



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

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

**January 11, 2013
MEETING NOTEBOOK**

The Supreme Court of Texas
201 West 14th Street
Austin, Texas 78701

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

**January 11, 2013
Meeting Notebook**

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

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Supreme Court Courtroom
Austin, Texas
January 11, 2013
9:30 a.m. – 1:00 p.m.
Meeting Agenda

- 9:30 Commencement / Opening Remarks – The Honorable Eva Guzman
Membership Changes, Tab 2
Staff Member Changes, Tab 2
- 9:45 First order of business – The Honorable Eva Guzman
1. Adopt Minutes from September 14, 2012, Tab 1
- 9:50 Commissioner Updates
- 10:45 Home Visitation Project, Pew Commission – Libby Doggett
- 11:05 Trial Skills Presentation – Justice Michael Massengale, Tab 5
- 11:30 Report to Commission - Tina Amberboy/Commission Staff, Tab 3
- 11:50 Data/Technology Committee Report – Vicki Spriggs, Tab 4
- 12:00 Basic Committee Report – Tina Amberboy/Kristi Taylor, Tab 4
- 12:10 Training Committee Report – Hon. Camile DuBose, Tab 4
- 12:20 DFPS Update – Judge John Specia, Audrey Deckinga
- 12:35 Office of Court Administration – David Slayton
- 12:40 Comments from Collaborative Council/New Business

2013 Meeting Dates: May 3, 2013, September 27

INSERT - TAB 1

MINUTES - SEPTEMBER 14, 2012 CC MEETING

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

September 14, 2012
9:30 a.m. – 3:00 p.m.

State Bar of Texas, Hatton W. Sumners Meeting Room
Austin, Texas

ATTENDANCE

Members in attendance:

Chair-Emeritus, Hon. Harriet O'Neill, Law Office of Harriet O'Neill, Austin (teleconference)
Chair, Hon. Eva Guzman, Justice, The Supreme Court of Texas, Austin
Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels
Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin
Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde
Gabriela Fuentes, Office of the Governor
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston
Joyce M. James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities
Hon. Patricia A. Macías, Judge, 388th District Court, El Paso
Hon. Michael Massengale, Justice, 1st Court of Appeals
Carolynne Rodriguez, Dir. of Texas Strategic Consulting, Casey Family Programs, Austin
Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland
Vicki Spriggs, Chief Executive Officer, Texas CASA, Inc.
G. Allan Van Fleet, Partner, McDermott Will & Emery LLP, Houston
Hon. Judy Warne, District Judge, 257th Family Court, Houston

Members not in attendance:

Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas
Hon Helen Giddings, Texas Representative
Hon. Bonnie Hellums, Judge, 247th District Court, Houston
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin
Selina Mireles, Attorney At Law, Laredo
Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin
Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas
Terry Tottenham, Of Counsel, Fulbright and Jaworski, L.L.P., Austin
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

Staff in attendance:

Tina Amberboy, Executive Director, Children's Commission
Ron Clark, Office of Court Administration
Simi Denson, Office of Court Administration
Casey Kennedy, Director IRM, Office of Court Administration
Tim Kennedy, TexDECK Project Manager, Office of Court Administration
Leigh Mathews, Intern, Children's Commission

Teri Moran, Communications Manager, Children's Commission
Mena Ramón, Office of Court Administration
Milbrey Raney, Policy Attorney, Children's Commission
Tiffany Roper, Assistant Director, Children's Commission
Hon. Robin Sage, Jurist in Residence
David Slayton, Interim Administrative Director, Office of Court Administration
Hon. John Specia, Jurist in Residence
Kristi Taylor, Project Manager, Children's Commission
Rashonda Thomas, Grant Account Specialist, Children's Commission
Mari Aaron, Executive Assistant, Children's Commission

Collaborative Council Members in attendance:

Irene Clements, Vice President for Advocacy, Children and Family Services, Lutheran Social Services
Penny Cook, Co-Founder, The Faith Connection, Dallas
Barbara Elias-Perciful, President, Texas Loves Children, Dallas
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin
Mike Foster, Executive Director, Neighbor to Family, Austin
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston
Leslie Hill, Managing Attorney, Travis County Office of Child Representation, Austin
Richard Lavallo, Legal Director, Disability Rights Texas (formerly Advocacy, Inc.), Austin
Stephanie Ledesma, Attorney/CWLS, Round Rock
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin
Diana Martinez, Director of Public Policy and Education for TexProtects, Austin
Dr. Sandeep Narang, Fellowship Director, Child Abuse and Neglect Division, Pediatrics Department, UT-San Antonio
Judy Powell, Communications Director, Parent Guidance Center, Austin
Lisa Ramirez, Women's Substance Abuse Services Coordinator, Dept. of State Health Services, Austin
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin
Meghan Weller, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin
Larry Williams, Alabama-Coushatta Tribe of Texas

