



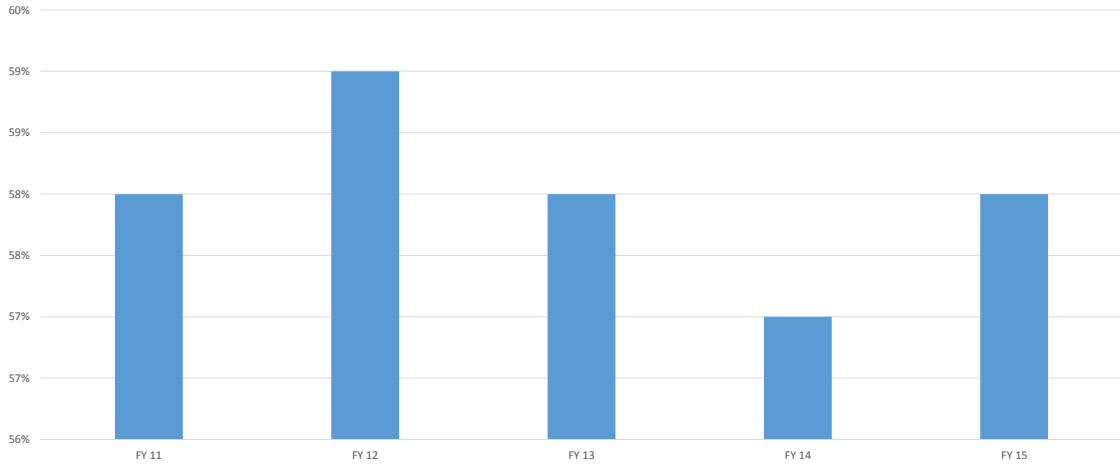
TEXAS CENTER
FOR THE JUDICIARY

Addressing Court Barriers to Permanency
Hon. Michael Schneider
315th District Court, Houston
2016 Child Welfare Judicial Conference
November 14-16, Austin

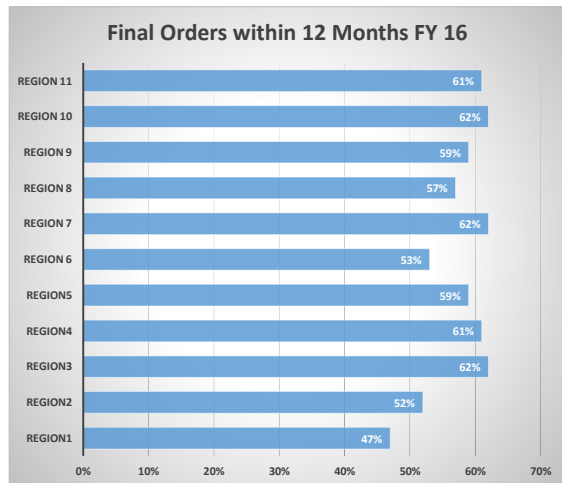
Addressing Court Barriers to Permanency

- Extensions Based on Extraordinary Circumstances
- Status Hearings Before Statutorily Required
- Appointment of Parent Counsel
- Dismissal of Child AAL
- Delaying Adoption Consummation
- Docketing Practices
- Other Barriers

Statewide: Final Orders within 12 Months - even in best year (2012), extended 40%



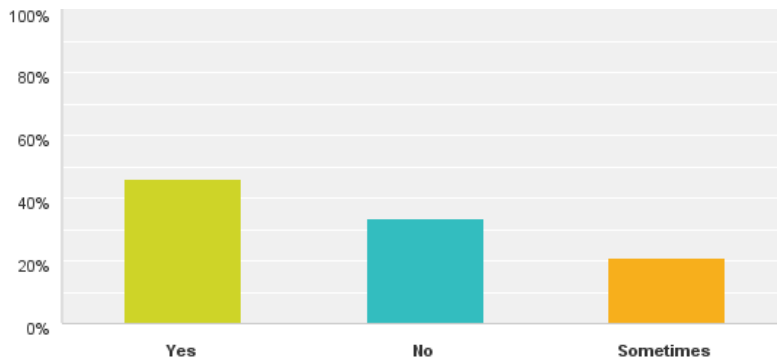
Final Orders within 12 Mo by DFPS Region



Pre-conference Survey Q10:

Do you document in the court order the reason(s) for extending a case due to extraordinary circumstances beyond the statutory deadline?

- Answered: 48 Skipped: 2



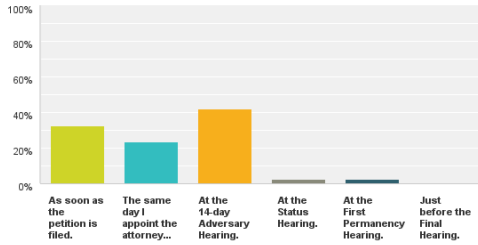
Status Hearings Before Statutorily Required

- Why?
 - Jump-start services
 - Progress on Home studies
 - Relatives
 - School stability
- Why Not?
 - New CANS Assessment and FSNA
 - Child and Adolescent Needs and Strengths Assessment
 - Family Strengths and Needs Assessment

Appointment of Parent Counsel

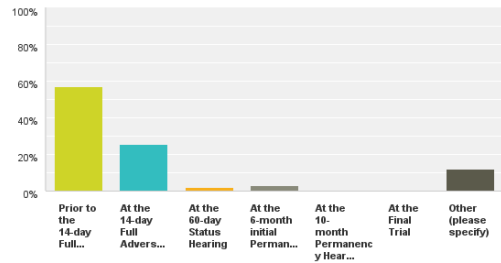
Q3 At what point in the case do you typically appoint an attorney to represent an indigent, primary parent who is opposed to the suit filed by DFPS?

