Children's Commission®

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

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

September 18, 2015

Meeting Notebook

The State Bar of Texas – Texas Law Center

1414 Colorado Street

Austin, Texas 78701

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

September 18, 2015
Meeting Notebook

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Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
State Bar of Texas – Texas Law Center
Austin, Texas
September 18, 2015
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 June 12, 2015, Tab 1

10:00 Commissioner Updates

11:00 Break

11:15 Executive Director Report with commentary from Basic, Training, Data, and Education Committee Chairs – Tina Amberboy/Commission Staff, Tab 3

12:30 Lunch – Served on-site

1:00 Presentation from National Center for Missing and Exploited Children – Andrea Sparks

1:30 Legislative Update / Recap – Judge Dean Rucker

1:45 DFPS Update – Judge John Specia

2:15 Office of Court Administration – David Slayton

2:30 New Business/Comments from Collaborative Council

2:45 2016 Meeting Schedule
February 12, 2016, May 13, 2016, and September 23, 2016 at State Bar of Texas

3:00 Adjourn

INSERT - TAB 1

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES
MINUTES OF MEETING
June 12, 2015
9:30 a.m. – 3:00 p.m.
State Bar of Texas – Texas Law Center
Austin, Texas

ATTENDANCE

Commissioners	**Attended**	**Did Not Attend**
Chair, Hon. Eva Guzman, Justice, Supreme Court of Texas, Austin	✓	
Chair Emeritus, Hon. Harriet O'Neill, Justice, retired, Law Office of Harriet O'Neill, Austin		✓
Vice Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin	✓	
Hon. Jo Ann Battise, Senior Peacemaker, Alabama-Coushatta Tribe of Texas, Livingston		✓
Lisa Black, Assistant Commissioner for Child Protective Services, Department of Family and Protective Services, Austin	✓	
Hon. Jean Boyd, Judge, 323rd District Court, Fort Worth		✓
Sheila Craig, Associate Commissioner, Center for the Elimination of Disproportionality and Disparities, Health and Human Services Commission, Austin		✓
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas		✓
Gabriela Fuentes, Appointments Manager, Office of the Governor, Austin		✓
Hon. Helen Giddings, by proxy (Elaina Fowler), Texas House of Representatives, District 109, Dallas	✓	
Hon. Bonnie Hellums, Judge, 247th District Court, Houston	✓	
Hon. Rob Hofmann, Judge, 452nd District Court, Mason	✓	
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, The University of Texas, Austin		✓
Hon. Michael Massengale, Justice, 1st Court of Appeals, Houston	✓	
Hon. Mary Murphy, Presiding Judge, First Administrative Judicial Region, Dallas	✓	
Hon. Peter Sakai, Judge, 225th District Court, San Antonio	✓	
Hon. Michael Schneider, Judge, 315th Juvenile Court	✓	
Luanne Southern, Senior Director of Texas Strategic Consulting, Casey Family Programs, Austin	✓	
Vicki Spriggs, Chief Executive Officer, Texas CASA, Inc., Austin		✓
Sharayah Stiggers Williams, Parent Liaison, Department of Family and Protective Services, Region 8, San Antonio		✓
Terry Tottenham, Of Counsel, Fulbright and Jaworski, L.L.P., Austin		✓
Hon. Carlos Villalon, Associate Judge, Child Protection Court of the Rio Grande, Edinburg		✓
Hon. Judy Warne, Judge, 257th Family Court, Houston		✓
Committee and Collaborative Council Members		✓
Irene Clements, President, National Foster Family Association, and Consultant, Butterfly Marketing, LLC, Pflugerville		✓
William B. Connolly, Attorney, Connolly & Shireman, L.L.P., Houston		✓
De Shaun Ealoms, Parent Program Specialist, Department of Family and Protective Services, Austin		✓
Barbara Elias-Perciful, President, Texas Lawyers for Children, Dallas	✓	
Debra Emerson, CPS Director of Permanency, Department of Family and Protective Services, Austin		✓
Laura Figueroa, The Arbitrage Group, Inc., Katy		✓
Mike Foster, Program Specialist, Pathways, Austin		✓
Mara Friesen, Deputy Director for Child Support, Office of the Texas Attorney General, Austin	✓	
Sadie Funk, Executive Director, Texas Alliance for Infant Mental Health, Austin		✓

	Attended	Did Not Attend
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston		✓
Helen Gaebler, Senior Research Attorney, William Wayne Justice Center for Public Interest Law, The University of Texas School of Law, Austin		✓
Christina Green, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin		✓
Mike Griffiths, Executive Director, Texas Juvenile Justice Department, Austin		✓
Hon. Diane Guariglia, Guariglia & Placzek, PLLC, Houston	✓	
Sandra Hachem, Senior Assistant County Attorney, Harris County Attorney's Office, Houston		✓
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin		✓
Ashley Harris, Child Welfare Policy Associate, Texans Care for Children, Austin		✓
Robert Hartman, Executive Director, Providence Service Corporation, Abilene		✓
Jenny Hinson, Director of Permanency, Department of Family & Protective Services	✓	
Leslie Hill, Managing Attorney, Travis County Office of Child Representation, Austin		✓
Bruce Kendrick, Director of Outreach, Embrace Texas, McKinney		✓
Lori Kennedy, Managing Attorney, Travis County Office of Parent Representation, Austin		✓
Knox Kimberly, by proxy (Cheryl Philip), Vice President for Advocacy and Education, Lutheran Social Services of the South, Austin	✓	
Kelly Kravitz, Foster Care Education and Policy Coordinator, Texas Education Agency, Austin		✓
Richard Lavallo, Legal Director, Disability Rights Texas, Austin		✓
Stephanie Ledesma, Assistant Professor, Texas Southern University Thurgood Marshall School of Law, Houston		✓
Tracy Levins, Manager, Prevention/Early Intervention, Texas Juvenile Justice Department, Austin		✓
Madeline McClure, Executive Director, Texas Association for the Protection of Children, Dallas		✓
Hon. F. Scott McCown, Clinical Professor and Director of the Children's Rights Clinic, The University of Texas School of Law, Austin		✓
Gabriela McDonald, Pro Bono and New Projects Director, Texas Appleseed, Austin	✓	
Jon Olson, State Disproportionality Specialist, Center for the Elimination of Disproportionality and Disparities, Health and Human Services Commission, Austin	✓	
Pamela McPeters, Director of Public Policy, TexProtects, Austin		✓
Dr. Sandeep Narang, Director, Child Abuse Fellowship, Division of Child Protection Department of Pediatrics, C.A.R.E. Center, The University of Texas Health Science Center, Houston		✓
Dr. Anu Partap, Assistant Professor in Pediatrics, Southwest Medical Center, Dallas		✓
Pamela Kemp, Special Projects Attorney, Department of Family and Protective Services, Austin	✓	
Wanda Pena, Senior Director, Casey Family Programs, San Antonio	✓	
Judy Powell, Communications Director, Parent Guidance Center, Austin	✓	
Lisa Ramirez, Women's Substance Abuse Services Coordinator, Department of State Health Services, Austin		✓
Mary Christine Reed, Director, Texas Rio Grande Legal Aid, Austin	✓	
Tanya Rollins, State Disproportionality Manager, Department of Family and Protective Services, Austin	✓	
Johana Scot, Executive Director, Parent Guidance Center, Austin		✓
Janet Sharkis, Executive Director, Texas Office for Prevention of Developmental Disabilities, Austin		✓
Andrea Sparks, Executive Director, National Center for Missing and Exploited Children, Austin		✓
Jeanne Stamp, Senior Program Coordinator, Texas Homeless Education Office, Charles A. Dana Center, Austin	✓	
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin	✓	
Kenneth Thompson, Fatherhood Program Specialist, Department of Family and Protective Services, Austin		✓
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio		✓
Larry Williams, Alabama-Coushatta Tribe of Texas, Livingston		✓

Staff	Attended	Did Not Attend
Tina Amberboy, Executive Director, Children's Commission	✓	
Jessica Arguijo, Administrative Assistant, Children's Commission	✓	
Jamie Bernstein, Staff Attorney, Children's Commission	✓	
Simi Denson, Child Protection Courts Attorney, Office of Court Administration		✓
Casey Kennedy, Director of Information Service, Office of Court Administration		✓
Tim Kennedy, TexDECK Project Manager, Office of Court Administration	✓	
Monica Mahoney, Administrative Assistant, Children's Commission	✓	
Mena Ramon, General Counsel, Office of Court Administration		✓
Milbrey Raney, Staff Attorney, Children's Commission	✓	
Tiffany Roper, Assistant Director, Children's Commission	✓	
Honorable Dean Rucker, Jurist in Residence, Children's Commission	✓	
Honorable Robin Sage, Jurist in Residence, Children's Commission	✓	
David Slayton, Administrative Director, Office of Court Administration	✓	
Kristi Taylor, Project Manager, Children's Commission	✓	
Rashonda Thomas, Grant Account Specialist, Children's Commission	✓	
Guests		
Honorable John Specia, Commissioner, Department of Family and Protective Services, Austin	✓	
Justice Evelyn Keyes, First Court of Appeals	✓	
Mike Goldman, Governor's Office	✓	
Andrew Homer, Director of Public Affairs, Texas CASA	✓	

CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman

Justice Guzman called the meeting to order at 9:30 a.m.

Recognition of Guests

Justice Guzman welcomed special guests Jon Olson from the Center for the Elimination of Disproportionality and Disparities, attending on behalf of Sheila Craig, and Justice Evelyn Keyes of the First Court of Appeals, attending with Judge Bonnie Hellums.

Commissioner Membership Changes

Justice Guzman announced that the Court has added two new members to the Commission: Judge Michael Schneider, of the 315th District Court in Houston, and Lieutenant Colonel Travis Walters. Justice Guzman noted that Lieutenant Colonel Walters was unable to attend today's meeting due to a mandatory military exercise, but that he planned to attend in September.

Collaborative Council Membership Changes
Justice Guzman announced that Armin Steege, with the Austin Children's Shelter, has transitioned off of the Collaborative Council, and that Kelly White, the Executive Director of Lift Alliance has been added in his place.
Justice Guzman also welcomed Lynn Chamberlin from the Harris County Attorney's Office to the Collaborative Council.

CIP Committee Member Changes
Justice Guzman announced that Dr. Sandeep Narang has transitioned off the Training Committee as he has moved to the Chicago area.

Staff Member Changes
Justice Guzman announced that Monica Mahoney has joined the Children's Commission as an administrative assistant.

Adoption of February 27, 2014 Meeting Minutes
Justice Guzman directed members to Tab 2, noted that members had the opportunity to review the minutes, and asked if there were any corrections or discussion. There were no corrections or discussion points raised.

ACTION: Justice Guzman asked for a motion to adopt the meeting minutes of the February 27, 2014 meeting. Judge Darlene Byrne motioned to adopt the minutes. The attending members voted to approve and adopt the meeting minutes unanimously.

DFPS Update, Commissioner John Specia
Judge Specia spoke briefly about his recent trip with Ms. Amberboy to Washington, D.C. to attend the Court Improvement Project meeting, which focused on human trafficking issues. Judge Specia then gave a high level overview of outcomes from the 84th Legislative Session in regards to the Department, noting the Department's mandate to create a new budget and incorporate their recent Sunset review. He further noted SB 200 and SB 206 as the two items passed in the session that most impacted the Department. SB 200 depicts the new organizational structure of HHSC, DFPS and DSHS. Judge Specia updated members on the major changes from the bill: DADS and DARS agencies will be consolidated under HHSC over the next two years; DFPS and DSHS will remain as separate stand-alone agencies; DFPS will be retaining their prevention programs, as well as gaining oversight of the prevention programs formerly under HHSC; CPS will remain under the oversight of DFPS; Adult Protective Services and in-home programs will remain under DFPS, but the investigation and facilities regulation aspects will move to HHSC; the Child Care Licensing Division will move to HHSC. Judge Specia further noted that all of the Department's exceptional items were funded either fully or partially by the Legislature, and that the Department would be able to bring on more support services and additional staff. He explained that the HOPES program and the CCAL program would be expanding in the next fiscal year. Judge Specia announced that a foster care redesign would be launched before September 2015. He also noted that

the Department had received additional funding for an initiative focused on military families, with three families participating from El Paso, San Antonio and Killeen.

COMMISSION MEMBER UPDATES AND VOTING MATTERS

Justice Guzman announced that voting matters would be addressed first to accommodate those commissioners that were required to leave the meeting early. Justice Guzman directed members to Tab 4.

The first voting matter was in regards to a grant to the Harris County KITS conference, to which the Commission has provided funds for the past three years. On April 24th, 2015, the Children's Commission staff sent an email to all Commissioners asking them to consider the Harris County funding request via email, and there were no objections. The matter today is a simple ratification for funding of $7,000.00 to cover the cost of labor to plan, organize and coordinate the conference, plus the cost of travel and per diem for speakers who are not local, the cost of obtaining CLE and CEUs, and marketing the event.

ACTION: Justice Guzman asked for a motion to approve the grant of $7,000.00 to support the Harris County KITS conference. Justice Michael Massengale motioned to approve the grant. The attending members voted to approve the KITS grant unanimously.

The second voting matter was to withdraw the grant given to OCA in February and reissue that grant to NCSC and OCA, and change the amount by an increase of $10,000.00. Ms. Amberboy provided more background information on the reason for the withdrawal and reissuance of the grant.

ACTION: Justice Guzman asked for a motion to approve the withdrawal of the OCA grant and reissuance of the grant, plus an additional $10,000.00, to total $103,908.00, to OCA/National Center for State Courts partnership for the Weighted Caseload Study. Judge Bonnie Hellums motioned to approve the withdrawal and reissuance of the grant. The attending members voted to approve the grant unanimously.

Hon. Helen Giddings reported that the Legislative Session had been her main focus for the past several months. She reported on her work with Ms. Kristi Taylor of the Children's Commission to support the passage of HB825 related to the Indian Child Welfare Act (ICWA).

Hon. Bonnie Crane Hellums announced her recent retirement, noting that she continues to practice as a visiting judge and in mediations and arbitrations. She reported that the Drug Court Foundation now accepts FBSS cases and is housed in a different court. She recently attended a TBRI training in Ft. Worth, Texas and reported that attendance was very high. She also spoke about a program with Houston CASA on compassion fatigue training and the need for more support for judges.

Mr. Andy Homer, on behalf of Ms. Vicki Spriggs, reported on the Texas CASA 2014 annual report that was recently published. Mr. Homer spoke about the recognition of Judge Byrne and the awards that Texas CASA received at the National Conference in New Orleans, Louisiana. Mr. Homer gave an update

on a collaboration with Texas Department of Family and Protective Services to include pilots of the family fighting program at the state level; Texas CASA received $550,000 appropriation from DFPS to establish three to five local programs and are working closely with Lisa Black, Associate Commissioner at DFPS.

Mr. Jon Olson, on behalf of Ms. Sheila Craig, reported that the Judicial Disproportionality Workgroup (JDW) is sponsoring a workshop at the Center for the Elimination of Disproportionalities and Disparities' Cross System Summit scheduled for August 20-21, 2015. Ms. Craig will be facilitating a discussion with Judges Meca Walker and Chris Oldner about reducing implicit bias in decision making. The work of JDW includes sponsoring projects that promote training for attorneys and judges. Mr. Olson announced that JDW will coordinate these trainings to those that are interested, including the Undoing Racism training. Mr. Olson also noted that CEDD has written and created trainings to provide to interested organizations and communities.

Judge Darlene Byrne inquired if the poverty simulation trainings were held through the CEDD. Mr. Olson reported that the CEDD does offer poverty simulation trainings. Judge Byrne recommended that judges consider bringing the training to their communities.

Hon. Peter Sakai provided an update on Bexar County Redesign, which involves development of a Children's Court Division to focus on the specific issues and needs for CPS cases and includes additional court staff, programs to strengthen reunification, deeper collaboration of stakeholders regarding services, and reforms related to the legal representation of parents. Judge Sakai noted that a more detailed and formal report will be given once the Redesign has compiled a year's worth of data. Judge Sakai remarked on the significant reduction in removals and record low levels of foster children in the county's system since the Redesign's induction.

Ms. Luanne Southern reported on the work of Casey Family Programs and DFPS on achieving safe permanency and mentioned an upcoming Permanency Summit featuring Amelia Frank Meyer who is a consultant hired by Casey to address trauma issues. Ms. Southern discussed the work being done in the Houston area in regards to achieving safe permanency as a result of Casey's assessment in Harris County which identified 600-700 children that could potentially achieve permanency. Ms. Southern continued to report that 352 of these children have now been placed. She announced a stakeholder meeting in Houston on June 15, 2015 to hear the community's feedback on the efforts being made in Harris County. Ms. Southern reported on the work in the Austin field office focusing on evidence based practices for children in Travis County and the surrounding area and Casey's Austin office's collaboration with the Positive Parenting Program. Judge Specia commented that he has scheduled meetings with every DFPS Regional Director across the state to set up timelines to achieve permanency.