Collaborative Council Members not in attendance:

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas
Roy Block, Executive Director, Texas Foster Family Association, San Antonio
William B. Connolly, Attorney, Connolly & Shireman, LLP, Houston
Elizabeth Cox, foster and adoptive parent, San Antonio
Kevin Cox, foster and adoptive parent, San Antonio
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin
De Shaun Ealoms, Parent Program Specialist, Dept. of Family and Protective Services, Austin
Eileen Garcia, Executive Director, Texans Care for Children, Austin
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin
Robert Hartman, Executive Vice President and COO, DePelchin Children's Center, Houston
Chris Hubner, Staff Attorney, Texas Juvenile Probation Commission
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels
Lori Kennedy, Managing Attorney, Travis County Office of Parental Representation, Austin
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General
Tracy Levins, Director, Admin. Svcs. And Community Relations, Texas Youth Commission, Austin
Madeline McClure, Executive Director, The Texas Association for the Protection of Children, Dallas

Kate McLagan, Executive Director, Texas Association of Workforce Boards, Austin
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin
Leslie Strauch, Clinical Professor, University of Texas School of Law, Austin
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio
Johana Scot, Executive Director, Parent Guidance Center, Austin
Janet Sharkis, Executive Director, Texas Office of Developmental Disabilities, Austin

CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman

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

Recognition of Guests

Justice Guzman acknowledged the special guests in attendance: Danielle Mirabal, Randy Sarosdy, Laura Figueroa

Commissioner Membership Changes

Justice Guzman noted no changes to the Commission membership.

Collaborative Council Membership Changes

Justice Guzman noted no changes to the Collaborative Council membership.

Committee Membership Changes

Justice Guzman noted although there are no changes at this time, Ms. Vicki Spriggs has agreed to serve as chair of the CIP Technology Committee.

Staff Member Changes

Justice Guzman announced that Ms. Leigh Mathews joined the Children's Commission as an intern.

Justice Guzman announced a change to the agenda in order to defer discussion and voting on business matters until which time that quorum of Commission members is present. She that asked the Commission members provide updates on their organizations and locales.

COMMISSION MEMBER UPDATES

Hon. Michael Massengale, Justice, 1st Court of Appeals, reported on the work underway with Ms. Raney, the Children's Commission staff and the Trial Skills Workgroup on development of new programs for trial skills training. A detailed outline of content to include in the training materials package for use in CPS cases was developed over the summer. The materials will include trial checklists, forms and content that will be useful to practitioners in this area and will be a complimentary component of the training that will be developed. One of the threshold issues concerning development of the training is the need for a case scenario, envisioned as a NITA-style trial advocacy training case scenario that will be utilized in hands-on trial training sessions. The intent is to help improve trial skills for lawyers who work in child protection cases. The workgroup has explored a number of different options on how to best develop this case scenario. One of these is developing an original case scenario. An alternate option is to solicit some applications for a grant to develop a case scenario. The timeline for rollout of the training is FY2013. Dr. Sandeep Narang, a member of the Trial Skills Workgroup, is working to develop an expert report that will be used in the case scenario. Dr.

Narang will also help to recruit doctors who will participate as expert witnesses in the trial training. In addition to the Trail Skills Workgroup, Justice Massengale noted that he is helping with coordination of the Harris County family court judges to respond to some of the current challenges faced by the judges. Judge Warne will report later in the meeting on some of the recent accomplishments. There is positive momentum involved in establishment of a working group who will meet regularly and serve as a clearinghouse for problems and concerns and sharing ideas and best practices. Judge John Specia has been involved in many of the meetings and his guidance has been invaluable. The meetings have provided an opportunity for substantive discussions between the Department and the judges. A regular meeting schedule will commence in October 2012.

Justice Guzman noted that the Harris County initiative was a response to the November 2010 Appleseed study, 'Improving the Lives of Children in Long-Term Foster Care: The Role of Texas' Courts and Legal System'.

Justice Massengale commented that there were specific concerns noted in the Appleseed report about the performance in Harris County and the status of cases. The goal of the initiative is to get the Harris County judges to coordinate responses and develop solutions for the concerns highlighted in the study.

