp, Sr. Program Coordinator, The Charles A. Dana Center, Austin
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio

Collaborative Council Members not in attendance:

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas
Roy Block, Executive Director, Texas Foster Family Association, San Antonio
William B. Connolly, Attorney, Connolly & Shireman, LLP, Houston
Elizabeth Cox, foster and adoptive parent, San Antonio
Kevin Cox, foster and adoptive parent, San Antonio
Lauren Donder, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin
De Shaun Ealoms, Parent Program Specialist, Dept. of Family and Protective Services, Austin
Laura Figueroa, The Arbitrage Group, Inc., Katy
Sadie Funk, Executive Director, Texas Alliance for Infant Mental Health, Austin

Natalie Furdek, Women's Substance Abuse Services Coordinator, Texas Dept. of State Health Services, Austin
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin
Julie Harris-Lawrence, Deputy Associate Commissioner of Educator Performance and Student Affairs, Texas Education Agency, Austin
Robert Hartman, Executive Vice President and COO, DePelchin Children's Center, Houston
Leslie Hill, Managing Attorney, Travis County Office of Child Representation, Austin
Chris Hubner, General Counsel, Texas Juvenile Justice Department, Austin
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels
Bruce Kendrick, Director of Outreach, Embrace Texas, McKinney
Lori Kennedy, Managing Attorney, Travis County Office of Parental Representation, Austin
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General, Austin
Stephanie Ledesma, Assistant Professor, TSU Thurgood Marshall School of Law, Houston
Tracy Levins, Manager, Prevention/Early Intervention, Texas Juvenile Justice Dept., Austin
Diana Martinez, Director of Public Policy and Education for TexProtects, Austin
Madeline McClure, Executive Director, The Texas Association for the Protection of Children, Dallas
Dr. Sandeep Narang, Fellowship Director, Child Abuse and Neglect Division, Pediatrics Department, UT-San Antonio
Dr. Anu Partap, Assistant Professor in Pediatrics, Southwest Medical Center, Dallas
Judy Powell, Communications Director, Parent Guidance Center, Austin
Lisa Ramirez, Women's Substance Abuse Services Coordinator, Dept. of State Health Services, Austin
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin
Johana Scot, Executive Director, Parent Guidance Center, Austin
Janet Sharkis, Executive Director, Texas Office of Developmental Disabilities, Austin
Leslie Strauch, Clinical Professor, University of Texas School of Law, Austin
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin
Larry Williams, Alabama-Coushatta Tribe of Texas, Livingston

CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman

Justice Guzman called the meeting to order at 9:37 a.m.

Recognition of Guests

Justice Guzman welcomed attendees to the first meeting of the fall quarter, acknowledged the presence of Chief Justice Jefferson, and announced his retirement from the court at the end of September. Justice Guzman expressed hope that the Chief would continue his work with the Children's Commission and invited him address the meeting.

Chief Jefferson said that it was exciting to see what the Commission has accomplished in the short time since Justice O'Neill and he attended a meeting in Minnesota and decided that they could create a

Children's Commission here in Texas. In 2005, the Chief was astounded when an attempt to survey what was happening in regards to child welfare around Texas was unable to produce results because there was no communication within the foster care community and no data available to tell us how we were doing. Justice O'Neill convened with organizations around the state to ask where we could do better and where it was being done well. The collaboration that has resulted from this is just amazing and the Commission is doing astounding work which directly contributes to the families of Texas. Chief Jefferson added that the fact that the members are all volunteers makes what they do all the more precious. The Chief thanked Judge Specia for his leadership, and noted that he was a leader in the early days and now he is a statewide official and is in exactly in the right place to continue this important work. Chief Jefferson noted that the Commission was being left in great hands; Justice Guzman has taken the ball and advanced so much further as is evidenced by the people around the room. The Chief intends to continue to help in any way he possibly can, he will keep sounding the alarm and also singing the praises of the Commission. The Chief stated that he had just a few more days in office and that on the first of October he would swear Justice Hecht as the new Chief. He concluded with "Thank you, and goodbye!" and departed the room to a standing ovation.

Justice Guzman congratulated Judge Hofmann on his appointment to the 452nd District Court, and thanked him for his efforts in advancing the work of the education committee.

Justice Guzman welcomed the guests present and introduced Judge Scott McCown, Judge Doug Warne from Houston, her law clerk, Ms. Kelly Burns, and her intern, Ms. Jessica Rodriguez.

Commissioner Membership Changes

Justice Guzman directed members to tab 2 of the meeting notebook. She announced the departure of Commissioners who would be leaving before the end of the year, and thanked them for their service; Ms. Fairy Davenport Rutland; Judge Camille DuBose, Judge Dean Rucker, remains as Jurist in Residence; Judge Patricia Macias; Ms. Joyce James; Judge Karin Bonicoro; and Ms. Audrey Deckinga.

Justice Guzman welcomed the newly assigned Commissioners. Senior Peacemaker Jo Ann Battise. Justice Guzman invited Senior Peacemaker to address the group.

Senior Peacemaker Battise said that it was an honor to be in attendance, and noted that this is a golden opportunity for tribe and state to strengthen their relationship. Sr. Peacemaker Battise has worked to move tribal courts forward, and the Alabama-Coushatta Tribal Court has been under observation by various states and many Indian tribes. Sr. Peacemaker Battise is travelling with a delegation to California to share their practices with the Pechanga Tribe. The Alabama-Coushatta peacemakers will explain how they got started, and how their system works. The Alabama-Coushatta are very proud that they have not lost a child, they do everything possible to keep children with families and extended families. Sr. Peacemaker Battise thanked the Commission for inviting her this morning, introduced her husband, and apologized that they would not be able to complete the entire day as this was the National Native Heritage Day and she had a tribal court function which she was obligated to attend.

Next, Justice Guzman introduced Ms. Luanne Southern, the new Senior Texas Strategic Director with Casey Family Programs. Ms. Southern replaces Ms. Carolyn Rodriguez who recently retired. Prior to this appointment Ms. Southern was the Deputy Commissioner for the Department of State Health Services.

Ms. Southern was excited and thrilled to be on the Commission, she explained that she had been a Deputy Commissioner for the previous six years and prior to that had worked in child and family services within the mental health field. Ms. Southern stated that she was looking forward to working with the Commission.

Collaborative Council Membership Changes

Before announcing the Collaborative Council changes, Justice Guzman reminded the Collaborative Council that members should complete speaker cards if they wished to be added to the agenda. She then announced the addition of Dr. Anu Partap and Ms. Kelly Kravitz as Collaborative Council Members. Dr. Partap is an Assistant Professor in Pediatrics with Southwest Medical Center in Dallas where she also directs a medical clinic that serves children and youth in foster care. Dr. Partap recently collaborated with the Commission on HB915 Implementation and serves on the Texas CASA Mental Health Task Force which was formed earlier this year. Ms. Kelly Kravitz is the Foster Care Education and Policy Coordinator at TEA, and has worked with the Children's Commission staff consistently for the past two years on the Education initiatives.

CIP Committee Member Changes

Justice Guzman announced that Judge DuBose would no longer Chair the Training Committee and that a new Chair would be recruited. She asked that any member wishing to be considered make themselves known to either herself or Ms. Amberboy.

Staff Member Changes

Justice Guzman announced the departure of Ms. Katie Brown, Staff Attorney, and Ms. Mari Aaron, Executive Assistant. Justice Guzman also introduced Ms. Jessica Arguijo who has joined the Commission as Administrative Assistant.

ADOPTION OF MAY 3, 2013 MEETING MINUTES

Justice Guzman directed members back to tab 1, noted that members had reviewed the minutes, and asked if there were any corrections or discussion. There were no corrections or any discussion points raised.

ACTION: Justice Guzman asked for a motion to adopt the meeting minutes of the May 3, 2013 meeting of the Supreme Court of Texas Children's Commission. Mr. G. Allan Van Fleet made a motion and Mr. Terry Tottenham seconded. The attending members adopted the meeting minutes unanimously.

COMMISSION MEMBER UPDATES

Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin and Chair Emeritus of the Supreme Court of Texas Children's Commission, noted that the Chief had been instrumental in institutionalizing this Commission and is looking forward to Justice Guzman's continued leadership.

Ms. Luanne Southern, Senior Director of Texas Strategic Consulting, Casey Family Programs announced that as she had only held her position for three weeks she had nothing to report at this time.

Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin, highlighted the Transitional Youth and Family Initiative to which the Hogg Foundation has allocated \$10.2 million over the next four years, dedicated only to Houston, Harris County.

Hon. Judy Warne, District Judge, 257th Family Court, Houston announced that one of the issues in Harris County is that 24 judges manage CPS docket in 12 different courts and 3 different buildings. Senator Huffman was able to get a budget line item passed which authorized Harris County to appoint an Associate Judge dedicated to CPS cases. This will be a state funded position for the first two years, and then will be funded by the county. Judge Warne explained that this additional judge would focus on the children most at risk, rather than relieving any one particular court, and that most importantly this is an admission by the state that there is a statewide legislative budgeting problem which must be addressed.

Hon. Rob Hofmann, CPC Judge, Child Protection Court of the Hill Country, Mason, reported that he had attended both the ABA Children and the Law Conference in Washington, and the NACC Conference in Atlanta, as part of a group presenting on behalf of the Education Committee. Judge Hofmann noted that as he had been allocated time on the agenda to highlight the work of the Texas Blue Print Implementation Task Force he would defer his update at this time. Judge Hofmann said that he was excited about his new appointment, and the restructuring of the court which will allow him to continue to hear the CPS cases within his new district.

Hon. Michael Massengale, Justice, 1st Court of Appeals, provided an update on the funding issues facing the Children's Commission. Justice Massengale stated that he was frustrated that the Commission's efforts to help children in Texas were constrained by budget constraints out of Washington. In an attempt to address this problem, Justice Massengale, Justice Guzman, and Ms. Amberboy have discussed the creation of a foundation which would support the efforts of the Children's Commission, and welcomed assistance from any member interested in participating with this venture. Justice Massengale noted that as there is time on the agenda later in the day to provide an update to the Trial Skills program, he would defer his update at this time.

Mr. G. Allan Van Fleet, Partner, McDermott Will & Emery L.L.P., Houston noted that he continued to work with Texas Appleseed and deferred to Rebecca Lightsey to provide an update the room during the Collaborative Council updates.

Mr. Terry Tottenham, Of Counsel, Fulbright & Jaworski, L.L.P., Austin, reported on Texas Young Lawyers Association (TYLA) and issues relevant to the members' constituency. TYLA is the service arm of the State Bar which has put out a number of pamphlets and DVDs on issues involving children. Mr. Tottenham requested that if any member would like further copies they contact Ms. Tracy Brown, the TYLA Director of Administration.

Mr. Tottenham provided the following information regarding available DVDs:

- **The Little Voice** deals with child abuse, a powerful DVD on when the child speaks out
- **Are You Safe?** advises children of problems encountered when they put information into cyber space
- **Slavery out of the Shadows** is about human trafficking
- **Binge Drinking** focuses on the problems and perils of binge drinking
- **Child Abuse and Neglect** is a pamphlet written for the lay person regarding issues involved with child abuse and neglect cases
- **Special Needs** pamphlet

Ms. Vicki Spriggs, Chief Executive Officer, Texas CASA, Inc. (proxy Cathy Cockerham) provided three updates. Texas CASA has a new website (www.texascasa.org) which contains a learning center with various resources, videos, handouts, PowerPoints, and archived webinars. The annual CASA Conference is scheduled for October 24-26, 2013, and registration is still open; speakers include Dr. Purvis, Tonier Cain, and Kevin Campbell. The Mental Health Taskforce held its inaugural two day retreat. The Taskforce will make recommendations for promoting better mental health for children in care, focusing on four main areas: diagnosis and medication, caregiving provided to children and used in state custody, barriers to achieving successful mental health outcomes, and empowerment and normalization for young people in foster care.

Ms. Sharayah Stiggers, Parent Liaison, Texas Dept. of Family & Protective Services, Region 8, San Antonio reported that since the May Commission Meeting, the statewide collaboration has met and they are looking forward to the changes to visitation. Ms. Stiggers added that she has spoken at various conferences to include the Judges Conference in San Antonio.

Ms. Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin, announced that she had retired from the Health & Human Services Commission yesterday, following 40 years in state service. Ms. Davenport Rutland is delighted to remain on the Training Committee, and added that it had been a privilege to work with the Commission.

Hon. Robin Sage, Senior District Judge and Jurist in Residence, announced that two Jurist in Residence (JIR) letters had been issued since the May Commission Meeting, the first in regards to opioid use in pregnant women, the second a "back to school." Judge Sage also expects to issue another

JIR on psychotropic medication in the near future. Judge Sage added that as she is on the agenda later in the day she would defer her full report at this time.

Justice Guzman noted that there were a number of new attendees to the meeting and invited the Commission staff to introduce themselves. The following individuals were introduced: Ms. Tara Grigg-Garlinghouse, Intern working with Judge Sage on the Hearing Observation Report; Ms. Milbrey Raney, Staff Attorney; Rashonda Thomas, Grants and Finance Specialist; Ms. Kristi Taylor, Staff Attorney; Ms. Mary Mitchell, Executive Assistant; Ms. Jessica Arguijo, Administrative Assistant.

Mr. Mike Griffiths, Executive Director, Texas Juvenile Justice Department, Austin announced that the agency continues to move forward improving the services for youth in state care, but more impactful is its relationship with the juvenile courts across the state. Mr. Griffiths added that there has been a 15% reduction in youth sent to state custody by the juvenile courts.

Ms. Gabriela Fuentes, Office of the Governor, Austin noted that this had been a busy year. The Office of the Governor is currently working to fill 15 judicial vacancies in addition to focusing on the new legislation which has been created. She added that there have also been several new Boards created including the Protect our Kids Commission.

Hon. Bonnie Hellums, Judge, 247th District Court, Houston, requested that the TYLA consider putting out information regarding posting to social network sites as there are pictures being published that she would prefer not to see. In addition to her trial court, Judge Hellums also has a family drug court which holistically treats the families, and she reported that they have just had the largest graduation of the last twelve years. The drug court has an agreement with the Houston Community College to provide reduced tuition, and is able to provide youths with computers. Judge Hellums praised CASA and their involvement in her court, and noted that they are involved in every one of her CPS cases. She noted that the drug court also has an initiative to teach men how to be fathers, and stated that 68% of all children born in Harris County are born to unwed parents.

Mr. Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas apologized for missing the two previous meetings, and stated that he gets re-inspired each time he attends. The Meadows Foundation's goal is to keep people from court, whether it's domestic violence, child abuse prevention, or child advocacy centers. The Meadows Foundation funds every Texas CASA and Child Advocacy Center, and supports one-stop centers for transitional youth. Currently the most exciting project is the move into the policy arena, and the chance for the Foundation to work on mental health policy. The mental health issue cuts across all systems of care. Dr. Martinez has provided guidance and the Meadows Foundation has taken cues from the Hogg Foundation. Mr. Esterline deferred his full report until later in the afternoon.

Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels, spoke briefly about her 19 years working for the children in the state. Judge Bonicoro shared that early in her career she was appointed to a case as a licensed attorney, and never looked back. Her

career spanned 9.5 years as an attorney, then 9.5 years on the bench hearing CPS cases. Judge Bonicoro added that she has had so many wonderful opportunities to meet and work with like-minded people, and feels very fortunate to have worked on the Technology Committee, and the Commission. She concluded that there is no way to quantify the impact that the Commission has had, and closed by thanking everyone that had made her work possible.

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde shared that back in 1992, Judge Specia got her interested in prosecuting the child abuse and neglect docket in Bexar County. She spoke about the changes which had taken place, from having no concept of how long a child had been in care, or how many active cases there were, to being able to put a time limit on how long children could stay in foster care, and what will happen to them when we achieve permanency. Judge DuBose concluded that she found it awe-inspiring to have played a small part in this process and thanked her colleagues for being given this opportunity.

Hon. John Specia, Commissioner, Texas Department of Family and Protective Services, Austin, thanked Ms. Amberboy and the Commission staff for putting together the workgroups for HB 915, and added that it is a bringing together of people to create a shared vision. He also thanked Justice Guzman for her role in working with Senator Huffman to appoint an Associate Judge to Harris County.

Ms. Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, stated that it had been an honor and a pleasure working with DFPS. Ms. Deckinga began as a foster parent and moved on to become a case worker and this gave her an understanding of the challenges. Ms. Deckinga added that she had started in CPS Texas in 1988, and had enjoyed every position that she had held. She has been involved with the Commission since its inception and is very pleased to have been a part of this. She concluded that although she is retiring she will be back to work in the child welfare system, and she looks forward to working with the Commission in the future.