Hon. Michael Schneider was introduced and noted his interest in joining the human trafficking effort currently being discussed at the Commission and Department.

Hon. Robin Sage reported on her consultation for the NCSC and Casey Family Programs to share best practices from Texas with other states. Judge Sage recently visited Missouri and Indiana as part of this project.

Justice Mary Murphy reported that the legislative updates for associate judges would likely be covered in Judge Dean Rucker's update, and referred to his expertise on the legislative changes from the 84th Session. Justice Murphy also commented on the evaluation process all of the Regional Presiding Judges recently undertook regarding all associated judges (IV-D and CPC).

Hon. Rob Hofmann reported on an adversary hearing held in McCullough County in May 2015, recounting a removal that occurred after a Program Director decided that the child's teacher could not be considered fictive kin. Judge Hofmann noted that the struggle at the PD level to determine a teacher as fictive kin could be an issue to address at the state level.

Justice Michael Massengale reported on his continued work to develop the foundation with Ms. Amberboy.

Hon. Darlene Byrne reminded members of the upcoming National Council of Juvenile and Family Court Judges (NCJFCJ) Annual conference in Austin on July 26-28, 2015, noting a reception sponsored by Texas CASA and a Celebration of Judicial Innovation on the evening of July 27 following the conference. Judge Byrne reported on the Travis County Collaborative Children project that offers a broad based TBRI training extended to educators, foster homes, the judiciary, caseworkers, and other child welfare stakeholders. Judge Byrne also reported on the Travis County sex trafficking task force, which includes representatives from law enforcement, juvenile justice, and child welfare. Judge Byrne announced NCJFCJ's Juvenile Justice Conference to be held in Las Vegas, Nevada in February 2016, as well as the NCJFCJ Annual Conference in Monterey, California in July 2016.

EXECUTIVE DIRECTOR REPORT, Ms. Tina Amberboy

Ms. Amberboy stated that she recently attended a convening on child sex trafficking in Washington, D.C. where reports were given by officials over the importance of involvement at the state level. Also in attendance were Judge John Specia, Mr. George Cannata, and Ms. Angela Goodwin of DFPS. Attendees were given the task of creating an action plan for their State. Ms. Amberboy reported that the group of attendees agreed the first step for Texas is to take an inventory of existing programs in the state addressing the issue of human trafficking. Ms. Amberboy noted that the Children's Commission will provide a role to assist with an inventory. Ms. Amberboy reported that the CIP application is due in August for fiscal year 2016 and that the strategies for the year will be presented at the next Commission meeting in September 2015. Ms. Amberboy reported on the Parent Resource Guide project with the University of Texas, noting the finished guide is now available.

COMMITTEE REPORTS

Basic Committee Report, Honorable Bonnie Hellums announced that the Children's Commission staff is working to update the Child Protection Law Bench Book, which will be released during the annual

Child Welfare Judges Conference this August. The updated version will include legislative changes from the 84th Texas Legislature and updates to existing topical chapters. Judge Hellums reported that the Children's Commission submitted a full application for legal specialization in child welfare law to the Texas Board of Legal Specialization (TBLS) on Friday April 24, 2015. The application included the names of over 20 attorneys and judges for TBLS consideration in forming the specialty advisory commission. The application is under consideration by the TBLS board, and if approved, TBLS will publish the proposed standards for comment. A copy of the application packet is available upon request. Judge Hellums stated that Representative Helen Giddings recently passed the groundbreaking HB825 which will amend the Adversary, Status, and Permanency Hearing statutes to require judges to ask at each hearing whether the child or the child's family has any Native American heritage and identify any Native American tribe with which the child may be associated. Judge Hellums announced that tribal judges Lawrence Lujan and Senior Peacemaker Battise will attend the Annual Child Welfare Conference for the first time and will be welcomed with a reception in their honor. Simultaneously with the Child Welfare Conference, the Children's Commission is hosting a tribal\state meeting with DFPS and the social services representatives from each of the three federally-recognized tribes. Judge Hellums noted that the Children's Commission has partnered with Texas CASA on a project to survey child welfare stakeholders about the various types of trauma training and programs being offered and utilized around the state. She also reported that the Children's Commission will devote efforts to develop and promote judicial and attorney training about trauma- informed care, informed by the work of Dr. Karyn Purvis's Trust-Based Relational Intervention and Dr. Bruce Perry's Trauma Academy and other leading trauma experts, including a session on well-being at the Child Welfare Judges Conference; include information about trauma informed care in the CPS Judicial Bench Book; liaise with and participate as a partner in the various trauma-informed workgroups; and stay informed about various trauma-informed care trainings, workgroups, meetings, and strategies hosted, sponsored or initiated by various groups and provide reports to the Children's Commission and other stakeholders as appropriate.

Training Committee Report, Honorable Justice Michael Massengale reported that the Training Committee last met on June 5, 2015 and that no voting matters were identified. Justice Massengale discussed the upcoming judicial education scholarship opportunities, the NCJFCJ and the Child Welfare Judges Conference (CWJC). Thirty four scholarships will be awarded to attend the NCJFCJ. Justice Massengale continued to announce the attorney education scholarship opportunities for the remainder of 2015. The State Bar of Texas Advanced Family Law CLE on August 5, 2015 in San Antonio, Texas features a Child Abuse and Neglect track to which the Training Committee will award scholarships to cover the attendance cost for 100 qualified attorneys. Scholarships for attorneys are also available for the National Association of Counsel for Children (NACC) Conference on August 25, 2015 in Monterey, California, and the American Bar Associations Parent Attorney and Child Attorney conferences scheduled for July 2015 in Washington, D.C. Scholarships are also available to judges for the NACC conference. Justice Massengale reported on a webinar broadcast scheduled for July 21, 2015 in partnership with the Texas Bar CLE, featuring changes to the Texas Family Code. Justice Massengale spoke on the most recent Trial Skills Training (TST) held in April and noted that it was highlighted in the April edition of the *Bar Journal*. Justice Massengale reported that the Training Committee received

92 applications to fill the 21 spots available at the Trial Skills Training and that 4 new faculty members attended April's TST as observers. The next TST is scheduled for November 4-6, 2015.

Data/Technology Committee Report, Ms. Tina Amberboy reported that the Data/Technology Committee last met by conference call on May 27, 2015. Ms. Amberboy discussed the Notice and Engagement Web Application, noting that as of May 25, 2015, there are 228 users and that between October 1, 2014 and May 25, 2015, the system generated 391 notifications related to 366 different hearings. Ms. Amberboy reported that there were 289 videoconference hearings held from October 1, 2014 to May 31, 2015 through the Video Conferencing project. Ms. Amberboy noted there are currently 26 courts and 69 service provider facilities, and that OCA will add 2 more courts and an additional six facility sites before September 30, 2015. Ms. Amberboy also reported that three local CASA programs are set up to use videoconferencing. Ms. Amberboy discussed OCA's upgrade of the Child Protection Case Management System (CPCMS) infrastructure and the judge's primary hearing page. Ms. Amberboy also spoke on the update to the Children's Commission website.

Foster Care and Education Committee Report, Honorable Robert Hofmann reported that on June 1, 2015 the Department released a revised education policy. Judge Hofmann noted that the Texas Education Agency included information and resources regarding Foster Care Awareness Month in May 2015. Judge Hofmann stated that since the Foster Care and Education Committee's creation at the February Commission Meeting the committee has planned its first meeting for July 20, 2015 to be held at the Texas Higher Education Coordinating Board. Judge Hofmann reported that the committee plans to continue the work of the Task Force, specifically regarding data sharing between agencies, school stability, post-secondary education, and special education. Judge Hofmann reported his attendance to the Improving the Outcomes of Students in Foster Care conference on May 27, 2015 at Georgetown University in Washington, D.C., along with Ms. Jamie Bernstein of the Children's Commission. Judge Hofmann relayed that Texas was one of three states highlighted at the conference, noting that Texas was the sole state to be recognized for its judicial led initiatives. Judge Hofmann reported that he visited the Senate Offices in Washington, D.C. to hear discussions on the educational challenges related to the reauthorization of the Elementary and Secondary Education Act, which includes the No Child Left Behind act.

Legislative Report, Hon. Dean Rucker provided a lengthy report on the 84th Legislative Session, and the Children's Commission Legislative Update can be found here:
http://texaschildrenscommission.gov/media/32222/84th%20Session%20Legislative%20Update%20FINAL%20(2).pdf

JURIST IN RESIDENCE

Hon. Robin Sage updated the Commission on the Hearing Observation Project and implementation. Recommendations include reviewing permanency and concurrent plans, more emphasis on children's well-being, greater consideration of placement and what to do in the case of a failed placement, and requiring children to attend court. Issues will be addressed in the Bench Book update and further discussed at the Child Welfare Judges Conference. Additionally, Judge Sage reported that she continues

work with the Protect Our Kids (POK) Commission to review and report on child fatalities in Texas. Preliminary recommendations include further collection of data from service providers, and additional support for state volunteers for Child Fatality Review Teams. Judge Rucker added that the Judicial Needs Assessment Committee (JNAC) was created to review the conduct a weighted caseload study of all courts that hear CPS cases to evaluate and develop further resources and support.

Office of Court Administration, Mr. David Slayton announced that the 84th legislature awarded funding for the addition of four CPS courts and supplemental funding for OCA to assist the courts' set-up. OCA has begun work with regional courts and judges with the assistance of jurists in residence to provide resources and support. Mr. Slayton thanked the commission for the approval of the grant for the JNAC citing that the project will guide the development of the new courts and indicate other areas of need. Additionally, the legislature provided 80% funding to increase compensation for regional presiding judges statewide in effect September 1, 2015. The Judicial Council proposed HB2398 to decriminalize school attendance and awaits Governor Abbotts's signature. Mr. Slayton will attend the National Human Trafficking Summit in October with Chief Justice Nathan Hecht, Judge Michael Schneider, and Senator Joan Huffman and will report later to the commission on efforts for the issue. Mr. Slayton reported a decrease of 45% on special immigrant juvenile status case filed from the previous year: 351 filed in Texas courts and 316 filed in Harris County.

COLLABORATIVE COUNCIL REPORT

Mary Christine Reed, Texas Rio Grande Legal Aid Texas Foster Youth Justice Project reported that supervised independent living has grown exponentially and commended Texas as a leader in supporting the needs of foster youth. She expressed concerned for those who have been adopted and perhaps rushed into permanency who can no longer access a number of benefits. Justice Guzman thanked Ms. Reed and asked that she continue to update the commission on the issue.

Gloria Terry CEO Texas Council on Family Violence (TCFV) reported that the 83rd legislature and HB2620 created a task force to review issues on domestic violence and report to the legislature. Recommendations include additional work on prevention, greater education for medical schools and providers, the development of a screening mechanism, and to connect the reporting of the screen. Ms. Terry announced that the TCFV and CPS received an award from the Governor's office to partner to develop four pilot sites for community and state services and will issue a formal evaluation to report on the progress.

NEW BUSINESS

There is no new business.

ADJOURNMENT

The meeting was adjourned at 1:43 p.m.

INSERT - TAB 2

CHILDREN'S COMMISSION MEMBERS

Hon. Eva Guzman, Chair
Hon. Harriet O'Neill, Chair Emeritus
Hon. Darlene Byrne, Vice Chair
Hon. Jo Ann Battise
Lisa Black
Hon. Jean Boyd
Sheila Sturgis Craig
Kara Crawford
Bruce Esterline
Hon. Helen Giddings
Hon. Bonnie Crane Hellums
Hon. Rob Hofmann
Dr. Octavio Martinez
Hon. Michael Massengale
Hon. Mary Murphy
Hon. Ronald Pope
Hon. Peter Sakai
Hon. Michael Schneider
Luanne Southern
Vicki Spriggs
Sharayah Stiggers
Terry Tottenham
Hon. Carlos Villalon
Lt. Col. Travis Walters
Hon. Royce West
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

Staff: Tina Amberboy

BASIC PROJECTS
Hon. Bonnie Crane Hellums *Chair*
Gabriela 'Gaby' Fuentes
Colleen McCall
Hon. Peter Sakai
Hon. Olen Underwood

Staff: Kristi Taylor

TECHNOLOGY PROJECTS
Vicki Spriggs, *Chair*
Jason Hassay
Hon. Gilford Jones
Elizabeth Kromrei
Octavio Martinez
Robert Nolen
Hon. Virginia Schnarr
Hon. Carlos Villalon

Staff: Tina Amberboy

OCA Advisory
Darrell Childers
Simi Denson
Casey Kennedy
Tim Kennedy
Mena Ramon
David Slayton

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
Pam Kemp
Hon. Lamar McCorkle
Tanya Rollins
Fairy Davenport Rutland
Hon. Ellen Smith
Elizabeth Watkins

Staff: Tiffany Roper
Milbrey Raney

FOSTER CARE & EDUCATION COMMITTEE
Hon. Rob Hofmann, *Chair*
Joy Baskin
Hon. Alyce Bondurant
Edna Ramon Butts
Briana Dovi
Lori Duke
Loretta Edelen
Dr. Monica Faulkner
Maya Guerra Gamble
Dr. David Gardner
Deena Hill
Jenny Hinson
Andy Homer
Kelly Kravitz
Kris Mohajer
Hon. Cathy Morris
Jon Olson
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INSERT - TAB 3

Children's Commission®

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

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

Report to Commission

September 18, 2015

The State Bar of Texas – Texas Law Center

1414 Colorado Street

Austin, Texas 78701

BASIC COMMITTEE REPORT

2.2A Parent Resource Group: Continue hosting and supporting the Parent Resource Group; Reprint and distribute printed and online Resource Guide to assist parents, explore online center with hotline or other direct service delivery.

2016 Action Steps:	Progress Report	FY2016 BUDGET
▪ **Host and facilitate meetings and calls for the PR Workgroup.** ▪ **Maintain Parent Resource Guide** ▪ **Update written product** ▪ **Post online with LawBox** ▪ **Provide reprints and distribute** ▪ **Translate to Spanish** ▪ **Convene workgroup to discuss online resource center / hotline or other direct delivery or assistance services through the Texas Legal Services Corporation**	The Parent Resource Guide was completed in May 2015 and is accessible in print and online on the Children's Commission website as well as many other CC partners and advocate websites. The PRG will be translated to Spanish by May of 2016. The workgroup will continue to confer and meet in FY2016 to discuss additional efforts to establish an online resource center through the Texas Legal Services Corporation, and possibly the development of a video or an app for smartphones. The PRG committee will meet at least once in FY2016.	$8,600.00 Includes 3600.00 LawBox and 5000.00 in-person support, printing

2.2C Disproportionality: Raise awareness and understanding among judges and key stakeholders involved in the legal system regarding racial disproportionality.

2016 Action Steps:	Progress Report	FY2016 BUDGET
▪ **Develop and promote judicial and attorney training on how to apply training and tools designed to reduce institutional racism and bias** ▪ **Partner with system stakeholders to include disproportionality in cross-systems trainings and in issue-specific workgroups, including one Poverty Simulation Workshop** ▪ **Help connect judges and lawyers to their communities to develop disproportionality efforts at the local level** ▪ **Liaise with the Texas Health and Human Services State Advisory Coalition for Addressing Disproportionality and Disparities** ▪ **Staff and monitor the Judicial Workgroup Addressing Disproportionality Workgroup (JWD) meetings, strategies, timelines, and work product for FY2015, including monthly or quarterly strategy meetings with the JWD Co-Chairs** ▪ **Include information about Disproportionality and bias in its CPS judicial Bench Boo**	In 2015, the JWD worked on: 1) developing and promoting judicial and attorney training on how to apply tools designed to reduce institutional racism and bias; 2) partnering with system stakeholders to include disproportionality in cross-systems trainings and in issue-specific workgroups; 3) helping connect judges and lawyers to their communities to develop disproportionality efforts at the local level; 4) liaising with the Texas Health and Human Services State Advisory Coalition for Addressing Disproportionality and Disparities; 5) staffing JWD meetings, strategies, timelines, and work product; and 6) updating the CPS judicial Bench Book. The JWD also suggested adding to the CPS Bench Book bench card three questions related to making culturally aware decisions during child welfare hearings. The JDW also met during the 2015 annual judicial conference held in August 2015, and sponsored a workshop at the 2015 Cross-Systems Summit on Collaborating to Achieve Equity that same week August 21, 2015. The committee voted to change the name of the committee to the Judicial Workgroup Addressing Disproportionality or JWD.	$25,000.00

2.2D Tribal: Educate judges and lawyers about the importance of ICWA, including the context of historical trauma and tools to assist with practical application.

2016 Action Steps:	Progress Report	FY2016 BUDGET

2.4A Legal Representation Effort: Legal Representation Study (LRS) Workgroup – exists to explore various aspects of legal representation in Texas including due process, financial impact on the state and counties, policy and legislation that supports the representation system, outreach, education, training, standards of representation, timely and meaningful court hearings, and high quality legal advocacy.

