

**State of Texas Court Improvement Program 2014 Annual Self-Assessment
December 29, 2014**

Provide a concise description of work completed or underway in FY 2014 (October 2013-September 2014) in the below topical subcategories. Include the purpose of the project or activity, the stage of work the project is in, and how the project or activity will contribute to continuous quality improvement (CQI) in the identified area.

1. Identify and briefly describe **data projects and activities** in the following areas. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing change.

- a. **Use of AFCCARs or SACWIS data**

- (1) SACWIS: Timeliness Measures 4A, 4G & 4X, 4H & 4I (See report entitled Timeliness of Hearings) Evaluation / Assessment
 - (2) SACWIS: The Texas Department of Family and Protective Services (DFPS) and the Texas Education Agency (TEA) currently engage in aggregate data sharing pursuant to a Memorandum of Understanding (MOU). The exchange is initiated by DFPS and based on children and youth identified in the Texas SACWIS system; the list of children and youth is then matched with data in TEA's Public Education Information Management System (PEIMS). This data sharing occurred in previous fiscal years and in FY 2014, DFPS worked closely with TEA and stakeholders to add cross-tabs of information from its SACWIS system to the data match run by TEA to drill down into education outcomes of foster students, including looking at education outcomes based on type of placement, race and ethnicity, allegation, and legal status. DFPS and TEA are also working toward a common vision regarding what the shared data means and how it should be analyzed and reported. Whereas previous data sharing compared foster students to all students, the cross tabs will allow for a comparison of foster students to other students who are not in foster care but fall into the following categories: Economically Disadvantaged, Limited English Proficiency, Mobile, and Special Education. Texas CIP is working closely with both agencies on these initiatives. The child welfare agency expressed interest in identifying whether the exchanged data may be analyzed to determine if several education-related initiatives over the past 4-5 years have produced improved educational outcomes.
Implementation.

- b. **Agency Data sharing projects or efforts**

- (1) Health Passport - All children in the conservatorship of the state have physical, mental and behavioral healthcare coverage through a Health Maintenance Organization (HMO) called STAR Health. Each child also has an electronic Health Passport, which includes records of allergies, immunizations, psychotropic medications, the child's authorized level of care, the name of the child's medical consenter, and the prior two years of Medicaid history for any child who comes into foster care (who was also on Medicaid

prior to their time in care). The child welfare agency recently developed a process by which external parties, including judges can gain access to the Health Passport. The CC is working with the child welfare agency to provide access to the judiciary, and will apply CQI principles, once external access is activated, to determine whether access is useful and helps judges make better decisions regarding children's medical care.

Planning.

- (2) Case Connection - The child welfare agency has also developed a case connection tool that allows external parties to view specific case information including child demographic information, legal status, court of jurisdiction, placement information, school information, medical and dental information and name of medical consentor, the child's primary permanency goal and concurrent plan, and visitation plan for the child and family. Access is currently only available to CASA volunteers, but plans to expand access to judges and attorneys are being discussed. Planning and Implementation.

c. Data dashboards

d. Fostering Court Improvement data projects

e. Education and Health Data Sharing

- (1) Georgetown University Information Sharing Certificate Program – DFPS, TEA, and the Children's Commission (CC) formed a team to participate in the Georgetown University program during FY 2014. Team members attended a week-long training at the beginning of the project period, then met throughout FY2014 to determine the number of school moves of children in substitute care. The team agreed to use data exchanged during the first quarter of FY 2015 to establish a baseline regarding the frequency of school moves. The data exchanged to form this baseline comes from SACWIS and PEIMS. The baseline data established by this project will help with future CQI efforts. Planning and Implementation.
- (2) The CC has an Education Data Workgroup that meets on a quarterly basis and reports to the CC's Blueprint Implementation Task Force. The data workgroup members facilitated the amendment of a data sharing MOU between DFPS and TEA, referenced at 1.a.2. The group also created a map of data points within the education system to document when key pieces of information are gathered and the ideal timeframe for exchange between agencies. In addition, the data workgroup reviewed the joint education and child welfare reports from other states to inform efforts to create a shared report to capture the findings of the current data exchange in Texas. The data gathered in the shared report will be used for future CQI efforts. Implementation and Evaluation/Assessment.

f. Case management Systems

- (1) Child Protection Case Management System (CPCMS) Support – The CC uses CIP funding to support the Texas Office of Court Administration in providing ongoing support and enhancement of the child welfare case management system known as CPCMS and used in approximately 50% of the 254 counties in Texas, covering approximately 30% of the children in the foster care system. Evaluation/Assessment and Implementing Change.

- (2) Child Protection Case Management System Advisory Group – The CPCMS Advisory Group meets monthly to discuss issues with and enhancements of CPCMS. Evaluation/Assessment and Implementing Change.

- g. Reports
- h. Other

2. Identify and briefly describe projects or activities intended to examine or **improve hearing quality**. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing change.

- a. **Court observation**

- (1) Hearing Observation Project (HOP). [Report dated March 2014.](#) In the summer of 2013, the CC conducted an observation and data collection study, called the Hearing Quality Observation Project, involving 164 child welfare hearings held across Texas. The primary purpose of the project was to establish a baseline about the quality of court hearings occurring in child welfare cases, including hearing factors such as timeliness and length, depth of issues discussed, party and judicial compliance with the Texas Family Code, parental due process, party engagement, children’s appearance in court, attorney preparedness, and attorney and parent satisfaction with legal representation. The CC issued a report in March 2014, presented the results to the Children’s Commission at its May 2014 meeting, and also presented the results at the Annual Court Improvement Program Meeting in New Orleans in May 2014, and again at the Annual Child Welfare Judicial Conference held in Austin in June 2014. The CC staff also began discussions regarding implementation of several recommendations primarily related to well-being with Judge Robin Sage and Casey Family Programs. Overall, the data collected serves as a baseline for future CQI efforts. As Texas CIP embarks upon implementation of the well-being recommendations, it will include efforts to measure changes in behaviors and knowledge. Evaluation/Assessment.