Senior Peacemaker Jo Ann Battise, Alabama-Coushatta Tribe of Texas, Livingston described the role of the Peacemaking Court, she advised that the main principle of peacemaking is listening. By listening, a Peacemaker can help families to put their issues on the table, talk them through, and come to a consensus. Peacemaker Battise added that at the next symposium, on April 24, 2014, one of the judges will speak about on how successful applying these principles has been in his courtroom. Peacemaker Battise is one of four Peacemakers, and handles all of the emergency cases. Peacemaking is a very peaceful approach, Peacemakers are not mediators, they do not negotiate, they listen.

Hon. Darlene Byrne, Judge, 126th District Court, Austin, provided updates on three projects currently being worked in Travis County. The first is a mediation project with the University of Texas, Professors Bryant and Osborne are assessing cost benefit and the ideal kind of case which goes to mediation. This project has been compiling data for four or five years and now they are ready to start reviewing the data to identify recommendations which could spread statewide. Ms. Roper will be assisting with this project. The second is the National Council of Children and Family Court Judges, which will discuss trauma informed systems. The third is Adoption Day, Judge Byrne estimates that

there will be 55 attendees, and announced that everyone is welcome to attend. She concluded with an anecdote about a child in her courtroom who had shared details about why she returning to her family made her nervous, and she spoke about the importance of Judges entering information into the court computer so that these outcries are reported to CPS in a timely manner.

Justice Guzman spoke briefly about her desire to create a forum which would allow the Commissioners and Collaborative Council to communicate with each other between Commission meetings and provide an opportunity to follow up on issues.

BREAK: Justice Guzman recessed the meeting at 10:31 a.m.

The meeting reconvened at 10:50 a.m. when Justice Guzman opened the floor to Ms. Amberboy.

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

Ms. Amberboy referred the group to the FY 2014 budget projection located at Tab 5, and reported that the CIP application had been submitted to the Children's Bureau. The application was trimmed from 90 pages down to 35 pages, and the Children's Commission plans to use a logic model to evaluate the difference that these projects make. Ms. Amberboy explained that the monies allocated to salaries and operating costs include funding all projects listed under Tab 3. These are the projects which are directly managed by the Commission staff. The direct costs include publications produced such as The Foster Youth Justice Act, the Aging out of Foster Care Guide, The Texas Blueprint, and The Foster Care Liaison Resource Guide. This section also encompasses all meeting-related expenses to include room rental and travel costs. The next section, listed under grants, is money which passed to other organizations, of these Disability Rights did not spend all their money from last year so it has an extension to spend this year. There are three additional grants: OCA to assist with technology, Texas CASA for stakeholder training, and TCJ for both the Child Welfare Judges Conference and to provide scholarships. The State Bar also assists the Commission by placing attorney training on line in its CPS Library and anyone who takes court appointments in Texas is able to watch this CLE training at no cost. The State Bar is also planning to webcast a Trial Skills Training on October 23, 2013, and Justice Massengale will provide more information on that during his report. Finally there are scholarships available for attorneys to attend training, and this year the Commission hopes to bring more child welfare law certified attorneys to the state.

Ms. Amberboy noted that that the Bench Book had been updated with the legislative changes and would be passed to LawBox to create links to the case law. The Bench Book is no longer password protected and will be available to everybody, with hard copies available through the Children's Commission.

Ms. Amberboy provided a brief presentation on the Family Visitation Round Table, which was held in March 2013. Ms. Amberboy explained that this project began the previous September following a conference in Oklahoma City, when one area that participants were asked to look at was how to improve visitation. During this timeframe the Department was also looking at visitation, and had formed a Visitation Oversight Committee with three subcommittees, and Senator West had also filed

SB352. Prior to the Round Table the Commission sent out a survey and received over 800 responses. The Department also completed an organizational survey, and was very candid about its challenges, needs, and strengths.

Our survey results showed:

- Visitation is one of the strongest predictors of reunification in a case and if you can't visit with your family or children then the likelihood that you will be reunified drops
- The first visit should happen very quickly following removal
- Frequency depends on the age of the child, with shorter and more frequent for younger children, longer and less frequent for older children
- Location depends on level of supervision, the survey showed that 70% of responses showed CPS offices are suitable places to visit, but when you talk to people that is their last choice
- Who supervises visits depends on safety concerns. 70% of responses said that foster parents should not supervise visits. Foster parents should be involved in the planning of visits, but should not supervise the visit.

The Department has taken all this information into consideration with its workgroups. SB 352 will require the Department to develop a temporary visitation plan prior to the 14 day hearing, and then a visitation plan within 30 days of taking temporary managing conservatorship which would be reviewed by the judge at the status hearing and amended as required. The visitation plan should be written in a language that the parent can understand, include concrete expectations such as days or dates, start and end times, who will arrange transport, who will supervise, location(s), who will monitor, the monitor's role, who will bring activities, who will bring food, who will bring diapers or clothes, what type of behavior is expected and what will end the session, what happens if the parent fails to call or fails to show up, is not sober, or brings other persons.

Under SB 352 the Department's responsibilities are to provide an opportunity to visit within 3 days of DFPS being named TMC, unless DFPS determines it is not in child's best interest or would conflict with an existing order restricting access to child; to create a temporary visitation schedule prior to Adversary Hearing; to create a Visitation Plan within 30 days of being named the child's TMC, if the permanency plan is reunification; the Visitation Plan must take into account the child's safety, best interest, age, desires, and location, and resources available to supervise and transport; the Visitation Plan must be filed with the court 10 days prior to the Status Hearing; the court must review the Visitation Plan and can modify at the Status Hearing; parents can request the court review and/or modify an original or amended plan. The vast majority of stakeholders who responded to the survey believe the court should review and/or approve the visitation plan and SB 352 directs that the court review the plan. The court can amend the plan, but the parties can also agree outside the court to amend the plan.

Ms. Amberboy invited Ms. Jenny Hinson and Ms. Carol Self to add anything which she may have missed. Ms. Hinson added that Department staff has been issued a temporary visitation schedule so that there is a uniform form statewide to be filed with the court, and also a visitation plan template which must be created within 30 days. The Department has a two-pronged approach, the internal and external

workgroup are working on developing best practices for visitation, and developing the best form to use for the visitation plan. There is to be a one visitation plan per child and not a “one visitation plan fits all” approach. The Department is in the process of gathering information and will issue the entire visitation package for child welfare in Texas in March. There will also be training for all Department staff, in addition to the tools that the workgroups are working on.

Justice Guzman expressed her appreciation to both Ms. Amberboy and Ms. Hinson. In the absence of comments Justice Guzman moved to the next item on the agenda.

COMMITTEE REPORTS AND VOTING MATTERS

Data/Technology Committee Report

Ms. Vikki Spriggs was unable to present the update at today’s meeting due to a scheduling conflict. Ms. Tina Amberboy provided the project updates to the Commissioners. Ms. Amberboy announced that the Data/Technology Committee has reduced the number of technology projects for 2014 due to staff changes and available budget. The largest project is the maintenance, enhancements, and upkeep of the Child Protection Case Management System which the child protection court judges use. The second largest is the videoconferencing project; OCA does a great job of helping courts have children participate in their placement or permanency hearings through the videoconference interface when they are placed in residential treatment centers. There are currently 12 courts and fifty-four RTCs able to link to the videoconferencing service, and this will expand in 2014, with the focus being on connecting children that have not traditionally attended their hearings. The final project is a notice or alert system which will allow end users to sign up for emails regarding court events in their cases. This will help with getting notice out to individuals that court hearings are taking place so that they can decide if they want to participate. Ms. Amberboy concluded that OCA also provides support for the Children’s Commission website and that Ms. Mitchell has received training from OCA staff and is currently assisting with routine maintenance of the site.

Basic Committee Report

Judge Bonnie Hellums provided an update on the activities of the Basic Committee. The committees met via conference call on August 20, 2013, meeting minutes are located at Tab 3 of the meeting notebook. Judge Hellums reported that the Bench Book is being updated with the 2013 judicial changes and the Commission has added new information on trauma informed care, psychotropic medication, Indian Child Welfare Act, and education. The Appleseed/Permanency Workgroup has created a foster youth video to help youth feel more comfortable attending their court hearings. Judge Hellums noted that Ms. Amberboy had provided an update on the Family Visitation Roundtable, and added that the Roundtable Workgroup will be working with DFPS to identify further topics. Judge Hellums reported on the status of the Legal Representation Study, significant legislation has been passed and more detail on these new laws can be found at Tab 3. Judge Hellums noted that although Judge Sage has distributed several JIR letters neither she nor Judge Warne had received them so they would be re-sent, and Judge Sage will provide an update on the Hearing Observation Project later in the agenda. Judge Hellums noted that the Psychotropic Medications and Implementation

Workgroup, and in particular, the HB 915 workgroup has been very busy this summer with meetings in June, July, and August. Full meeting notes are available on the Commission website, and this afternoon Judge McCown will provide an in-depth report. Judge Hellums stated that the Children's Commission staff is participating with DFPS on both the Trauma Informed Care Workgroup, and the Mental Health Task Force, and concluded by saying that the concentration is on the Trauma Informed Care of the individuals in court. She suggested that training for judges may also be appropriate to help them to cope with the trauma that they face daily while adjudicating CPS cases.

Justice Guzman agreed with Judge Hellums, she and Mr. Van Fleet had discussed this issue and she noted that it may be possible to work with TCJ to implement training for judges.

Training Committee Report

Judge Camile DuBose provided the project updates to the Commissioners. Judge DuBose began by thanking Ms. Raney and Ms. Roper for their support during her time as Committee Chair, and also noted that Justice Massengale would provide an update on Trial Skills Training immediately following. Judge DuBose thanked the State Bar for their support in posting the Child Abuse and Neglect webinars on line. There are currently five webinars available, Representing Children in CPS Cases, Preserving Error and Appeals issues in CPS cases, Successful Cross Examination of Experts in the CPS Case, and Dealing with the Physician Expert in the CPS Case, and a sixth, Trial Skills in the CPS Case, will be available once it will have been taped live on 10/23/13. Judge DuBose explained that these webinars are available to attorneys to access online and are especially valuable to attorneys practicing in rural areas who would not otherwise be able to receive this training. The Training Committee awarded a number of scholarships through the summer to attend trainings at both national and state level. Eighteen scholarships were awarded for the ABA conferences for Parents and Children's attorneys, forty-two for the Child Abuse and Neglect Track of the Advanced Family Law, and twelve for the NACC conference. The Commission staff is in the process of compiling information gathered from surveys and will share the results at a later date. Judge DuBose noted that the SBOT Child Abuse and Neglect Committee conducted its conference in partnership with a conference in Houston. Also, Commission Staff is working with NACC for reimbursement of the Certification Exam Fee for approved Texas applicants. The Commission also provides funds to help judges become better trained in these areas, and this year Judge DuBose attended both the NCJFCJ Annual Conference and the Child Welfare Judges Conference. Although 2014 funding will be tight, funds will be available for the Child Welfare Judges Conference, judicial technical assistance, judicial scholarships for conferences such as NCJFCJ, and the for the Training Committee to continue its work on the mediation project.

ACTION: Justice Guzman referred the members to Tab 5 and announced that after hearing from the Executive Director and the Committee Chairs she would entertain a motion to approve the FY2014 project plan and budget. Mr. Terry Tottenham made a motion and Judge Darlene Byrne seconded. The attending members approved the project plan and budget unanimously.

Prior to adjourning for lunch Justice Guzman thanked the members for their attendance, and added that the Commission could not exist without their support. Justice Guzman asked whether at future meetings the members would appreciate having lunch provided on site, which would allow Justice Guzman to invite the other Supreme Court Justices to attend and meet the Commission members.

RECESS FOR LUNCH Justice Guzman adjourned the meeting at 11:50 a.m. for lunch. The meeting reconvened at 1:03 p.m.

PSYCHOACTIVE MEDICATIONS- HB 915 IMPLEMENTATION WORKGROUP UPDATE, Judge F. Scott McCown

Judge McCown reported on the progress of the HB 915 Implementation Workgroup. Judge McCown noted that this is the second legislative session that has had legislation filed on psychotropic medication, and added that the Children's Commission has played a valuable role in understanding the system, the ideas that would help, and the ideas that would not help. When HB 915 was passed the Children's Commission, in collaboration with Commissioner Specia, created a stakeholder implementation workgroup, which consisted of representatives from the Department, HHSC, Judges, legislative staff, mental health professionals, foster care professionals, CASA, lawyers for children, parents advocates, and the medical profession. This was a huge group, and Judge McCown acknowledged the commitment of Ms. Kristi Taylor in staffing this workgroup and referred members to the handout that Ms. Taylor had created providing a written summary of the work to date. Judge McCown added that one thing not on the summary is that the group is working on a review of how both physical and mental health assessments are conducted when children enter care. The group felt that getting the assessment right was very important in knowing what treatment plan was in place and what the role of psychotropic medication would, or would not, be. This resulted in two things: the HHSC launching an across the board assessment to look at how assessments are carried out, what tools are used, and how the process is rationalized; and the Department broadening its mandate to look at assessments. Judge McCown explained that the workgroup focused on several areas, informed consent, medical consent training, ensuring that you have informed consent, how to document informed consent, transition planning, monitoring use of psychotropic medications, and monitoring new populations of children (such as out of state children placed here under the inner state compact and dual eligible children). Judge McCown concluded that the State has published an update on psychotropic medication guidelines, DFPS had developed an implementation plan, and other groups such as CASA, attorneys, and judges are looking at what training they may need to provide.

Justice Guzman and Judge Specia thanked Judge McCown and Ms. Taylor for their efforts in managing this workgroup.

TRIAL SKILLS TRAINING, Justice Michael Massengale

Justice Massengale provided an update on the status of the Trial Skills Training Project. The project involves preparation and planning of a trial skills training program that will be made available to lawyers representing all parties involved in CPS cases. The intent was to provide a NITA-style trial skills training program focusing on basic, but essential, courtroom trial skills and will involve actual

practice of these skills in the same way that the NITA trial training program does. Earlier this year the twelve faculty members were trained by Professor Peter Hoffman on the NITA method of critiquing. The faculty met again in June for a full dress rehearsal of the Pilot training which will take place in October. The dress rehearsal took place in the same facility that will be used for the Pilot, and gave each faculty member the chance to prepare and practice their presentations; over the two day event, we conducted a dry run of the entire program. It was a great opportunity for faculty to receive feedback from each other, to work on improving their presentations, to dry run the critiquing process, and to practice the logistics of moving the students through the facility. Three caseworkers and two doctors also participated in the training, which allowed faculty to practice with expert witnesses, and was also a training tool for doctors and caseworkers as expert witnesses, it was a great symbiotic relationship. Moving forward, Justice Massengale explained that the Pilot would be in October with 21 students attending, this will allow three equal groups for the practice sessions. To ensure that we had a diverse group we asked our faculty to nominate potential attendees, providing a mix of attorneys that represent the Departments, attorneys that represent children and attorneys that represent parents. We also wanted to ensure a geographic spread of counties represented, and the list of attendees reflects this. An electronic copy of the proposed agenda was presented to the members on a projected screen and can be provided on request to the Children's Commission. The training will consist of the following: a voir dire exercise, a case strategy lecture, a brainstorming session on case strategy, a choosing your theme lecture, an opening statement lecture, a practice session on opening statements, a direct examination lecture, a practice session on direct exam, a cross examination lecture, practice sessions on cross, a laying foundation lecture, practice session on laying foundations, making objections lecture, dealing with experts lecture, practice Sessions on direct examination of an expert practice sessions on cross examination and impeachment of an expert, presenting closing argument lecture, and practice sessions on closing arguments. This is a lot to cover in the two days, but we are ready for the event and look forward to reporting back at the next meeting. Justice Massengale concluded by saying that all the lectures would be available as an on-line CLE prior to the event, and he thanked Ms. Raney, Ms. Mitchell, and the faculty for their hard work in putting this together.

Justice Guzman expressed her appreciation to Justice Massengale for the presentation content and commented on the depth of the training. Justice Guzman also recognized that Judge Shannon had been in attendance by phone throughout the day and welcomed her to the meeting. Due to technical difficulties Judge Shannon was unable to respond.

TEXAS BLUEPRINT IMPLEMENTATION TASK FORCE, Judge Rob Hofmann

Judge Hofmann provided an update on the work of Blueprint Implementation Task Force. The last meeting of the Task Force was held in August and members provided updates on their individual areas. Judge Hofmann acknowledged the support provided by Ms. Roper, especially since the departure of Ms. Brown, and noted that she had provided a great legislative update, reporting on the numerous changes that affect our foster students' education. Judge Hofmann noted that there are three work groups associated with the Task Force; the Task Force's implementation plan is located behind Tab 3 of the meeting notebook. There was also a report from region 2 as to foster care redesign and its impact on task force's work; this was very informative to those persons who were not

involved in the agency. There were a lot of questions about how foster care redesign would affect children in regions 2 & 9. Recent accomplishments include: 1) final Foster Care and Education summit report is on the website; 2) the education chapter in the Bench Book is completed; and 3) a judicial checklist about education is available online. Judge Sage did a Back to School JIR. Judge Hofmann directed the members to the Resource Guide for School District Foster Care Liaisons and thanked Ms. Kelly Kravitz for her work in putting the guide together. He advised the group that this is a big resource, with a lot of very useful information, and asked that they take time to look through it.