▪ **Continue the mutually respectful and ongoing relationship with Texas' three federally-recognized tribal nations** ▪ **Partner with system stakeholders to promote ongoing knowledge and understanding of the ICWA and its importance** ▪ **Work with national ICWA consultant and Columbia Law School on understanding and implementation of new Bureau of Indian Affairs (BIA) Guidelines and the use of Peacemaking in state courts** ▪ **Update the ICWA Section and ICWA Bench Cards in the CPS Judicial Bench Book** ▪ **Continue to support Senior Peacemaker Joann Battise in as Children's Commission member** ▪ **Staff and monitor the Tribal/State Workgroup meetings, strategies, timelines, and work product for FY2016, including monthly strategy meetings with Senior Peacemaker Battise and DFPS** ▪ **Partner with DFPS to support the biannual tribal/state collaborative meetings** ▪ **Partner with the Alabama-Coushatta to support their judicial symposiums with content and finances** ▪ **Assist with any CIP grant application, as requested and appropriate** ▪ **Further connections with Ysleta del Sur Pueblo and Kickapoo tribes through the DFPS tribal/state meetings, Annual Conference of the Native American Section of the State Bar and other networking opportunities** ▪ **Continue to collaborate with the Children's Bureau and the participants of the CIP Peer to Peer Exchange related to the Model ICWA Judicial Curriculum and other best practices for Texas**	In 2015, the Children's Commission continued its collaboration with tribal nations and system stakeholders to promote ongoing knowledge and understanding of the ICWA and its importance. Specifically, the Children's Commission: 1) continued to work with stakeholders to develop an ICWA Strategic Plan for Texas; 2) collaborated with the Children's Bureau and the participants of the CIP Peer to Peer Exchange to tailor the Model ICWA Judicial Curriculum and other best practices for Texas; 3) updated the ICWA Section of the Child Protection Law Bench Book; 4) conducted monthly strategy meetings with Senior Peacemaker Battise and DFPS; 5) partnered with the Alabama-Coushatta to support the 5th Annual Alabama-Coushatta Judicial Symposium with content and finances; and 6) furthered connections with Ysleta del Sur Pueblo and Kickapoo tribes through the DFPS tribal/state meetings, Annual Conference of the Native American Section of the State Bar and other networking opportunities. Also, effective September 1, 2015, the Texas Family Code will require judges to ask all parties present at each Adversary, Status, and Permanency hearing whether the child or the child's family has any Native American heritage and identify any Native American tribe with which the child may be associated. In August 2015, six tribal judges attended the Annual Child Welfare Judges Conference for the first time and were honored at a reception held during the conference. The Commission hosted a tribal\state meeting with DFPS and the social services representatives from each of the three federally-recognized tribes.	$8,000.00
2.2E Trauma Informed: Support child welfare system efforts to shift toward trauma informed practice.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Support Texas CASA efforts to identify and survey trauma knowledge, training available, training accessed, results or impact of training** ▪ **Sponsor and support additional training events for stakeholders with particular focus on attorneys ad litem** ▪ **Identify training needs for judges and attorneys and develop and promote training and tools for trauma- informed care**	Children's Commission partnered with Texas CASA on a project to survey child welfare stakeholders about the various types of trauma training and programs being offered and utilized around the state. Texas CASA developed and deployed the survey in Summer 2015. Results of the survey currently are being analyzed. The Children's Commission also continued to support DFPS's shift to a trauma-informed care system and devoted efforts to develop and promote judicial and attorney training about trauma- informed care, including a session on well-being at the Child Welfare Judges Conference held in August 2015. The Child Protection Law	$0.00

▪ **Continue to focus on child well-being and permanency** ▪ **Include information about trauma informed care in the CPS Judicial Bench Book** ▪ **Liaise with and participate as a partner in the various trauma-informed workgroups and collaboratives** ▪ **Monitor the trauma informed care trainings, workgroups, meetings, strategies, timelines and provide reports to the Children's Commission and other stakeholders, as appropriate**	Bench Book also includes a chapter on trauma. The 84th Legislature enacted SB125 to require DFPS to use a comprehensive assessment that includes a trauma screening within 45 days of a child entering conservatorship. DFPS is currently developing a Texas-specific Child and Adolescent Needs and Strengths (CANS) Assessment. The new CANS will be available in March 2016.	
2.2F Child Safety: Parental Child Safety Placements (PCSP).		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Conduct Round Table (RT) discussion on Parental Child Safety Placements** ▪ **Issue PCSP Report with Recommendations** ▪ **Issue JIR Letter** ▪ **Identify additional training issues for judges and attorneys** ▪ **Develop helpful judicial and attorney resources and tools** ▪ **Work with legal aid providers or other child welfare partners to assist with appropriate closure of PCSPs** ▪ **Work with Texas Legislature, as appropriate**	A RT on Parental Child Safety Placements was identified as needed and requested by DFPS in May 2015. On August 28, 2015, the Commission hosted a meeting to discuss the issue of PCSPs used when the Department initiates an investigation of a parent for abuse or neglect of a child and makes an initial determination that the child may not be safe with the parent, resulting in the child living with another caregiver. Usually, a PCSP ends with the child safely returning to live with the parent or the Department gaining formal legal custody. But in some cases, even after providing the parent services, the child cannot safely return home, the Department does not obtain legal custody, and the caregiver does not have legal custody either. The Dept has committed to working with stakeholders to identify avenues to ensure that children who are left in a PCSP from which the Department has exited are safe, that risk of harm to the child from the parent has been eliminated, and that legal custody is in place. The Children's Commission issued a JIR Letter on PSCPs on September 4, 2015. Link to the JIR on PCSPs here: http://texaschildrenscommission.gov/media/32438/PCSP%20JIR.pdf	$0.00
2.2G Child Fatalities: Protect Our Kids (POK) Commission.		
2016 Action Steps	**Progress Report**	**FY2016 BUDGET**
▪ **Continue to support POK Commission through December 31, 2015** ▪ **Write POK Report, including recommendations related to preventing child fatalities due to abuse or neglect** ▪ **Participate in agency-run collaborative to guide state policy and practice** ▪ **Collaborate with 85th Texas Legislature on this matter, as appropriate**	The POK Commission is a 12-person commission chaired by Judge Robin Sage. Established by Senate Bill 66 during the 83rd Legislative Session, the POK Commission is charged with identifying promising practices and strategies to address and reduce fatalities from child abuse and neglect, and recommending a comprehensive statewide strategy for reducing those fatalities. The POK Commission is working with members from the House Select Committee on Child Deaths, the State Child Fatality Review Team, the DFPS Office of Child Safety, and various stakeholder organizations. The Children's Commission is providing meeting and administrative support to Judge Sage and the POK. The POK Commission met several times in FY2015 and divided its	$1000.00

	work into four subcommittees: Data, Child Fatality Review Team Support, Prevention, and Sustainability. The POK Commission will submit a report to the Legislature by December 31, 2015.	

2.2H Permanency and Wellbeing: Additional specific activities intended to heighten awareness about child permanency and wellbeing.

2016 Action Steps	**Progress Report**	**FY2016 BUDGET**
▪ **Support efforts to roll out "New Culture of Permanency" at Regional Permanency Summits throughout all DFPS regions** ▪ **JIR to attend various permanency summits** ▪ **Include importance of permanency and new permanency culture philosophy and ideas at child welfare judicial conferences** ▪ **Host foster youth panel at CWJC** ▪ **Include new legislation in CPS Judicial Bench Book** ▪ **Design Bench Cards to include well-being and permanency best practices**	The Children's Commission hosted Amelia Franck Meyer at the annual Child Welfare Judges Conference to train judges on the new Culture of Permanency work initiated by DFPS statewide. Both JIRs have been trained by Ms. Franck-Meyer. The CC sponsored / hosted a foster youth panel on well-being at the August judges' conference, and the CPS Bench Book was updated with new legislation and information about well-being and transitioning youth. Bench cards were updated to include specific well-being and permanency best practice questions and issues	$0.00

2.2I Human Trafficking: Participate on Statewide Human Trafficking (HT) Prevention Task Force and work with child welfare community on child welfare related issues such as identification, services, training, data collection, and collaboration.

2016 Action Steps	**Progress Report**	**FY2016 BUDGET**
▪ **Participate with Office of Attorney General and statewide HT Task Force** ▪ **Work with DFPS on identification and assessment of children from child welfare system who are victims or at risk of becoming victims of human trafficking** ▪ **Gain understanding of existing data collection efforts and identify additional or new data collection elements or efforts needed** ▪ **Coordinate and collaborate with child welfare agency and other child welfare partners on various programs and efforts to combat HT occurring a local or regional levels** ▪ **Understand, participate, and help identify HT placements and services available to foster children who are trafficked or at risk of being trafficked** ▪ **Identify training needs for judges, attorneys, and other stakeholders** ▪ **Collaborate on prevention efforts at state, regional and local levels as appropriate**	New for FY 2016 During the 84th Legislative Session, the Texas Human Trafficking Prevention Task Force was extended for another two years, given new tasks to complete, and membership was expanded to include the Children's Commission. The OAG is bringing together the Task Force on September 15, 2015, to introduce everyone to the new agencies and partners as well as discuss the new measures and share agency initiatives.	$1,000.00
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Staff and support the LRS workgroup by hosting / facilitating meetings, reimbursing travel expenses for workgroup members,**	In late 2014, the Legal Representation Workgroup examined: 1) feasibility of creating a statutory definition of indigence; 2) creating a limited duration attorney appointment for parent	$5,000.00

developing agendas and preparing meeting materials, collecting attendee information and match ▪ **Meet at least twice throughout 2015 and 2016 to discuss** ▪ **Develop and adopt statewide standards of representation** ▪ **Continue to develop and improve county relationships and local relationships** ▪ **Act as a resource for the Texas Legislature**	at time CPS suit is filed; and 3) whether the Commission should develop and promote the adoption of standards of representation. In late 2014, the workgroup voted to develop and adopt Standards, however, due to the 2015 legislative session, development of the standards will not be completed until FY2016. For FY2015, several legislative issues submitted to the Texas Judicial Council and Legislature including amendments to Family Code Sections 107.013 and 263.201 to establish guidelines for determining indigence and to clarify that parents are entitled to a court appointed attorney when they are indigent and appear in opposition to the state's suit. Also, to add Section 107.0141 to give courts the option to appoint attorneys for a limited period to assist with locating the parents, establishing indigence, and preparing for the Adversary Hearing. Also, Texas Family Code Chapters 155 and 263 were amended to place tighter controls on the process used when child protection cases transfer from one county to another to help ensure state mandated deadlines and party appointments are not missed. Finally, Texas Family Code sections were added to provide for the creation and oversight of county or regional offices of child or parent representation in CPS cases. All bills were signed by the Governor and became effective September 1, 2015.	

2.4B Parent Representation Project: Current project (McLennan County) Involves the county contracting with private law firms for all legal representation of parents. The project goals include: 1) to fully understand the benefits and challenges of contracting with private law firms for the representation of parents in CPS proceedings; 2) to evaluate the nature and quality of representation provided by firm attorneys; and 3) to the extent possible, to compare the firm attorneys to the private bar to examine how quality and outcomes may differ.

2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
• **Work with McLennan County to develop a one-day training event for attorneys, CPS caseworkers, CASA volunteers, and other community stakeholders** • **Work with District Judge to refine contract to insert training requirements and standards of representation** • **Continue to survey and interview firm attorneys, CPS caseworkers, CASA volunteers, parents and other community stakeholders about the challenges and benefits associated with the project** • **Attempt a more in-depth parent survey to gather information from the parents' perspective on the quality of their representation** • **Additional court observation to gain a better understanding of court-specific procedures and culture, methods of advocacy, and how the parties relate to one another**	In July, 2014, the Children's Commission began an evaluation project to: 1) identify strengths and weaknesses of the model; 2) make recommendations for improvements to the McLennan County model; and 3) assess the feasibility of replication in other cities and counties. The evaluation included interviews and file reviews as well as Indicators of Success for Family Representation, developed in partnership with the ABA, to evaluate the nature and quality of representation provided by firm attorneys in McLennan County. In summary, the McLennan County Parent Representation Project has improved the quality of representation for parents involved in CPS cases in McLennan County. While this model may be hard to replicate in larger counties, this model could be implemented by an individual judge. The project indicates that some type of pooling structure can reduce and even eliminate continuances and delays making time-certain docketing more feasible. It appears that contract rates, as opposed to hourly rates, can actually promote higher quality lawyering in the right context because of the self-selection process of the individuals who are willing to take lower pay to represent individuals in CPS cases. It also appears that this type of	$1000.00

	agreement works particularly well with larger groups of attorneys who can pool other costs and possibly bring in financial support from other sources. One county mediator observed that from 2012 – 2014, the difference in parent preparedness is stark. Parent attorneys are doing a much better job of helping parents understand the purpose of mediation and options available to them/their family. Parents interviewed responded positively to all questions regarding satisfaction, except as to whether the parent had regular contact on days other than court days. For FY2016, the Children's Commission will work with Judge Gary Coley to bring a live training event to McLennan County for attorneys who appear on the CPS docket. Also, McLennan County has been added to the group of Child Protection Courts so the CPS docket will transition to an associate judge and data will migrate to the child protection case management system or CPCMS that is maintained by Office of Court Administration.	
2.4D Mediation in Child Protection Cases.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **UT will study the best practices and cost-effectiveness of mediation for Travis County and will develop a cost formula that can be applied to other counties in Texas** ▪ **The Children's Commission will use the research framework and questions developed in this project with other Texas counties** ▪ **The project will aim to answer four broad research questions:** – **What types of child protection cases are best suited for resolution through mediation?** – **When in the life-cycle of a case is the optimal time for mediation to occur?** – **How are outcomes affected by mediation, including the legal resolution of the case, child wellbeing, and time to permanency?** – **Is mediation a cost-effective strategy for resolving child protection cases?** o **Legal resolution will be measured by determining whether all of the legal issues were resolved by mediation, as compared to being partially resolved or not resolved (moving to trial).** o **The timing and type of outcome of the case will be**	In September 2014, UT applied for a grant to help determine the best practices and cost-effectiveness of mediation for Travis County, Texas. This project also aimed to develop cost formula that could be applied to other counties in the state and to provide a research framework and questions that can be used by other counties. One goal of the project was to determine the costs of mediation measured by the full costs associated with cases that are resolved prior to mediation, at mediation, and at trial and include all real costs paid by the courts and departments to prepare and service the case, in addition to the cost of mediation, foster care placement, and any other relevant costs. Due to data delays associated with the SACWIS / child welfare system, the project has been delayed and will be processed at year end as a no-cost extension so the project may be completed in FY2016. The result will be an evidence-based analysis best practices in mediation and whether mediation in child protection cases is a more cost effective strategy than going to trial without mediation, and whether mediation can be associated with a shorter time to permanency and case resolution.	No Cost Extension $2,776.00

measured in three ways: time to legal resolution or final order (whatever the outcome), the type of final order (reunification, adoption, PMC to the Department or relative), and time to exit from foster care. Comparisons between cases that are resolved prior to mediation, at mediation, and at trial will be made. o **Cost of the case will be measured by the full costs associated with cases that are resolved prior to mediation, at mediation, and at trial.** ▪ **UT will publish a final report in FY2016** ▪ **Based on report, the Children's Commission will determine whether to fund additional mediation projects to help develop best practices or training**		
2.5A Children's Commission Round Tables: Round Tables (RT) bring together subject matter experts, judicial and executive branch leaders, and key policymakers to discuss issues affecting child welfare in the State of Texas.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Work with DFPS to identify RT topics** ▪ **Form a workgroup to define state purpose and goal of RT, determine format, and develop an agenda** ▪ **Facilitate and staff workgroup meetings to develop materials, data required, and identify speakers and moderators** ▪ **Secure meeting location, invitations, attendee lists, travel, and match forms** ▪ **Produce written report from the RT within 4 to 6 months and disseminate to participants and stakeholders**	Please see the Parental Child Safety Placement project (2.2F) for RT details. For 2016, the Children's Commission will work with DFPS and other child welfare partners to identify RT topics.	$5,000.00
2.5B Jurist in Residence: Jurist in Residence acts as a consultant, trainer, and speaker to provide expert and seasoned judicial advice on matters affecting courts and legal system handling of child welfare cases and issues.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Partner with retired, experienced judges with child welfare experience to serve as JIRs** ▪ **Attend conference calls, meetings, and conferences as requested / needed** ▪ **Publish communiqués and letters on emerging, highly pertinent, and changing policy, laws, and practice that may be of interest to judges hearing CPS cases** ▪ **JIRs will market scholarship and conference attendance opportunities**	The Jurist in Residence (JIR) position was created to foster judicial leadership and promote greater expertise among child protection judges. The JIR acts as a consultant, trainer, and speaker to provide expert and seasoned judicial advice on matters affecting courts and legal system handling of child welfare cases and issues. Additionally, informational letter and "blasts" concerning items of interests, such as training events, are routinely issued. In FY2015, the JIR published newsletters or news blasts on the following topics: 1) April Trial Skills Training Application: Deadline Extended; 2) 2015 Judicial Conferences; 3) May is National Foster Care Month;	$40,000.00