- b. **Process Improvements**

- (1) Bench Book - Since 2009, a Child Protection Law Bench Book has been made available to judges responsible for dependency cases in Texas. The Bench Book includes statutory requirements for hearings as well as topical chapters and is available in hard copy and through LAWBOX Citation Services. The CC also launched a Bench Book checklist pilot in July 2014 that will conclude December 2014. Approximately 25 judges are participating in the pilot, and the goal is to establish whether judges used checklists, and if so whether they prefer shorter versus multi-page or statutory versus topical checklists, or whether the checklists should be targeted to less-experienced versus more experienced judges. This will help the CC determine whether and what type of checklists to include in the bench book going forward. The results of the pilot will be reported at the first commission meeting of 2015 and the Bench Book will be updated with the new checklists and all statutory changes prior to the Child Welfare Judges Conference scheduled for August 2015. Texas CIP surveyed the judges

participating in the pilot three times in efforts to evaluate the pilot process and changes in knowledge and behavior. Evaluation/Assessment and Implementing Change.

c. Specialty/Pilot Courts

(1) Harris County Project Court - To address the delays in resolving CPS cases in Harris County, the Texas Legislature and the Harris County Commissioners Court recently agreed to create an additional child protection court for 18 months and to pay the salaries and expenses of an associate judge and court coordinator for that time. Initially, the state provided \$300,000 and Harris County provided office and courtroom space and furniture. The associate judge serves at the pleasure of the regional administrative judge, who appointed the new associate judge from a list of nominees submitted by the judges of the Harris County Family Division. The CPS associate judge conducts Placement Review Hearings, which are permanency reviews conducted at six-month intervals for children in long term foster care, otherwise known as Permanent Managing Conservatorships (PMC). The court has the necessary resources to devote the time needed to conduct a proper and meaningful review at each hearing. Based upon an interview conducted by the National Center for State Courts, it is clear that the judge has a thorough knowledge of the judge's role and is taking the time to conduct thorough reviews when required to ensure that each child has a roadmap to permanency and that DFPS is providing the services required by the child's case plan. Attorneys comparing practice in the specially designated CPS court and the other family courts spoke about the significantly improved case management and expertise within the specialized CPS court, agreeing: "this court is so good we need two more." In interviewing the newly appointed CPS judge, the NCSC team also learned that this court was using CPCMS, a web-based application built according to nationally recognized child protection requirements. The judge stated that while use of CPCMS required her to perform dual data entry and to use different systems, she found significant value because CPCMS provided hearing calculators for key events, decision trees for complex issues such as conditions and medications, and placement information. A recent report issued by the Texas Supreme Court Children's Commission indicated that courts that use CPCMS are more likely to conduct more meaningful hearings and make more necessary legal findings. The Texas Office of Court Administration provides the CPCMS to Harris County at no charge, and is committed to keeping the system maintained, robust and as technologically sophisticated as it is. Currently CPCMS provides information about 30% of the children in care in the state of Texas, representing 50% of the 254 counties. OCA has also included a request for two additional years of funding for the CPC court in its base budget request to the Texas Legislature, which will convene in January 2015. Implementation, Evaluation/Assessment.

d. Court orders/IV-E judicial determinations

(1) Reasonable Efforts

- Based on findings in FY2013 from the Texas Title IV-E Review, the CC undertook efforts to educate judges about the importance of making child-specific findings and clearly tying evidence to reasonable efforts requirements. The CC

provided training on this matter in 2013, and then included this element on the Hearing Observation Tool as part of the HOP Project conducted in the summer of 2013. Please see the HOP Report: Courts need to make more child-specific reasonable efforts findings to finalize permanency plans. Implementation [Reasonable Efforts @ Page 57](#)

- In September 2014, approximately 50 copies of Judge Len Edward's book, *Reasonable Efforts: A Judicial Perspective*, distributed to judges and stakeholders.
- Reasonable efforts language included in Bench Book checklist pilot, as discussed in 2.b.1. Implementation.

e. Mediation

- (1) In FY2014, the CC developed a mediation research project with the University Of Texas School Of Law Mediation Clinic and the LBJ School of Public Policy, aimed at determining best practices and cost-effectiveness of mediation for Texas counties. The project will yield a cost formula and a research framework around questions regarding 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; and is mediation a cost-effective strategy for resolving child protection cases. In addition to the cost of mediation, the project will take into account the cost of foster care placement, and other relevant case costs. The desired result is an evidence-based analysis of 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. Prior to the project launch, CQI efforts included establishing baseline practices regarding mediation; this was determined by judicial survey. Planning.

f. Appeals

g. Data reports

h. Other

- (1) Child Welfare Judges Conference in June 2014 which featured presentations on Vicarious Trauma, CPS Mediations, Foster Care Redesign, Family Visitation, Psychotropic Medication, Indian Child Welfare Act, Case law Update, Minor Sex Trafficking, Laws and Policies affecting Limited English Proficient People in Texas Courts, CASA Focus Group, Authorized Education Decision-maker in Texas, Implicit Bias, Texas Mental Health Initiatives. Pre and post-conference surveys conducted to evaluate the planning process and changes in knowledge. Planning, Implementation, Evaluation/assessment, Implementing Change.