Judge Hofmann went on to say that through collaboration with DFPS, there is a new form for designating a child's education decision-maker. Called the "2085E," this document is the result of a lot of collaborative discussion and will be used to notify schools who they should notify regarding children in foster care. Also the legislature approved a new Public Education Information Management Systems (PEIMS) code for foster students. This is a huge accomplishment as it takes \$1,000,000 to change or create a code, and every school district has to receive training on the new code.

The Career and College Readiness Online Portal supported by TEA is up and running and it includes information specific to students in foster care, such as tuition and fee waivers and education/training vouchers. A Texas team also applied for Information Sharing Certificate Program at Georgetown University.

On the horizon, is work to improve the foster care and education website, development of tools for advocates and stakeholders, such as an education advocacy toolkit and fact sheets regarding foster care and education, and continued collaboration between court, education, and child welfare stakeholders; the next task force meeting is on December 6, 2013.

Ms. Kravitz added that the Resource Guide for School District Foster Care Liaisons is available on the TEA website.

Judge Shannon departed the call at 1:50

HEARING OBSERVATION PROJECT, Judge Robin Sage

Judge Sage provided an update on the Hearing Observation Project. Judge Sage began by explaining that although CPS has kept strong data on what is happening with children in our foster care system, there is not the same level of data available about what is happening with our children in court. There have been some smaller studies, but we were getting indications from both the federal government and the Children's Bureau that they wanted us to focus on continuous quality improvement. The Commission decided that we really needed to get a base line of what is happening in the courts across the State of Texas. Judge Sage and Ms. Amberboy discussed how we could accomplish this, and it was decided that Judge Sage would work with Ms. Tara Garlinghouse, who was a summer intern with the Children's Commission, to conduct a study. Judge Sage and Ms. Garlinghouse travelled from Pampa Texas to The Valley, and from Tyler to Midland, and worked all summer observing CPS cases. The first task was to design four survey tools. The first survey tool was used by Judge Sage whilst sitting in the

courtroom and allowed her to measure the time hearing started, the time it ended, whether witnesses were sworn in, whether they had translators, who asked what questions and about what issues. A second tool was used to interview parents as they were leaving the courtroom to record what they thought about the proceedings and their lawyers, and to ask when their lawyers were appointed. The third tool was completed by lawyers, asking when they got appointments and whether their judges did anything different in the courtroom during the survey process. The final tool was used for judges who answered policy questions to explain what they did in the courtroom.

In total Judge Sage observed 17 judges conducting 164 hearings, spread over 12 locations and interviewed 68 attorneys and 42 parents. Judge Sage noted that while the data is still being evaluated there is an indication of what the final report will show. Children were present at about 25% of the placement review hearings and one-third of the permanency hearings. In talking to the judges they gave several reasons why they feel it is not best for children to be in court, there are still some judges in the state who feel that it is not best for children to come to court, in addition to factors such as distance from court, age of the child, the child's desire to attend, and safety of the child. This may be a training issue with judges.

Another area that Judge Sage measured was the well-being factor, and to assess how in-depth the hearings go. This included measuring how often psychotropic medications are discussed in the courtroom, and she discovered that it was in 30% of hearings. The survey also measured whether psychotropic medications were included in the reports from the case workers, and this will make a difference in the percentage of times they were considered. Judge Sage explained that effective September 1, 2013 there was new legislation, and this study was completed before that date so the numbers may increase, but this is also a potential area for more training. Judge Sage also looked at the education needs of the child and found that almost half of the hearings discussed educational plans and education needs in court.

One area that showed a need for serious training was in regard to ICWA. Of all the hearings that she attended in only one or two did they even mention ICWA in court, although there were a few that were covered in the court file. Of the attorneys surveyed about 40% responded that they were only somewhat familiar, or were unfamiliar with ICWA, making this another area that will require further training.

When the study looked at legal representation they found that in 70% of the Temporary Managing Conservatorship cases the mother had a court appointed attorney, and in 63% of cases one or more of the fathers had an attorney. The survey also asked about timing of appointment, the hourly rates that the attorneys were paid, and whether the parents were satisfied with the representation. Overall over 70% of clients were pleased with their attorney. The lowest percentage of satisfaction was when we asked whether they had contact with their attorneys on days when they were not in court, parents were not totally satisfied but this may be partially due to the lower rates that attorneys are paid for out of court hours. Of the parents questioned only five were really unsatisfied with their attorneys and felt that their case should be handled differently. Judge Sage concluded by stating that the formal report will be presented at the January Commission meeting.

Justice Guzman thanked Judge Sage and Ms. Garlinghouse and added that she had heard from some of the judges that had been part of this study, they were very complimentary with the way that Judge Sage answered their questions and they were very impressed that the Commission is addressing this issue.

MEADOWS FOUNDATION MENTAL HEALTH POLICY INSTITUTE, Mr. Bruce Esterline
Mr. Esterline provided an update on the Mental Health Policy Institute; ten years ago the Foundation elevated mental health to one of three strategic initiatives along with public education and environment. Currently the Foundation funds a number of grants to include arts, education, health human services, civic/public affairs, and the environment, and averages \$30M per year, over the last 50 years they have awarded over \$800M. In all three main areas the Foundation has become more focused and more involved in policy development, however there are guidelines and laws which govern how active the Foundation can be. This has resulted in the Mental Health Policy Institute being independent of the Foundation, rather than operating as a program of the Foundation.

The process started a number of years ago, and in this time the Foundation has worked with the Hogg Foundation and has also hired consultants to lead the Institute through a deliberate planning process. As part of this planning process an on-line survey was created and 300 surveys were mailed out, over 1500 responses were received back from excellent geographic representation consisting of judges, attorneys, advocates, family members, consumers, other foundations, and law enforcement. The most important question asked on the survey was “Do you agree or disagree with the following statement? The State of Texas needs an independent institute to develop policies based on sound research to help make mental health services more available.” 91% of respondents said “Yes”.

Mr. Esterline noted that the top three priorities were to address both MH and Substance Abuse disorders, be non-partisan and objective, and provide objective and research-based guidance on cost-effective treatment. Part of the Foundation’s information gathering and knowledge building involved visiting seven other mental health institutes around the country, and members from two of these institutes have been on the planning committee for the past year. In January 2013 the board approved \$10M to start the Mental Health Policy Institute. The Foundation has been working with a planning committee which includes Dr. Martinez and Ms. Deckinga, and Dr. Martinez is also serving on the founding board.

Mr. Esterline explained that they are still creating the product, and have spent the last six months on a series of road trips, visiting all 20 health care planning regions and meeting with as many stakeholders as possible. He added that attending the Commission meeting could be counted as one of these visits which means that the attendees represent a very important stakeholder gathering. The strategy of the Institute is to go to folks for whom they want this to be of service and to hear from people who can see value in having a Policy Institute. Part of this involves asking how can you see this helping you in what you do, and what keeps you up in the middle of the night that this policy institute can help answer? The hope being that these conversations will lead to partnerships, policies can be made but it is the CPS at community level who implements these policies. Mr. Esterline felt that it is very important to have ideas coming up from the workers at ground level and to work as partners to drive policy to implementation.

Mr. Esterline concluded by saying that the Institute is already funding about \$500,000.00 in research projects and is seeking a CEO to manage the program. The ideal person would be politically savvy, have knowledge of behavioral health, be willing to do a startup organization, be willing to look for opportunities to change systems, and be a great collaborator. This is good timing for this type of organization, there are a lot of changes going on and the public is sensitive to mental health issues. The request today is to reach out to the organizations represented and be invited to talk to your association, in particular the judiciary, and the legal community. In closing Mr. Esterline welcomed ideas and participation from the members and invited them to contact him at besterline@mfi.org.

Justice Guzman thanked Mr. Esterline and was thrilled the Meadows Foundation had taken the lead in this critical area, she had recently visited Fort Hood and one of the issues discussed was the high suicide rate and mental health issues affecting men and women in uniform. Justice Guzman added that today we have heard about the mental health issues that our judges deal with every day in court and she concluded that it may be possible for the Mental Health Policy Institute to collaborate with the judiciary, the legal community, the court, and maybe a roundtable forum. Justice Guzman then invited Mr. Terry Tottenham to comment on possible collaboration with the veterans initiative.

Mr. Tottenham agreed that there were many ways that they could collaborate and spoke briefly about the Texas Lawyers for Texas Veterans who have an affiliation with Texas Council for Mental Health and Mental Retardation and suggested that this may be a valuable partnership for Mr. Esterline. Mr. Tottenham also spoke about the Veterans Court System, there are veterans courts in many counties and the judges that man these courts have firsthand knowledge of the issues facing veterans, and would be very interested in collaborating with the Mental Health Policy Institute. Judge Specia added that Texas Lawyers Care may also be worth contacting; Mr. Tottenham agreed and added that he could provide a list of persons to contact.

TITLE IV-E WAIVER AND DFPS UPDATE, Commissioner, Judge John Specia, Ms. Audrey Deckinga, CPS Assistant Commissioner

Judge Specia reported that DFPS are in the process of hiring approximately 1200 people with 750 direct staff members, and explained that this will provide much needed relief to his staff. Children's Rights Litigation is ongoing. Judge Jacks issued an order on August 27, that certified all but one of the new sub classes which had been proposed, and DFPS are working on a permissive appeal to the 5th circuit which may go to trial. Judge Specia continued that he is working with Harris County to facilitate a different approach and Harris County has been re-organized and now has two Regional Directors. The new appointee will be a full time Director for Harris County, and the current Director will take responsibility for the surrounding counties. Lisa Black has been temporarily assigned to this post pending the hiring of permanent Director. There will also be a number of other steps taken, the focus being to make sure DFPS employees make balanced decisions focused of safety, wellbeing, and permanence. Judge Specia added that DFPS are restructuring how they handle child fatalities and child welfare following a recent audit, there is a very aggressive plan to spend \$19M awarded by legislature for a focused effort on prevention. There has been an unfortunate increase in the number of child fatalities of children in care, however the number of child fatalities statewide has decreased significantly. DFPS are currently undergoing a Sunset Review, a self-evaluation has been submitted

and DFPS are working on issues that were self-identified such as structuring CPS differently in Harris County, improving legal representation, keeping siblings together in foster care, preventing child fatalities, and moving children to permanency more quickly. Judge Specia ended with the Foster Care Redesign, he noted that DFPS have started placing children in the 29 area through Provident Service Corporation under the redesign contract, and they are working on kinks as this is a brand new program. There is an RFP out and DFPS are currently evaluating bids for new contract in the Tarrant County area. The 29 area has 68 counties that go from Oklahoma to Mexico, whereas the new redesign contract will be for Tarrant County and 6 surrounding counties. Judge Specia invited anyone with questions to email him.

Title IV-E Waiver

Ms. Audrey Deckinga explained that Title IV-E Waiver is one of the funding streams used by child welfare and is limited to children in foster care. However, at certain times, there are waivers available which allow the Department to craft programs in order to move children out of foster care more quickly. The Department is currently reviewing a number of projects in order to select one that is both cost neutral, and will provide a way to get children permanency more quickly. Ms. Deckinga noted that there is a national commission on which the Protect our Children Kids, sponsored by Representative Duke, was modeled, and that Mr. Dave Sanders, Casey Family Programs, is the chairperson. The Department will also research ways to prevent child fatalities due to abuse and neglect in the state of Texas, specifically what prevention programs are required, how can they be implemented, and who should the Department focus on.

Foster Care Rates

In the last legislative session the Department received \$30.5M additional funds in general revenue for the FY14-15 biennium. The legislature did not favor an across the board 3% increase so DFPS recommended 6.12% for child placing agencies, 7.13% for residential operations, and 5.66% for emergency shelters. All were approved effective September 1, 2013. The Department also increased the residential contract and Ms. Deckinga paid kudos to the residential providers who have never complained of being held accountable for the requirements in the residential contract. It is important to note that the leaders in residential foster care are really committed to the same outcomes that we are. The Department also received \$4.5M in general revenue effective in FY15 for add on rates to incentivize certain quality improvements, perhaps Trauma Informed Care or how are they using Psychotropic Medications, and also for increasing capacity where it is needed so that the Department can place children closer to home and with their siblings.

The Prevention Plan

During the legislative session the legislature gave the Department \$22M additional dollars for prevention, this restored the amount of money that has been eaten away over the last two biennium including \$3M for existing programs, CYD and Star. The legislature requested that the Department develop a plan for the remaining money that would be evidence based and focus on young children, as these are the most vulnerable. The Department will focus on where they can do the most good, and Judge Specia will be asking for foundations to assist with funding some of these programs which are

community based. The two pieces to the plan that the Department will roll out are Project Hope (healthy outcomes through prevention and early support), and Project Hip (helping through intervention and prevention). Project Hope will target children 0-5 who are at risk for abuse and neglect by issuing a flexible RFP. It will focus on specific needs of Potter, Gregg, Ector, Cameron, Hildago, Travis, and El Paso Counties as these have the highest indicators for abuse and neglect. The RFP for Project Hope will be issued in January. Project Hip will be a statewide prevention and early intervention targeted to a very narrow set of high risk families that have newborns, and have had previous interaction with the child welfare system that has resulted in a bad outcome, such as termination of rights or child fatality. Project Hip will also provide additional services to children or youth currently in the conservatorship of DFPS that are parents in an attempt to break the cycle of abuse and neglect.

Redacting Records

Due to the Department receiving many more requests than anticipated, the Department has falling behind in providing redacted records. Ms. Deckinga diverted funding to contracted redactors to assist with the workload. Judge Specia agreed that this is a problem area and added that the huge backlog results in children being kept in care longer. The Department estimates that in order to clear the backlog, and keep pace with new requests, it will require \$1.5M over the next two years to fund an additional 62 FTE's. The Department has spoken with a number of foundations about fund raising, and one of the pastors on an advisory committee for promoting adoption of minority children has agreed to process any funds raised through his 501C3 account. Ms. Deckinga concluded by stating that Department is in need of funding. She asked that Commission Members notify the Department if they are aware of someone that may be willing to assist with fundraising so that children are not waiting for adoption unnecessarily.

OFFICE OF COURT ADMINISTRATION (OCA) UPDATE, Mr. David Slayton, Administrative Director (proxy Ms. Mena Ramon)

Mr. David Slayton was unable to present the update at today's meeting due to a scheduling conflict. Ms. Mena Ramon provided the project updates to the Children's Commissioners. Ms. Ramon confirmed OCA had received funding for 4 additional child abuse and neglect courts, she explained that the request for more courts was to provide relief for the current courts and to pick up the counties which had been dropped over the last two or three years. OCA implemented 2 of these courts effective September and are both in the West Texas panhandle. Ector, Midland and surrounding counties has been divided into two courts. Judge Tracey Scown has been appointed to Ector, Crane, Winkler, Ward, Loving and Reeves; Judge Sylvia Chavez will retain Midland, Glasscock, Howard, Martin, Dawson, Gaines, and Andrews. OCA also provided relief to the South Plains Child Protection Court where Judge Kevin Hart will share jurisdiction with the newly appointed Judge Kara Darnell. Since Judge Hoffman's promotion to the District Court Bench his old counties have also been reconfigured with Judge Hoffman retaining Kimble, McCulloch, Mason and Menard and a new court being created for Brown and Mills. OCA has also provided relief to Judge VanOrden who previously had Bell, Coryell, and Lampasas, his new district will be Bell and Burnet. Locations for the third and fourth court are still under discussion, an update will provided at the next Commission Meeting.

COLLABORATIVE COUNCIL REPORT

Justice Guzman expressed appreciation to the members of the Collaborative Council for their efforts.

Ms. Irene Clements, President, Texas Foster Family Association, Austin, invited the members to attend the 40th Annual Education Conference which will be held in Austin, October 11-13, 2013, and announced that The Texas Foster Family Association will celebrate its anniversary with a banquet on the Saturday night. Ms. Clements noted that topics currently being discussed by the Texas Foster Family Association are education, kids aging out of care, psychotropic medications, and normalizing care for kids. She mentioned that she had been invited to Washington DC in order to provide expert testimony to the House Human Resources Subcommittee, and that two weeks following this, all commissioners in the state received letters regarding normalizing care for children. Ms. Clements added that another development is a national collaboration with the North America Council on Adoptable Children and Generations United, this is being put together by the Annie E. Casey, Dave Thomas, and Jim Casey Foundations to bring the groups together to provide support for foster parents, adoptive parents, and kinship care givers across the country. Ms. Clements requested that Commission members help by identifying a list of all support groups, agencies, and organizations providing support to these groups to enable one on one surveys to be conducted, and to put together implementation plan over the next 9 months. Ms. Clements ended with information regarding a new website which will be available that will be specific to caregivers and to organizations and entities providing support to caregivers. This website should be completed within the next 9 months.