▪ **Assist with writing JIR letters, distribute to the CPS judge listserv, and post JIR letters on the CC website** ▪ **Provide shorter communications with judges regarding specific training opportunities and other matters of interest**	4) 2015 Attorney Scholarships; and 5) Reminder: 2015 Attorney Scholarships; 6) Information on Youth Sex Offenders; 7) DFPS Transformation; 8) Legislative Update from the 84th Legislative Session; and 9) Parental Child Safety Placements. Additionally, the JIRs assisted with development of curriculum for the annual Child Welfare Judges Conference, reviewed updates of the Child Protection Law Bench Book, provided technical assistance during the 84th Legislative Session, and collaborated on a well-being initiative.	
2.5C Assistance to Local Jurisdictions.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Work to assist local communities and jurisdictions in providing training, collaborative events, and leadership forums to help improve local child welfare systems**	New for FY2016	0.00 May involve staff travel, which is included in operating budget
2.5D Speaker and Consultant Support.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Engage with consultants and experts, as needed to help further Children's Commission goals, including but not limited to, strategic planning, training, and resource or material development, publication, and distribution**	New for FY2016	$5,000.00
2.5E Child and Family Services Review (CFSR) Stakeholder Input: The federal CFSR for Texas is scheduled for 2016. Part of the process includes a statewide assessment conducted by the child welfare agency and child welfare stakeholders.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Participate in the 2016 CFSR onsite review** ▪ **Participate in developing any Program Improvement Plan**	The federal CFSR is scheduled for June 2016. In FY2015, the Children's Commission facilitated three stakeholder meetings on November 14, 2014, December 19, 2014, and January 23, 2015. Each meeting was attended by approximately 50 stakeholders representing the judiciary, child placing agencies, child advocacy groups, DFPS management, licensing, contracts, and administration, as well as personnel from the Administration of Children and Families. CFSR Stakeholder Group 1 - Case Review System; CFSR Stakeholder Group 2 - the Service Array and Agency Response to Community; and CFSR Stakeholder Group 3 – the Foster/Adoption Licensing, Recruitment and Retention, to include Foster and Adoptive Family Training. The Department included an analysis in its Child and Family State Plan and submitted to ACF in June 2015.	$1,000.00
TOTAL BASIC PROJECTS		**$103,376.00**

TRAINING COMMITTEE REPORT

2.1A Texas Center for the Judiciary (TCJ): Provides specialized judicial education and training opportunities for active, retired and former Texas appellate, district and county court at law judges, as well as associate judges and court personnel. The Texas Center is designated by the Court of Criminal Appeals as the official registrar of continuing judicial education.

2016 Action Steps:	Progress Report	FY2016 BUDGET
▪ **Partner with TCJ to design curriculum and agenda for 2016 Child Welfare Judges Conference** ▪ **Conduct periodic planning calls, including creation of workgroup to plan agenda** ▪ **Determine number of attendees TCJ/budget can accommodate** ▪ **Determine attendee criteria** ▪ **Coordinate with OCA about inclusion of CPC staff** ▪ **Identify whether meeting space needed for CPC judges and court coordinators** ▪ **Develop method of handling travel reimbursements** ▪ **Identify topics and speakers** ▪ **Develop agenda** ▪ **Monitor logistical and other planning information** ▪ **Meet in person 4-6 weeks in advance of event to discuss organizational responsibilities and duties** ▪ **Approve attendee list** ▪ **Survey participants for increases in knowledge and other feedback** ▪ **Evaluate conference planning process** ▪ **Evaluate participant feedback** ▪ **Incorporate feedback into FY2017 planning, as appropriate**	The 2015 conference was held on August 17-19, 2015 and was attended by 90 judges. Topics included: Creating a Culture of Permanency, Judges' Strategies for Getting Kids to Permanency, Presentation by Texas CASA, 84th Legislative Session Update, Handling Wellbeing Issue from the Bench, Reasonable Efforts in CPS Cases, Tips for Properly Filing and Responding to Interventions in CPS Cases, Panel presentation by DFPS executives, NCSC Weighted Caseload Information Session and Study, Protect our Kids: Texas Efforts to Reduce Child Abuse and Neglect Fatalities, Special Immigrant Juvenile Status, and Human Trafficking. The State Tribal Collaborative also hosted a ½ day session on Monday, August 17th, and six tribal peacemakers attended the judicial conference on August 18 and 19. Also, the Child Protection specialty courts held a ½ day meeting immediately prior to the conference and utilized the time to discuss technology that will support their work and best practices.	$235,834.00 Includes two Texas judicial conferences, scholarships to one national conference, judicial technical assistance, and TCJ overhead to organize and host conferences
▪ **Partner with TCJ to offer scholarships to the 2016 NCJFCJ Annual Conference** ▪ **Provide input into criteria for scholarships and determines number of scholarships to be awarded** ▪ **Approve scholarship process and list of scholarship recipients prior to notification** ▪ **Evaluate TCJ's scholarship process for the NCJFCJ conference** ▪ **Evaluate participant feedback** ▪ **Incorporate feedback about the planning process, participant experience, and participant opinion about the training into the FY2017 planning, as appropriate**	The Annual NCJFCJ Conference was held in Austin on July 26-29, 2015. The Children's Commission, through its grant to TCJ, provided scholarships to 30 Texas judges. Also, Judge Darlene Byrne was installed as the NCJFCJ President for the 2015-2016 term.	

▪ **Provide partial funding for TCJ's annual Family Justice Conference** ▪ **Provide input into the content of the child abuse and neglect presentation, track, or agenda** ▪ **Provide feedback regarding judges invited to and slated to attend the child abuse and neglect portion of the conference, including criteria for attending presentation or track** ▪ **Evaluate feedback solicited by TCJ about the child abuse and neglect portion or event** ▪ **Conducts CQI on the planning process, event content, and relevant speakers**	The 2015 Family Justice Conference was held in San Antonio in January 2015 and CIP funds were used for a ½ day child abuse and neglect track. The sessions on the child abuse and neglect track at the Family Justice Conference included Reasonable Efforts, DFPS Commissioner Presentation, and Domestic Violence and Child Welfare Task Force. The three sessions were attended by between 30-50 judges; approximately 200 general jurisdiction judges attended the entire conference.	
▪ **Provide funds for judicial technical assistance, which may be used for speakers, meeting support and facilitation.**	FY 2015 CIP funds were used to fund speakers and facilitators at several multidisciplinary or judicial events such as the CFSR meetings hosted in November, December and January 2015 (see Basic Committee Report item2.5E) and PCSP Round Table held on August 28, 2015 (see Basic Committee Report item 2.2F)	
2.1B Texas Child Protection Law Bench Book: The Bench Book was created in 2010 and has been updated with legislative changes as recently as the 2015 Session. It is available online through the Children's Commission, Texas Center for the Judiciary, and Office of Court Administration websites.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Maintain a Child Protection Law Bench Book that outlines the statutory requirements for judges handling child protection cases, including topical sections, and checklists** ▪ **Disseminate Bench Book with 2016 updates at annual child welfare judicial conference, as well as to all new judges hearing CPS cases, and upon request** ▪ **Maintain an updated Bench Book on the Children's Commission's website** ▪ **Ensure all statutory citations are maintained and connected to a statutory resource hosted by LawBox** ▪ **Update the Bench Book with new information as needed** ▪ **Track distribution of Bench Book**	Bench Book updated with 2015 legislative changes in August 2015 and distribution of 100 copies occurred at the August 2015 Child Welfare Judges Conference. Also, Bench Cards were modified based on judicial feedback and distributed to judges at 2015 Conference. The Bench Book will be posted online on the Children's Commission website and connected to LawBox (web citation service) in September 2015.	$10,000.00 Includes 3600.00 LawBox, 6400.00 for printing and in-person meeting support
▪ **Convene the Bench Book workgroup at least once in FY2016 in person or via conference call to review substantive changes and approve updates**		
2.1C Trial Skills Training (TST): A hands-on training designed to improve the litigation skills of child welfare law attorneys in order to raise the caliber of legal services to children and families in child protection cases; includes fictional CPS fact pattern, with case file covering all statutory hearings building up to final trial; gives parent, child, and state attorneys litigation exercises in the CPS context; includes lectures and demonstrations from trained faculty comprised of senior attorneys and judges, followed by personal coaching; and is based on a Texas-specific case scenario with adapted pleadings and forms created for a termination lawsuit.		

2016 Action Steps:	Progress Report	FY2016 BUDGET
▪ **Convene two, 3-day TST events that include lectures, demonstrations, and practice sessions with live witnesses.** ▪ **Follow same flow as a final trial in a CPS case** ▪ **Include hands-on practice of trial skills with the assistance of professional, live witnesses, videography, and coaching by trained faculty** ▪ **Allow attorney review of practice session with a faculty member for additional feedback** ▪ **Evaluate each TST event** ▪ **Edit and update TST curriculum and materials, as necessary**	TST events held in October 2014 and April 2015, training 42 Texas attorneys from geographically diverse population. Extensive CQI conducted after each TST event and changes incorporated into the next TST session. In FY2015, four new TST faculty members were trained and the Children's Justice Act agreed to cover the cost of participants who represent the state in CPS proceedings. In September, the Children's Commission distributed an announcement about the November 2015 TST to its JIR listserv.	$55,000.00 Includes all expenses associated with TST $26,250.00 Designated for faculty scholarships

2.1D Scholarships: Children's Commission offers speaker fees, exam waiver fees, and training scholarships for 2 – 3 attorney trainings each year.

2016 Action Steps:	Progress Report	FY2016 BUDGET
▪ **Provide scholarships to State Bar of Texas Advanced Family Law One-Day Child Abuse and Neglect Track Workshop, National Association of Counsel for Children Annual Conference and every-other year, the American Bar Association Conference on Parent and Child Representation** ▪ **Determine which conferences scholarships will be awarded in FY2016, criteria for award, and amount of scholarship** ▪ **Create application process, evaluate each scholarship event and process and make changes, as appropriate** ▪ **Award scholarships pursuant to defined processed, and collect evaluation data from attendees, as appropriate** ▪ **Amend scholarship process, as necessary, and make recommendations regarding the 2017 funding**	The Children's Commission designed and administered the scholarship process for three CLEs: (1) For the State Bar of Texas (SBOT) Child Abuse and Neglect 1-Day Workshop in San Antonio, Texas, on August 5th, 2015. 98 registration scholarships were awarded, and 69 attorneys attended the live CLE in San Antonio (almost evenly allocated between DFPS attorneys and court-appointed attorneys for children and parents), and 19 will watch via video replay in October. Preliminary post-event survey responses show that 75% of these awardees would not have attended the CLE without a scholarship. Also, presentations on domestic violence in CPS cases, case law update, and a cross-examination of a live expert witness were all well received. (2) The bi-annual ABA Conference held in Washington DC on July 22-23rd on Children and the Law was attended by 5 Texas awardees, while the ABA Conference for Parent Attorneys on July 24-25th was attended by 6 awardees. All awardees to the ABA conferences received support from their presiding or appointing judge to be selected to attend and to receive up to $1250 in reimbursement funds. All 11 awardees responded to the post-event survey that attending the ABA conference would not have been possible without financial assistance from the Children's Commission. (3) The NACC Annual Conference on August 24-27th in Monterey, CA was attended by 8 Texas Child Welfare Law Specialists on registration scholarships. Preliminary post-event survey results show that all attendees have a current practice which they plan to change and/or a new practice which they plan to implement as a result of knowledge gained at the NACC Conference. Additional survey results will be provided in the February 2016 commission report.	$10,000.00 Advanced Family Law One-Day Child Abuse / Neglect Track $10,000.00 Annual NACC Conference

2.1E CASA will continue to work on assessing trauma knowledge and services among the child welfare community and help provide trauma-related training to attorneys ad litem. CASA will offer scholarships to attend the Annual CASA meeting in FY2016.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Distribute the 2015 Workforce Survey on Trauma-Informed Care within the Child Welfare System in Texas report through in-person and stakeholder meetings** ▪ **Work with the Children's Commission to develop quality training opportunities for attorneys ad litem to promote trauma-informed care knowledge and approaches to representing children and parents in child protection cases** ▪ **This will be accomplished by conducting at least two meetings with local CASA programs and Attorney ad Litem stakeholder groups to discuss need and best practice ideas around trauma-informed care training and practices and identify best training practices in the CASA network and in attorney training opportunities.** ▪ **Draft at least one policy change priority, based on the data from the survey, aimed at improving trauma-informed care training and practices in the Texas child welfare system** ▪ **Meet and collaboratively work with DFPS regarding the agency's existing trauma-informed care training practices and offer recommendations, based on the Trauma Survey, for expanding their current curriculum to integrate information about trauma and its impact on children** ▪ **Provide a 3-hour institute at the 2016 Texas CASA Annual Conference on trauma-informed care and lessons learned** ▪ **Register and provide for travel expenses for up to 10 Attorneys ad Litem to attend the 2016 Texas CASA conference**	CASA's FY2015 training projects increased the understanding of the impact of trauma to help CASA volunteers, CPS caseworkers, attorneys, judges, placement providers, therapeutic providers, kinship and families implement strategies that positively impact well-being and permanency outcomes. Texas CASA developed a survey to assess trauma informed training, practice, use and effectiveness. Read more about the CASA Trauma Survey under Basic Committee item 2.2E.	$29,358.00

2.1F State Bar of Texas Online Training: SBOT makes the online training available for free or low cost to parent, child and state legal representatives who take CPS appointments.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Work with State Bar of Texas to add 2-4 topics to the online CPS Identify topics and advise on content** ▪ **Identify speakers and arrange dates for filming with SBOT** ▪ **Publicize CLE on website and through other methods such as JIR letter, announcements at Commission meetings and other events**	In partnership with the State Bar, the following online courses were made available to court-appointed attorneys and state and DFPS attorneys: 1) Advocating for Youth Aging Out of Foster Care; 2) Resources and Processes for Representing Crossover Youth with Disabilities; 3) Special Education Advocacy for Kids in the Foster Care System; 4) Representing Teen Parents in CPS Cases; 5) Practice Tips on Representing Children; 6) Representing Parents in CPS Cases;	$2,500.00 Includes SBOT online training taped during the one-day per

▪ **Provide scholarships based on financial need to attorneys in order to access the SBOT online CPS library**	7) Preserving Error and Appeals Issues in CPS cases; 8) Representing Children in CPS Cases, Updated July 2013; 9) Trial Skills in the CPS Case; 10) Moving from Ordinary to Extraordinary Representation in CPS Cases; 11) Child Protection Legislative Update: 84th Legislative Session; and 12) Thinking Ahead: Dealing with Appeals Issues in CPS Cases. The SBOT's online library of CPS-related webinars is available for $25.00 per webinar. There are scholarships available through the Commission and through the Bar for attorneys who need financial assistance to access this online training.	year event, and all costs associated with Commission -produced webinars (next item)
2.1G Children's Commission sponsored and hosted webinars for attorneys ad litem, judges, stakeholders.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Sponsor and host a series of webinars on various topics relevant to child welfare** ▪ **Ensure training is made available to all attorneys ad litem, parent attorneys, and attorneys representing the State of Texas, as well as judges and stakeholders** ▪ **Advise on content** ▪ **Seek Continuing Legal Education credit for each webinar** ▪ **Post a link to the webinar on website** ▪ **Notify potential viewers via electronic means** ▪ **Monitor the number of viewers** ▪ **Survey for quality of process, content and speakers/presentations** ▪ **CQI the process and the content**	New for 2016	Included in above item
2.1H Children's Commission Provides Reimbursement for CWLS Exam Fee and CWLS Recertification for Successful Child Welfare Law Specialists.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Provide NACC Child Welfare Law Specialization Exam Fee Waivers for attorneys who become certified as CWLS** ▪ **Provides partial reimbursement for CWLS who are successfully recertified by NACC**	The Children's Commission offers reimbursement of the Certification Exam Fee for Texas attorneys and judges who successfully qualify for and pass the Child Welfare Specialist Exam. The cost of the fee to take the Child Welfare Certification Exam is $350 per attorney. Additionally, assistance is available to Texas attorneys and judges who are seeking re-certification of their CWLS every five years, which is reimbursed at $190. Currently, there are 35 Texas CWLS and 28 current Texas applicants who are in the process of preparing for the Certification exam.	$5,000.00
2.1I Regional Department of Family and Protective Services (DFPS) Attorney Training.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Provide support for speaker fees, facility fees and other expenses related to the annual Department of Family and Protective Services Regional Attorney Training**	DFPS held a regional attorney training event in October 2014 for approximately 100 attorneys and staff who provide legal representation to the State of Texas in approximately half the counties in the state.	$5,000.00