3. Identify and briefly describe projects intended to improve **timeliness of hearings and/or permanency outcomes**. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing change.

a. Timeliness (general/ASFA timelines)

(1) See separate Report on Timeliness Measures

b. Timeliness (continuances)

c. Timeliness (appeals)

d. Permanency Goals other than APPLA

e. APPLA and older youth

(1) Hearing Observation Report, Reasonable Efforts re youth's permanency plan addressed in only 5% of the hearings observed and 0% mention in the court's file. However, youth placement visitation with family, education needs, and medical care were discussed in a high number of cases, [HOP Report @ Page 50](#) Evaluation/assessment.

f. Data reports

g. Other

(1) See 2.c.1. The CPS associate judge of the Harris County PMC Court is conducting placement review hearings on PMC cases and devoting the time needed to do a proper review at each hearing. The judge has a thorough knowledge of the judge's role and is taking the time to conduct thorough reviews when required to ensure that each child has a roadmap to permanency and that the department is doing what's needed to provide services required by its case plan. Attorneys comparing practice in the specially designated CPS court and the other family courts spoke to the significantly improved case management and expertise within the specialized CPS court, agreeing: "this court is so good we need two more."

4. Identify and briefly describe projects or activities intended to examine or **improve the quality of legal representation. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing change.**

a. Training and resource development

(1) Trial Skills Training – involves a unique, realistic and effective training based on a fictional CPS case which breaks down the teaching of litigation skills by lecture, demonstration, strategizing, and practicing in all areas of trial preparation.. This includes: 1) Case Theory; 2) Voir Dire; 3) Opening Statement; 4) Direct Examination; 5) Cross Examination; 6) Foundations; 7) Objections; 8) Experts; 9) Impeachment; and 10) Closing Argument. The program is a 3-day program that also includes a post-event debrief, formal and informal evaluation responses by faculty, and participants, and improvements to format and content are made accordingly. Live witnesses include CPS case workers, pediatric fellows, and a licensed therapist. It is presented by a volunteer faculty comprised of highly respected judges and attorneys from across the state. The participants are less-experienced child protection attorneys from across Texas who are recommended by their presiding or appointing judge. Several hands-on practice sessions are videotaped so that faculty members can critique skills and also privately. Extensive CQI efforts undertaken regarding the delivery of the training;

additional CQI efforts to be attempted in FY 2015 regarding changes in knowledge and increased skills. Evaluation/assessment and Implementing Change.

- (2) State Bar of Texas Online Continuing Legal Education – The CC partnered with the State Bar of Texas to develop an online library of continuing legal education at no charge to court-appointed attorneys and state and DFPS attorneys. The CLEs include: Advocating for Youth Aging Out of Foster Care; Resources and Processes for Representing Crossover Youth with Disabilities; Special Education Advocacy for Kids in the Foster Care System; Representing Teen Parents in CPS Cases; Practice Tips on Representing Children; Representing Parents in CPS Cases; Preserving Error and Appeals Issues in CPS cases; Representing Children in CPS Cases; and Trial Skills in the CPS Case. The State Bar of Texas reports that several attorneys view the above webinars every month. Additionally, Commission staff receives ongoing feedback from the judiciary that such high-quality CLE at low or no cost is extremely valuable for the attorneys in their jurisdictions. The CC is also considering means to tape additional online CLE training on CPS issues in-house in order to offer more, free CLE to attorneys across the state. Implementing Change.
- (3) Attorney Scholarships - CC staff contracted with the State Bar of Texas and with the National Association of Counsel for Children to arrange for scholarships for Texas attorneys to attend annual conferences offered by each organization. The CC offered one hundred registration scholarships to attorneys attending a one-day Child Abuse and Neglect Workshop at the State Bar’s annual Advanced Family Law CLE, on August 6, 2014. Additionally, the Commission offered ten, \$1100 scholarships for newly-minted Texas Child Welfare Law Specialists to attend the NACC’s annual conference by paying for the conference registration, as well as partial reimbursement of travel-related expense in Denver during August 18-20, 2014. Ultimately, six scholarships were awarded to the NACC Conference. Extensive CQI efforts undertaken regarding the scholarship application process as discussed below; additional CQI efforts to be attempted in FY 2015 regarding changes in knowledge. Implementing Change.
- (4) All scholarship recipients were surveyed via a pre-conference survey so that Commission staff might compare pre-and post-evaluation results in order to see if attending the conference on scholarship resulted in a positive change in the recipients’ practice. Preliminary results show that the six NACC scholarship recipients found the conference helpful to their practice and that they themselves would be happy to be called on to speak or train on the Commission’s behalf. The SBOT scholarship recipients also complete evaluations. For example, when the 2014 survey results were compiled, 65% of respondents reported being familiar with ICWA, a much greater percentage than the prior year’s survey. Implementing Change.
- (5) The NACC Grant is for reimbursement of the \$350 certification exam fee for Texas attorneys and judges who have passed the NACC’s Child Welfare Specialist Exam. Of those who qualified to take the exam since late 2013, six from Texas passed the exam successfully. As part of CQI, feedback from many past and present recipients of this reimbursement scholarship is that it was extremely helpful financially and that the

recognition of a job well done by the CIP provided great support for practitioners in this very difficult area of law. Implementing Change.