Ms. Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio reported that late in 2004 the Bexar County Child Welfare Board had approximately 400 children sitting in adoptive placements. In January of 2005 the Child Welfare Board proposed that county commissioners fund 6 dedicated adoption workers, and also hold monthly adoption day parties. As a result of this endeavor over 7000 foster children have been adopted into their “forever homes” and are no longer in care. Almost 60% of these children were placed with relatives.

Ms. Barbara Elias-Perciful, President, Texas Loves Children, Dallas commended the Commission and the Department on their work with trauma informed care. One issue she wished to highlight is trauma focused therapy, Ms. Elias-Perciful explained that in 2013 TX still does not require therapists that treat children to be trained in post-traumatic stress disorder, or even know the diff between PTSD and ADHD. If children are misdiagnosed and put on the wrong medications, educational outcomes are worsened. The core focus should be on the therapy itself, and to this end an interim charge has been written to study how many of star health providers have received training in PTSD. Ms. Elias-Perciful asked that if and member is interested in working on this charge they contact her at Barbara@texaslawyersforchildren.org. Ms. Elias-Perciful thanked the Commission and the Meadows Foundation for their support and noted that the TLC project has been replicated in California, Alabama, Florida, and Maryland.

Mr. Richard Lavallo, Legal Director, Disability Rights Texas (formerly Advocacy, Inc.), Austin also thanked the Commission and the Meadows Foundation for funding his project for representing

children with disabilities in the juvenile justice system. The funding is coming to an end and, as a result of the last 3 years, Disability Rights Texas is moving into sustaining the project by seeking court appointments. Mr. Lavallo added that Disability Rights Texas have approached the Caruth Foundation to seek a grant to continue the project. Mr. Lavallo has also submitted a letter of inquiry for representing kids in treatment centers that are dealing with trauma informed care, and all the mental health issues incurred. Caruth is interested in the project, however under the terms of the grant 50% of the children would have to be in Dallas and North Texas, with the remainder of the grant being used for the rest of the state. The one component that Caruth has is research, and the intent is to develop a research component that can show that representation of children with these needs in foster care has a positive outcome.

2014 MEETING DATES

Justice Guzman announced that a doodle poll would be sent out to decide the 2014 dates. Justice Guzman added that with meetings only being held three times a year she would be seeking ways to improve communication with Commissioners between meetings.

Prior to adjournment, Justice Guzman presented certificates of service to Judge Karin Bonicoro, Judge Camile DuBose, Ms. Audrey Deckinga, and Ms. Fairy Davenport Rutland in acknowledgment of their service to the Children's Commission.

ADJOURNMENT

Justice Guzman adjourned the meeting at 2: 17 p.m. and announced that cake was available for those wishing to remain behind.

INSERT - TAB 2

CHILDREN'S COMMISSION MEMBERS

| | |
|---|--|
| <p>Hon. Eva Guzman, Chair Hon. Harriet O'Neill, Chair Emeritus Hon. Darlene Byrne, Vice Chair Hon. Jo Ann Battise Hon. Jean Boyd Bruce Esterline Gabriela Fuentes Stewart W. Gagnon Hon. Helen Giddings</p> | <p>Hon. Bonnie Crane Hellums Hon. Rob Hofmann Dr. Octavio Martinez Hon. Michael Massengale Hon. Mary Murphy Hon. Peter Sakai Hon. Cheryl Lee Shannon Luanne Southern Vicki Spriggs</p> |
|---|--|

Sharayah Stiggers
 Terry Tottenham
 G. Allan Van Fleet
 Hon. Carlos Villalon
 Hon. Judy Warne

COMMITTEE MEMBERS

EXECUTIVE

Hon. Eva Guzman,
Chair
 Hon. Harriet O'Neill,
Chair Emeritus
 Hon. Darlene Byrne
Vice Chair
 Hon. Bonnie Crane Hellums
 Hon. Michael Massengale
 Hon. Dean Rucker
 Vicki Spriggs

BASIC PROJECTS

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

TECHNOLOGY PROJECTS

Vicki Spriggs, *Chair*
 Dan Capouch
 Jason Hassay
 Hon. Gilford Jones
 Octavio Martinez
 Robert Nolen
 D.J. Tesser
 G. Allan Van Fleet
 Bryan Wilson
Staff: Tina Amberboy

TRAINING PROJECTS

Hon. Michael Massengale, *Chair*
 Hon. Mark Atkinson
 Tymothy Belseth
 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
 Hon. Ellen Smith
 Elizabeth Watkins
*Staff: Tiffany Roper
 Milbrey Raney*

COLLABORATIVE COUNCIL MEMBERS

Emily Lou Baldrige
 Kristene Blackstone
 Roy Block
 Irene Clements
 William B. Connolly
 De Shaun Eatoms
 Barbara Elias-Perciful
 Debra Emerson
 Laura Figueroa
 Mike Foster
 Sadie Funk
 Paul E. Furrh, Jr.

Alicia Key
 Kelly Kravitz
 Richard Lavallo
 Stephanie Ledesma
 Tracy Levins
 Rebecca Lightsey
 Diana Martinez
 Madeline McClure
 Hon. F. Scott McCown, ret.
 Sandeep Narang
 Anu Partap
 Judy Powell

Lisa Ramirez
 Johana Scot
 Janet Sharkis
 Jeanne Stamp
 Armin Steege
 Leslie Strauch
 Gloria Terry
 Kenneth Thompson
 Arabia Vargas
 Larry Williams

STAFF

Tina Amberboy, Executive Director
 Tiffany Roper, Assistant Director
 Kristi Taylor, Program Manager
 Milbrey Raney, Staff Attorney
 Rashonda Thomas, Grants & Finance Specialist
 Mary Mitchell, Executive Assistant
 Jessica Arguijo, Administrative Assistant
 Hon. Robin Sage, Jurist in Residence
Office of Court Administration
 Hon. Dean Rucker, Jurist in Residence
Office of Court Administration

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
February 7, 2014

201 W. 14th Street
Austin, Texas 78701

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for February 7, 2014

MINUTES –September 27, 2013 (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 Committee

The Basic Committee communicated about matters via email. Members were provided the following status update. No comments were received.

1. ACF Region VI Parent Representation

The workgroup exists to help improve the quality of legal representation for parents in CPS cases. CIP / Children’s Commission (CC) collaborates with other ACF Region VI states (Louisiana, New Mexico, Arkansas, Oklahoma) and in FY2013 Texas participated in the development of the American Bar Association *Indicators of Success in Legal Representation for Parents*. Also, the CC is using the *Indicators* document in partnership with McLennan County Parent Representation Project.

2. Child Protection Bench Book

In October, the BB was connected to LawBox Citation Service. Link here: <http://benchbook.texaschildrenscommission.gov/>. The most recent version of the Bench Book includes legislative changes from the 83rd legislative session, a new chapter on education, and updates to psychotropic medications and medical consent sections. New topics are planned for FY2014 and 2015. Commission staff will reconvene the BB workgroup in FY2014 to focus on redesigning the hearing checklists, which were not included in the recent publication. CC staff is also tracking distribution of written copies of the BB and its online usage through Google Analytics.

3. Appleaseed / Permanency Initiatives

Texas Appleaseed has been a long-time partner working with the Children's Commission (CC) on identifying and resolving barriers preventing or delaying children from exiting long-term foster care. In August, the Children's Commission and Texas Appleaseed put the finishing touches on a foster youth video aimed at helping foster youth overcome fear and anxiety associated with attending court hearings. In FY2014, Texas Appleaseed will continue to work with jurisdictions that request assistance and will partner with the Children's Commission to identify innovative and creative practices that lead to better stability, permanency and wellbeing for youth in long-term care.

4. Family Visitation Oversight Committee

The purpose of the committee is to develop and execute a plan to move from a traditional one-size-fits-all approach on visitation to one that serves the child and family in a more individual manner. DFPS manages 3 workgroups: Assessments, Visitation Plans, and Best Practices. The Commission provided a JIR letter on family visitation in December 2013, and will continue to provide training and information and judges on the new visitation law, advocate duties, and best practices. Link to JIR here: <http://texaschildrenscommission.gov/media/18985/27%20Family%20Visitation%20JIR.pdf>

5. Round Table Series

In FY2014, the CC will work with DFPS to identify Round Table (RT) topics, and will staff a RT workgroup that will determine the goal, format and agenda. CC will staff the workgroup meetings to develop materials, data required, and identify speakers. CC will also handle meeting location, invitations, attendee lists, travel and match forms and produce a written report from the Round Table.

6. Legal Representation Reform

The Children's Commission created a 30-member multidisciplinary LRS Workgroup in 2011 to implement the study's recommendations. The LRS Workgroup met several times during FY2012, and was on hiatus during FY2013 due to the legislative session. Legislation passed in response to the work of the LRS included amendments to Texas Family Code Chapters 107, 262 and 263. Judges were provided a legislative update in May 2013 at the Child Welfare Judges Conference. The Legal Representation Reform workgroup will meet on February 28, 2014 in Austin to examine whether voluntary standards of representation should be drafted; to continue support of State Bar Committee on Child Abuse and Neglect efforts to establish a Child Welfare and Protection specialization through the Texas Board of Legal Specialization; to develop a written guide and online resource center for parents trying to navigate the CPS

system; and to discuss attorney compensation, training, and relationships with commissioners' courts. The Children's Commission will continue to staff and support the LRS Workgroup by hosting and facilitating meetings, reimbursing travel expenses for workgroup members, develop agendas and meeting materials, and collecting federal match information.

7. Jurist in Residence

The Jurist in Residence (JIR) position was created to foster judicial leadership and promote greater expertise among child protection judges. In 2013, the Commission published JIR newsletters on the following topics: Permanency Care Assistance, Specificity in Court Orders to Satisfy Federal Requirements, Opioid and Opiate Usage in Pregnant Women, a Back to School issue highlighting legislative changes related to education of foster students from the 83rd Texas Legislature, new rules governing those who consent to medical care for youth in the foster care system, and Family Visitation. Additionally, informational "blasts" concerning attorney scholarships to the NACC and ABA conferences and the release of the updated version of the Child Protection Law Bench Book were sent to judges on the JIR distribution list.

For FY2014, the JIR will continue to assist the Commission as consultant, trainer, and speaker to provide expert judicial advice on matters affecting the courts and legal system in handling child welfare cases and issues. The JIR will continue to attend conference calls, meetings, and conferences as requested and will publish communiqués and letters on emerging, highly pertinent, and changing policy, laws, and practice that may be of interest to judges hearing CPS cases. The Children's Commission will assist with writing and formatting JIR communiqués, distribute JIR letters to the CPS judges' listserv, and post the JIR letters on Commission website promptly.

Link to JIR letters here: <http://texaschildrenscommission.gov/jir.aspx>

8. Hearing Observation Project

Judge Robin Sage and Tara Garlinghouse recently completed a court observation project aimed at collecting data regarding court and judicial processes and handling of CPS cases, legal representation for parents, and parent satisfaction with legal representation. This project was in an effort to help determine whether parties are receiving adequate legal representation and due process with regard to hearings in Texas and to assess the breadth and depth of issues discussed at court reviews. The Children's Commission developed an observation tool and two surveys that were utilized for pre- and post- hearing activities. Parents and parent attorneys were surveyed following the conclusion of their cases.

The Children's Commission is in the process of compiling results that will include a review and assessment all parent and parent attorney responses. The project involved 164 hearings, before 17 judges in 12 jurisdictions. There were over 60 attorneys and 40 parents who participated in face-to-face interviews. The Report will identify training issues indicated from the evaluation; form the basis of a presentation to all judges attending the state child welfare judicial conference in 2014, and post a final report on its website.

9. Judicial Disproportionality Workgroup (JDW)

The JDW will continue to support the work of the Center for the Elimination of Disproportionalities and Disparities as the Interagency Advisory Council transitions to a statewide committee made up of systems and community leaders. The work of the statewide committee will be focused on data-driven evidence, leadership, cross-systems collaboration, community engagement, and training based on anti-racist principles. The Children's Commission and JDW members will work with the CEDD to provide an educational session at the annual Child Welfare Judges Conference in June, help connect judges and lawyers to their communities to develop disproportionality efforts at the local level, liaise with the new statewide committee, and develop updated information about Disproportionality and bias in its CPS Judicial Bench Book.

10. Tribal/State Collaboration

Newly appointed Commissioner Jo Ann Battise has begun a monthly call with a small workgroup focusing on tribal and state collaboration. The group is currently made up of Commissioner Battise, Collaborative Council member Larry Williams, Tribal Law expert Judge Cheryl Fairbanks, DFPS Disproportionality Manager Tanya Rollins and Disproportionality Specialist Michael Martinez. The Children's Commission will be co-hosting a half day judicial round table discussion about the Indian Child Welfare Act (ICWA) in the wake of the Baby Veronica case and best practices in state and tribal collaboration. The Round Table will be April 23rd in Livingston, Texas, the home of the Alabama-Coushatta, and will coincide with the Annual Tribal/State Symposium on April 24th. Peacemaker Battise would like to make a video highlighting the practices of the Peacemaking Court that could be used in judicial and attorney education.

11. Psychoactive Medications / HB915 Implementation Workgroup

In 2011 a Children's Commission Workgroup came together to create a dialogue and understanding between the judiciary, DFPS, and the medical providers regarding psychotropic medication use among children in foster care. The Workgroup resolved many issues surrounding the Psychotropic Medication Utilization Parameters

(Parameters). The Parameters have been considered successful, leading to a significant reduction in the overall use of psychotropic medications and decrease in the use of multiple medications for the same purpose, to which this Workgroup sought to promote more widespread use of the Parameters. In July 2012, the Commission hosted a Round Table discussion later issuing a Report on Psychotropic Medication and Foster Care. The Round Table Report led to the work of many stakeholders during the 83rd legislative session and ultimately resulted in House Bill 915 which addressed consent for psychotropic medication, allows children the right to provide an opinion on their medical care; allows foster youth 16 and older to act as their own medical consenters; requires attorneys and guardians to evaluate medical care; elicit their client's view on medical care being provided, and mandates that the youth transition plan provided to each child 16 and older include provisions and instructions regarding medical care and psychotropic medications.

Following the close of the 83rd Session, the Children's Commission facilitated the HB915 Implementation Workgroup, which was charged with soliciting input and collaboration from approximately 60 stakeholders. The group was charged with identifying practices and policies in place to support HB915, making recommendations regarding new policies required to support the implementation and ongoing execution of DFPS's duties under the new bill, identifying training needs required to support new practices, expanded collaboration and communication to support the objectives and mandates of HB915, and with meeting regularly to ensure stakeholder involvement and communication on implementation progress. The HB915 Implementation Workgroup met three times over the summer; workbook items can be found here: [June 11, 2013](#), [July 23, 2013](#), and [August 27, 2013](#).

On September 9, 2013, the Commission hosted a session to enable stakeholders to evaluate and comment on DFPS's updated medical consenters and psychotropic medication training. The training lasted over 7 hours with meticulous review by several stakeholders. The new training is now available at: http://www.dfps.state.tx.us/Training/Medical_Consent/documents/Medical_Consent_Training_Caregiver.pptx

On March 7th the HB915 Implementation Workgroup will reconvene to review the progress of the many stakeholders and DFPS with implementation of the new law.

12. Trauma Informed Care Project

The Children's Commission will continue to support DFPS's shift to a trauma-informed care system on the many levels of the organization, with its partners and its staff, therapists, foster/kinship parents, residential contractors, judges, attorneys, CASA volunteers, youth and foster alumni, and STAR Health (the managed care HMO that

provides physical and behavioral health to all foster youth in the state's conservatorship).

FY2014 activities will include: developing and promoting judicial and attorney training on trauma-informed care; updating information about trauma-informed care in the CPS Judicial Bench Book; participating on the varied DFPS trauma-informed workgroups in existence and yet to be created as a collaborative partner; monitoring the trauma-informed care workgroups, meetings, strategies, timelines; and providing reports to the Children's Commission and other stakeholders as appropriate.

The CC will also partner with CASA and provide CIP funding support to engage with the TCU Institute of Child Development and Dr. Karyn Purvis. CASA will develop a Train the Trainer Program to help establish TBRI as an effective and widely used intervention plan for children in foster care. The goal is to train 100 trainers over two years. CASA will establish a workgroup that includes representatives from DFPS, the Children's Commission, and other child welfare advocates to assist with planning the Train the Trainer program. CIP funding will support Dr. Purvis and the TCU Institute training program and travel for TBRI facilitators and materials to support training.