2.1J Local Attorney Ad Litem Training: Keeping Infants and Toddlers Safe (KITS) Conference held in Houston each year.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Provide support for Keeping Infants and Toddlers Safe conference held in Houston each year** ▪ **Provide notice of conference to judges and attorneys** ▪ **Seek results of evaluations from organizers** ▪ **Conduct CQI of process and training content**	KITS Conference was held on June 11-12, 2015 and was a multi-track training for attorneys representing children, parents, and DFPS, and child welfare professionals. Results of the conference evaluation are pending.	$15,000.00
2.4C Texas Board of Legal Specialization (TBLS): The goal of the project is to establish a child welfare specialization in with the Texas Board of Legal Specialization to help improve the quality of legal representation in child protection hearings.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Provide staff support to the TBLS Advisory Committee for FY2016** ▪ **Participate on the Advisory Committee** ▪ **Assist with the following tasks: writing standards or qualifications for attorney eligibility, writing the specialization exam, evaluating applications, and providing additional assistance to the Texas Board of Legal Specialization, as requested** ▪ **Participate in keeping all child welfare partners informed of progress**	The Children's Commission submitted a full application for legal specialization in child welfare law to the Texas Board of Legal Specialization (TBLS) on Friday April 24, 2015. The application included the names of over 20 attorneys and judges who will serve as the TBLS Advisory Committee to oversee the development of testing standards and to assist in writing the exam. The application is under consideration by the TBLS board, and if approved, TBLS will publish the proposed standards for comment in September 2015. The TBLS Advisory Committee will meet on September 11, 2015 to finalize the Standards for Certification, which will then be published for comment by the TBLS for 30-60 days, after which, the TBLS Advisory Committee will start writing the exam.	$5,000.00
TOTAL TRAINING PROJECTS		**$408,942.00**

DATA/TECHNOLOGY COMMITTEE REPORT		
2.3A Notice and Engagement Tool: The project involves using non-confidential case data to provide email notice to users about upcoming hearings. OCA will continue to expand the use, maintain, and enhance as appropriate.		
2016 Action Steps:	**2015 Progress Update**	**FY2016 BUDGET**
▪ **OCA will maintain the web tool that allows establishing a user ID, searching for a child / case, and setting timely email alerts** ▪ **Children's Commission will periodically re-issue announcement to various audiences** ▪ **Children's Commission will develop a survey tool to assess the usefulness, effectiveness and accuracy of the system** ▪ **System login and search information will be monitored** ▪ **Notices will be examined to evaluate whether the correct hearing data is populating according to search criteria** ▪ **OCA will report to the Children's Commission the number of users and hearings included in alerts sent by the system**	The project involves using non-confidential case data to provide notice to parties and interested persons about upcoming hearings, and is distributed via email. As of August 31, 2015, there were 228 users. Between October 1, 2014 and August 31, 2015, the system generated 391 notifications related to 366 different hearings. Also, in August, the Children's Commission staff made a presentation to all CPC judges and coordinators to update on the availability and encourage use of the product.	$324,467.00
2.3B Videoconferencing: 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.		
2016 Action Steps:	**2015 Progress Update**	**FY2016 BUDGET**
▪ **OCA will host and support the hardware and software required to facilitate VTC between courts and residential placements** ▪ **OCA will continue to refine the procedures and protocol between OCA, DFPS, Courts, and other users** ▪ **OCA will maintain an updated set of instructions for participation and provide to end-users** ▪ **OCA will continue to maintain a list of Residential Treatment Centers, Courts, and non-court and non-DFPS contracted** ▪ **OCA will continue to work with DFPS and other entities on expanding capability and feasibility for use beyond court hearings** ▪ **Continue scheduling and coordinating remote hearings for existing remote users including test calls** ▪ **Increase the number of participating courts by five (5), increase the number participating DFPS service provider sites by 8 during the fiscal year.** ▪ **Conduct an outreach to specific local CASA program offices that are interested in**	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 maintains a list of Residential Treatment Centers with video conferencing capability as well as a list of courts. OCA maintains 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. For the period of 09/01/14 through 8/31/15, there were 289 videoconference hearings held. During that same period, 216 youth attended a hearing via videoconference. Also, there are 26 courts, and 69 service provider facilities utilizing videoconferencing. OCA added a total of six facilities for FY2015. The system is also used to allow children to see their parents and siblings at the hearing, and allows attorneys and GALs to meet or confer with their clients prior to hearings. Also there are three local CASA programs are set up to use videoconferencing, plus capacity to add more CASA programs.	Included above

participating in the video conferencing project. Video conferencing capability will be implemented where possible ▪ **Acquire new video conferencing infrastructure. The new video conferencing infrastructure will provide the capability to conduct video conferencing from mobile technology devices (smartphone and tablets) on android and iOS** ▪ **Maintain a log of all hearings conducted, including the date, time participating court, type of hearing, participating placement, and length of hearing, any problems with the transmission quality or technological barriers.**	OCA plans to upgrade the hardware in FY2016 to improve the reporting capability and to include features to enable use from any hand-held device such as an iPad, iPhone, or Android.	

2.3C Website / Support: Children's Commission will maintain a website for the Commission and for Education efforts to inform and apprise stakeholders about the Commission and the offerings and services available from the Children's Commission and Texas Court Improvement Program.

2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **OCA will update the Children's Commission website by September 18, 2015** ▪ **Children's Commission Staff will monitor website on an ongoing basis to ensure items are added, deleted, and information is maintained in a current and accurate manner**	The Children's Commission will transition to a new website at the end of the FY2015. Link: http://texaschildrenscommission.gov/	Included above

2.3D Child Protection Case Management System (CPCMS): CPCMS is a case management system that is unique to Child Protection Courts. Efficient and full use of the case management system can help decrease the time to permanency and CPC Courts.

2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **OCA will provide project management, programming and testing services for CPCMS.** ▪ **OCA will determine whether there are bug fixes or enhancements required based on input from CPCMS users.** ▪ **OCA will use its CPCMS Advisory Group to determine the nature and priority of CPCMS enhances and bug fixes.** ▪ **CC Staff will participate in the Advisory Group calls and meetings.** ▪ **OCA will consult with the Children's Commission on the appropriate percentage of time to allocate to CPCMS enhancements.** ▪ **OCA will keep Children's Commission apprised of equipment and software purchases required for proper and efficient operation and maintenance.**	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 met in FY2015 to provide governance in order to prioritize enhancements and bug fixes. Also in FY2015, OCA undertook a major upgrade of the CPCMS infrastructure and also upgraded the judge's primary hearing page, which allows the judge more flexibility to stay on one page (the primary page) of CPCMS while also accessing information stored on other pages. Overall, these changes have made CPCMS more efficient and easier for judges and court coordinators to use. CPCMS is in maintenance mode. OCA continually works on the architecture to streamline how documents are stored so that document storage can be accomplished outside the CPCMS database. Documents stored outside the database will make the system more responsive and easier to use, and as four new CPC courts will be created in FY 2016, , this	Included above

	change will allow CPCMS to continue to be responsive as users are added. Another project with CPCMS going forward into FY2016 will involve using data from the State Bar of Texas database to eliminate duplicate entries for attorneys by identifying each attorney by his/her bar number and the name associated with that bar number on the SBOT website.	
2.3E Weighted Caseload Study: To identify the specific and accurate court and judicial system resources required to adequately handle the state's child protection caseload.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **OCA will work with the National Center for State Courts (NCSC) to design a weighted caseload project** ▪ **A Judicial Needs Assessment Committee (JNAC) will be formed to provide project oversight and guidance as well as to review project plans and materials** ▪ **A web-based tool will be developed to for judges to collect data** ▪ **Training will be developed to explain to judicial officers how to classify and record work during the study** ▪ **An event-based time study of judicial workload over the course of a four to six week period will be conducted in October/November 2015** ▪ **The activities will include all on-bench and off-bench pre-trial, dispositional, and post-disposition activities** ▪ **An analysis of the time study date will be performed** ▪ **A composite case weight for CPS cases will be developed** ▪ **The project will also include a sufficient of time survey to assess whether judges would have sufficient time to fulfill all responsibilities given current resource levels** ▪ **This particular study will assess whether there is a need for more or less time related to specific phases of case processing, the challenges to effective handling, and proven efficient and deficient case processes and strategies** ▪ **A final meeting will convene for presentation of the results and sufficiency of time survey** ▪ **A final report that includes CPS case weight recommendations will be published by NCSC and OCA**	Late FY2015, the Children's Commission approved a grant to the National Center for State Courts to design and execute a weighted caseload study. NCSC is responsible for creating the tool to collect data, train judges on how to track and record their work, and provide a glossary to define all case-type events. In June, the NCSC and OCA formed a Judicial Needs Assessment Committee to provide input and oversight for the project, and the JNAC met on July 7, 2015, to discuss court-related and child welfare statistics, the types of hearings judges oversee, case administration duties such as docketing, data into CPCMS for those judges who use that system, travel as it relates to CPC judges, and other administrative tasks related to case management. In August, the NCSC and OCA developed a Glossary to define each hearing and case event, and created a category type for each hearing type and case event. Also, in August, the NCSC made a presentation at the Annual Child Welfare Conference and recruited judicial participants for the caseload study. The time study dates are October 26 - November 22. Twenty-eight judges will participate (19 non-CPC courts, 9 from CPC courts). NCSC will train each participant judge, and the time-study will occur over a four-to-six week period in October and November 2015. The Children's Commission is represented on the JNAC and also assists OCA in providing meeting and travel support for the JNAC members.	$73,223.00 For NCSC activities, assistance $6220.00 For JNAC travel expense
TOTAL DATA/TECH PROJECTS		**$403,910.00**

FOSTER CARE AND EDUCATION COMMITTEE REPORT		
2.2B Texas Blueprint: Foster Care and Education Committee will support and monitor implementation of the Blueprint recommendations.		
2016 Action Steps:	**Progress Report**	**FY2016 BUDGET**
▪ **Staff new standing Foster Care and Education Committee to launch Phase II of the Texas Blueprint Implementation** ▪ **Ensure the committee meets periodically to assess progress of implementation** ▪ **Promote continued collaboration between education, child welfare, and the courts** ▪ **Seek guidance of top-level judicial, education, and child welfare leadership, as necessary** ▪ **Create and monitor workgroups or subcommittees to carry out charge or purpose of the Foster Care and Education Committee** ▪ **Foster Care and Education Committee will provide periodic updates on implementation to the Children's Commission at its scheduled meetings during FY2016** ▪ **CC staff will include information about education needs, outcomes, laws, policy, practice, and judicial tools in its CPS Judicial Bench Book and Education website**	Phase I wrapped up in December 2014 with the Children's Commission forming a standing Foster Care and Education Committee to oversee the continued implementation of the Texas Blueprint recommendations to improve education outcomes for children and youth in foster care.. Phase II of implementation began with the first meeting of the Foster Care and Education Committee on July 20, 2015. The committee approved the creation of four workgroups to meet periodically. The workgroups will address data, post-secondary opportunities, special education, and local collaboration. The Data Workgroup will work towards improved information-sharing and the formulation of a joint report by TEA and DFPS. The Postsecondary Workgroup will address issues of college or career readiness, identification of students currently or formerly in care, and supports to encourage better outcomes beyond high school. The Special Education Workgroup will focus on the over and underrepresentation of students in foster care in special education. The Local Collaboration Workgroup will identify strategies to promote collaboration at the local level. The next Foster Care and Education Committee meeting is on December 14, 2015. The CPS Bench Book chapter on education issues was updated in August, including addition of legislative changes.	$10,000.00
TOTAL FC&E PROJECTS		**$10,000.00**
GRAND TOTAL PROJECTS		**$926,228.00**

INSERT - TAB 4

Children's Commission
SUPREME COURT OF TEXAS PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

Children's Commission
Financial Report

FY 2015 BUDGET

Carry Forward from FY 2014	$ 1,371,423
FY 2015 Distribution	$ 1,707,782
Available for FY 2014	$ 3,079,205

FY 2015 OBLIGATIONS

	Budget	Expenses To-date
Indirect	$ 810,990	$ 786,096
Staff Directed Projects	$ 177,850	$ 81,770
Grants	$ 743,295	$ 352,042
Scholarships	$ 60,500	$ 17,410
	$ 1,792,635	$ 1,237,318

Federal Fund Balance as of 9/15/15	$ 1,841,887
FY 2015 Est. Outstanding Encumbrances	$ 350,000
Estimated FY 2015 Carry Forward	$ 1,491,887

PROJECTED FY 2016 BUDGET

Estimated FY 2015 Carry Forward	$ 1,491,887
FY 2016 Projected Distribution	$ 1,605,315
Projected Amount Available for FY 2015	$ 3,097,202

FY 2016 BUDGETED OBLIGATIONS

	Budget
Operating	$ 869,510
Basic	$ 103,376
Training	$ 408,942
Technology	$ 403,910
Foster Care and Education	$ 10,000
	$ 1,795,738

September 14, 2015

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ABA Child Law Practice
clp

Vol. 34 No. 8 August 2015 CLP Online: www.childlawpractice.org

LEARNING CURVES

The Texas Blueprint—
A Model for Improving School Experiences for Children in Foster Care

by Claire Chiamulera

"Everyone can agree that good education is a key to success in life. Unlocking the doors that shut foster children out of educational opportunity is surely worthy of our best efforts."
—Justice Harriet O'Neill, Supreme Court of Texas, May 2010

"The Texas Blueprint outlines a plan of how we can work together in our communities and schools to achieve better outcomes for the underserved foster-care population….The Supreme Court of Texas and the Children's Commission want to send a resounding message to our foster youth that we care and believe they can achieve their fullest potential."
—Hon. Eva M. Guzman, Supreme Court of Texas and Chair, Children's Commission, May 2012

Supreme Court of Texas leaders heard the call to improve education outcomes for the approximately 30,000 children and youth in the state's foster care system. They formed an education committee of the Permanent Judicial Commission for Children, Youth and Families in 2010 to identify improvement areas. This led to a plan— the "Texas Blueprint"— that outlined over 100 recommendations to improve school experiences for children in care.

The Texas Blueprint, the result of a two-year effort by the education committee, with support from the Legal Center for Foster Care and Education at the ABA Center on Children and the Law (ABA Legal Center) and Casey Family Programs, charted an ambitious course.

The Texas Blueprint was modeled on the Blueprint for Change, a framework developed by the ABA Legal Center. Working with over 100 high-level court, education, and child welfare leaders in Texas, the education committee identified seven areas for improvement:

- judicial practices,
- data and information sharing,
- multidisciplinary training,
- school readiness,
- school stability and transitions,
- school experience,
- supports and advocacy, and
- postsecondary education.

The Texas Blueprint was released in May 2012. An implementation task force was then created to prioritize and implement the recommendations

(*Cont'd on p. 118*)

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ABA *Child Law* PRACTICE

http://www.childlawpractice.org

ABA Child Law Practice (CLP) provides lawyers, judges and other professionals current information to enhance their knowledge and skills, and improve the decisions they make on behalf of children and families. Topics include: abuse and neglect, adoption, foster care, termination of parental rights, juvenile justice, and tort actions involving children and families.

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JUVENILE JUSTICE UPDATE

Senate Judiciary Committee Approves Bill to Reauthorize Juvenile Justice Act

Displaying bipartisan concern for the urgent need to address juvenile justice issues, the Senate Judiciary Committee approved an ABA-supported bill by voice vote July 23 that would reauthorize and strengthen the Juvenile Justice and Delinquency Prevention Act (JJDPA) for the first time in over a decade.

In approving S. 1169, the committee accepted a substitute amendment crafted by bill sponsor and committee chairman Charles E. Grassley (R-Iowa) and cosponsor Sen. Sheldon Whitehouse (D-R.I.).

ABA President William C. Hubbard expressed the association's support for the legislation in a July 20 letter to the committee.

"Since the last JJDPA reauthorization was approved in 2002, there have been many developments in the field of juvenile justice that significantly impact the field," Hubbard said, adding that S. 1169 "recognizes and addresses many of these developments in several key ways." He said the ABA is specifically pleased with provisions that would:

- strengthen the Deinstitutionalization of Status Offenders (DSO) core requirement by calling on states to phase out use of the Valid Court Order Exception that currently causes youth to be jailed or securely confined for "status" offenses, which would not be crimes if committed by adults;
- extend the adult Jail Removal and Sight and Sound Separation core requirement to apply to all juveniles held pretrial, whether they are to be charged in juvenile or adult court;
- give states and localities clear direction to plan and implement data-driven approaches to ensure fairness and reduce racial and ethnic disparities, to set measurable objectives for reduction of disparities in the system, and to publicly report such efforts;
- encourage investment in community-based alternatives to detention; encourage family engagement in design and delivery of treatment and services; improve screening, diversion, assessment, and treatment for mental health and substance abuse needs; allow for easier transfer of education credits for youth involved in the system; and call for a focus on the particular needs of girls either in the system or at risk of entering the justice system;
- promote fairness by supporting state efforts to expand youth access to counsel and encouraging programs that inform youth of opportunities to seal or expunge juvenile records once they have gotten their lives back on track;
- encourage transparency, timeliness, public notice, and communication on the part of the Office of Juvenile Justice and Delinquency Prevention; and
- increase accountability to ensure effective use of resources, to provide greater oversight of grant programs, and to ensure state compliance with federal standards;

The substitute amendment also includes provisions supported by the ABA to place greater priority in federal funding for programs that are scientifically proven to work with at-risk juveniles and to encourage states to phase out the use of unreasonable restraints of juveniles in detention, including the shackling of pregnant girls.