- (6) As part of its CQI efforts, CC staff continues to work on how best to receive feedback from the attorneys sent to conferences on CC scholarships and from those who participate in the Commission's Trial Skills Training, especially regarding how these attorneys have improved their courtroom performance and best practices in and out of the courtroom. Commission staff shares results from summer scholarship recipients to the 1-Day Workshop on Child Abuse and Neglect with the State Bar Child Abuse and Neglect (CAN) Committee as it plans the agenda for next year's 1-Day Workshop. The Committee has reported that this feedback is helpful as it selects topics and speakers for the upcoming summer's CLE.
- (7) Region VI Parent Representation Workgroup - CIP / CC collaborates with other ACF Region VI states (Louisiana, New Mexico, Arkansas, and Oklahoma) and in FY2013 Texas participated in the development of the American Bar Association Indicators of Success in Legal Representation for Parents. Also, the CC promoted use of the Indicators document in partnership with McLennan County Parent Representation Project. See 4.c.1. Implementing Change.

b. Assessment/Analyzing practices

- (1) Legal Representation Workgroup worked on two issues in FY2014: 1) examining the feasibility of creating a statutory definition of indigence including factors to consider in determining indigence, standardizing indigence affidavits and unsworn declarations, and feasibility of creating a limited duration attorney appointment for parent at time CPS suit is filed; and 2) determining whether the CC should develop and promote the adoption of standards of representation including the scope of the standards, inclusion of local practice tips and guidance, and whether attorneys should be required to sign annual certification acknowledging compliance with standards and education requirements under the Texas Family Code. The LRS Workgroup also voted to support legislation to statutorily authorize creation of public defender and managed assigned counsel offices as well as the possibility of using pro-bono attorney services to perform due diligence-limited appointment assignments for alleged fathers, parents cited by publication, and indigence determinations. The CC also collaborated on how to address the structural and fiscal issues related to legal representation in CPS cases, and has published a white paper in support of a state appropriation to fund legal representation for children in state conservatorship (available upon request). The data gathered in the Legal Representation report produced by the CC in 2009 and discussed in previous annual reports have provided a baseline from which the workgroup works, and the CC will continue to apply CQI principles to try and determine changes in legal representation practices. Evaluation/assessment.

c. New Practice models/pilots

- (1) McLennan County Parent Representation Project involves the county contracting with private law firms for all legal representation of parents. The project goals include: to fully understand the benefits and challenges, including costs, of contracting with private

law firms for the representation of parents in CPS proceedings; to evaluate the nature and quality of representation provided by firm attorneys; and to the extent possible, to compare the firm attorneys to the private bar to examine how quality and outcomes may differ. In July, the CC conducted file reviews of cases that had reached statutory hearings in the last 6-12 months to get a snapshot of attorney practice, and conducted a judicial interview to understand court-specific procedures and expectations, the judges' perspective of the strengths and challenges of the project, and any changes that could be made going forward. The CC also conducted surveys (anonymous and online), and interviews of the firm attorneys to understand how the firm attorneys are representing the parents and the challenges and benefits associated with the project from their perspectives, including cost factors. Finally, the CC conducted interviews of the agency attorneys and case workers to get information regarding whether the attorneys attend out of court conferences and meetings, advocate for services, and provide informal advocacy in other ways.

The results of the report conclude that though there are still some improvements that can be made, the McLennan County Parent Representation Project has unequivocally improved the quality of representation for parents involved in CPS cases. Many of the positive outcomes of the project stem from the fact that the community is small and insular, which produces informal pressure to provide quality representation. Greater rapport among the parties allows for greater efficacy of advocacy and communication. Although the current budget appears unsustainable, the project has informed the judge and the county on the potential for this type of arrangement to control costs while moving cases toward resolution in a timely manner. This type of model may be hard to replicate in larger counties, but even in larger counties, this model could be implemented by an individual judge. The also project proves that some type of pooling structure can reduce and even eliminate continuances and delays making time-certain docketing more feasible.

Also, while there are pros and cons to both an hourly and a flat rate system, and it may take time to figure out the rate and case cap combination, the benefits of the flat contract rate seem to outweigh the negatives. It reduces many of the perverse incentives of hourly practice, including ill-advised jury demands. This type of contracting agreement also promotes a self-selecting process where attorneys who are not necessarily driven by financial gain are willing to take on the contracts. Since these types of individuals are not motivated by financial gain, they put in the hours required to appropriately advocate for their clients. It does not seem to be true, as was the initial concern, that attorneys are only doing the bare minimum since they do not get paid more for extra hours.

Larger firms also seem to be able to endure the financial situation more easily than smaller ones because the firm has more resources available, more private practice to sustain this type of public work, and lower overhead costs. Both of these findings have implications for other jurisdictions: 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, and this type of agreement works particularly well with larger groups of attorneys who can pool other costs and possibly bring in financial support from other places. Hopefully the McLennan County Project will continue indefinitely, and other cities and counties around Texas can leverage lessons learned from the project to enhance representation for parents in CPS cases. Link to more detailed report here: <http://texaschildrenscommission.gov/resources-reports/mclennan-county-report.aspx> CQI efforts include evaluation the process of developing these offices, standards of practice for the attorneys, training requirements, and a better defined evaluation tool for the judge. Ultimately, the project will be evaluated to determine whether specific child and family outcomes improved. Planning and Implementation, some Evaluation/Assessment.