13. Mediation Project

In April 2013, the NCJFCJ endorsed the national Child Protection Mediation Guidelines, which were developed by a national group of experts. The next step for this national group is putting together training standards for child protection mediation. Over the course of FY 2014, commission staff will work with Cynthia Bryant of the University of Texas, School of Law Mediation Clinic and others as they examine data related to CPS cases mediated in Travis County. This workgroup will help determine the scope of any mediation project developed to support statewide mediation practices, including review of mediation data or creation of standards of training for those involved with Texas CPS cases that result in mediation. Initial discussion will include the parameters of such a mediation project and what funding might be needed.

14. Texas Blueprint: Implementation Task Force, formerly Education Committee

The Texas Blueprint Implementation Task Force and its three workgroups continued to meet during the last quarter of 2013 and work on steps identified in their action plans. The Task Force and workgroups will meet until the end of 2014, at which time the Task Force will provide recommendations and a final report to the Children's Commission, outlining next steps in the initiative to improve educational outcomes for children and youth in foster care.

Some things of note which have occurred since the last commission meeting:

- DFPS and Commission staff participated in a one-day training for approximately 100 school district foster care liaisons in the Dallas area in October 2013;
- The Task Force Chair sent an update to the Blueprint Implementation Advisory Council in December 2013 highlighting some of the progress our state has seen since the release of the Texas Blueprint;
- Texas was invited to send a team to a Casey Family Programs Shared Learning Collaborative on data exchange between child welfare and education that was held in Austin in December 2013. The Texas team was among one of 5 states that attended and included representatives of the Children's Commission, DFPS, and TEA;
- A Texas team also was accepted into and participated in the Georgetown University Information Sharing Certificate Program in December 2013. As part of the program, the Texas team, which includes DFPS, TEA, and the CC, will embark on a capstone project in 2014 to look at methods to capture school mobility of foster students;
- Since the Education and Foster Care Summit was held in February 2013 and passage of SB 832 in June 2013, the number of school district foster care liaisons identified by TEA has jumped from less than 200 to roughly 750;
- The Task Force has provided feedback in the implementation of recently passed legislation regarding education of foster students;
- The School Stability Workgroup has looked closely at placement practices and how they impact school mobility as well as school enrollment issues;
- The Data Workgroup is supporting work within TEA and DFPS to establish a common understanding of the data elements exchanged and how to more effectively analyze the data exchanged;
- The Training Workgroup is looking at how key stakeholders are trained on foster care and education issues and whether existing resources may be used to further train these individuals; and
- Collaborative work between the courts, education and child welfare continues to expand on the state and local levels.

Between now and the next commission meeting, commission staff will continue to support the task force and its workgroups as well as work on some of the benchmark items, including developing resources regarding education of foster students for multiple stakeholders and collaborating with Texas CASA in the creation of an education toolkit for local CASA programs and develop resources regarding education of foster students.

Training Grant Committee

The Training Committee met by conference call on August 14, 2013. For minutes regarding the full discussion at the meeting, please see **Tab 4**.

1. Attorney Education

Attorney Practitioner Manual: CC is developing a plan to update the Attorney Practitioner Manual, which needs substantive and legislative updates. The plan may include establishing a workgroup of experts to provide content to and edit an updated manual. .

Attorney Ad Litem Appointment Eligibility Online Training

The State Bar offers online courses to court-appointed attorneys and state and DFPS attorneys at no charge on the following topics:

- Advocating for Youth Aging Out of Foster Care
- Resources and Processes for Representing Crossover Youth with Disabilities
- Special Education Advocacy for Kids in the Foster Care System
- Representing Teen Parents in CPS Cases
- Practice Tips on Representing Children
- Representing Parents in CPS Cases
- Preserving Error and Appeals Issues in CPS cases
- Representing Children in CPS Cases, Updated June 2013
- Pending: Trial Skills in the CPS Case

Attorney Scholarships

The Training Committee sponsored attorney scholarships for last summer's American Bar Association, National Association of Counsel for Children, and the 1-Day State Bar of Texas Child Abuse and Neglect conferences. Scholarship recipients who were surveyed on their CLE experience providing the following findings:

- Half of the scholarship recipients would not have attended without receipt of a commission scholarship.
- Nearly half reported the need for more ICWA training. Commission staff is following up to promote additional training on ICWA.
- Legislative and case law updates were among the most valuable CLEs to those surveyed.
- Scholarship attendees found the collaboration and shared information across different types of attorneys on the CPS docket and different approaches across various states as useful and providing a fresh perspective.

Attorneys were able to write in suggestions in their survey responses. The significant requests for future trainings are as follows:

- More ICWA training is needed.
- Immigration/Special Immigrant Juvenile Status: Attorneys want to know what is the law, department policy and practice.
- Both judges and attorneys want more information about resources available to clients in poor and rural communities.
- Domestic violence in CPS cases.
- Well-being: Continued education outcomes, medication and psychotropic drugs. Attorneys want more information on the Department's new duties and what judges and attorneys can do to ensure implementation.

The next conferences to which scholarships will be awarded will be the 1-day Child Abuse & Neglect Workshop as part of the Advanced Family Law Conference in San Antonio on August 6, 2014 and the NACC Annual Conference, August 18-20, 2014 in Denver, CO.

Trial Skills Training

The live webinar on "Trial Skills in the CPS Case" filmed at the State Bar was the kick-off to the two and a half day Trial Skills Training Pilot in Austin on October 23-25, 2013, presented by Commission staff and the volunteer faculty. The Trial Skills Training (TST) faculty prepared presentations and group exercises on all areas of trial preparation including: 1) Case Theory; 2) Voir Dire; 3) Opening Statement; 4) Direct Examination; 5) Cross Examination; 6) Foundations; 7) Objections; 8) Experts; 9) Impeachment; and 10) Closing Argument.

At the Pilot TST:

- There were 19 participants consisting of new or less experienced lawyers in CPS cases.
- The group featured an equal number of Department, state, parent, and child attorneys from 14 different counties.
- Trevor Woodruff of DFPS arranged for four caseworkers to participate in exercises, and Dr. Narang also arranged for three pediatric fellows, all of whom served as mock witnesses.

The Pilot received excellent reviews and constructive criticism by participants, faculty, and staff, all of which will improve the program going forward. The next TST is scheduled for April 2-4, 2014. Based on the feedback received, the curriculum has been expanded to three days in order to appropriately cover all material. A new venue has been secured, with more room for a courtroom-like setting; this change was also made based on the feedback from the Pilot. Attorney colleagues of the Pilot participants and jurists from several jurisdictions who had attorneys trained at the Pilot have reported that the Pilot participants found it extremely useful and beneficial.

NACC Fee Waivers for Child Welfare Specialist Exam

The Training Committee approved funding to reimburse the exam fees for those Texas attorneys and judges who pass the Child Welfare Specialist Certification Exam offered by the NACC. The grant application was approved in October. At the time of printing, Commission staff is following up with NACC staff to learn how many have qualified for this funding. Commissioners will be updated at the meeting. Commission staff will remain in contact with NACC to ensure that funds are allocated as approved.

Parent Attorney Leadership Initiatives

During the Parent Attorney Conference held September 11-12, 2012 in Oklahoma City, the Texas team developed an action plan. One of the action items included identifying an organization that can develop and operate a parent-focused resource such as an Information Packet or Guide for Parents, including parent client's rights, attorney duties, remedies for ineffective assistance, and grievance process.

In the last quarter of 2013, CC staff organized a workgroup, which began meeting to discuss the guide and other resources that might be provided to parents. The UT School of Law is taking the lead on drafting the guide, with input from the workgroup. CC is also working with the Texas Legal Services Corporation to see whether it's feasible to launch an online resource center for parents.

Also on the horizon for FY2014

Commission staff will assist DFPS with an upcoming training for the DFPS regional attorneys by providing reimbursement for speakers and presenters. The Commission would serve as a host but would not be involved with the development of the agenda or content.

Commission staff will also create a judicial survey to send to judges who had attorneys from their jurisdictions receive scholarships for conferences regarding the improvement of their courtroom performance and best practices.

Additionally, with the receipt of the FY 2014 grant funds, the Commission plans to use funding on the following projects:

- Attorney scholarships
- Trial Skills Training
- NACC Certification support

2. Judicial Education

The Texas Center for the Judiciary (TCJ) – At the August joint committee meeting, FY2013 funding was approved by the Training Committee for TCJ to continue its CIP projects, including the following:

Child Welfare Judicial Conference – This year’s Child Welfare Judges Conference will be held June 9-11 in Bastrop. This will be the 8th annual Texas Child Welfare Judges Conference held. CC staff began engaging in weekly planning meetings with TCJ after the beginning of the year and is working with a group of judges to identify topics for this year’s agenda. The Child Protection Court judges will hold their annual meeting in conjunction with the conference.

The Children’s Commission is determining the feasibility of amending the award with TCJ to provide additional judicial education opportunities in 2014, possibly including:

Judicial Scholarships to Attend the NCJFCJ National Conference in July 2014 – 2nd Permanency Summit –

A proposal for these or other judicial or attorney education training events to be held in 2014 will be presented to the Training Committee at its next scheduled meeting.

Other Judicial Conferences – TCJ may be able to offer scholarships to the NCJFCJ and other national conferences, depending on CIP funding.

Judicial Technical Assistance –TCJ also facilitates the provision of judicial technical assistance to improve moving children to permanency, as funding permits.

Office of Court Administration (OCA) Judicial Education – The OCA Judicial Education was merged with the Child Welfare Judges Conference in FY2013 and will again be held in conjunction with the 2014 conference in May or June of 2014.

Technology Committee Report

Children’s Commission staff met with OCA Data / Tech staff on Tuesday, January 7, 2014 from 10:30 – 11:00 am. The meeting was attended by Casey Kennedy (OCA), Tim Kennedy (OCA), Darrell Childers (OCA), and Tina Amberboy (Children’s Commission).The following was sent to Data/Tech Committee members on Thursday, January 16, 2014 for review and comment. No comments were received.

Notice & Engagement Web Application

The project involves using non-confidential case data to build a system whereby notice of statutory hearings and other court-related events requiring notice to parties and interested persons can be distributed via email. OCA has finished building the search screens and notification emails that will be provided to users who sign up for the service. Users will navigate to <https://cpshearings.txcourts.gov> and create an id requiring minimal information. Users can then search for case information by mother's last name, and at least one name of one child (first and last) involved in the case, and the county where the suit is filed. The system will return a list of potential cases and the user will confirm their interest in subscribing to receive notices of hearings for that particular case. The user will have the option to receive notices 1, 3, 7, 14, and / or 30 days in advance of the hearing.

The project will be piloted in DFPS Region 8 and the Children's Commission will work with Judge Cathy Morris, Child Placing Agency representatives and RTCs in Region 8 to recruit users. Children's Commission will at some point develop a survey tool to assess the usefulness, effectiveness and accuracy of the system. OCA will work with the Children's Commission on tracking or logging the number of users and notices provided.

Video Conferencing

The video conferencing project enables children involved in child abuse and neglect cases to participate in permanency and placement review hearings without them being physically present in the courtroom. OCA hosts and supports the hardware and software required to facilitate video conferencing between courts and residential placements. OCA has drafted a "how to" for use by Courts and other stakeholders who wish to use video conferencing for a particular hearing. OCA also maintains a list of Residential Treatment Centers with video conferencing capability as well as a list of courts.

For FY2014, OCA will maintain a log of all hearings conducted, including the date, time, participating court, type of hearing, participating placement, length of hearing, any problems with the transmission quality or technical difficulties.

OCA and Children's Commission will issue a Jurist In Residence Letter to judges regarding video conferencing availability, how to use it, and who to contact as soon as the "how to" document is complete.

OCA will work with DFPS and the Children's Commission on expanding capability and feasibility for use beyond court hearings later in FY2014.

Child Protection Case Management System (CPCMS)

CPCMS is a case management system that is unique to Child Protection Courts. It has been in use since 2009. OCA provides project management, programming and testing services for CPCMS. OCA staffs a CPCMS Advisory Council of CPC judges, OCA staff and Children's Commission staff to evaluate bug fixes or enhancements. The CPCMS Advisory Group has been meeting monthly since the summer of 2013. OCA will likely reduce the frequency of the meetings to every other month as the issues list grows smaller.

Children's Commission Website Support and Maintenance

Children's Commission maintains two websites for the Commission and for Education. The websites will inform and apprise stakeholders about the Commission and the offerings and services available from the Children's Commission and Texas Court Improvement Program. CC staff recently updated the Children's Commission website to ensure necessary reports, information, and links have been added and are working.

INSERT - TAB 4

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

**December 18, 2013
*via conference call***

Toll free: 1-877-820-7831
Participant Passcode: 256005

MEETING MINUTES

ATTENDANCE OF MEMBERS

Members Present

Members Absent

| Name | | Name |
|-----------------------------------|----------------|--|
| Justice Michael Massengale, Chair | Teleconference | Judge Mark Atkinson, Member |
| Mr. Tymothy Belseth, Member | Teleconference | Ms. Cathy Cockerham, Member |
| Judge Karen Bonicoro, Guest | Teleconference | Ms. Barbara Elias-Perciful, Member |
| Ms. Sheila Craig, Guest | Teleconference | Ms. Fairy Davenport Rutland, Member |
| Ms. Alice Emerson, Member | Teleconference | Ms. Tracy Harting, Member |
| Ms. Debra Emerson, Member | Teleconference | Ms. Joyce James, Member |
| Ms. Karen Langsley, Guest | Teleconference | Ms. Shaneka Odom, Member |
| Judge Richard Garcia, Member | Teleconference | |
| Dr. Sandeep Narang, Member | Teleconference | Judge Lamar McCorkle, Member |
| Ms. Pam Parker, Member | Teleconference | Ms. Elizabeth Watkins, Member |
| Ms. Heidi Penix, Guest | Teleconference | |
| Judge Ellen Smith, Member | Teleconference | |

Children's Commission Staff

| | |
|----------------------------|----------------|
| Ms. Tiffany Roper, Staff | In-Person |
| Ms. Milbrey Raney, Staff | In-Person |
| Ms. Mary Mitchell, Staff | Teleconference |
| Ms. Jessica Arguijo, Staff | In-Person |

The Committee had quorum present for this meeting; however, there were no voting matters requiring a quorum.

I. Call to Order

Justice Massengale called the meeting to order at 12:03 p.m. He introduced himself as the newly appointed Chair of the Training Committee and is looking forward to working with the members. Justice Massengale thanked Ms. Roper and Ms. Raney for updating him of the current and previous state of the Training Committee. Ms. Roper and Ms. Raney thanked Justice Massengale for joining the Committee as the new Chair, commended his leadership of the Trial Skills Workgroup, and welcomed his new role on the Training Committee.

II. Adoption of Minutes

The meeting minutes were sent to the committee members on September 4, 2013 via email requesting comments. Minutes were found absent of comments or objections and approved at the September 2013 Commission meeting.

III. Update on Grant Funding

Ms. Roper relayed to the committee that the Commission received notice that disbursement of FY2014 Training Grant Funds will begin in the near future. The Commission is due to initially receive approximately 80% of this year's CIP funding with the remainder following thereafter. The early disbursement will now allow the Commission to expand upon new or existing training projects such as the possible addition of a Permanency Summit in FY 2014 as well as an additional Trial Skills Training (two trainings instead of one). The Committee will be updated with recommendations when it next meets.

IV. Update on Training Projects

Judicial Education

Ms. Roper provided an update on judicial education and recent FY2013 projects. The Commission will host the Child Welfare Judges Conference, in conjunction with the Texas Center for the Judiciary, June 9-11, 2014 at the Hyatt Regency Lost Pines Resort in Bastrop. Ms. Roper began meeting with TCJ in November 2013 to plan the conference, with weekly calls beginning in January 2014. Ms. Roper explained that, over the period of time between conferences, she develops a list of potential topics and speakers based on suggestions submitted by judges, commission staff, and stakeholders. When planning begins in earnest for the next year's conference, she asks judges to vet these suggestions to develop the agenda. The conference will coincide with the Child Protection Court Judges (formerly known as the Cluster Court Judges) meeting; these judges and their staff are invited to attend the conference. Currently, there is funding budgeted for approximately 75 attendees at the conference. At the next planning meeting with TCJ, Ms. Roper and TCJ will discuss the possibility of hosting an additional conference in 2014. Ms. Emerson thanked Ms. Roper for the update and requested that permanency be added to the list of topics, namely that the values training and permanency roundtables be addressed. Ms. Roper thanked Ms. Emerson for the suggestion and noted the request will be added to the list of additional conferences.

a. NCJFCJ Annual Conference

Ms. Roper explained that due to the recent announcement of FY2014 funding, it might be possible to provide scholarships for the 2014 NCJFCJ Annual Conference as made available in the past. The Commission anticipates providing roughly 25 scholarships for this year's conference in Chicago. San Antonio has been proposed as the site for the conference in 2015, in which case it might be possible to award an additional number of scholarships.

b. Region VI Parent Representation Forum

Ms. Roper updated the committee on the current state of the Texas Action Plan items resulting from the Region VI Parent Representation Forum held in September, 2012 in Oklahoma City. The forum was attended by Texas judges and attorneys who developed an Action Plan, which includes the creation of an online parent resource center. Ms. Roper explained that a workgroup has been created to research the viability of the project, and that it is chaired by Judge Alyce Bondurant and Judge Cathy Morris. Workgroup members include parents' attorneys, parents, Texas CASA, and representatives of the Texas Legal Services Center and the University of Texas School of Law. As a result, a Parent Resource Guide is being developed detailing the process of a CPS case once a legal petition is filed, and listing where parents can go to seek help. The workgroup will meet in 2014 and this committee will be updated on the results of that meeting.