Hon. Patricia Macías, Judge, 388th District Court, El Paso, provided an update on national activity around tracking outcomes for children and data collection and interpretation by the courts. Casey Family Programs hosted a meeting in Seattle, Washington that was co-sponsored by the National Center for State Courts and attended by several supreme court justices, trial court judges as well as staff from child welfare systems. The agenda focus was on ways to acquaint systems on how to best interpret data to improve outcomes. An outcome of discussions revealed that many judges can benefit from additional training in the area of data interpretation. A paper will be forthcoming in late 2012 or early 2013 that will examine efforts to strengthen the partnership between the judiciary and the child welfare system and focus on how to improve outcomes through understanding data and establishing goals that are data-informed.

Justice Guzman acknowledged the work of the Education Committee and the release of the final report The Texas Blueprint: Transforming Education Outcomes For Children and Youth in Foster Care. She directed those interested in the report to the Children's Commission website. Justice Guzman invited interested stakeholders to become involved in the implementation phase and the development of effective strategies.

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, deferred her report until later in the agenda.

Hon. Robin Sage, Senior District Judge and Jurist in Residence, reported on her attendance at the 2012 CIP Annual Grantee Meeting held on June 27-29 in Washington, DC. She observed that Texas is among the top states with regard to efforts to improve the child welfare system. Judge Sage noted that there is an acknowledgement expressed by federal CIP leadership to shift the attitude toward services to children in foster care to one of ensuring that children in foster care benefit from their experience in the system. Judge Sage commented on her continuing work in the rural courts in northeast Texas. A training for CPS, CASA and ad litem is scheduled with Judge Schnarr and the courts in Gregg County in late October.

Justice Guzman noted the arrival of Mr. Stewart Gagnon, Judge Dean Rucker, Judge John Specia, Judge Bonicoro and Ms. Vicki Spriggs and noted that the quorum for the meeting will be verified.

Mr. G. Allen Van Fleet, Partner, McDermott Will & Emery LLP, Houston, reported that he has joined the firm of McDermott Will & Emery in Houston. The firm has a record of providing pro bono and community involvement. He noted that he continues to serve as a member of the Children's Commission CIP Technology Committee and is a member of the Board of Directors of Texas Appleseed.

Hon. Judy Warne, District Judge, 257th Family Court, Houston, provided additional background information about the Harris County judges work mentioned earlier in the meeting by Justice Massengale. In Houston, CPS cases are heard in twelve courts, however none of these courts hear these cases exclusively. The CPS docket in Harris County is spread among these twelve courts staffed by twenty-four different judges. The associate judges in these courts hear the CPS cases. In addition, the courts sit in three different buildings. The management of the CPS docket in Harris County is challenging. The release of the Appleseed Report raised significant concerns about the permanency issue in the cases in Harris County as well as the length of time associated with disposition of the cases. As Justice Massengale indicated, a majority of the judges who hear CPS cases began to meet each month on the issues. The efforts of the group has benefitted from the input of Justice Massengale and Judge Specia as well Ms. Deborah Sheldon, lawyer for the judges in Harris County. Issues identified during the initial meetings were permanency problems and the length that cases remain on the dockets. There was unanimous agreement among the judges that the two things that rarely occur in a timely manner in CPS cases are that the child placement resource form is not on file at the show cause hearing and neither is the permanency report (the 10-day report) on file 10 days prior to the permanency hearing. There is a direct impact of these issues that affect getting a child to permanency. The child placement resource form contains information provided by the parents in the case that identifies all of the relatives who are available for the court to review to consider placement and also for assistance in visitation and keeping these children connected to their family. When the form is not available to the court at the beginning of the case, the court cannot provide an informed proactive response for placement opportunities. Without the form, judges have reset the hearings until which time the form can be provided, with the result of extending other timelines. The 10-day reports are the update reports filed with the court by caseworkers and provided to all parties in the lawsuit that contain information on the status and well-being of the child for review and discussion during the hearing. These issues were identified by every court as significant problems. In response, Judge David Farr, Administrative Judge for the Family Trial Division in Harris County will issue a standing order to CPS ordering compliance with the statute with regard to the filing of the two forms mentioned above. In addition, the order states that if these forms are not filed, costs associated in resetting the cases will be assessed against the Department. The order will be sent to Mr. Scott Dixon for review and response and discussion to remedy the issue. Judge Warne noted that there is significant caseworker turnover in Harris County and in order to address the issue, the leadership roles must be filled with individuals who can manage these matters as policy issues. The judges intent in utilization of policy issues such as the standing order, is to present a unified front in discussions with the Department and the county attorneys who prosecutes these cases and achieve a clear understanding among all parties. The judges in the twelve courts agree about the need for consistent procedures among the courts that will result in quicker disposition of these cases and permanent placement for the children who are affected. Judge Warne noted that as the struggle to serve parents involved in these CPS cases is going on, there have been occasions when one of the parents is next door answering a docket call in another court and have not received service for the CPS case. The county attorney is unaware that the attorney general has the parent present before the child support court. Following a meeting with the attorney general, it was determined that there are federal regulation issues about confidentiality and whether or not the information held by the attorney general can be shared with the county attorneys in the CPS cases. Development of a process for notice to parents is the next project that the Harris County judges group will address. The judges will meet again on October 26, 2012 and address some indigence affidavit