- (2) Legislative Proposals - in 2014, the CC sought approval from the Texas Judicial Council to promote legislation that would provide for the establishment public defender-type offices for parent or child legal representation in CPS cases. The legislation would allow counties to create and to use public funds for county or regional office of parent or child representation to a child, an indigent parent or an alleged father in a suit seeking conservatorship of a child or termination of parental rights, and would provide guidance for county oversight of said offices. Counties could also use public funds to contract with a nonprofit entity, governmental entity or bar association to manage the assignment of and compensation under a managed assigned counsel program for the legal representation of the same parties. Other changes include establishing guidelines for determining indigence and clarify that parents are entitled to a court appointed attorney when they are indigent and appear in opposition to the state's suit. Also, enacting the option for courts to appoint attorneys for a limited period to assist with locating the parents, establishing indigence, and preparing for the first critical hearing (the adversary hearing). Other legislation includes amendments 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. If the Texas CIP is included in the development of these offices, it will engage in CQI efforts to set measures for the offices. Planning.

d. Law School Clinics

e. Data reports

f. Other

- (1) Texas Board of Legal Specialization - An application for legal specialization through the Texas Board of Legal Specialization (TBLS) was developed in 2014 with approval of the Supreme Court of Texas. The Specialization will be defined as follows: Child Welfare Law is the practice of law dealing with judicial and administrative proceedings involving children who are in the conservatorship or legal custody of the State of Texas. Over 100 signatures of attorneys who support establishing a specialization were collected and appointing a 20-member advisory committee to the TBLS is underway. Planning.

5. Identify and briefly describe projects or activities intended to **examine or improve notice, engagement, and participation of parties in court proceedings**. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing changes.

a. Youth engagement

- (1) Hearing Observation Project, [Hearing Observation Report, Youth Participation @ Page 26](#)
- (2) Video Conference - 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. The Texas Office of Court Administration hosts and supports on behalf of the CC the hardware and software required to facilitate video conferencing between courts and residential placements. There is a “how to” and user guide for Courts and other stakeholders who wish to use video conferencing for a particular hearing. OCA maintains a list of Residential Treatment Centers with video conferencing capability as well as a list of courts. OCA also 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. There are currently 57 RTC’s and 19 courts in the system and over 280 hearings were hosted in 2014. OCA will pick up General Residential Operations and Emergency Shelters in 2015. OCA will also increase the number of participating courts by six and increase the number participating DFPS service provider sites by 10. CQI has been applied to the development process and subsequent improvements to the roll-out have been made. Implementing Change.

b. Parent engagement

- (1) Hearing Observation Project, [Hearing Observation Report, Parent Engagement @ Page 27](#)
- (2) Parent Resource Guide - The Parent Resource Guide is the product of a parent collaboration that formed in FY2014 to help improve the quality of legal representation for parents in CPS cases. The University Of Texas School Of Law took the lead in drafting the guide with input from the CC workgroup. The goal of the guide is to help parents be more informed about the CPS process, their role and responsibilities, and the roles and responsibilities of others. The guide includes quotes from parents who have experience with CPS, and tools that are helpful in organizing and keeping track of contacts, appointments, court hearings, and progress. The guide will be translated into Spanish in 2015 and will be added to the child welfare agency’s Facebook page for parent collaboration. Implementing Change.

c. Foster family engagement

- (1) Hearing Observation Project, [Hearing Observation Report, Foster Family Engagement @ Page 26, 27 & 60](#)
- (2) Notice / Alert System is a project that involves using non-confidential case data to provide notice to parties and interested persons about upcoming hearings, and is

distributed via email. The service is only available for cases covered by CPC courts, and each participant must set up a user account within the Child Protection Case Management System (CPCMS) in use by those courts. Once a profile or user account has been created, the user can search for cases to which they are assigned or interested. The case search page requires at least part of the parent, adoptive parent or guardian's last name, and the exact spelling of the child's first and last name as well as the county where the suit is filed. The search will look for open cases and display a Summary of Upcoming Hearing Dates. The results will also display a Summary of All Open Cases regardless of whether a hearing has been scheduled or not. The summary can be printed out or can be sent to the user via email. A user can remove a case from their notification profile by simply clicking the "remove" link next to the case information. The user has the option to receive notices 1, 3, 7, 14, and / or 30 days in advance of any hearing scheduled. As of October 2014, there were a total of 161 users, including adoptive and foster parents, attorneys, caseworkers, CASA volunteers, and relative caregivers. Link to user guide here:

<http://texaschildrenscommission.gov/media/21151/NotificationsHelp1.pdf> CQI efforts in FY 2015 may include a survey of users regarding increased notice of hearings and other relevant factors. Implementing Change.

d. Caregiver engagement (grandparents, extended family, fictive kin)

(1) See 5.c.1 and 5.c.2

e. Notice to relatives

(1) See 5.c.1 and 5.c.2

f. Limited English proficiency

(1) Laws and Policies Affecting Limited English Proficient People in Texas Courts (2014 Child Welfare Judges Conference) – a presentation to judges to review the State statutes and rules addressing the appointment of court interpreters as well as available resources and information to assist courts with the process. Implementation.

g. Data reports

h. Other

6. Identify and briefly describe projects or activities intended to examine or **improve child well-being outcomes. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing changes.**

a. Education (general)

(1) The Texas Blueprint Implementation Task Force was created to prioritize and implement the 130 recommendations in the Texas Blueprint aimed at improving educational outcomes for children and youth in substitute care. The Task Force and Data, School Stability, and Training workgroups each met quarterly to monitor progress. Some examples of deliverables from FY 2014 include: development of cross tabs, revision of existing MOU between child welfare and education stakeholders, creation and editing of education manual for child welfare advocates, and development

of foster care and education webpages at TEA, DFPS, and Texas CIP. CQI efforts included evaluation of the collaboration and process; over 80% of the recommendations were either completed or begun during the Task Force duration. Implementation, Evaluation/assessment.