Judge Garcia commended the work and suggested considering a mentoring project such as the Compadre program offered in his jurisdiction. Ms. Emerson added that DFPS has two pilots developing in El Paso

with the University of Texas at El Paso, which are accepting parent advocate referrals, and another in Dallas, which will begin accepting referrals January, 2014. Ms. Roper thanked the members for the suggestion and information citing she would share it with Ms. Amberboy. She expects the Resource Guide to be completed in 2014 and made available online. The Texas Legal Services Center manages a hotline providing basic legal advice on family law matters and has been considered as a possible partner on such projects. Ms. Langsley noted concerns that have emerged from other states that conducted such programs, including issues of confidentiality of mentors being called upon as witnesses.

c. Mediation Project

Ms. Roper continued to update the group on the Mediation Project. Ms. Roper explained she and Ms. Amberboy met with the UT Law Mediation Clinic and the LBJ School of Public Affairs, which are looking to study Travis County for their managed data system that has collected information on CPS cases involving mediation. The workgroup is studying the data to determine which cases are more likely to legally resolve through mediation, whether permanency is reached, and at what point of the legal process cases are best referred for mediation. Accordingly, the workgroup is looking to develop a plan to promote a similar cost effective and desirable course of action involving the use of mediation in CPS cases; this plan could potentially be shared with courts statewide. Sometime in the future, Ms. Roper noted that this or another workgroup might develop guidelines and training curriculum modeled after the national Guidelines for Child Protection Mediation recently endorsed by the NCJFCJ. Since the workgroup is in the initial stages of research and development, Ms. Roper does not foresee an immediate request for funding, but there may be funding sought once the project is developed. Ms. Emerson added that some workgroup members might continue to participate and research positive permanency outcomes for children in addition to the legal result of mediation. Ms. Roper concurred and welcomed ideas for looking at how the work of this workgroup might be beneficial to judges statewide. Staff will continue to update the Training Committee members about this project and any funding issues which arise.

Attorney Training

a. Attorney Practitioner Manual

Ms. Raney continued to update the workgroup on Attorney Training. She explained that the Attorney Practitioner Manual written in 2009 as part of the NACC Texas trainings has not been updated since then and needs to be revised to reflect the changes from the 83rd Legislative Session. Ms. Raney related that Judge Bonicoro had been contacted about the possibility of taking on these revisions. Judge Bonicoro declined to take on the update single-handedly, explaining that the task was too large for one person to manage and that it would benefit from a variety of contributing authors. Ms. Raney thanked Judge Bonicoro for considering the project and noted that the Training Committee would seek additional authors. Ms. Roper agreed, citing the recent comparable task of updating the Bench Book, which was done by commission staff. Ms. Roper proposed such updates and edits be managed by a collaborative group of authors and Judge Bonicoro requested to participate in this effort. Ms. Parker seconded the proposal citing her work on the DFPS manual, the need for multiple perspectives and offered to contribute to the extent she is able to do so; Ms. Langsley and Judge Garcia volunteered to participate, as well. Ms. Roper noted she would propose the collaboration to Ms. Amberboy. Justice Massengale thanked the volunteers as did Ms. Raney.

b. Attorney Appointment Eligibility Training

Ms. Raney continued the update, moving on to Attorney Appointment Eligibility Training. In order to qualify as an ad litem for court appointments in child protection cases, Ms. Raney reminded the group that under statute, attorneys are required to fulfill three hours of continuing legal education (CLE) credit. Accordingly, in July, Ms. Amberboy and Ms. Roper conducted a webinar at the State Bar updating the 2008 training. This webinar is now online and available free of charge to attorneys seeking appointments. In addition, due to the ongoing and established relationship the Commission has developed with the State

Bar, the State Bar of Texas (SBOT) has agreed to offer the online viewing discount to attorneys who represent DFPS in CPS cases, including both department attorneys and prosecutors. Going forward and retroactively, all webinars in the Texas Bar CLE library on CPS issues are listed as “Free to lawyers involved in CPS cases.”

Additionally, on the Commission’s request, the SBOT has agreed to renew the CLEs from May, 2012 presented by Ms. Langsley and additional participants. This includes:

- Practice Tips for Representing Children in CPS Cases Panel Discussion
- Representing a Teen Parent in a CPS Case
- Special Education Advocacy for Kids in the Foster Care System

Ms. Parker requested clarification that the discount also applies to regional, county and district attorneys who represent the state; Ms. Raney confirmed this. Ms. Parker and other committee members commended and thanked commission staff for their work.

ACTION: Ms. Raney to share a complete list of available CLE webinars with DFPS contacts.

c. Protection Webinars

Ms. Raney continued to update the group on October 23rd webinar put on by the Commission’s Trial Skills Training faculty, some of whom are Training Committee members. The “Trial Skills in CPS Cases” webinar was offered by the SBOT as free to court appointed attorneys and those who represent the Department or state; of the 617 viewers, 599 attorneys were able to obtain the CLE credit free of charge. Additionally, faculty responded to viewers’ questions during the live webcast and ensured that all were fully answered by responding in writing after the conclusion of the webinar. Online evaluations on the webinar were positive and were shared with faculty. Committee members commended commission staff for outstanding work.

d. Attorney Scholarships

Ms. Raney continued the update on Attorney Scholarships. She briefed that the Training Committee sponsored attorney scholarships for the American Bar Association, National Association of Counsel for Children, and the 1-Day State Bar of Texas Child Abuse And Neglect conferences. Scholarship recipients who were surveyed on their CLE experience providing the following findings:

- More private attorneys than state/Department attorneys received scholarships. (Consequently, the survey results largely reflect the opinions of these private attorneys.) Ms. Raney explained this finding as unintended and ensured committee members that staff would better publicize such scholarships in the future.
- Half would not have attended without receipt of a commission scholarship.
- Nearly half reported the need for more ICWA training. Commission staff is following up to promote additional training on ICWA.
- Legislative and case law updates.
- Scholarship attendees enjoyed hearing varied points of view: Ms. Raney explained that attendees found the collaboration and shared information across different types of attorneys on the CPS docket and different approaches across various states as useful and providing a fresh perspective.

Attorneys were able to write in suggestions and the significant request for future trainings are as follows:

- More ICWA
- Immigration/Special Immigrant Juvenile Status: Attorneys want to know what is the law, department policy and practice.

- Both judges and attorneys want more information about resources available to clients in poor and rural communities.
- Domestic violence in CPS cases.
- Well-being: Continued education outcomes, medication and psychotropic drugs. Attorneys want more information on the Department's new duties and what judges and attorneys can do to ensure implementation.

Judge Garcia cited the findings as a guide on the next CPS conference. Ms. Raney stated the next conferences to which scholarships will be awarded will be the 1-day Child Abuse & Neglect Workshop as part of the Advanced Family Law Conference in San Antonio on August 6, 2014 and the NACC Annual Conference, August 18-20, 2014 in Denver, CO.

e. Trial Skills Training (TST)

Justice Massengale updated the committee on Trial Skill Training. He cited the live webinar in October as the kick-off to the two and a half day Trial Skills Training Pilot in Austin October 23-25, 2013 and commended staff and faculty on their commitment and professionalism in presenting the pilot. Justice Massengale also mentioned that he was extremely impressed with the professionalism of the SBOT staff who facilitated the webinar taping. He explained that the TST faculty prepared presentations and group exercises on all areas of trial preparation including: 1) Case Theory; 2) Voir Dire; 3) Opening Statement; 4) Direct Examination; 5) Cross Examination; 6) Foundations; 7) Objections; 8) Experts; 9) Impeachment; and 10) Closing Argument. Justice Massengale acknowledged the contributions of Judge Bonicoro and Dr. Narang as faculty members and thanked them for all of their hard work.

At the pilot TST:

- There were 19 participants consisting of new or less experienced lawyers in CPS cases.
- The group featured an equal number of Department, state, parent, and child attorneys from 14 different counties.
- Trevor Woodruff of DFPS arranged for four caseworkers to participate in exercises, and Dr. Narang also arranged for three fellows, all of whom served as mock witnesses.

Justice Massengale noted the pilot received excellent reviews and constructive criticism, notably about the magnitude of information presented over only two days, by participants, faculty, and staff, all of which will improve the program going forward. He posed that the program may extend to three days in order to appropriately cover all material. The next TST is scheduled for April, 2014. Ms. Raney will be visiting a possible new venue shortly. Justice Massengale thanked all that participated saying he was very pleased with the outcome and is extremely grateful for the hard work and participation of all of the volunteer faculty members and commission staff. Ms. Langsley noted that, on behalf of the Travis County attorneys who attended the training, they found it extremely useful and beneficial. Judge Smith also said that the attorneys in her jurisdiction who participated thought that it was very valuable.

f. NACC Grant: Fee Waiver for Child Welfare Specialist Exam

Ms. Raney updated the committee regarding the NACC Grant. She explained that the Training Committee approved funding to reimburse the exam fees for those Texas attorneys and judges who pass the Child Welfare Specialist Certification Exam offered by the NACC. The grant application was approved in October. Ms. Langsley noted that Child Welfare law specialists are also required to maintain certification annually at a fee of \$100.

ACTION: Ms. Raney to follow up with how many have qualified for the funding and update committee members at the next meeting.

g. SBOT CAN Committee

Ms. Raney asked Ms. Langsley to provide an update on the August 2014 CLE. Ms. Langsley noted that her intent is also to incorporate the aforementioned topics to include ICWA, SIJS immigration, providing information on resources to clients in rural or underserved areas, domestic violence, well-being and use psychotropic medications, and legislative duties. Ms. Langsley stated she has committed to offering a caseworker panel to share support services for CPS practitioners and service providers who experience secondary trauma syndrome. She cited the high turnover of caseworkers due to this. Ms. Langsley is also working on the specialization in child welfare law with the Texas Board of Legal Specialization. Judge Bonicoro added she volunteered to assist with the planning of the one day CLE event with Ms. Langsley and found the information provided by Ms. Raney useful going forward. She noted the next task is to find volunteer speakers to present on the topics. Ms. Langsley continued to address the increasing population of those needing services and as a result, decreasing resources. She urged the need for parent attorneys to work with currently existing resources as they work through the process.

ACTION: Ms. Raney to share survey findings with Ms. Langsley.

V. On the Horizon in 2014:

Justice Massengale continued the update regarding upcoming projects for 2014. Commission staff is in preliminary talks with DFPS to host a training for DFPS regional attorneys. The Commission would serve as a host but would not be involved with the development of the agenda or content.

Commission staff will also create a judicial survey to send to judges who had attorneys from their jurisdictions receive scholarships for conferences regarding the improvement of their courtroom performance and best practices.

Additionally, with the receipt of the FY 2014 grant funds, the Commission plans to use funding on the following projects:

- Attorney scholarships
- Trial Skills Training
- NACC Certification support

VI. New Business

There was no new business to address.

VII. Next Meeting

Ms. Roper advised Committee members the next Training Committee would be scheduled for late March or early April.

VIII. ADJOURN

The meeting adjourned at 12:57 p.m.

INSERT - TAB 5

State of Texas Court Improvement Program 2013 Annual Self-Assessment Report
December 30, 2013

1. Provide a bulleted list of the workgroups, committees or planning groups your CIP currently participates in with the child welfare agency, tribes, and other important partners. Concisely summarize the purpose of each group and the role of the CIP in that group.

| Workgroups/Committees/Planning Groups | Purpose | Role of CIP |
|---|---|---|
| Supreme Court Children’s Commission | To improve safety, permanence and wellbeing of children and families in the Texas child protection system through judicial leadership. | CC/CIP manages the children’s commission, a 40-member collaborative council and over 100 child welfare stakeholders who serve on various Commission workgroups and subcommittees, and advisory councils. |
| ACF Region VI Parent Representation Group | To improve quality of legal representation for parents in CPS cases. | Collaborates with other ACF Region VI states; Participated in the development of Indicators of Success; will support pilot parent representation project in McLennan County to use Indicators of Success. |
| Attorney Training Scholarships | To coordinate an application and scholarship process to allow Texas attorneys to attend training events to improve skills in providing legal representation to parents, children, and DFPS. | CC / CIP manages the scholarship process internally and via contractual relationships with State Bar of Texas, American Bar Association, and National Association of Counsel for Children to arrange for registration fee waivers and also pays for travel expenses, when funding allows. |
| Child Protection Court Advisory Committee | To provide guidance and feedback on the Child Protection Case Management System re maintenance and enhancements to the case management system used by 123 rural courts, and that collects state child welfare data from a court system as opposed to the child welfare agency SACWIS. | CIP funds and supports the staff that works on the development and maintenance of this software program; CC staff consults with this Advisory Group on funding priorities affecting system maintenance, bug fixes and system enhancements to help manage child welfare data collected by the 17 courts that use this case management program. |

| | | |
|---|--|---|
| <p>Child Protective Services Bench Book Committee</p> | <p>To provide written and online access to a CPS Bench Book to child welfare judges, attorneys, multidisciplinary stakeholders.</p> | <p>Maintains pdf and web version on Commission's website; Updates after each legislative session; Adds new content as appropriate.</p> |
| <p>Family Visitation Roundtable</p> | <p>To advise DFPS on how to move from its traditional one-size-fits-all approach on visitation to one that serves the child and family in a more individual manner. The discussion focused on why have visitation, motivation and punishment, frequency, supervision, location of visits and who should develop the visitation plan.</p> | <p>CIP / CC formed and staffed the planning workgroup, hosted the round table, and wrote the final report on visitation. The round table and final report also took into consideration feedback from over 800 stakeholders on how to reform visitation policies and practices. There was also legislation passed in 2013 that required DFPS to reform its visitation practices and policies. The CC provided information to judges in May about the round table, stakeholder survey, final report, and change in legislation; undated the CPS Bench Book and distributed a Jurist in Residence letter on family visitation to Texas CPS judges. In 2014, the CC will conduct a follow up survey to assess policy and practice changes and to inquire about the usefulness of the round table format and whether that format is conducive to change.</p> |
| <p>Hearing Quality Observation Project</p> | <p>To establish a baseline about the quality of court hearings including timeliness and length of hearing, depth of issues discussed, party and judge compliance with Texas Family Code, parent due process, party engagement, children in court, preparedness, and attorney and parent satisfaction with legal representation system; Examine differences in placement stability, permanency plans, and wellbeing</p> | <p>CIP / CC developed an observation tool and two surveys that were utilized in pre and post hearing activities; arranged observation by CC Jurist in Residence of 164 hearings in 12 locations by 17 different judges; will issue a final report by December 31, 2013.</p> |

| | | |
|--|---|---|
| <p>issues relative to age, gender, race, geographic location, child welfare / legal system culture; Identify judicial and attorney training and education needs.</p> | <p>To raise awareness and understanding of judges and key stakeholders involved in the legal system about disproportionality and disparities.</p> | <p>CIP develops and promotes judicial and attorney training applying principles and tools designed to reduce institutional racism and bias; provides assistance to jurisdictions on specific disproportionality data, as requested, and works to connect judges to their communities address disproportionality efforts at the local level. CC also includes a topical section in its CPS Bench Book.</p> |
| <p>Judicial Disproportionality Workgroup</p> | <p>To study the impact of a practice changes on parent representation in McLennan County.</p> | <p>CIP / CC will attempt to study and measure timely attorney appointment, appropriate caseload, continuity of representation, access to support staff, access to and requirements for training, representation in and out of court, advocacy, decreased time to case resolution and parent satisfaction with counsel and how to obtain new counsel.</p> |
| <p>McLennan County Parent Representation Project</p> | <p>To coordinate a better system of mental health and substance abuse services for all Texans with special emphasis on children, veterans, homeless, and criminal and juvenile justice populations.</p> | <p>CIP / CC works with MHPI to establish a relationship with the judiciary as courts function as consumers of mental health services, leaders in how mental health resources can be developed and used at a community level, and policy advisors to MMHPI and to the legislature and agencies that have cases before them.</p> |
| <p>Meadows Mental Health Policy Institute</p> | <p>To assist with implementation of House Bill 915 which mandated new Medical Consenter training, awareness, documentation, and tracking to help ensure appropriate use of</p> | <p>CC organizes and convenes HB915 stakeholder meetings to track progress of implementation and subsequent projects and outgrowth per new requirements.</p> |
| <p>Psychotropic Medication Workgroup & House Bill 915 Medical Consenter</p> | | |

