

## State of Texas Court Improvement Program

### Report on Timeliness of Hearings and Indicators of Quality and Legal Representation

December 30, 2013

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

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

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

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

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

<b>Review</b>		
<b>Median time to subsequent Permanency Review</b>	77 days	2.5 months
<b>Median time to subsequent Permanency Review</b>	56 days	1.8 months
<b>Median time to subsequent Permanency Review</b>	56 days	1.8 months
<b>Median time to first Placement Review Hearing after entering PMC</b>	87 days	2.8 months
<b>Median time to subsequent Placement Review</b>	154 days	5.1 months
<b>Median time to subsequent Placement Review</b>	154 days	5.1 months
<b>Median time to subsequent Placement Review</b>	147 days	4.8 months

#### **Time to Permanent Placement (Measure 4A)**

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

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

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

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

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

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

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

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

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