- (2) Education data sharing / exchange - through the Georgetown project and data workgroup, TEA and DFPS will continue to engage in a more robust sharing of data between the education and child welfare stakeholders. Evaluation and Implementation. See also 1.e.1.
- (3) Wellbeing - The CC began an implementation project focusing on well-being recommendations from the Hearing Observation Report aimed at improving well-being overall, but starting with how to promote the following concepts:
 - Reviewing Permanency Plans and Concurrent Plans More Often
 - More Emphasis on Child Well-Being in Placement Review Hearings
 - Address Sibling Visitation when Siblings are not Placed Together
 - Consider Alternative Placements More Often
 - Require Children to Attend Court Whenever Possible
 - Engage Children and Parents During Hearings
 - Encourage Caregivers, Particularly Non-Kinship Foster Parents, to Attend Court and Engage Them in Process. Implementation

b. Early childhood development

c. Psychotropic Medication

- (1) The Children’s Commission continues to educate the judiciary and attorneys on the Psychotropic Medication Parameters and related best practices. The Parameters were created in 2005 to encourage the appropriate use of psychotropic medications in foster children. The Parameters have contributed to a 30% decrease in the overall use of psychotropic medications and significant decreases in the use of multiple medications for the same purpose. Child Protection Court judges have software that supports monitoring of a child’s medications through CPCMS. Implementing Change.
- (2) HB 915 Implementation Workgroup - In 2014, the Children’s Commission completed its work facilitating the HB915 Implementation Workgroup, which was charged with soliciting input and collaboration from approximately 60 stakeholders. The workgroup developed a form to encourage meaningful consent for psychotropic medication, collaborated on training materials for caseworkers, and helped develop new policies to support the implementation of the new legislation. Evaluation/assessment.
- (3) CASA Mental Health Task Force – the CC served on this CASA Task Force, specifically on a committee which was focused on decreasing reliance on psychotropic medication by improving the diagnosis and treatment processes and assessments for children in foster care. Planning.

d. LGBTQ youth

- (1) The Children’s Commission is developing a multidisciplinary workgroup to improve the safety, permanency and well-being of lesbian, gay, bisexual, transgender and questioning youth in foster care. Representatives of the DFPS, the community and the Children’s Commission held a planning call in December. The group began sharing

information on trainings currently held at DFPS and other organizations working on this issue. The LGBTQ Workgroup is also following a newly filed bill, HB 701, which prohibits school districts and their employees from discriminating against a student on account of the actual or perceived ethnicity, color, gender, gender identity or expression, sexual orientation, disability, religion, or national origin of the employee, student, or student's parent. Planning.

- (2) Resource Library – the CC is currently creating a resource library of scholarly articles, national publications and other research to be used in judicial and attorney education and other projects. Planning.
- (3) Judicial /Attorney Education – the CC is working with DFPS to develop training for judges and attorneys that is consistent with training for caseworkers. Planning.

e. Trauma

- (1) Trauma Informed Care Workgroup – the CC Children's Commission staff participates in many statewide conferences and a TIC workgroup managed by the state child welfare agency with the goal of transitioning into a system where all the child welfare agency staff, caregivers, advocates, and other persons and professionals who interact with children in the foster care system are fully trained and have the tools and resources to carry out their training. The Children's Commission will continue to partner with the various trauma-informed workgroups such as the CASA Mental Health Task Force, the Texas Disability Rights' Workgroup, the Meadows Mental Health Institute, the Child Trauma Academy, The Texas Network of Youth Services, the Travis County Mental Health Planning Initiative, and those that may be created. Implementing.
- (2) Trust-Based Relational Intervention - Many child welfare partners in Texas have been partnering with Dr. Karyn Purvis and Dr. David Cross, co-founders of TBRI at the Texas Christian University Institute of Child Development. TBRI is a holistic intervention for at-risk children that offers practical advice and tips for leading children to new levels of healing through positive experiences and trusting relationships with consistently nurturing caregivers. A CC staff attorney has completed over 100 hours of training in TBRI and is now training the entire CC staff on certain aspects of TBRI, and is also providing this information to judges and attorneys through training events and information is included in the CPS Bench Book. The CC is also participating in the Travis County Collaborative for Children which has brought TBRI training to the residential treatment centers, foster parents, educators, caseworkers, attorneys, and judges. Implementing.
- (3) CASA TBRI Training and Support – the CC has funded the training of ten teams led by CASA Supervisors in diverse geographic regions in Texas. Implementing.

f. Racial disproportionality

- (1) The Judicial Disproportionality Workgroup has been in existence since 2010 and holds annual in-person meetings and regular conference calls. In 2014, the JDW held an in-person meeting during the annual Child Welfare Judges' Conference and agreed to continue to support the work of the Center for the Elimination of Disproportionalities and Disparities (CEDD) a state agency charged with addressing disproportionality and

disparities in all of Texas' social service and human service agencies through data-driven evidence, leadership, cross-systems collaboration, community engagement, and training based on anti-racist principles. Partners also include the judiciary and education systems. The CEDD supports an Interagency Advisory Council, which is a large multidisciplinary team made up on social and human service leaders, juvenile justice, education, faith based and community partners, and the judiciary. The CC's JDW will continue to work on judicial and attorney training, outreach, and revising the Disproportionality chapter of the Bench Book. Implementing, Evaluation/assessment.