issues. Judge Warne reported that there was positive media coverage in Harris County about the way that children's presence in the permanency hearings are managed. Along with Judge Hellums and Judge Schneider, Judge Warne perfected the process used in their courts to provide an opportunity for children to appear in court. Judge Warne also provided follow up comments from the last Commission meeting about the pilot program in her court by Child Advocates. As part of the program, Child Advocates agree to serve on the post judgment permanency cases. Their efforts serve the children affected in post termination cases. The effort demonstrated successful outcomes following the first set of the six month PMC hearings.

Justice Guzman acknowledged the positive collaborative work noted in Judge Warne's report. Judge John Specia provided additional comments regarding the Harris County judges initiative. He is encouraged about the involvement of the judges and the ongoing meeting schedule that is in place. The Department's highest priority is permanency. The placement review form and the availability of this form will impact permanency. He noted a cultural shift towards efforts to locate relatives and place children with relatives. The work in Harris County is increasingly focused on the needs of the children. Efforts are also underway to overcome the complexities of docketing. Justice Guzman noted that Rebecca Lightsey, Executive Director of Texas Appleseed was in attendance today and invited her to comment on the discussion. The changes discussed above resulted from the 2010 report produced by Texas Appleseed mentioned earlier in the meeting. Ms. Lightsey commented that there were recent meetings in Harris County with the County Attorneys Office, the Child Welfare Board as well as Child Advocates. She is encouraged by the level of interest demonstrated toward the changes to the systems in Harris County. A recurring issue that has come forth from the various meetings is the docketing issues and the affect on children in PMC. This matter is a significant issue of coordination among the judges. Texas Appleseed will continue to review the issue and determine ways to help the county utilize the time of all system stakeholders most effectively. Judge Warne added that the effort continues to establish some dedicated CPS courts. Harris County is the only major metropolitan area that does not have a single court that hears CPS cases exclusively. Establishing a specialty court will involve the legislature and the Commissioners Court as well as other bodies. Judge Specia commented that such a court should focus on those children who have been in care for over two years. He would like to see a permanency court where all the other judges could send the more difficult cases for resolution. The Children's Commission is interested in facilitating this effort.

Gabriele Fuentes, Appointments Manager, Office of the Governor, commented that she has no new updates at this time.

Carolyn Rodriguez, Dir. of Texas Strategic Consulting, Casey Family Programs, reported on the activities of Casey Family Programs. She noted that Casey Family Programs supports the permanency round tables that are underway; throughout the state. After staffing approximately 161 cases Houston last June, an increase in the permanency status of the youth of nearly 12% was observed, meaning that the youth moved to a more favorable placement in the eventual goal of permanency. These results are comparable to those achieved in other states. Casey's 2013 planning process includes the theme of expediting permanency along with identifying opportunities to shore up and find new and creative ways around prevention. Casey Family Programs continues to increase collaboration with the Children's Commission around court improvements. To this end, discussion has begun to add some facilitated support to the recommendation implementation efforts issuing from the work of the Education Committee. Ms. Rodriguez commented on the permanency summit that will take place in October 2012. Casey Family Programs has provided a major role in the planning for the summit. The youth and parent panel identified to participate in the summit will provide a highlight of the event.

Casey Family Programs continues to find ways to showcase the work that occurs in Texas and feature it at the national level. The visibility of the Children's Commission contributes to this effort.

Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels, provided an update on her jurisdiction. The court will conduct the fourth Central Texas Adoption Day on November 19, 2012 in Lockhart, Texas. The numbers of children involved in Adoption Day have continued to increase over the past two years. A strategy to increase the involvement of partner entities is to conduct a court systems workgroup meeting every couple of months. The most recent meeting was held at a trauma informed care provider site, Spirit Reins. The program is an equine psychotherapy program that utilizes horses to work with troubled children and has demonstrated high success outcomes. There is a location in Hays County that will enable referrals of children from her counties. At the upcoming Adoption Day, Spirit Reins plans to provide a couple of horses for the children to pet. Judge Bonicoro commented on the caseload status for her court. Fifteen months ago, the caseload was in the 220's. Presently, the count is at 280, an approximate 37% increase. Many other courts are seeing the same trend. The concern is that there will be no additional resources for services despite the caseload increases.

Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland, noted that in addition to his work on the Children's Commission, he continues to serve as chair of the Children's Justice Act (CJA). Judge Rucker reported on the work of the Legal Representation Study Workgroup. The Children's Commission undertook a study on legal representation in Texas that assessed methods of attorney appointment, management of these appointments by judges and the quality of representation around the state. The workgroup, formed after the release of the study, has focused on areas that are in need of improvement around these issues. This multidisciplinary group, has held periodic meetings during 2011-2012. The work has focused on developing recommendations for ways to address the improvements that are needed. The Texas Judicial Council is presently reviewing several recommendations developed by the workgroup. One concerns a requirement that in the ex parte order issued by a court, parents receive notice of their right to have an attorney. If the parents are indigent, they have the right to request the appointment of counsel. Another recommendation will require judges, at the adversary hearing, and every successive hearing, to notify parents that they have the right to representation, and in the case of indigence, the right to request appointment of counsel. Many parents are unaware of their rights in these matters, and the workgroup is confident that these recommendations, if adopted, will resolve the issue. A related benefit is that parents attorneys will be appointed much earlier in cases with the expectation that the cases will be resolved sooner. During last session a law was passed that set up appointment of counsel for alleged fathers. This is a limited type of assignment for an attorney with the intent that the attorney conduct due diligence to identify the alleged father. If unsuccessful, the attorney then provides a report to the court and is dismissed from the case. When the father is identified, paternity is determined, and when determined, the attorney may continue to work on behalf of the father if the court appoints the attorney for an indigent father. The group has proposed an amendment to the statute that will clarify that the assignment is a limited duty one. The theory is that this will occur early in the case and conclude quickly. The second proposed amendment is appointment of attorneys for parents who are cited by publication. Often the courts are finding that parents are getting cited by publication and are not located. The availability of current technology can facilitate location of parents. The attorney appointed to represent parents cited by publication would have the same limited duty to exercise due diligence in locating the parents. When unsuccessful, the attorney is dismissed and the case moves forward. This prevents the occasional situation that has occurred in Texas courts where an attorney who is appointed for a parent who is never located files for a jury trial, commits to discovery and lengthens the duration of the case. Establishment of the limited duty procedure will make clear to attorneys what their duties are when

they are representing parents who cannot be located. When the parents are found, the attorney will file the necessary paperwork to determine the parents' indigence status. When indigence is confirmed, the attorney can then be appointed to represent the parents through the case. The workgroup has reached consensus on these recommendations. The next meeting of the Legal Representation Workgroup will take place on September 18, 2012. The topics for discussion during the meeting will include methods of appointment and appointment plans. The core principles adopted by the workgroup include local control, flexibility about the type of model that a county prefers for representation, judicial and county level discretion in administering and deploying a model and also establishment of objective criteria for the appointment and evaluation of attorney performance to ensure improvement in representation. The intent is to provide options for counties and courts that are not currently contained in the Family Code. The hope is that judges and counties will study and consider undertaking the tools addressed in the workgroup recommendations with the goal of ensuring high quality representation and accountability by the courts in the management of appointments.

Judge Rucker also reported on the Annual Judicial Conference that took place in Houston, Texas this week. Judge Judy Warne presented with Ms. Claudia Canales on appointed representation. The information provided demystified the various types of appointments that are made and the roles of the court appointed counsel. Judge Warne challenged the judges and encouraged them to set expectations for the attorneys as they fulfill their duties.

Judge Specia commented on his recent participation in the Parent Representation Forum held in Norman, Oklahoma in September 2012 and noted that it ties in quite closely with the work underway in the Legal Representation Workgroup. The conference provided tools and information for parent attorneys to provide a good job with the goal of providing a benefit to not only the child but the family as well.