Answered: 43 Skipped: 3



Q5 In your jurisdiction, at what point in the case are parents' attorneys typically appointed?

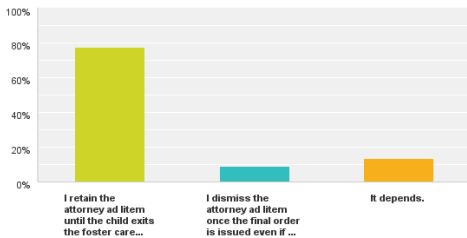
Answered: 299 Skipped: 0



Dismissing Child's AAL at Final Order

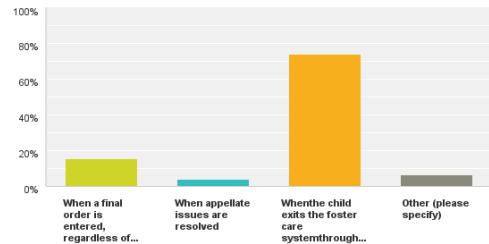
Q7 Do you typically retain the child's attorney ad litem until the child reaches permanency (exits foster care) or dismiss the attorney when you issue the final order?

Answered: 44 Skipped: 2



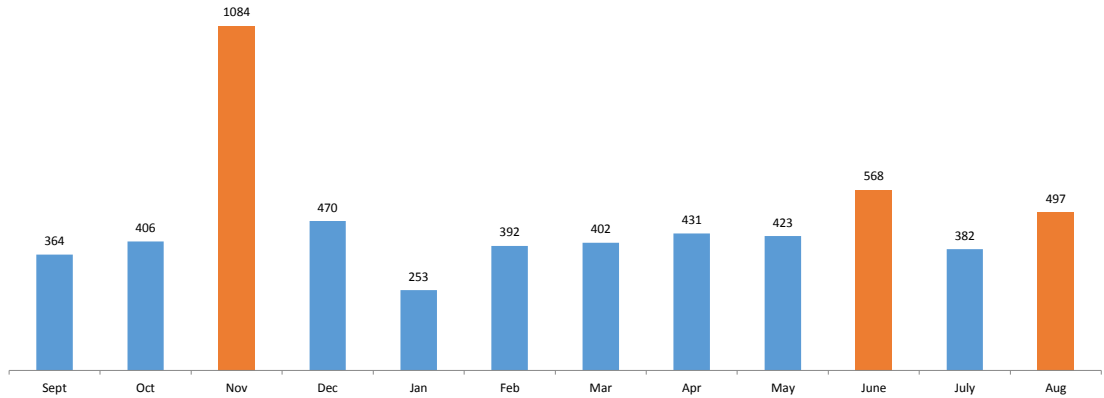
Q7 In your jurisdiction, at what point in the case are children's attorneys ad litem typically dismissed?

Answered: 299 Skipped: 0



Waiting for Annual Adoption Day / Child to Reach Certain Age

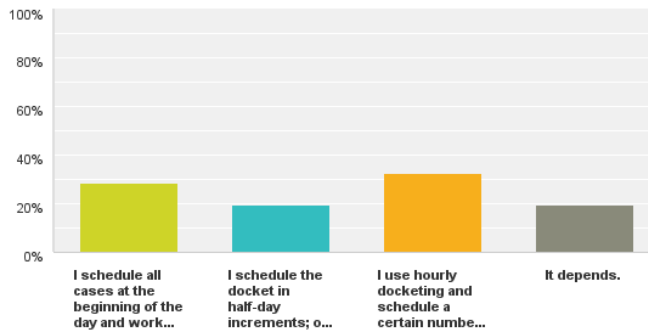
Adoptions Consummated in 2016



Docketing Practices

Q13 How do you normally schedule cases on your CPS dockets?

Answered: 46 Skipped: 2



Children's Commission Hearing Observation Study from Summer 2014

- Half-day dockets were more accommodating than full-day dockets
- A clear cut-off point of 15 cases to be heard on the docket for a half-day, either in the morning or the afternoon.
- Beyond 15 cases, there was a marked decrease in the number of indicators addressed in the hearings.
- Many families, caseworkers, and attorneys spent up to four hours waiting for their cases to be heard.
- Caseworkers spending long days in court are deterred from work on other cases.
- A child / youth waiting for a hearing to be called might be missing school for a good portion of the school day.



Children's Commission Youth in Court Round Table, Summer 2016

- Docketing practices pose a significant barrier to child, family, and caregiver participation.
- Docketing practices also affect CASA volunteer retention, attorney ad litem schedules and expenses, and caseworker turnover.
- The most troublesome docketing practice appears to be when all hearings are scheduled for a singular time such as 8:00 or 9:00 am, which requires parties, including children, to show up to court at that time and then wait for their case to be called, whether it is right away or at 4:00 pm.
- Half-day or hourly docketing is used by several jurisdictions, and parties report that this practice is preferable and makes attending and bringing children to court much easier.



Other Barriers

- Requiring clean UAs before visitation can occur
- Not allowing parties to agree to increasing visitation
- Prohibiting placement changes without court approval
- Starting trial on merits and then continuing the trial indefinitely
 - DFPS recent data: There are about 600 kids with TMC status over 18 months. DFPS thinks its unlikely that all of these are cases where the worker never changed the legal status, and instead believes these could represent cases where the court has started the trial on the merits and then recesses indefinitely. Or, this could be an extension that has extended beyond the additional six month.