- (2) Judicial/Attorney Education – the CC develops and promotes judicial and attorney training applying principles and tools designed to reduce institutional racism and bias. The most recent of which was bringing in nationally-recognized speaker, Kimberly Papillon to speak on the Neuroscience of Judicial Decision-Making at the Child Welfare Judges Conference and also at the 2014 Cross Systems Summit, which focused on collaborative approach to addressing inequities in multiple systems and how outcomes in health and human services, social services, education, juvenile justice, housing, and other systems impact health and wellbeing. Implementing, Evaluation/assessment.

g. Immigration/Unaccompanied Minors/ Special Immigrant Juvenile Status

- (1) In early 2014, the issue of Unaccompanied Alien Children (UAC) crossing the border of South Texas became a concern for Texas and Texas Family Court judges. The CC, in collaboration with the Supreme Court of Texas, Office of Court Administration, Texas Department of Family and Protective Services, Casey Family Programs, and seasoned State District Court judges, developed a JIR letter with the intent of providing a brief overview of important legal issues relating to UAC and what a judge might encounter as a result of the influx. The CC also created a webpage that includes materials from the United States Citizen and Immigration Services, the National Council of Juvenile and Family Court Judges, and the Center for Public Policy Studies. Link to the webpage here: <http://texaschildrenscommission.gov/unaccompanied-minor-information-and-resources.aspx> and to the JIR letter here: [http://texaschildrenscommission.gov/media/21754/Unaccompanied%20Alien%20children%20\(UAC\).pdf](http://texaschildrenscommission.gov/media/21754/Unaccompanied%20Alien%20children%20(UAC).pdf) Implementation.

h. Training and resources

- (1) Judicial Training: See 2.h.1
- (2) Attorney Training: See 4.a.1, 2, 3, & 4, 6.f.2, 7.a.1, 7.e.1
- (3) Jurist in Residence - 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 FY 2014, the Commission published JIR newsletters or news blasts on the following topics: 1) Release of the updated Bench Book; 2) New Medical Consenter Training; 3) Trial Skills Training Opportunity for

Attorneys; 4) Education Decision-maker Form 2085-E; 5) Attorney Training Opportunities; 6) Family Visitation/Visitation Plans; 7) Non-Pharmacological/HB 915 Legislative Update; 8) More information about the Indian Child Welfare Act; 9) New Child Protection Courts; 10) Unaccompanied Alien Children; and 11) Foster Youth in Court Video; 12) Addressing Treatment Needs of Juvenile Sex Offenders. Link to JIR letters here: <http://texaschildrenscommission.gov/jir.aspx> Implementing Change.

- i. Data reports
- j. Other

7. Identify and briefly describe projects or activities intended to examine or improve **compliance with the Indian Child Welfare Act (ICWA)**. Clearly categorize the stage of work each project is in: planning, implementation, evaluation/assessment, implementing changes.

a. Training and resource development

- (1) 2014 Judicial/Attorney Training - Judges were trained on how to recognize the need to preserve tribal traditions and values at the June 2014 Child Welfare Judges Conference. The training event included a segment on the ICWA, the federal requirements, and the importance of making a timely determination of ICWA jurisdiction. Attorney surveys indicated that more education and awareness about ICWA was required and the matter was included at both the State Bar of Texas Advanced Family Law Child Abuse / Neglect Track and at the Annual Child Welfare Judicial Conference (held in August and June, respectively). The CC also has co-sponsored the annual Alabama-Coushatta Judicial Symposium which provides information and training that is culturally competent, community-based and focused on the strengths and assets of families. The Symposium featured Tricia Tingle of the Bureau of Indian Affairs, and Chrissi Nimmo, who represented the Cherokee Nation in the Baby Veronica case and gave a moving account of Veronica's journey through the courts. The Symposium was an excellent resource for judges and attorneys, leading to new connections, partnerships and new leaders. Implementing change.
- (2) 2014 Round Table - On April 23rd, Commissioner and Senior Peacemaker Jo Ann Battise welcomed national experts, state court judges, tribal judges, and child welfare leaders to the Alabama-Coushatta Indian Reservation for a half day judicial round table discussion about the ICWA and how courts can use the ICWA to meet the needs of children and tribes. Judge Darlene Byrne facilitated the round table, gathering ideas and best practices in state and tribal collaboration. The work of the Round Table was also presented at the September Tribal/State Symposium, hosted by the Ysleta del Sur Pueblo in El Paso. All of Texas' federally-recognized tribes were be represented at this gathering. The intent of the Symposium was to build on the collaborative work while also traveling to the homes of the tribal nations and developing mutually respectful relationships. Link to report here: [CC Tribal Round Table Report](#) Implementing Change.