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Parents Entitled to Effective, Enforceable Assistance of Counsel in Termination Proceedings

J.B. v. Dep't of Children & Fam., 2015 WL 4112321 (Fla.).

In appeal of termination of her parental rights, mother claimed ineffective assistance of counsel. The right to counsel in termination of parental right proceedings includes right to effective assistance and requires means of enforcing that right. To overcome the presumption of effective counsel, parent must identify specific errors made by counsel that show deficiency of reasonable, professional judgment. Claims of ineffective assistance must be raised by the parent and ruled on by the trial court.

The trial court adjudicated teenaged mother's child dependent based on petition alleging she violated a safety plan, was unstable, allowed the child to frequent unsafe locations, and left the child with strangers at a homeless shelter. The court set the goal as reunification.

The child welfare agency eventually filed a petition to terminate parental rights, alleging the mother, J.B., abandoned her child by failing to provide for him financially or emotionally and failing to exercise her parental duties and responsibilities.

The day before the adjudicatory hearing on the termination petition, mother's counsel filed a motion for continuance, which the judge denied as untimely and insufficient. Subsequently, the trial court entered a final judgment terminating both parents' rights. J.B. appealed, raising for the first time 10 claims of ineffective assistance of counsel regarding her counsel's performance in the termination proceedings.

In a case of first impression, the Florida Supreme Court expressly held the right of indigent parents to counsel under the Florida Constitution in termination of parental rights proceedings includes the right to effective assistance of counsel. An indigent parent is entitled to appointed counsel in termination cases in the trial and appellate court, but the parent is not entitled to appointed counsel in any trial court proceeding regarding a motion alleging ineffective assistance of counsel.

The court determined a challenge to counsel's effectiveness in a termination proceeding differs significantly from that in criminal cases. The interest in finality is substantially heightened by the child's interest in reaching permanency and the harm that results when permanency is unduly delayed. The parent must establish that the ineffective representation so prejudiced the outcome of the termination proceeding that but for counsel's deficient representation, the parent's rights would not have been terminated. This requires a showing of prejudice beyond the requirement that confidence in the outcome is undermined.

The Florida Supreme Court established an interim procedure for claims of ineffective assistance of counsel until a special committee creates a permanent process and issues rules. In this case, J.B.'s allegations of ineffective assistance are stated in conclusory fashion, with no showing of how she was prejudiced by counsel's deficient performance, and the court affirmed the termination of her parental rights.

Defense Counsel's Failure to Call Expert Created Probability the Error Affected Trial Outcome

People v. Ackley, 2015 WL 3949236 (Mich.).

Defendant was entitled to a new trial because his counsel failed to investigate adequately or attempt to secure appropriate expert assistance in preparing and presenting his defense, resulting in constitutionally ineffective assistance of counsel.

Defendant was convicted of first-degree felony murder and first-degree child abuse after his live-in girlfriend's three-year-old daughter died while in his care. The defendant stated the child was napping alone in her room before he found her lying unresponsive on the floor next to her bed. The prosecution alleged the defendant killed the child, either by blunt force trauma or nonaccidental shaking. The defendant denied hurting the child, and said she must have died from an accidental fall.

Defendant appealed, claiming he was denied effective assistance of counsel and the trial court granted him a new trial. The Supreme Court of Michigan found that defense counsel's failure to engage a single expert witness to rebut the prosecution's expert testimony, or to attempt to consult an expert with the scientific training to support the defendant's theory of the case, fell below an objective standard of reasonableness and created a reasonable probability that this error affected the outcome of defendant's trial.

No eyewitness testimony or any other direct evidence was presented, and expert testimony was critical to determining whether the cause of death was intentional or accidental. The prosecution called five medical experts to testify at trial based on a Shaken Baby Syndrome/Abusive Head Trauma theory of the cause of death.

The defense, however, called no expert in support of its theory that the child's injuries resulted from an accidental short fall, although funding for expert assistance was available. Defense counsel did not attempt to consult an expert on short falls even though one had been recommended to him, and this failure could not be merely attributed to case strategy. There was no explanation for the child's injuries beyond the theories presented by the experts, and the prosecution produced no witnesses that the defendant was ever abusive.

The defendant's own testimony and that of his lay character witnesses was extremely unlikely to counter the formidable expert testimony. The absence of expert assistance for the defendant prevented counsel from testing the soundness of the prosecution's experts' conclusions with his own expert testimony and with effective cross-examination.

STATE CASES

Alabama

C.P.M. v. Shelby County Dep't of Human Res., 2015 WL 3821906 (Ala. Civ. App.). TERMINATION OF PARENTAL RIGHTS, TIMELINESS
Termination of mother's parental rights was not supported by clear and convincing evidence. Although child had been in child welfare agency custody three times, each removal appeared precautionary and not result of actual threats or allegations of abuse or neglect. Court's order terminating father's parental rights, entered 11 months after trial concluded, was not based on his current circumstances. Court's undue delay in entering judgment past 30-day statutory requirement required reversal.

Higdon v. State, 2015 WL 4162930 (Ala.). ABUSE, VICTIM AGE
In prosecution of 17-year-old defendant for first-degree rape or first-degree sodomy, determination whether sufficient evidence was presented to infer forcible compulsion by an implied threat should be viewed from perspective of child victim. Court may consider difference in age or maturity between defendant and child victim and defendant's position of authority or control over child as summer intern at child care facility from child victim's perspective.

Arizona

Louis C. v. Dep't of Child Safety, 2015 WL 3917382 (Ariz. Ct. App.). DEPENDENCY, JUSTIFICATION
Father claimed his use of force against 12-year-old son during disciplinary action for missed school assignments was justified and not viable basis for adjudication of dependency. Father struck child more than eight times on his back and buttocks, front and back of legs, and on hands, which child raised defensively. Father was not entitled to justification defense when he used inappropriate and unreasonable force in disciplining minor child.

Connecticut

In re Peter L., 2015 WL 3986144 (Conn. App. Ct.). TERMINATION OF PARENTAL RIGHTS, LEGAL REPRESENTATION
After divorce, father who once kidnapped mother at gunpoint made minimal efforts to maintain contact with son. Court granted mother's petition to terminate father's parental rights, and he appealed. Evidence was sufficient to terminate rights based on abandonment. Father's claim of ineffective assistance of counsel was denied because there was no evidence his counsel's performance fell below standard of reasonable competency or that lack of competency contributed to termination of his rights.

Georgia

In re L.R.M., 2015 WL 4114073 (Ga. Ct. App.). DEPENDENCY, PLACEMENT
Trial court properly denied paternal grandmother's request for custody and visitation with dependent child despite mother's wish that child be placed with her. Conditions causing child welfare agency's involvement with family remained, and mother made little progress with case plan, continued to use drugs, and failed to attend drug treatment. Grandmother knew mother was not allowed unsupervised visitation with child, yet allowed mother such visitation while child was in her care.

In re M.R., 2015 WL 4139289 (Ga. App. Ct.). DEPENDENCY, EVIDENCE
Evidence supported finding that child was dependent. Mother was homeless, and father had only visited child three times in past year and had been unemployed for almost one year at time of hearing. Father relied on his mother for financial support and housing, and was not actively seeking employment. He refused to submit to required home evaluation, which included drug test.

In re R.E., 2015 WL 4174012 (Ga. App. Ct.). TERMINATION OF PARENTAL RIGHTS, EVIDENCE
Evidence of parents' polyamorous sexual practices was insufficient to support termination of mother's parental rights to four children, when no evidence suggested children had been exposed to such practices. Evidence that older children may have been sexually abused was also insufficient absent evidence that mother was responsible for or complicit in abuse. Mother quit full-time job and took two part-time jobs so she could fulfill visitation and counseling duties, and although her financial resources were limited, poverty does not justify termination of parental rights.

Idaho

In re Doe, 2015 WL 3879725 (Idaho). TERMINATION OF PARENTAL RIGHTS, WILLFULNESS
Evidence supported finding that father neglected child because he failed or was unable to provide child with parental care necessary for her well-being. Father was incarcerated for part of child's life, had long history of drug addiction, repeatedly failed drug treatment, and had not maintained stable housing or employment. He claimed absence from child's life due to incarceration and drug treatment was not willful. Willfulness is not necessary to establish neglect in termination of parental rights case and its absence is not defense to neglect.

Illinois

In re L.B., 2015 WL 3875716 (Ill. App. Ct.). TERMINATION OF PARENTAL RIGHTS, FITNESS
Evidence supported finding that termination of mother's parental rights served best interests of child returned to her biological father as well as best interests of other child placed in foster care. Determination that one child's father was fit parent did not preclude termination of mother's rights based on her unfitness. Mother was unable to provide for children's basic needs, such as physical safety, welfare, shelter, health, and clothing. Child placed with father was identifying with father and stepmother and developing community ties.

Louisiana

State in re J.J.S., 2015 WL 4093925 (La. Ct. App.). TERMINATION OF PARENTAL RIGHTS, BEST INTERESTS
Child was born prematurely and exposed to drugs, but was initially returned to mother and provided services. Mother's parental rights were later terminated but father's were not. On appeal by child welfare agency, court terminated father's rights based on failure to provide significant contributions to child's care and support for six consecutive months. Child has profound interest, often at odds with those of parents, in terminating parental rights that prevent adoption and inhibit establishing secure and stable relationships.

Maine

In re Guardianship of Chamberlain, 2015 WL 3814360 (Maine). GUARDIANSHIP, DUE PROCESS
Children were in care of maternal

grandmother before and after death of their mother. Father appealed grandmother's appointment as guardian because statutory provision relied on lower standard of preponderance of evidence. By allowing lower standard, statute failed to adequately protect father's procedural due process rights. Order appointing guardian under statute can be entered only after court has made findings applying clear and convincing standard of proof.

Massachusetts

In re Adoption of Odetta, 2015 WL 3904599 (Mass. App. Ct.).
ADOPTION, RELIGION
In termination of parental rights proceeding against father convicted of killing child's mother, court properly found adoption by maternal aunt and uncle, who were not Muslim, rather than paternal uncle, who was Muslim, to be in child's best interests. Although child had been given Muslim name at birth and was formally recognized into Muslim faith, she was thriving under care of maternal aunt and uncle and all her essential needs were met. Paternal uncle was allowed visitation to continue child's exposure to Muslim faith and culture.

New Jersey

In re N.B., 2015 WL 4078555 (N.J.).
ABUSE, SEX OFFENSE REGISTRY
Juvenile offender, who pleaded guilty to sexual contact with child under age 13 to whom he was related, committed sole sex offense within scope of household/incest exception to requirement that he be included in internet sex offender registry. Juvenile committed offense against younger half-sister when they lived in same household, posed moderate risk of re-offense, and otherwise met requirements of exception.

New Mexico

In re Casey J., 2015 WL 3879548 (N.M. App. Ct.). TERMINATION OF PARENTAL RIGHTS, ICWA
In termination of parental rights proceeding involving Indian father and children, trial court had good cause to deviate from placement preferences under Indian Child Welfare Act (ICWA). Father appealed termination not to restore his rights but to require child welfare agency to place children with specific relative. ICWA qualified expert witness (QEW) stated she knew children's current placements did not meet ICWA placement preferences, but ICWA-compliant placement had not yet been possible due to unwillingness or unavailability of relatives.

New York

In re Maximus K.B., 2015 WL 3756936 (N.Y. App. Div.). TERMINATION OF PARENTAL RIGHTS, SUSPENDED JUDGMENT
Preponderance of evidence supported determination that it was in best interests of children to terminate father's parental rights and free them for adoption by their foster parents rather than issue suspended judgment. Father had permanently neglected children by failing to maintain contact with them or plan for their return during almost two-year period following their placement into foster care.

In re Tayleese M.C., 2014 WL 5350447 (N.Y. App. Div.). DEPENDENCY, CORPORAL PUNISHMENT
Preponderance of evidence supported court's determination that mother neglected child by using excessive corporal punishment and committing acts of domestic violence against father while in child's presence. Her actions impaired, or created imminent danger of impairing, child's physical, mental, or emotional condition.

Oklahoma

Jensen v. Poindexter, 2015 WL 3886092 (Okla.). CUSTODY, REPRESENTATION
Attorney for father in proceeding to establish paternity and determine custody suspected child was being abused by mother, the legal parent, and her husband but failed to report allegations as required by statute. Attorney interviewed unrepresented child about abuse allegations without legal parent's consent. Court sustained mother's motion to disqualify father's attorney for making himself necessary witness to child's credibility and harming integrity of judicial process.

Oregon

Dep't of Human Servs. v. M.E.M., 2015 WL 3772675 (Or. Ct. App.).
DEPENDENCY, DEFAULT
Mother was entitled to order setting aside default judgment that took jurisdiction over her child. Trial court entered default judgment as punitive measure for mother's failure to appear at status hearing in person, even though mother appeared via phone and counsel for mother was present. Mother appeared in person at several prior hearings but mistook date of hearing in question and, although not physically present, participated by phone.

Rhode Island

In re Jah-nell B., 2015 WL 3771120 (R.I.). TERMINATION OF PARENTAL RIGHTS, WILLFUL NEGLECT
Child was brought into care based on mother's unstable behavior while father was incarcerated. Evidence was sufficient to support finding that father was unfit by reason of his willful neglect to provide proper care and maintenance of his son for at least one year while he was financially able to do so. Father had been repeatedly incarcerated and child never lived with him. He did not offer future plans should he be reunified with child.

Washington

In re D.L.B., 2015 WL 4205141 (Wash. App. Ct.). TERMINATION OF PARENTAL RIGHTS, INCARCERATION
Amended statute that listed three factors trial court must consider before terminating parental rights of incarcerated parent applied only when parent was incarcerated at time of termination hearing. Although mother was incarcerated during part of child's dependency, she was not incarcerated at time of termination proceeding. Child welfare agency made reasonable efforts to provide mother with all available services before and during her incarceration but she failed to follow through.

FEDERAL CASES

9th Circuit

Kirkpatrick v. County of Washoe, 2015 WL 4154039 (9th Cir.).
DEPENDENCY, IMMUNITY
Father brought action against child welfare agency and three social workers under § 1983 alleging violations of Fourth and Fourteenth Amendment rights after social workers placed two-day-old child born to meth-addicted mother in foster care without first obtaining warrant. Agency's taking custody of child absent exigent circumstances and without judicial authorization did not violate father's substantive due process rights when at time state took custody of child, father had not yet established paternity.

(*Cont'd from front page*)

across these seven areas. The task force formed three workgroups focused on data and information sharing, school stability, and training and resource development.

The first phase of Texas Blueprint implementation ended in December 2014. According to the Texas Blueprint Implementation Task Force Final Report, released February 2015, 82% of the 130 recommendations are complete or significantly underway. The progress is impressive and shows the state's ownership of the issue and commitment of various systems to change and work together. In a state as big and diverse as Texas, marshaling the people and resources to help students in foster care achieve better school outcomes is a monumental task. The education committee and the implementation task force created a collaborative, multi-system framework to help encourage better educational outcomes for students in foster care in Texas.

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Road to Reform

The implementation task force set about making these changes happen using a broad approach in several areas: legislation, training, new informational tools, improved data collection and exchange, and commitment of court and agency resources. While system reform will look different in every state, the Texas work offers ideas for other states working to improve educational outcomes for children and youth in foster care.

Legislation

Since the release of the Texas Blueprint, two legislative sessions, in 2013 and 2015, led to the passage of a number of bills which address educational needs of students in foster care:

- The Texas Education Agency was required to include a code in its data system identifying children in foster care. The change allows better tracking of students in foster care and data collection related to their school experiences and outcomes. Texas joins California as two of the first states with this requirement.
- Courts must consider educational needs and goals for children in foster care at permanency and placement review hearings.
- Children's attorneys and guardians ad litem must know their clients' school needs and goals so they can advocate in court.
- New requirements clarify roles of the child's "education decision maker" (person authorized to make education decisions on behalf of a child in foster care) and require child welfare agencies and schools to identify and involve education decision makers in school decisions.
- Common school-related barriers for children in foster care were addressed through new requirements that:
  - streamline transfer of education records when students' schools change,
  - accommodate school absences due to a student's court involvement, and
  - provide supports to promote high school graduation.
- Expanded roles of recently created school-based foster care liaisons to include open-enrollment charter schools and require identification of the liaison to the state education agency.
- A child in foster care has a right to remain in the same school regardless of whether the child enrolled in the school before or after entering foster care and the child is entitled to remain in that school through the highest grade offered even if the child exits foster care while enrolled.
- Texas' education agency, higher education coordinating board, and public institutions of higher education are each required to designate a liaison to support the success of students in and formerly in foster care.
- Texas higher education and child welfare agencies must collaborate to allow for improved data collection and information sharing.