Justice Guzman noted that this ties in as well with Justice Massengale's work.

Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston, reported on the work he has been focused on for the past few months. His first report addressed Rule 145, the rule that allows a civil litigant to request a waiver of cost because of indigence. He noted that the meaning of indigence needs to be clear. The Statute states that a person is indigent or is receiving some form of means tested benefits, such as food stamps or a housing allowance. There is a large amount of misunderstanding about Rule 145 among courts and lawyers as well as service providers and organizations who provide assistance to pro se or pro bono litigants. The Rules Committee is working to clarify the Rule to ensure its consistent application. The second issue that Mr. Gagnon reported about is efforts to develop a program that will assist the third party caregivers in Harris County. In Harris County, the county attorney who represents CPS informs caregivers such as aunts and uncles that CPS does not represent them and that they must retain their own lawyer. The courts believe that they do not have the ability to appoint an attorney to represent these third party caregivers because they are not included in specific descriptions of where the appointment falls. Occasionally, third party caregivers contact Lone Star Legal Aid. If they meet certain criteria, they will receive volunteer legal assistance. However, many times, third party caregivers do not have the information needed to contact these types of options or they may not meet the financial requirements that these organizations strictly apply in response to the decrease in funding available to them. The goals of the program that Mr. Gagnon is working on include establishment of monthly clinics to provide guidance and advice to third party caregivers. Additionally, help will be provided to identify an appropriate program to deliver assistance to them.

This may be a Bar-organized program that is not means dependent and is more volunteer oriented, supported by an unrestricted funding source.

Justice Guzman commented that owing to the present economic conditions, there may be lawyers who can allocate time to provide representation in these cases. This is an opportunity to create some synergy around the issue.

Judge Specia noted that this issue is a long standing problem but is worsening as an unintended consequence of more placing of children with families. Judge Specia wants to track the progress of Mr. Gagnon's program and provide support and eventual replication of the effort statewide.

Ms. Deckinga commented that presently there are about 39% of children in kinship caregiver placements. She will provide information to Mr. Gagnon on the financial support available to kinship caregivers who have children placed in their homes. She noted that not all families desire the support and not all qualify for it, but Mr. Gagnon can provide the information through his program. Ms. Deckinga asked if one of the kinship caregivers could attend one of the monthly meetings to provide information.

Judge Bonicoro commented on studies she has reviewed that have examined kinship placements. Some of the positive effects noted in the studies include less frequent changes in placement for children over time. The research she referenced looked at a three year period. Additionally, the research findings indicated that children in kinship placements have better mental health and less issues usually associated with multiple placements such as behavioral problems.

Ms. Rodriguez commented that there are national figures that indicate a lower rate of repeat maltreatment resulting in children being returned to care when they are in a kinship placement.

Vicki Spriggs, Chief Executive Officer, Texas CASA, Inc., updated the members on the upcoming permanency planning summit that Texas CASA will sponsor. It will take place in San Antonio and include judges, attorneys, CPS, CASAs and placement providers in Region 8. Planning is underway to address the anticipated 57% budget reduction by the legislature in the upcoming 2013 session. Along with CASA, the Child Advocacy Centers of Texas anticipate that they will be affected by the reduction as well. The annual conference will take place at the end of October 2012 and attendance is expected to be in excess of 600 attendees. Texas CASA has been involved in recruitment efforts over the last 12 months, with an emphasis on recruitment of African American volunteers. A Spanish-language PSA will roll out at the October conference. An additional project is the Coaches for CASA volunteer recruitment outreach effort focused on engaging male volunteers. One of Texas CASA's funding requests this year is for collaborative regional training, primarily geared toward bolstering the quality of advocacy along with understanding of system roles. Development of the legislative agenda is underway and will take on many of the issues that confront children in the child protective system. There is high interest in access of services for children's mental health expected during the legislative session. Texas CASA will be providing testimony on behalf of Foster Care Redesign next week at the House Health and Human Services Committee. The position of Texas CASA is as the services are contracted out, it is vital that there are advocates in place to work on behalf of the child. Child Protective Services will be asked to ensure transparency of the system and that performance measures be made available.

BREAK: Justice Guzman recessed the meeting at 10:41 a.m. The meeting reconvened at 10:55 a.m.