b. Data collection and analysis

- (1) Hearing Quality Observation Project Report - Data collected by the Children's Commission as part of its Hearing Quality Observation Project reflected that, in 66% of cases observed, ICWA was not addressed in court or indicated in the court's file. Only 4% of judges observed addressed ICWA in the hearing and parties and judges appeared to be unaware of ICWA or relied on the case file to establish applicability. Observations also revealed that often the caseworker had incomplete or incorrect data, i.e., information from only one parent or from a caseworker who filled out the required forms based on the visual appearance of the child. These assumptions are problematic because the appearance of the child is not necessarily dispositive of Native American heritage. Additional survey results gathered from attorneys across Texas that represent the child welfare agency, parents and children, indicate that at least half of the attorneys are unfamiliar with the federal law and many attorneys requested that more CLE be offered on ICWA, and this matter was included as part of CC-sponsored attorney and judge training in June and August 2014. See HOP Report, [ICWA @ Page 58](#). CQI following the report included conducting a survey at the annual child welfare judicial conference regarding pre and post-judicial education / knowledge regarding ICWA and ICWA practices. Evaluation/Assessment and Implementing Change.

c. State and Tribal court agreements

- (1) In Texas there are not yet any agreements between state and tribal courts. However, much progress has been made toward understanding peacemaking courts and other tribal courts. The CC established relationships with representatives from each of the three federally recognized tribes through collaboration with DFPS, the CEDD, and the American Indian Section of the State Bar of Texas. Planning.

d. Tribal collaboration projects

- (1) Monthly Tribal/State Collaborative Call - In 2013, the CC and Senior Peacemaker Jo Ann Battise began a monthly call with a small workgroup made up of Collaborative Council member Larry Williams, Tribal Law expert Judge Cheryl Fairbanks (New Mexico), DFPS Disproportionality Manager Tanya Rollins and Disproportionality Specialist Michael Martinez. This workgroup planned the judicial round table referenced above. This workgroup has maintained a commitment to dialogue and ongoing meetings with national experts, state court judges, tribal judges, and child welfare leaders across the state. The Workgroup will develop an ICWA Strategic Plan for Texas in 2015 as well as assist with any CIP grant application, as requested and appropriate. Implementing, Evaluation/assessment.
- (2) CIP Peer to Peer Exchange - In 2014, the Children's Commission participated in this national exchange of ideas including revising the Model ICWA Judicial Curriculum. Evaluation/assessment.

e. ICWA notice projects

- (1) 2014 Judicial/Attorney Training - All new trainings in Texas have emphasized the importance of notice in ICWA cases. Evaluation/assessment.
- (2) Bench Book - In 2014, the CC updated the ICWA Section of the CPS Judicial Bench Book which focuses on when and how to give notice to the tribes or the BIA. The

Children's Commission also developed an ICWA Checklist that submitted as part of the Checklist Pilot Project discussed above. Implementing.

- (3) Jurist in Residence Letters - In 2014 the CC issued two JIR letters discussing the importance of ICWA and useful information for judges when they are inquiring about native heritage. Evaluation/assessment.

f. Data reports

- (1) Round Table Final Report - A final report from the Round Table was issued in September 2014 and highlights the importance of (i) cultural awareness; (ii) training/education; and (iii) effective court practice. The Round Table participants noted that a lack of cultural awareness often contributes to the failure to identify Indian children and afford them the protections under ICWA. The Round Table discussed the need for education regarding many misunderstandings about how to apply ICWA. Link to report here: [CC Tribal Round Table Report](#) Evaluation/assessment, Implementing change.

g. Other

- 8.** Describe how the CIP will assist with and participate in **round three of the CFSR** and program improvement processes in an ongoing fashion (include concrete actions and responsibilities that have been identified, or ideas for how best to be involved).

The CC will facilitate stakeholder input by hosting stakeholder meetings for three groups: 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. Link here to view the webpage devoted to the CFSR Stakeholder process and meeting materials provided to each participant in advance of the meetings: <http://texaschildrenscommission.gov/2209.aspx>. CQI efforts may include post-meeting surveys of participants to evaluation process and extent of stakeholder satisfaction.

Planning, Implementation

- 9.** Describe how the CIP will assist with and participate in the **CFSP/APSR processes** with the child welfare agency in an ongoing fashion (include concrete actions and responsibilities that have been identified, or ideas for how best to be involved).
 - a.** CIP reviews and provides input into the CFSP. CIP has not been involved in the APSR process, but will plan a meeting with the child welfare agency to gain a better understanding of the APSR and how to participate in the process.
- 10.** Assess how the CIP is progressing with **CQI overall?**
 - a.** Well-developed CQI projects include Trial Skills Training, Bench Book Checklist Pilot, Attorney Scholarship Process, CC Operations, including Commission meetings, Texas Blueprint Task Force, and Judicial Training. Less developed CQI includes legal representation, judicial disproportionality workgroup, and tribal collaborations.

11. Describe the largest challenges your CIP faces with implementing CQI into your work.

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

- (1) CIP staff lacks technical expertise and meaningful ability to collect and analyze data;
- (2) CIP efforts at CQI are at a rudimentary level;
- (3) CIP confusion about best method of applying CQI and data analysis to a project or activity, for example, whether the only method is collection through paper and surveys, and what are the best internal processes for evaluating the worth of a project rather than relying on experience, intuition, and relations;
- (4) CIP does not have staff capacity to collect and analyze large amounts of data.
- (5) It is challenging to make linkages between CIP initiatives and intermediate and long-term child safety, permanency, and well-being outcomes.

12. Describe the types of capacity building technical assistance (tools, resources, training opportunities, direct assistance) that would be most helpful to support CQI efforts.

a. The numerous ways of documenting and applying CQI and the terminology used are confusing. ACF should design a training or provide technical assistance that helps CIPs understand what outputs, outcomes, etc. mean for CIP projects.