| | | |
|--|---|--|
| | <p>psychotropic medications and explore appropriate non-pharm interventions.</p> <p>Provides free online training to attorneys representing children, parents, and child welfare agency.</p> | |
| <p>State Bar of Texas Continuing Legal Education</p> | <p>Collaborates on topics, organizes speakers for legal training; Advertises and markets training to judges and attorneys in the state; Provides scholarships for training events.</p> | |
| <p>Texas Appleseed</p> | <p>Collaborates with Texas Appleseed on precisely how it can assist a particular jurisdiction; Facilitate relationships with judges and other court and child welfare stakeholders.</p> | |
| <p>Texas Blueprint Implementation Task Force</p> | <p>CIP supports the Task Force and its workgroups that meet frequently to implement the <i>Blueprint</i> recommendations and strategies. The workgroups are: Training and Resources, School Stability, and Data. In addition, CIP staff serves on a workgroup developing an education advocacy toolkit for CASA volunteers. It also participates in monthly and quarterly collaborative meetings with representatives of the Texas Education Agency and Department of Family and Protective Services.</p> | |
| <p>Texas CASA</p> | <p>Provides funding to CASA for developing, arranging, facilitating, and holding training events.</p> | |
| <p>Texas Center for the Judiciary</p> | <p>Provide event funding; Jointly plan event content; Convene and host conference; Develop and administer event content evaluation; Assess feedback from content evaluation.</p> | |

| | | |
|---|---|--|
| <p>Trauma Informed Care and Wellbeing Workgroup</p> | <p>To transition the Texas child welfare system into a trauma informed system that uses trauma informed assessments and tools, screening processes, training for child welfare agency staff, caregivers, advocates, and other persons and professionals who interact with children in the foster care system.</p> | <p>Children’s Commission staff participates on several TIC workgroups managed by the state child welfare agency. TIC information is provided to judges and attorneys through training events and information is included in the CPS Bench Book maintained by the Children’s Commission.</p> |
| <p>Trial Skills Training Workgroup and Faculty</p> | <p>To provide trial skills training to attorneys representing children, parents, and the state in child protection proceedings.</p> | <p>CIP developed the TST program, Staffs workgroups related to faculty recruitment, development, and training; staffs workgroup related to TST curriculum, training events, evaluation / CQI, Provides funding for training events.</p> |
| <p>Tribal/State Collaboration</p> | <p>To enhance tribal/state relationships and to support compliance with ICWA which seeks to keep American Indian children with American Indian families.</p> | <p>CC/CIP recently added a Senior Peacemaker as a commissioner. The CC has co-sponsored the annual Alabama-Coushatta Judicial Symposium which provides information and training that is culturally competent, community-based and focused on the strengths and assets of families.</p> |
| <p>Video Conferencing</p> | <p>To enable children to participate in their permanency and placement review hearings without being physically present in the courtroom.</p> | <p>CIP funds and supports the hardware, software, program requirements and staff to facilitate video conferencing; CC also provides information to CPS judges on its availability, how to use it, and who to contact to participate. CC maintains a log of hearings conducted including the date of the hearing, time, participating court, type of hearing and notes of any technical difficulties.</p> |

2. List all projects that involved assessments or evaluations completed in federal FY 2013 (Oct 2012-September 2013). Briefly explain:
 1) the purpose of each evaluation or assessment; 2) action steps taken; 3) data collected or generated; and 4) how the information will be used to inform continuous quality improvement.

| Project Name | Project Purpose | Action Steps | Data Collected | CQI |
|--------------------------------|---|--|---|---|
| Texas CASA | Increase collaboration, knowledge and understanding of critical issues affecting children through multidisciplinary training. | Facilitated discussions, Made presentations, Held collaborative meetings, Conducted training events. | Surveys were used to evaluate each training event. | Participants liked the in-person training events because it allowed for relationship building. CASA will provide more webinars to help relieve travel constraints presented by Texas' size. |
| Texas Center for the Judiciary | Train judges who hear child welfare cases. | Conducted two training events on best practices to improve the timeliness and quality of court hearings, permanency outcomes, education outcomes, and increase awareness of trauma informed services and disproportionality. | Pre and post-event surveys and evaluation of the Foster Care and Education Summit held in February 2013 were conducted by the University of Texas. TCJ used post event surveys for the Child Welfare Judicial Conference in May 2013. | See Section 6 of Report for CQI discussion related to training events. |
| Disability Rights Texas | Help ensure that crossover youth with disabilities who are also incarcerated or institutionalized in residential treatment settings have trained high quality legal representation in CPS hearings. | Ensure living and treatment conditions are safe and appropriate. Ensure health and mental health services are adequate and appropriate. Ensure youth in Special Education receive a free appropriate public | Data collected reflects there were 139 children served. The most effective intervention was helping children in long-term residential treatment placements move to community placement with 100% preservation | Based on success of project for dually managed youth, the project is shifting to providing services to all foster youth with disabilities and not just those with juvenile justice system involvement. Also, due to the project's |

| | | | |
|--------------------------------|---|---|---|
| | education. Ensure youth released to community receive wrap-around services to support community placement. Provide training to judges, attorneys, and service providers on issues related to crossover youth. | for those children who transitioned from institutional to community care. | success at improving outcomes for youth exiting the juvenile justice system, the project will be sustained by collecting fees from participating courts in FY2014. |
| Blueprint Implementation | Oversee implementation of the <i>Blueprint</i> recommendations. | Creation of a logic model with short, intermediate, and long-term outcomes as well as action plans for the <i>Blueprint</i> Implementation Task Force and its workgroups. | Most of data collected for FY 2013 activities will reflect process. Working on determining baselines to conduct CQI on short-term and intermediate outcomes. |
| Office of Court Administration | Maintain and enhance the child protection case management system used by 17 courts in 123 Texas counties. | CPCMS fixes and enhancements such as role-based security to expand user base; collaborative video conferencing; webpage for notice and engagement. | Based on input from users, the CPCMS system was enhanced, which increased judicial satisfaction, additional users were added through role-based security project which increased external stakeholder satisfaction. |
| Training Scholarships | Provide attorneys with high quality training opportunities that might not otherwise be accessible or available. | Create scholarship administration process, provide scholarships, collect surveys about the training events and the scholarship process, | The CC is using feedback from scholarship recipients to help craft agendas for future CLEs, and will also modify survey questions and |

| | | | |
|------------------------|---|---|---|
| | make adjustments. | SBOT Child Abuse and Neglect 1-Day CLE: 42 scholarships awarded; 26 survey responses returned. Overall: 77 scholarships were awarded; 51 responded. | design in advance of the 2014 scholarship season. Also see Section 5.b.2 for more info on CQI. |
| Family Visitation | Advise DFPS on how to move from traditional one-size-fits-all approach on visitation to one that serves the child and family in a more individual manner. | The CC formed a workgroup, designed and administered three surveys, compiled materials focused on supporting reunification and preserving family connections and best practices for visitation and family time. | Survey results were assessed and combined with workgroup input to develop an agenda, visitation materials, and a final report that was issued in July 2013. |
| CPC Strategic Planning | Develop implementation plans for creating new child protection courts; develop a strategic plan for current child protection court program. | Surveyed district and child protection court judges; conducted preplanning and internal sessions leading up to strategic planning meeting; held strategic planning meeting; followed up with presiding judges; implemented plan and hired staff for the courts. | Due to the strategic planning activities, and based on the data that was shared with our regional presiding judges prior to and during the strategic planning session, the decision was made to create three new child protection courts. |

3. **Identify and describe any projects currently underway that are utilizing child welfare administrative data (i.e., SACWIS, AFCARS, NCANDS, NYTD, or other data reports that may be provided by the title IV-B/IV-E agency).**
 - a. SACWIS: Timeliness Measures 4A, 4G & 4X, 4H & 4I (See report entitled Timeliness of Hearings and Indicators of Quality and Legal Representation).
 - b. SACWIS: The Texas SACWIS: The Texas Department of Family and Protective Services (DFPS) and the Texas Education Agency (TEA) currently engage in aggregate data sharing pursuant to a MOU. The exchange is initiated by DFPS and based on children and youth identified in the Texas SACWIS system; the list of children and youth is then matched with data in TEA's Public Education Information Management System (PEIMS). This data sharing occurred in FY 2013. In FY 2014, DFPS plans to add cross-tabs of information from its SACWIS system to the data match run by TEA to drill down into education outcomes of foster students, including looking at education outcomes based on type of placement and legal status. DFPS and TEA are also working toward a common vision regarding what the shared data means and how it should be reported. Texas CIP is working closely with both agencies on these initiatives.
 - c. SACWIS: McLennan County Parent Representation Project is using baseline data to document how children from McLennan County exited the foster care system in FY2012 and FY2013 to study whether quality representation decreases time to safe permanency (Indicator #4 of the ABA Center for Legal and Judicial Issues *Indicators of Success in Legal Representation for Parents*).

4. **Summarize your current capacity on the below technology and data topics. With respect to the required timeliness measures, please explain how the measures are or will be used by your statewide multi-disciplinary task force to promote CQI:**
 - a. **the required timeliness (toolkit) measures;**

See separate report entitled Timeliness of Hearings and Indicators of Quality and Legal Representation

 - b. **data sharing and data exchange between the child welfare agency and the courts, the department of education, or other relevant stakeholders (where applicable list any regular data reports that are run for interested parties and how those reports are used);**
 - (1) Timeliness Measures (See Report entitled Timeliness of Hearings and Indicators of Quality and Legal Representation).

- (2) McLennan County Parent Representation Project (See item 3.c).
 - (3) See also item 3.b. Reports will be used to identify trends and to help with policy and resource allocation decisions.
- c. data accessibility and interpretation (include efforts to make data more useful to decision-makers, including efforts to make dashboards, graphics and other data displays);**
- (1) The Children’s Commission does not have access to statewide child welfare data except through the child welfare agency nor does the Children’s Commission have the expertise or capacity to interpret data beyond a basic level of understanding. The Children’s Commission has court-collected child welfare data for 123 rural counties, but there are no data dashboards that have been created from this data. This data is accessible in report form.
- d. additional toolkit measures, child well-being measures, or other process or quality indicators your program has or is working to implement.**
- (1) See 3.b and 4.b.3 Re Education data sharing/data exchange
 - (2) See 5.d.1 Re Education-related wellbeing
 - (3) See 5.d.2 Re Physical and Mental Health child wellbeing

5. Identify and describe your efforts to implement CQI to ensure measurable outcomes in the below areas, including a description of methodologies used, instruments developed, and any relevant performance measurements:

- a. **timely, thorough, and complete court hearings;**
 - (1) Hearing Observation / Quality Project

From May to July 2013, the Children’s Commission conducted a hearing observation project to assess the quality of court hearings including timeliness and length of hearing, depth of issues discussed, party and judge compliance with Texas Family Code, parent due process, party engagement, children in court, preparedness, and attorney and parent satisfaction with legal representation system. The Commission observed over 160 court hearings. Although the final report is pending, preliminary results reveal that 95% of the hearings were heard on time (not continued). The average hearing length was 15 minutes with the shortest being one minute and the longest

lasting 81 minutes. There were 14 possible due process indicators and 22 wellbeing indicators although not all indicators were applicable to all hearings. Results also indicate that wellbeing issues such as education are being addressed over half the time, psychoactive medication and medical issues about 25% of the time, and that there is little understanding of the Indian Child Welfare Act. Of those hearings where identification of parties was required by statute, only 69% of the cases met this indicator meaning that about 30% of the cases where parties should have been identified on the record, they were not. Children were present at approximately 33% of the Permanency Reviews and 25% of the Placement Reviews.

b. high quality legal representation for parents, children and the title IV-B/IV-E agency;

(1) Hearing Observation / Quality Project

Part of the project discussed in 5.a.1 included interviews of 68 attorneys and 42 parents to assess parent and attorney satisfaction, appointment timing, compensation, training and preparation for court. In 77% of the cases observed, the mother had a court appointed attorney and in 63% of the cases, one or more the fathers had attorney. Over 70% of parents interviewed were very or mostly satisfied that their attorney and believe that their attorney represented their wishes with regards to Service Plans; was helpful in getting appropriate / adequate family time; counseled them but allowed them to make the final decision about their case; helped their voices be heard by the court; was adequately prepared for hearings and meetings. Some parents were dissatisfied with the amount of contact with their attorney on days other than court, and fewer than five of the 42 parents interviewed were unsatisfied or only somewhat satisfied with their lawyer.

Attorneys were also surveyed, and 70% of the 54 who were surveyed indicated that they received their appointments for representation at the beginning of the case. Also, that they are trained primarily by and through the State Bar of Texas or a local bar association. Most attorneys are attending Family Group Conferences and Permanency Planning Meetings, and 100% of the attorneys surveyed believed their caseload to be manageable. The majority are paid hourly at a rate that ranges from 65.00 to 225.00 for in-court appearances and between 20.00 and 200.00 per hour for out-of-court work.

(2) Other attorney satisfaction, training and appointment surveys

The Children's Commission awarded 77 scholarships to Texas attorneys to attend the ABA Parent and Child Representation Conference held in July 2013, the NACC Annual Conference held in August 2013, and to the State Bar of

Texas Advanced Family Law Child Abuse and Neglect 1-day Workshop (referred to as the SBOT CAN 1-Day) held in August 2013.

ABA: 21 scholarships awarded; 18 attorneys actually attended; 16 of these attorneys responded to our survey and 14 of these gave very complete answers.

NACC: 14 scholarships awarded; 12 attorneys actually attended; 10 of these attorneys responded to our survey and all answers were complete (survey designed not to allow skipping).

Child Abuse and Neglect 1-Day Workshop (SBOT CAN): 42 scholarships awarded (34 in person; 8 via video replay); 26 responded to our survey.

Overall: 77 scholarships were awarded; 51 attendees (66%) responded to the surveys with substantial completeness.

The top questions which were skipped most frequently across all surveys were:

“Is there a new practice you will incorporate or an existing practice you will enhance in order to be more prepared for court hearings, mediations or trials?” 16 skips: 8 skips by private attorneys, and 8 by state/DFPS attorneys.

“Can you identify one or more things about your practice you intend to change based upon what you learned at this conference?” 8 skips, also evenly divided across private and state/DFPS attorneys.

Even though these were skipped, these are critical CQI questions. CC Staff is considering other ways to draft this survey question for next year’s scholarship process.

CQI Applied to the SBOT CAN 1-Day:

42 scholarships were awarded to the State Bar of Texas training, split evenly between attorneys representing the state and those representing parents and/or children. 26 Attorneys responded to the survey.

- 21 out of the 26 attorneys would not have attended the CAN 1-Day without a scholarship.
- 100% responded that they gained a better understanding of a law, child welfare policy, or a child welfare practice as a result of the training.
- Only half of the respondents reported being familiar with ICWA

When asked to state which law, policy, or practice had been the most helpful/educational, the respondents named the following:

- Case law and legislative updates (by far the most frequently cited)
- Service by publication (also Notice, and locating parents)
- Termination grounds
- Immigration
- Learning more about opposing counsel's perspective and preparation for trial

When asked what practice changes they would implement as a result of the training, respondents answered:

- Compliance with notice requirements
- Locating parents and answering for them when they cannot be located
- Complying with new legislation and using new case law to enhance their practice

When asked what topics they would like to learn more about in future CLEs:

- Immigration
- Drug treatment programs, drug testing
- Termination trial techniques
- Psychotropic medications and their use in the foster care population; also, mental health treatment for children in care
- Discovery in the CPS case context
- Collaboration between CPS and AALs
- Request for DFPS to be more involved in presentations

(3) Trial Skills Training, State Bar Online CLE Library, ABA Parent / Child Conference, NACC Conference

Other projects to help improve legal representation of parties include the design and coordination of taping of several courses on representing parents and children in CPS cases designed to assist attorneys in meeting 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, as well as other specialized areas. The Children's Commission has partnered with the State Bar of Texas to offer all courses free of charge to attorneys who represent children, parents or the state in CPS cases. The courses added in FY2013 include:

- Advocating for Youth Aging Out of Foster Care

- Resources and Processes for Representing Crossover Youth with Disabilities
- Special Education Advocacy for Kids in the Foster Care System
- Representing Teen Parents in CPS Cases
- Practice Tips on Representing Children
- Representing Parents in CPS Cases
- Preserving error and appeals issues in CPS cases.