Training

To create awareness of the Texas Blueprint's recommendations statewide, an Education Summit—co-hosted by the Texas Supreme Court, the Texas Department of Family and Protective Services, and the Texas Education Agency—brought over 200 court, child welfare, and education professionals together in February 2013. In addition to spreading awareness of the educational challenges facing children in foster care, the Education Summit strengthened state and local collaboration around educating students in care.

The summit was the beginning of a statewide focus on training. It led to multidisciplinary training on many education issues, from general overviews of school issues for students in care to more complex guidance on attorney advocacy strategies, roles of education decision makers, and judicial efforts to improve education outcomes, among others. These trainings targeted attorneys, judges, children's advocates, educators, child welfare staff, school liaisons, service providers, surrogate parents, and other stakeholders who work with children in care and whose buy-in and support would help realize the Texas Blueprint's goals.

Information Tools

Giving frontline professionals the tools to guide them through the child welfare and education systems and ensure accurate and consistent information across disciplines took shape through products geared to various stakeholders. Examples include:

Judges

- **Education Chapter in the Texas Child Protection Law Bench Book** (http://benchbook.texaschildrenscommission.gov/library_item/gov.texaschildrenscommission.benchbook/139)—A chapter in the Texas Child Protection Bench Book explains common school challenges for children in care in Texas and highlights federal and state legislation to improve school outcomes for children in care. It also gives judges a list of resources to guide their oversight of education-related issues in child welfare cases.
- **Judge's Education Checklist** (http://texaschildrenscommission.gov/media/17149/Education%20Judicial%20Checklist.pdf)—A one-page checklist guides judges through seven education issues for discussion during court hearings: school readiness, school stability, education decision makers, school enrollment, school placement/school success, postsecondary education, and special education.

Educators

- **Foster Care and Student Success Resource Guide** (http://tea.texas.gov/FosterCareStudentSuccess/)—A comprehensive guide explains how school staff can help children in care succeed in school. The guide shows the state education agency's commitment to ensuring school staff understand the unique experiences of children in care, the need to work with courts and child welfare agencies around education, and the steps they can take to promote positive school experiences for children in care.

Implementing the Texas Blueprint: Keys to Success

- ✓ Collaboration across court, education, and child welfare systems
- ✓ Leadership invested in issues and work
- ✓ Task force and committed staff to guide and keep momentum, through the leadership of the Children's Commission
- ✓ Workgroups to divide and conquer, with task force oversight
- ✓ Quarterly in-person meetings to inform decision makers, resolve roadblocks, and share accomplishments

Child welfare professionals

- **Education resources—**The Texas Department of Family Protective Services added an education page on its intranet for caseworkers and staff. It also prepared newsletters (http://education.texaschildrenscommission.gov/resources.aspx) outlining caregivers' roles in getting children in their care ready for school with special attention to addressing school records transfer and enrollment for children in care who change schools.

Advocates

- **Education Advocacy Toolkit** (http://texascasa.org/learning-center/resources/educational-advocacy-toolkit/)—Texas Court Appointed Special Advocates created the Educational Advocacy Toolkit, the first in a series of toolkits aimed at preparing advocates for the unique challenges facing children and youth in foster care. The toolkit provides guidance and tips on identifying and advocating for a child's educational needs.

Data Collection/Exchange

A cornerstone to Texas's education efforts is a new approach to collecting and sharing data between the state education and child welfare agencies. A much higher level of detail about educational outcomes of students in care is being gathered. This allows for richer baseline data and a better picture of how students fare educationally compared to their peers.

Examples of the kinds of detail now being collected are:

- Numbers of children in care by grade
- Gender and ethnicity of students in care
- How many students in care receive special education and their primary disabilities
- Reasons why students in care leave school compared to their peers
- Percentage of students in care who follow the recommended graduation program
- Disciplinary outcomes of children in care (suspensions, expulsions, truancy)
- Breakdown of school moves by living arrangement (foster home, kinship placement, group home, residential treatment center, birth parents)

Information gathered from this data can inform schools and child welfare agencies about how to distribute resources and target interventions. Moving forward, the data also offers a baseline to measure progress.

Agency Resources

The people working behind the scenes to implement the recommendations in the Texas Blueprint are key to its success. Several agencies dedicated staff to work on implementation. For example:

- The Children's Commission hired a full-time attorney to work on improving school outcomes for

Resources

Texas Children's Commission
http://texaschildrenscommission.gov/
The Children's Commission education website includes links to the Texas Blueprint and the Implementation Task Force Final Report, a report highlighting the progress over the first two years implementing the Texas Blueprint recommendations.

Georgetown Conference on Improving Outcomes of Students in Foster Care
http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/
On May 27, 2015, Georgetown's Center on Poverty hosted a national conference on Improving the Outcomes of Students in Foster Care with partners National Center for Youth Law, the ABA Legal Center for Foster Care and Education, and the Children's Defense Fund. View a video of the conference featuring Rob Hofmann, Judge of the 452nd Judicial District Court of Texas and Chair of the Task Force. Judge Hofmann spoke about implementing the Texas Blueprint.

Legal Center for Foster Care and Education
http://www.fostercareandeducation.org/
The ABA Legal Center is a national organization working to improve school outcomes for children in foster care nationwide. The ABA Legal Center produced the Blueprint for Change, outlining eight reform areas to improve education for children in care. The Blueprint serves as a framework for states, such as Texas, to guide education reforms. The ABA Legal Center provides technical assistance and training to states and localities on these reforms, and shares resources on a variety of topics related to education and children and care.

students in foster care and implement the Texas Blueprint. The Assistant Director of the Children's Commission continues to dedicate significant time to education issues.

- The Texas Education Agency created a Foster Care Education and Policy Coordinator position to raise awareness among educators of the needs and challenges of students in care.
- The Department of Family Protective Services has 12 regional education specialists to support the education needs of children throughout the state and a division administrator for permanency, senior policy attorney, research and analytics team lead, and state education specialist each contribute significant time to Texas Blueprint implementation initiatives.
- In addition, approximately 50 stakeholders throughout the state participated regularly in Texas Blueprint implementation during the past two years.

Agencies also changed policies and practices and incorporated better information and guidance for key audiences. For example:

The state child welfare agency:

- Changed a court report template used by caseworkers to require more detail about the education status of children in care;
- Added a new requirement to its policy and contracts with foster caregivers to promote faster school record transfers when students change schools;
- Revised its education policy; and
- Created a new form to share information about the child's education decision maker and surrogate parent with courts and school staff.

The state education agency:

- Changed its student attendance policy to allow excused absences for students in care for court-ordered activities in child welfare cases;
- Added a lesson about students in foster care in the state online college and career readiness support center; and
- Included information on students in care in its data standards, student attendance handbook, agency correspondence, and its website.

Texas CASA:

- Held webinars and developed an education advocacy toolkit for CASA volunteers to prepare them to interact with schools and advocate for clients.

Next Steps

The first phase of the task force's work represents the less heralded "middle" of the project that leads to positive outcomes over time. As the effort moves to phase two of implementation, which includes creating a standing Foster Care and Education Committee of the Children's Commission, the infrastructure, personnel, relationships, and hard work during phase one offer a solid foundation for future work. Baseline data gathered through a highly sophisticated data collection system is already resulting in better tracking of students in foster care and their experiences. This data will help professionals across courts, child welfare, and education understand and better meet the needs of students in care.

Members of the statewide collaboration will work to implement the

remaining recommendations and keep momentum around those already completed or underway. It will also work to address recommended "next steps" drawn from its phase one efforts, including:

- **Broaden efforts to additional issues.** As implementation of the Texas Blueprint enters phase two, the work will continue in the priority areas identified in phase one. The task force also plans to expand its focus to areas that require deeper attention. These may include: higher education, school discipline, early childhood education, and special education.
- **Go local.** Implementation focused on the state-level during phase one. A goal in phase two is translating collaboration from the state-level to the local level, a challenge because of the size of Texas and its over 1,200 school districts. Linking the statewide effort to local collaborations and initiatives will be a goal for the work going forward.
- **Continue data and information sharing and analysis.** With quality data and increased sharing across agencies, the Data Workgroup now has more meaningful baseline data. As richer data continues to be collected, efforts can turn to analyzing data and translating it so courts, child welfare agencies, and schools can better meet needs of students in care.

Strong judicial leadership, cross-agency collaboration, and a commitment to working through challenges underlie the successful efforts to implement the Texas Blueprint.

Claire Chiamulera, legal editor at the ABA Center on Children and the Law, is *CLP's* editor.

SPOTLIGHT: IMMIGRATION

California's Reunifying Immigrant Families Act: Placement with Undocumented Relatives

by the ABA Child Welfare and Immigration Project

The nation's first law addressing the reunification barriers faced by many immigrant families in the child welfare system is California's Reuniting Immigrant Families Act ("SB 1064" or "the Act"), enacted September 30, 2012. This column highlights this law's provisions. This summary shares information on the provision on placing children with undocumented relatives, and how child welfare agencies and courts must treat those individuals.

Placement of Children

The Act is clear that the immigration status alone of a parent or relative cannot be a barrier to placement of the child with that person, including:

- Release of the child to a parent, guardian, or responsible adult after the state takes temporary custody;[1]
- Placement or custody with a non-custodial parent for a child removed in a dependency case;[2] and
- Placement in the care of a responsible relative for a child removed from the custody of his or her parents in a dependency case.[3]

Additionally, a child removed from the custody of his or her parents may be placed with a relative outside the United States if the court finds, upon clear and convincing evidence, that placement to be in the best interest of the child.[4]

Working with Undocumented Relatives

SB 1064 recognizes the great value to dependent children of maintaining children's ties to their relatives, and includes provisions to facilitate the involvement of immigrant relatives.

- A relative's request for the child to be placed with him or her is still due preferential consideration by the child welfare agency, regardless of the relative's immigration status.
- The child welfare agency may use the relative's foreign passport or consulate ID card as a valid form of identification to initiate the criminal records check and fingerprint clearance check required for placement determinations.[5]
- The child welfare agency must give a relative caregiver information about the permanency options of guardianship and adoption, regardless of the caregiver's immigration status. The information must be provided before legal guardianship is established or adoption is pursued, and must include the long-term benefits and consequences of each action.[6]

Other Custody Contexts

The Act's prohibition against making caretaking determinations based solely on immigration status extends to state family and probate courts.

- In private custody cases, a person's immigration status does not disqualify a person from receiving custody if the custody arrangement is otherwise in the child's best interest.[7]
- A relative may be considered for guardianship of a child in probate court regardless of the relative's immigration status.[8]

Endnotes

1. Cal. Welf. & Inst. §§ 309(a).
2. Cal. Welf. & Inst. § 361.2(e)(1).
3. Cal. Welf. & Inst. § 361.2(e)(2).
4. Cal. Welf. & Inst. § 361.2(f). This statutory amendment was added by AB 2209, Section 1, enacted July 17. 2012.
5. Cal. Welf. & Inst. §§ 309(d)(1), 361.4(b)(2).
6. Cal. Welf. & Inst. §§ 361.5(g)(2)(B), 366.25(b)(2)(B).
7. Cal. Fam. § 3040(b). 8 Cal. Prob. § 1510(a).
8. Cal. Prob. § 1510(a).

What You Should Know about the Justice for Victims of Trafficking Act of 2015

by Andrew Rhoden

Child trafficking is receiving significant attention in the United States and globally. The Global Freedom Center estimates that at least 26% of the 27 million victims of human trafficking are children under age 18. On May 29, 2015, President Barack Obama signed the Justice for Victims of Trafficking Act (JVTA) of 2015 (P.L. No 114-22). The Act is effective through September 30, 2019.

Q&A What is the purpose of the JVTA?

The JVTA provides restitution and justice for victims of human trafficking and child pornography by imposing fines and penalties against offenders. The money paid through fines will be placed into the Domestic Trafficking Victims Fund for grants to enhance programs that assist trafficking victims and provide services for victims of child pornography. The Act also provides law enforcement across the country with resources to establish or enhance task forces against human trafficking, fund prosecution, and create trafficking victim services. Moreover, producers of child pornography are now classified as human traffickers under the Act.

Q&A Which offenses are punishable under the JVTA?

- Debt servitude, slavery, and trafficking of people
- Sexual abuse
- Sexual exploitation and other abuse of children
- Production of child pornography
- Transportation for illegal sexual activity and related crimes: Under the JVTA, anyone who knowingly transports an individual with the intent to engage in prostitution or in any criminal sexual activity can be charged with an offense. Any attempts to do these actions will result in a fine or imprisonment for no more than 10 years or both.

Q&A Why was child pornography included in the JVTA?

Producing and distributing child pornography continues to be a threat to children in the United States, largely due to the international and domestic criminal demand for this illegal material and the ease of distribution through the internet. As a result, criminal networks have a financial incentive to participate in such activities.

Q&A How much will offenders be fined?

The court will assess a fine of $5,000 on any person or entity convicted of a trafficking offense. The fine is in addition to any restitution ordered by the court and any compensation owed to the victim resulting from the criminal conviction, which will be based on a special assessment by the court. The fine must be paid once the offender has satisfied all outstanding court-ordered fines, restitution, and any other compensation owed to victims.

Q&A How will the funds help deter child trafficking?

- **Anti-Trafficking Law Enforcement Units:** Funding will help create or enhance anti-trafficking law enforcement units throughout the country to investigate child trafficking offenses and identify and provide services to victims.
- **Witness Protection:** Witnesses in child trafficking cases will be placed into programs that ensure safety, assistance, and relocation to promote cooperation with law enforcement investigations.
- **Locating Homeless and Runaway Youth:** Funding will help defray law enforcement expenses, such as salaries and associated costs to locate homeless and runaway youth.
- **Treatment Programs:** Funds will support treatment programs for identified victims of child trafficking such as:
  - Life Skills Training
  - Outpatient Treatment
  - Education
  - Family Support Services
  - Housing Placement
  - Vocational Training

Q&A How will the JVTA ensure a better response for victims of child sex trafficking?

Each state must certify that its child protection agency has in place a state plan to:

1. Identify and report children known or suspected to be victims of sex trafficking;
2. Establish training for child protection workers to identify, assess, and provide comprehensive services for victims of child trafficking;
3. Identify child victims of sex

trafficking as victims of child abuse and neglect, or sexual abuse.

In this way, the JVTA promotes the treatment of children who have been trafficked as victims rather than offenders and encourages states to approach the issue of child sex trafficking differently.

Q&A Who is eligible for a grant under the JVTA?

An "eligible entity" is a state or local government agency that meets the following criteria:

1. Has significant criminal activity involving child trafficking;
2. Demonstrates cooperation with other law enforcement agencies;
3. Has a plan to combat child trafficking; and
4. Will not require a victim of child trafficking to collaborate with law enforcement to have access to services or shelter provided under the Act.

Q&A What is the grant application process?

An eligible entity must apply to the U.S. Attorney General to be considered for the grants. Applications must include the following:

1. Activities for which assistance is sought;
2. A detailed plan using funds awarded under the grant;
3. Any additional information the attorney general deems necessary to ensure compliance; and
4. Disclosure of any other grant funding from the Department of Justice or from any other federal department or agency.

Andrew Rhoden is a law student at American University Washington College of Law. He is a legal intern for the ABA Center on Children and the Law, Lt. Governor of Diversity for the ABA Law Student Division's 5th Circuit, and a liaison for the ABA Individual Rights and Responsibilities section.

CELEBRATIONS

Robert Schwartz Receives Mark Hardin Award

by Claire Chiamulera

Robert Schwartz, JD, received the Mark Hardin Award for Child Welfare Legal Scholarship and Systems Change at the 16th National Conference on Children and the Law in Washington, DC on July 17, 2015. The award kicked off the two-day biannual conference hosted by the ABA Center on Children and the Law.

Mimi Laver, director of legal education at the ABA Center on Children and the Law, described the award and its significance. "The award honors someone in the child law field who represents legal scholarship but also works on systems change—someone who's written, who's taught, who's shared, and who has worked in child welfare and has been influential in changing the way we do our work," said Laver. These traits embodied attorney Mark Hardin's career at the Center on Children and the Law.

In 1975, Schwartz was one of the founders of the Juvenile Law Center (JLC) in Philadelphia, the oldest nonprofit public interest law firm for children in the country. He became JLC's executive director in 1982. Throughout his career, Schwartz has written many scholarly articles, trained and talked to people in over 30 states and many countries. He has supported the ABA Center on Children and the Law over the years and has been active in the greater ABA, serving for several years on the ABA Commission on Youth at Risk.

Laver, who introduced Schwartz and gave him the award, noted that he was her personal mentor. When she graduated law school in Philadelphia, Schwartz took her under his wing and introduced her to many influential child advocates in the city, deepening her commitment to child advocacy as a career.