Justice Guzman reconvened the meeting and recognized Mr. Allen Van Fleet, who spoke on the Fisher v. University of Texas. The United States Supreme Court will rule next month on the matter of racial discrimination and the extent to which UT can consider factors other than class rank on admissions decisions. Mr. Van Fleet worked with UT nearly ten years ago in defense of its admissions policies in the Hopwood case. In the course of his work on that case, Mr. Van Fleet had the opportunity to meet with the family of Mr. Heman Sweatt and discuss preparation of an amicus brief. In the 1950s, Mr. Sweatt was denied admission to UT School of Law based on his race. The UT website now contains a page dedicated to the papers in the Fisher case and contains 91 amicus briefs. Mr. Van Fleet noted that the brief details historical and sociological information and highlights statistics that indicate an increase in re-segregation in public primary and secondary schools since the 1990s. He encouraged members to read the brief. Mr. Van Fleet will attend the arguments at the US Supreme Court with Mr. Sweatt's grandson, Hemon Sweatt Duplechin.

Justice Guzman acknowledged the pro bono work Mr. Van Fleet and of members and the commitment to issues that this work demonstrates.

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde, reported on events in her jurisdiction. The video conferencing equipment is now functional. She will work with Judge Morris to develop a protocol for tracking usage of the equipment in CPS cases. Judge DuBose noted that the equipment has versatile usage capabilities and can be utilized for other upcoming training committee projects such as CLE training for attorneys in rural locales.

Joyce James, Associate Deputy Executive Commissioner, Center for the Elimination of Disproportionality and Disparities, reported on the work underway by the CEDD. The Center will co sponsor an Adoption Renaissance in Texas conference with the Administration for Children and Families Region VI representatives. The conference will take place in Dallas, Texas on November 29-December 1, 2012. The purpose of this first of its kind conference is to elevate the need to reduce disproportionality and improve and increase overall permanency through adoption for children in foster care. Ms. James will provide details on the conference to Ms. Amberboy and the Children's Commissioners. The speakers that will participate in the conference will represent the faith-based perspective, as well as Ms. Vicki Spriggs of Texas CASA, former foster youth, Representative Dawnna Dukes and Senator Royce West. The legislators will speak on how the effort relates to the importance of the establishment of Senate Bill 501 passed during the 82nd Texas legislative session. The Center continues to facilitate the Interagency Council that has succeeded over the past year in bringing together the leadership of multiple systems that include education, juvenile justice, child welfare and mental health services for children. Leaders from health access are also involved in the work of the council. A draft report will be presented to the Texas legislature in December 2012 that will include recommendations. The data used in the report indicates that disproportionality and disparities exist in all of the systems represented in the council. While the report will acknowledge this, the recommendations will move forward some actionable items to address the issues. Ms. James stressed the importance of applying the lens of disproportionality and disparity to data that pertains to any of the work of the commission in order to provide a complete perspective of outcomes for all of the people that are served by the work. Without this perspective, it is impossible to know if everyone receives the benefits of the work. Ms. James expressed appreciation to Ms.Carolyn Rodriguez and Casey Family Programs for the 2013 workplan that is in development.