Also, in FY2013 the Children’s Commission developed a Trial Skills Training which includes a full fictional CPS case and related pleadings, legal forms, and documents from the outset of the case through a trial on the merits. The Commission invited select faculty members to be trained to teach trial skills specific to Texas statutes, policy, and practice. The faculty is comprised of judges; private attorneys who represent children and parents in CPS cases; a JD/MD who specializes in child abuse; and an appeals attorney for DFPS. Commission staff hosted faculty training events in April and June 2013 to prepare for the launch of the Pilot Trial Skills Training program in October 2013 for the first run through the entire curriculum. All faculty members prepared power points and/or a demonstration and group exercise and lectured on all areas of trial preparation. Individual practice of these trial skills using the fictional case followed, with filming of the attorney-participants. Live witnesses assisted in this process in the form of local caseworkers and child-abuse pediatricians who had been trained by Commission staff on the fictional case. Overall, 19 new or less experienced attorneys from 14 Texas counties participated in a 2-day training in October 2013. Surveys from participants, witness debriefs, faculty debriefs, and internal staff debrief are being used as CQI measures to refine the next TST, currently scheduled for April, 2014.

(4) ACF Region VI Parent Representation

Children’s Commission / CIP collaborated with ABA Center on Legal and Judicial Issues and other ACF Region VI states on *Indicators of Success in Legal Representation for Parents*, which are being used in a pilot in McLennan County where the judge has contracted with five law firms to provide all legal representation to parents involved in CPS cases. The project started on November 1, 2013.

c. **engagement of the entire family in child welfare proceedings;**

(1) Hearing Quality / Observation Project

See 5.a for more details, but this project also collected hearing data on the depth of issues discussed, who was present at the hearing and who engaged in hearing matters. There were many different parties present at the hearings observed. Caseworkers appeared at 90% of the hearings and CASA volunteers at about 55%. Children and caretakers

attended less than 20% of the hearings. Only two non-kinship foster parents were present at the hearings. The majority of those in attendance were given the opportunity to speak, but fathers and children who were present were given the opportunity to speak less than half the time.

(2) Amendments to Texas Family Code

Also, in 2011, there were significant amendments to the Texas Family Code to help ensure compliance with Foster Connections regarding notice to all adult relatives within the 3rd degree of consanguinity. In 2013, the Texas Family Code was amended again to require the court to inform each unrepresented parent that the parent has the right to be represented by an attorney, if indigent and in opposition to the suit. Also, the court is allowed to postpone the removal hearing for up to seven days from the date of the attorney's appointment to allow time to prepare. Time to prepare may be waived by the parent and the parent's attorney. Courts are also required at every statutory hearing to advise the parent of the parent's right to be represented by an attorney if indigent and in opposition to the suit. Also, the law was amended to require notice of permanency and placement review hearings to child at least ten years of age – this is in addition to several other parties and interested persons

(3) Video Conferencing Technology to facilitate child attendance at court hearings

The video conferencing project enables children involved in child abuse and neglect cases to participate in permanency and placement review hearings without them being physically present in the courtroom. Although not a replacement for seeing the child in person, video conferencing can allow the judge can gain perspective on the youth's issues, wants and needs, and see the child's demeanor and body language. OCA hosts and supports the hardware and software required to facilitate VTC between courts and residential placements. OCA drafted a protocol between OCA and DFPS and Courts and is in the process of developing a one-page set of instructions for participation. OCA maintains a list of Residential Treatment Centers with VTC capability as well as a list of courts with VTC capability. There are 45 Residential Treatment Centers which can link to VCT services. There were 201 hearings held in FY2014 that involved youth placed in RTCs participating in their hearing via video. There is also discussion of a pilot program for use of the videoconferencing system by outside entities other than the courts. A process and procedure is established for court scheduling, but if the participant universe is expanded, it will be necessary to review and revisit processes and procedures.

d. **physical, social and emotional well-being needs of children and youth;**

(1) Education Outcomes (child well-being)

The Texas Family Code was amended in 2013 to require Attorneys and Guardians ad Litem to determine whether the child's education goals have been identified and addressed and report that to the court at each review hearing. There were also new duties imposed on courts to identify an education decision-maker for the child, if one has not previously been identified, and determine whether the child's education needs and goals have been identified and addressed. Texas continues to work on the implementation of the Texas Blueprint published in 2012 and has prioritized the work into three categories: Training and Resources for all parties, stakeholders, and interested persons affiliated with a CPS case, School Stability for children in foster care, and Data and Information sharing among the child welfare, judicial and education systems. All committees are multi-disciplinary in nature, with each having representatives from the court, child welfare, and education systems. Other recent accomplishments of Texas' initiative to improve education of foster students include:

- Judicial checklist developed and disseminated to judges through a JIR letter and online
- JIR Back to School Letter, which highlighted new legislative changes and resources for courts
- New Texas Child Protection Law Bench Book chapter regarding education
- Updates to the Children's Commission education website
- Collaborative work between the courts, education and child welfare continues to expand on the state and local levels
- Education Summit Final Report released
- Texas team was selected for the Information Sharing Certificate Program at Georgetown University's Center for Juvenile Justice Reform

Also, Texas recently produced a guide for education stakeholders about foster care, the unique needs of children in care, and how to support foster students in the school setting, available at <http://www.tea.state.tx.us/FosterCareStudentSuccess/resource-guide.pdf>

(2) Medical and Behavioral Health (child well-being)

Medical and Behavioral Health: Psychotropic Medication Utilization Parameters (Parameters) were created in 2005 to encourage the appropriate use of psychotropic medications in foster children. The Parameters have been considered successful, leading to a significant

reduction in the overall use of psychotropic medications and decreases in the use of multiple medications for the same purpose. In FY2013, the Commission hosted a Round Table, issued a Report on Psychotropic Medication and Foster Care and worked with many stakeholders during the 83rd legislative session on to pass House Bill 915, which addressed:

- Meaningful consent for psychotropic medication
- Providing children the right to provide an opinion on their medical care
- Allowing foster youth 16 and older to act as their own medical consentor
- Requiring attorneys and guardians to evaluate medical care
- Eliciting a client's view on medical care being provided
- Mandating that DFPS include in the Youth Transition Plan provisions and instructions regarding medical care and psychotropic medications

HB915 also requires courts to review the medical care provided to the child, ensure the child has been provided the opportunity to express their opinion on their medical care, and for a child receiving psychotropic medication, determine whether the child has been provided appropriate psychosocial therapies, behavior strategies, and other non-pharmaceutical interventions, AND has been seen by the prescribing physician at least once every 90 days.

Following the close of the 83rd Session, the Children's Commission facilitated the HB915 Implementation Workgroup, which was charged with soliciting input and collaboration from approximately 60 stakeholders, and identified:

- Practices and policies in place to support HB915
- New policies that would be required to support the implementation and ongoing execution of DFPS's duties under the new bill
- Training needs required to support new practices
- Expanded collaboration and communication required to support the objectives and mandates of HB915

The HB915 Implementation Workgroup met three times over the summer: 6/11/13, 7/23/13, and 8/27/13, and will continue to meet regularly to ensure stakeholder involvement and communication about implementation progress. On September 9, 2013, the Commission hosted a training review session to enable stakeholders to evaluate and comment on the DFPS's updated medical consentor and psychotropic medication training. The training lasted over 7 hours with meticulous review by several stakeholders. The new training was made available to the public in October 2013.

(3) Placement Stability (child well-being)

During the 83rd Legislative Session, a bill was passed requiring DFPS to consult with the child's Attorney and Guardian ad Litem prior to a non-emergency placement change. DFPS is required to consider feedback regarding placement changes, and report to the court placement change that have occurred since the last hearing, and the reason for which a substitute care provider requested the change.

e. **Indian Child Welfare Act (ICWA) compliance;**

(1) Judicial Education

Judges were trained on how to recognize the need to preserve tribal traditions and values at the May 2014 Child Welfare Judges Conference. The training event included a segment on the ICA, the federal requirements, and the importance of making a timely determination of ICWA jurisdiction.

(2) Attorney surveys indicated that more education and awareness about ICWA is needed

Although ICWA may not have been included specifically on the conference agenda of any attorney training event to which Texas attorneys traveled, the Children's Commission surveyed 77 attorneys about their knowledge of ICWA. Fewer than half were familiar or somewhat familiar.

f. **Interstate Compact on the Placement of Children (ICPC) work; and other CQI projects or activities not mentioned above that you would like to highlight.**

N/A

6. **Describe the methods you are using to evaluate the effectiveness of CIP training activities. Where possible, provide one specific example of an evaluation effort that was helpful in understanding the success of a training event.**

Evaluations and Surveys

- a. Pre- and post-surveys conducted for Foster Care and Education Summit (February 2013)
- b. Post-conference survey conducted for Child Welfare Judicial Conference (May 2013)

c. Attorney Training Surveys conducted as condition of CIP scholarship

Specific examples:

- (1) Education Summit: Pre Summit Surveys were used to determine 1) practitioner experience; 2) knowledge of foster care-related laws, policies, and practices; and 3) interaction with other foster youth education-related fields. Post-summit evidenced a near unanimous concern for school stability, summarizing the greatest barrier” to foster youth educational success as, “not being placed in a foster setting within the same school district or school. Many respondents were also excited to learn about the new school district foster care liaisons and DFPS Education Specialists. Comparing the pre- and post-summit evaluations, the planning team gained a better understanding of how to satisfy needs of disparate participants. For example, some individuals had little prior contact with foster youth, while others worked with them every day; some attendees had extensive working knowledge of foster care education-related laws, while other did not know such guidelines, rights, and responsibilities existed. By knowing these audience traits in advance, the planning team could advise the speakers to tailor their presentations accordingly.
- (2) Child Welfare Judicial Conference. Many judges were open to trying new and innovative things to move kids to permanency such as re-establishing contact and possibly returning children to parents who had been terminated. The Children’s Commission is working with Texas Appleseed to assist various jurisdictions with specific issues such as this. For 2014, the CC will work with TCH to develop and conduct a pre and post-event survey of judicial education conferences to analyze changes in knowledge and in practice. Also, CIP is discussing methods to survey judges approximately one-year after the event to determine what changes have been made in jurisdictions.
- (3) Trial Skills Training: Faculty training events in April 2013 on teaching and critique methodology were used to design a further training for faculty in June 2013 in order for the faculty and staff to be fully prepared for the Pilot TST in October, 2013. Feedback from the faculty at the April and June events was used to completely develop the fictional CPS case as well as to determine the topics for the curriculum and their content, and to address the faculty’s request for additional hands-on practice before presenting the TST to trainees for the first time. Looking ahead, surveys from attorney participants, witness debriefs, faculty debriefs, and internal staff debrief from the October 2013 Pilot TST are being used as CQI measures to refine the next Trial Skill Training, currently scheduled for April, 2014. (For example, attorney-participants’ surveys requested an additional day of training and a more courtroom-like setting.)

(4) Attorney Scholarship Evaluation Project: internal evaluations of the survey design and survey results across all 3 summer conferences referenced herein has resulted in the following planned revisions for next year's administration of scholarships: a. Surveys will be sent out on survey monkey instead of CVent software; surveys will be designed so that no questions can be skipped over by participants; the requirement to complete a survey for all scholarship recipients will be very clearly stated at the outset of the scholarship application; b. Survey results are being shared with judges and with those creating agendas for upcoming conferences so that legal training which the surveys indicated was lacking can be addressed. For example, since half of all surveyed attorneys across all 3 conferences indicated a lack of familiarity with ICWA, staff is communicating the need for additional training to Texas judges and to next year's CAN Committee.

7. Describe your largest challenges in implementing CQI into the overall approach of your statewide multi-disciplinary team and any particular challenges you may have experienced with CQI in specific projects or activities.

There are several challenges faced when implementing CQI into specific activities or projects, including:

- a. CIP staff lacks technical expertise in data collection and analysis;
- b. CIP efforts at CQI are at a rudimentary level;
- c. CIP confusion about best method of applying CQI and data analysis to a project or activity, for example, whether the only method is collection through paper and surveys, and what are the best internal processes for evaluating the worth of a project rather than relying on experience, intuition, and relations;
- d. The numerous ways of documenting and applying CQI and the terminology used are overwhelming and differ depending on who you speak to about CQI (might be helpful if ACF defines what outputs, outcomes, etc. are for purposes of CIP projects); and,
- e. CIP does not have staff capacity to collect and analyze large amounts of data.

8. Identify the types of technical assistance that would be most helpful in supporting your CQI efforts. Provide specific examples of projects or activities for which TA would be most helpful.

Education around challenges mentioned in the response to No. 7. How do you link CIP projects to short-, intermediate, and long-term outcomes? Our CIP can analyze the process, but is having more difficulty connecting our activities and projects to the big picture goals.

INSERT - TAB 6

State of Texas Court Improvement Program
Report on Timeliness of Hearings and Indicators of Quality and Legal Representation
December 30, 2013

Time to First Permanency Hearing (Measure 4G) and Subsequent Permanency Hearings

Definition from the Toolkit: The median time from the filing of the original petition to first permanency hearing (how long it takes to complete the first permanency hearing).

Federal law requires the first permanency hearing to occur within 12 months following the start date. According to the tool kit, a permanency hearing is held to establish a relatively definitive permanency plan for the child. At that point the case will proceed toward family reunification, termination or parental rights followed by adoption, or another type of permanency. For Texas, that is 6 months after the child is removed from the home and 5 ½ months after the Court grants Temporary Managing Conservatorship (TMC) to the State. Subsequent Permanency Hearings are held every 120 days until the court issues a Final Order that resolves parental rights and reunifies the child, places the child permanently with someone other than the Department, or places the child in Permanent Managing Conservatorship (PMC) of the State. Once in PMC, courts are required to hold Placement Review hearings until the child exits the foster care system and the state is dismissed from the case.

For Texas, Measure 4G (Initial) and 4X (Subsequent Permanency and Placement Reviews) are calculated by considering all children who were removed from their home, and entered TMC via Court Order in FY2012 or FY2013, and who had at least an initial Permanency Hearing and children who had an initial Permanency Hearing and one or more subsequent Permanency Hearings. The measures also include all children who entered PMC in FY2012 or FY2013 and had at least one Placement Review and children who had one or more Placement Review Hearings.

| Time to review | Days | Months |
|--|----------|------------|
| Median time to Initial Permanency Review | 161 days | 5.3 months |
| Median time to subsequent Permanency Review | 105 days | 3.5 months |
| Median time to subsequent Permanency Review | 91 days | 3.0 months |
| Median time to subsequent Permanency | 86 days | 2.8 months |

| | | | |
|--|-------------------|-----------------|-------------------|
| Review | | | |
| Median time to subsequent Permanency Review | Permanency | 77 days | 2-5 months |
| Median time to subsequent Permanency Review | Permanency | 56 days | 1.8 months |
| Median time to subsequent Permanency Review | Permanency | 56 days | 1.8 months |
| Median time to first Placement Hearing after entering PMC | Review | 87 days | 2.8 months |
| Median time to subsequent Permanency Review | Placement | 154 days | 5.1 months |
| Median time to subsequent Permanency Review | Placement | 154 days | 5.1 months |
| Median time to subsequent Permanency Review | Placement | 147 days | 4.8 months |

Time to Permanent Placement (Measure 4A)

According to the tool kit, this is the median time from filing of the original petition to legal permanency. In other words, how long to achieve legal permanency, following the filing of the original petition.

For Texas, the this measure is calculated by considering all children who exited the custody of the Department of Family and Protective Services in FY2013, how long it took from the time they entered foster care to exit foster care, and to what status.

| Median Time to Exit | Days | Months |
|--|------------------|--------------------|
| Median time to reunification with parent or caregiver | 365 days | 12 months |
| Median time to relative as Permanent Conservator | 360 days | 11.8 months |
| Median time to adoption either by Relative or by Non-Relative | 732 days | 24.1 months |
| Median time to Emancipation / Age Out | 1313 days | 43.2 months |
| Median time to Other | 244 days | 8.0 months |

Time to Termination of Parental Rights – Petition Filed and Termination Achieved (Measures 4H and 4I)

According to the tool kit, this is, where reunification has not been achieved, the median time from filing of the original petition to filing the petition to terminate parental rights (how long to file the TPR petition).

Texas files an original petition for termination of parental rights and in the alternative for conservatorship of the child. Once the Court grants Temporary Managing Conservatorship (TMC) of the child to the state, the state has 12 to 18 months to reunify or execute another permanency plan for the child. Texas attempts reunification at the beginning of each case, and once reunification fails, Texas can proceed immediately with termination without the need to file a subsequent termination petition. As a result, there is effectively no time elapse between when reunification fails and the petition to terminate parental rights is filed.

For Measures 4H and 4I, Texas has used the date that adoption was identified as the primary permanency goal (and reunification is no longer the goal) prior to the final order date while the state still has TMC instead of the “filing date for the petition to terminate parental rights” and calculated the median time to the final order from that date.

The **median time** to from the date that adoption is identified as the goal (reunification has failed, termination follows) and a final order is issued **is 192 days or 6.3 months.**

The Children’s Commission will share the results of this data analysis with judges via judicial education tools such as a Jurist in Residence Letter, amending the CPS Bench Book as appropriate, including this topic on the annual child welfare judicial conference agenda. The Children’s Commission will also request SACWIS data at the district or county level to determine which locations might need to examine judicial, caseworker, and/or advocacy practices to improve the timeliness of exits from foster care and adoption consummation.