"I am grateful to receive the Mark Hardin award," said Schwartz. He described Hardin as "an oracle in the field" and noted that his work and the Juvenile Law Center was "shaped by Mark's insights and prodigious output." "Today's award is a tribute I will treasure forever," he said.

Claire Chiamulera, CLP editor.

Understanding the Adolescent Brain and Legal Culpability

by Morgan Tyler

Only 11 years old, Xavier McElrath-Bey joined a gang on the south side of Chicago. At age 13, Xavier was sentenced to 15 years in prison for a gang murder. He was released from jail at age 28 with a college degree and a desire to make a difference in the world. Xavier now advocates for youth rights and fair sentencing of juveniles for the Campaign for Fair Sentencing of Youth. Xavier has dedicated his life to preventing juveniles from traveling a similar path.

Xavier joined an expert panel at the ABA webinar, "Rethinking Juvenile Justice: Adolescent Brain Science and Legal Culpability," on June 10, 2015. Experts highlighted how juveniles' brains differ from adults' and how those differences should be weighed when deciding their legal culpability for committing crimes. Experts included:

- Jennifer Woolard, associate professor of psychology at Georgetown University and co-director of the graduate program's Human Development and Public Policy track;
- Robert Kinscherff, senior administrator and director of the concentration in Forensic Psychology in the doctoral clinical psychology program at William James College; and
- Marsha Levick, co-founder, deputy director and chief counsel of the Juvenile Law Center, America's oldest public interest law firm for children.

How the Juvenile Brain Functions

While juveniles can be legally tried as adults, their brains are extremely different, said Kinscherff. One of the key differences between adult and adolescent brains, highlighted by Kinscherff, is the lack of prefrontal cortex development in young brains. The prefrontal cortex controls humans' ability to:

- delay and reflect (the lack of development limits the amount of time juveniles will think before they act);
- take all options into account (juveniles are extremely impulsive);
- contemplate risks and consequences (sensation seeking is at an all-time high at mid-adolescence);
- have social intelligence (juveniles have difficulty being empathetic and are susceptible to peer pressure).

Two other brain systems that are key for understanding the adolescent brain include the social-emotional system and the cognitive control system.

The **social-emotional system** includes the limbic midbrain system and the orbital frontal areas of the frontal lobe. It develops faster than the cognitive control system. The social-emotional system controls the emotional state of the brain. With the rapid development of this system teens have:

- increased need for a sense of rewards,
- increased sensation seeking,
- more reactive emotional responses to both positive and negative emotions,
- increased attentiveness to social cues.

The **cognitive control system** includes the dorsolateral area of the frontal lobe. This system provides a check to the social-emotional system, but takes longer to develop. As the cognitive control system matures through adolescence it provides:

- increased impulse control,
- better emotional regulation,
- more foresight and detection of options,
- better planning and anticipation of outcomes,
- greater resistance to stress and peer pressure.

With differences in development, the brain is essentially being given the "gas" of the social-emotional system without having mature "brakes" of the cognitive control system. This leads to these trends in the juvenile brain:

- Impulsivity declines with age.
- Sensation seeking declines with age.
- Susceptibility to peer influence declines with age.
- Time spent problem solving increases with age.
- Gratification delays increase with age.

Applying Neuroscience to Juvenile Culpability

Woolard highlighted how adolescent defendants may have less criminal culpability than their adult counterparts based on the latest neuroscience. The legal process is confusing no matter the age of the defendant. When polled, the percentage of people who thought admitting to a crime when questioned by the police was the right response

decreased from nearly 60% at age range 11-13 to less than 20% at age range 18-24. This data shows that a mere difference of seven years has a huge effect on the legal responses of a defendant. Woolard outlined three ways that including more information about adolescent brain development might affect legal practice when representing juveniles charged with committing crimes:

- Change assumptions about juveniles; they are different than adults and their behavior needs to be judged in the context of their development.
- Offer new information and findings to be considered in forensic evaluations, social histories, and presentence reports.
- Aid in explaining interactions and relationships between adolescents and other key players in the court system, probation offices, judges, etc. in order to help the defendant understand the legal process.

Court Application

Levick described four cases in which the United States Supreme Court has considered neuroscience research when sentencing youth who commit crimes:

- *Roper v. Simmons,* 543 U.S. 551, decided in 2005, dealt with a 17-year-old defendant sentenced to the death penalty in Missouri. The Court ruled that imposing the death penalty on juveniles who commit crimes when they are under age 18 violates the Eighth Amendment's prohibition against cruel and unusual punishment. The decision effectively banned the juvenile death penalty nationwide. The Court considered differences between juveniles and adults, finding that juveniles have less impulse control, increased susceptibility to peer influence, and lack of good reasoning making them less culpable than adults.
- *Graham v. Florida,* 560 U.S. 48, came before the Court in 2010. Sixteen-year-old Graham was convicted of attempted armed robbery and armed burglary. After his release, he violated his probation and was then sentenced to life without parole. The Court ruled that sentencing Graham to life without parole for committing a nonhomicide offense constituted cruel and unusual punishment for juveniles. The science supporting this ruling builds off *Roper*, noting huge fundamental brain differences between adults and children. Juveniles' actions are less likely to demonstrate negative moral character, unlike adults, creating less possibility of repeated offenses and better rehabilitation outcomes.
- In 2012, the Court ruled in *Miller v. Alabama,* 132 S.Ct. 2455, that juveniles cannot be subjected to mandatory life without parole. Fifteen-year-old Miller committed a homicide and was given a life sentence without parole. The Court decided sentencing should be conducted on a case-by-case basis, taking factors such as the juvenile's developmental stage and education into account. Three scientific facts supported the Court's reasoning: children lack maturity, which can be seen in their increased impulsivity and risk-taking; children are more vulnerable to negative influences from their environment or peers; and children's moral character is not fully developed, proving that their actions are not necessarily "evidence of irrebuttable depravity." Roper 543 U.S., 569.
- In *J.D.B v. North Carolina,* 131 S.Ct. 2394, decided in 2011, 13-year-old J.D.B was questioned by police and school administrators in his middle school about recent robberies. He was not read his Miranda rights or told that he was free to leave and eventually confessed to the robberies. The Court ruled that age is relevant in determining police custody for Miranda purposes and that children have a different perception of the legal system. Because they are easily influenced by their environments and peers, children do not understand the legal system and police custody in the same way that an adult would.

Greater awareness of the differences in adolescent brain development and how they affect juvenile's behaviors is increasingly being recognized.

These rulings are changing the landscape for juvenile defendants throughout the country. Greater awareness of the differences in adolescent brain development and how they affect juvenile's behaviors is increasingly being recognized by the Court, helping to ensure children are adjudicated more fairly.

Conclusion

The convergence of adolescent brain science and the legal system is essential for fair and accurate trials and sentencing of juveniles. Juveniles' developmental context plays a huge role in their legal culpability and should be considered in court. The recent Supreme Court rulings have paved the way for using brain science in court in juvenile cases.

Morgan Tyler is student at the College of William & Mary and is participating in the D.C. Summer Leadership & Community Engagement Institute as an intern at the ABA Center on Children and the Law.

Umbilical Cord Now Key to Assessing Drug Exposure in Newborns

Every baby born arrives with an umbilical cord in tow. For babies born addicted to drugs, that umbilical cord is now a key connection—a hard to hide clue—for identifying what drugs are coursing through a newborn's veins. The drug(s) detected will help physicians determine the best treatment and what withdrawal symptoms to expect.

"We may already know the mom has an opioid dependency at delivery because most women disclose this to avoid risking withdrawal, but we also need to know what else is she taking that might affect the baby's central nervous system," says Karen Buchi, MD, president, Primary Children's Hospital Medical Staff and chief of the Division of General Pediatrics at the University of Utah.

Buchi points out these babies suffer from "drug exposure" as opposed to "addiction," which is the behavior around drug dependency exhibited by the mother. As the baby is delivered—when a mother is suspected of being high risk for drug use—a member of the delivery team snips off six inches of the umbilical cord and sends it to ARUP Laboratories. Because umbilical cord tissue can be sent for testing immediately after birth, this specimen type offers logistical advantages over meconium, the traditional specimen for detecting drug-exposed newborns.

As the second medical laboratory in the country to start offering cord testing (since August 2012), ARUP experts immediately begin analysis looking for more than 40 specific drugs and drug metabolites. The most common drug ARUP identifies is marijuana; the second most common drug class is opioids (e.g., heroin, prescription pain killers). Often there is a mix of illicit drugs and prescription drugs. According to a Utah Health Status Update released in July 2013, between 2009 and 2012, 1,476 Utah mothers were reported to have used illicit drugs. As a result, 29.5 percent of babies born to these mothers tested positive for illicit drugs at birth—approximately 109 babies per year. "Utah is right up there with the rest of the nation in the rate of drug exposure among newborns," adds Buchi, citing that the University of Utah Hospital averages about one opioid-exposed newborn a month.

Each month, thousands of cord and meconium specimens arrive at ARUP from around the country. In Utah, the majority of cord specimens come from the Intermountain Medical Center while the University of Utah hospital still primarily sends ARUP meconium specimens. Though it varies based on the hospital, generally no consent from the mother is necessary for testing the infant if there is a medical reason to believe the child has been drug exposed in utero. Turning around results fast is crucial, because neonatal specialists need to identify and treat the symptoms to mitigate suffering and even possible death from withdrawals, before the typical 48-hour window closes when healthy mothers and their infants leave the hospital. While cord tissue testing can take up to 72 hours, for babies who exhibit signs of withdrawals or have mothers considered high-risk for drug use, the baby is frequently monitored longer. In this period, the clinician can attain more information about the kinds of drugs in the baby's system and determine the best treatment.

"This is also about getting mothers the care and support they need through rehab and social services so they can take care of their children."

"Sometimes babies are already in the throes of withdrawal symptoms but physicians can't determine what drugs they are dealing with until test results are available," says Gwen McMillin, PhD, DABCC, a medical director of the Clinical Toxicology Laboratories at ARUP.

The Rough Road of Withdrawals for Newborns

Known as neonatal abstinence syndrome, once the baby is born, and is no longer receiving drugs through the placenta from the mother, withdrawal symptoms begin. They can appear from one to 10 days after birth, ranging from diarrhea, excessive or high-pitched crying, fever, seizures, hypersensitivity to light, touch, and sound, rapid breathing, trembling, hyperactive reflexes, to name a few. Some infants will carry the effects of their mothers' neonatal drug abuse for life, suffering long-term complications including brain damage and learning disabilities.

Like an addict that immediately stops drug intake, a baby experiences the same physiological impact on the body and brain. In the case of a baby being exposed to opiates, if the opiate is not replaced, the baby can die. Affected newborns will spend their first months in a newborn intensive care unit; it can take more than a year for the effects of some drugs to wear off. Evidence reveals that these babies are more susceptible to drug addiction issues later.

"Ten years ago we were seeing significant prenatal methamphetamine use, now it's opioids; the difference is the babies exposed to opioids have longer lengths of stay in the hospital because they go through physiological withdrawal," explains Buchi, who has helped set up a care process for the management of opioid-exposed

newborns. "The symptoms of neonatal abstinence syndrome depend on the type of drug the mother used, how long it takes for the body to metabolize and eliminate the drug, how much of the drug she was taking and for how long," explains McMillin, adding that whether the baby was born full-term or premature can vary.

Whether a baby is addicted to stimulants or "downers" will result in different withdrawal symptoms and require different treatment. The American Medical Association estimated that in the United States approximately one infant, suffering from neonatal abstinence syndrome, was born every hour in 2009. "The work we're doing here is about the human condition; it is about the safety of children—as the risk of child abuse and neglect increases in cases of maternal drug abuse," emphasizes McMillin, who has visited some of the babies in NICU, as well as testified in court when called to present evidence.

"This is also about getting mothers the care and support they need through rehab and social services so they can take care of their children." Why is the cord the best evidence of drug use? Traditionally meconium (an infant's first stool) has been tested for detecting the presence of drugs, forming in the second trimester, and absorbing over time. However, waiting for this first stool to pass may waste valuable time, or the mother may try to dispose of it secretly, or it may pass during a difficult delivery, as happens in 10 percent of cases. The samples may be too small or sent too late for viable testing. Hair was considered as a possible specimen, but many babies don't have enough hair to provide a sizable enough sample.

"About six years ago, we started looking for alternative specimens," recalls McMillin, considering the placenta, the vernix caseosa (a white, creamy, film covering the baby's skin during the last trimester), and the umbilical cord. The cord became the specimen of choice because of its practical size, easy transportability, and accessibility. "Every child comes into this world with one and it can be sent the minute the baby is born," points out McMillin. What makes the turn-around time quicker for the cord is there is no waiting to collect the specimen.

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Poverty's Most Insidious Damage Is to a Child's Brain

An alarming 22 percent of U.S. children live in poverty, which can have long-lasting negative consequences on brain development, emotional health, and academic achievement. A new study, published July 20 in *JAMA Pediatrics,* provides even more compelling evidence that growing up in poverty has detrimental effects on the brain.

In an accompanying editorial, child psychiatrist Joan L. Luby, MD, at Washington University School of Medicine in St. Louis, writes that "early childhood interventions to support a nurturing environment for these children must now become our top public health priority for the good of all."

In her own research on young children living in poverty, Luby and her colleagues have identified changes in the brain's architecture that can lead to lifelong problems with depression, learning difficulties, and limitations in the ability to cope with stress.

However, her work also shows that parents who are nurturing can offset some of the negative effects on brain anatomy seen in poor children. The findings suggest that teaching nurturing skills to parents—particularly those who live below the poverty line—may provide a lifetime of benefit for children.

"Our research has shown that the effects of poverty on the developing brain, particularly in the hippocampus, are strongly influenced by parenting and life stresses experienced by the children," said Luby, the Samuel and Mae S. Ludwig Professor of Child Psychiatry and director of Washington University's Early Emotional Development Program.

The study, published in *JAMA Pediatrics Online* on July 20, 2015, by a team of researchers at the University of Wisconsin-Madison, found that low-income children had irregular brain development and lower standardized test scores, with as much as an estimated 20 percent gap in achievement explained by developmental lags in the frontal and temporal lobes of the brain.

"In developmental science and medicine, it is not often that the cause and solution of a public health problem become so clearly elucidated," Luby wrote in the editorial. "It is even less common that feasible and cost-effective solutions to such problems are discovered and within reach."

Luby and her colleagues have identified changes in the brain's architecture that can lead to lifelong problems with depression, learning difficulties and limitations in the ability to cope with stress.

Based on this new research and what already is known about the damaging effects of poverty on brain development in children, as well as the benefits of nurturing during early childhood, "we have a rare roadmap to preserving and supporting our society's most important legacy, the developing brain," Luby writes. "This unassailable body of evidence taken as a whole is now actionable for public policy."

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Education Amendment Asks States to Analyze Data for Homeless and Foster Youth

The United States Senate has approved a groundbreaking amendment to the Every Child Achieves Act, a bipartisan bill reauthorizing the Elementary and Secondary Education Act (ESEA). An amendment led by Senator Corey Booker (D-NJ) requires states, for the first time, to analyze data on the graduation rates of homeless students and students in foster care. The ESEA is a key federal law governing education, originally signed into law in 1965, and reauthorized as No Child Left Behind in 2002.

The amendment requires states to include foster youth and homeless youth as subgroups when disaggregating graduation data. The current version of ESEA requires the disaggregation of data for various subgroups including African Americans, English learners and special needs students. Disaggregating student data into subpopulations can help schools, districts and states see trends in graduation and use limited resources where they are needed most.

Including foster youth as a subgroup will document and make public, for the first time, the extent of the foster youth achievement gap in this country. It will create an incentive for states to share data between their child welfare and education agencies, so that the education agency knows which students are in foster care.

It will create an incentive for states to share data between their child welfare and education agencies, so that the education agency knows which students are in foster care.

"Numerous studies have found the educational outcomes of students in foster care to be tragically poor, and recent studies in California show that foster youth perform significantly worse than all other disadvantaged groups," said Jesse Hahnel, Director of FosterEd, an initiative of the National Center for Youth Law. "Disaggregating foster student data will allow states and districts to measure the efficacy of policies and programs intended to close the foster youth achievement gap."

"Senator Booker's amendment is a tremendous step forward for foster youth and homeless youth—it's also a smart investment for taxpayers," said Katherine Burdick of the Juvenile Law Center.

Juvenile Law Center, The National Center for Youth Law, the ABA Center on Children and the Law, Education Law Center--PA and the National Working Group on Foster Care collaborated to help educate Senate staff on the importance of including provisions specific to homeless students and students in foster care. "We appreciate Senator Booker's attention to this issue and look forward to continuing to work with him to ensure that students in foster care receive the supports they need to succeed in school," said Hahnel.

The education amendment seeking disaggregated data had previously been included in the bill and was a priority of the advocates listed above.

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