Justice Guzman introduced Mr. Dan Capouch, Director of Services, Texas Department of Family and Protective Services. Mr. Capouch spoke on the Child Family Services Review (CFSR) Program Improvement Plan just completed by the Department. Mr. Capouch highlighted the plan, described more fully in the power point presentation, available in the meeting materials. The CFSR is a federally mandated review, conducted in Texas on a schedule determined by the Administration for Children and Families in Washington, D.C. The Department must resolve any penalty findings or issues identified during reviews. The current on site review commenced in March 2008 and focused on El Paso, Houston and Dallas. The number of cases reviewed for each state is 65, from which findings are made. The findings relate to safety, permanency and well-being. Mr. Capouch noted that in the data presented today, Texas data indicates that of the 51 program improvement plan action steps pertaining to the national safety standards, all were met 1 year earlier than required. This accomplishment is noteworthy because Texas struggles with resources as well as an increasing child population. On July 26, 2012 a meeting occurred to officially close out the program improvement plan. The issues that emerged from the 2008 review of the 65 Texas cases include 4 themes that the Department needed to focus effort on and include strengthening critical decision making skills around safety and assessment of the child across the life of the case; removing barriers to permanency, related primarily to permanent managing conservatorship without termination of parental rights; enhancement of placement capacity through redesign of the Texas foster care system; and strengthening of family based safety services. Mr. Capouch noted that a systems review is part of the overall review to ensure that the big systems are in place that support action and efforts necessary to impact outcomes for children. The federal government looks at the synergy of systems versus systems acting alone. The collaboration of efforts among the Department with the Children's Commission and CASA, the Child Advocacy Centers, the courts, the school system and other non-profit entities must demonstrate unity of purpose in making a difference in the outcomes for children. One of the focus areas by the Department was a series of Round Tables to assemble system leadership and discuss strategic assessment of barriers and develop action plans. One of these Round Tables addressed hearing notice and engagement of stakeholders. Various stakeholders spoke about their experience in the court system. A detailed report was prepared following the Round Table and included relevant recommendations informed by the input of the participants. Mr. Capouch noted that Texas' non-unified court system provides unique challenges when developing policy recommendations. The issue of data sharing is another area of emphasis. Several courts have requested the data elements measured by the Court Improvement Program (CIP). The data measures are available for review by any judge or district court. The Department is available to assist judges with understanding the data and what the information says about the children and families and the systems that they interact with. The Department collaborated on the Round Table on permanent managing conservatorship without termination of parental rights. The convening looked in depth at the number of children in this status and how to address and resolve the issue. The Department has implemented a permanency Round Table process is an example of some creative thinking and new procedures that is coming together on behalf of children and families in Texas. In August 2010, a judicial bench book was distributed to CPS judges. The content includes information related to disproportionality, STAR Health, Permanency Care Assistance, trauma informed care and psychotropic medications and was shared with ACF as part of the Department's program improvement plan. This resource was well received by the federal reviewers. Mr. Capouch also commented on the Round Table on psychotropic medications held in Austin in July 2012. Although not a specific issue on the program improvement plan, the discussion and focus evolved from the related work in other areas. Regional Director Camile Gillam is co-chair with Mr. Capouch on the trauma informed care initiative in Region 1 in Lubbock, Texas. This initiative speaks to the foresight of the leadership in the state of Texas and the response to these major issues that affect the lives of children. As of May 2012, the Department has an approved trauma informed care strategic plan. The core group includes a collaborative membership of Department staff,

representatives from the Children's Commission staff and key national subject matter experts in the area of trauma informed care. Four subgroups are operational and working in the areas of trauma informed care assessments and tools; training for internal Department staff; caregiver support to foster parents, biological parents, adoptive parents and kinship families; and secondary trauma staff support to provide resources to Department staff involved in direct casework services. The mission of the trauma informed care effort is to build a system of care to protect children and act in their best interests. An additional area derived from the program improvement plan is related to the fatherhood initiative and work of the parent collaborative group across the state. Mr. Kenneth Thompson provides strong fatherhood advocacy on behalf of the Department. Judge Rucker conducted a Round Table that addressed fatherhood issues and involved fathers from across the state who spoke about their experience in the child protection system and identified areas that positively impacted their experiences. As a result of the Round Table, resources now available to fathers and include web-based services and video links. Mr. Capouch reported that a result of emphasis on critical decision making was the enhanced family centered safety decision making work. Work on the topic began initially to strengthen in home services. With the help of the National Resource Center for Child Protective Services (NRCCPS), critical decision making skills across every stage (investigation, family based safety services, and conservatorship) were reviewed with an organizational effectiveness facilitation model. This model for facilitation is under consideration by the federal ACF Commissioner because of the effectiveness and impact on continuous quality improvement work. The Department is presently in a case consultation process in determining how to gather sufficient information. The intent is for this to become the overarching practice model and to align other initiatives within it. Many judges have received the NRCCPS safety and risk model training. The Department continues to integrate trauma informed care into the enhanced family centered decision making. Later in this meeting, Ms. Jenny Hinson will speak about the Department's permanency Round Tables. These events arose out of the need to deal with the issue of children in permanent managing conservatorship without termination of parental rights as well as those children whose permanency outcomes are delayed. In summary, Mr. Capouch noted that the efforts focus on systems improvement that will build and align the timeline of services to children as well as older youth in care. With regard to Round 3, an informational memorandum was issued on August 27, 2012 by Commissioner Bryan Samuels, ACF. The memorandum highlight continuous quality improvement and is a clear signal from the federal government as to the expectation for the states in use of data and collaboration with stakeholder groups to achieve system improvements. Texas is one of 23 states that participated in the national meeting in Washington D.C. in August 2012 and is well positioned with regard to the components noted in Commissioner Samuels memo. This includes system leaders who are committed to the use of data to understand outcomes, dedicated continuous quality improvement staff across the Department as well as a strong data-driven focus and organizational effectiveness facilitation staff. The timeline for the Round 3 review is anticipated to begin in 2014.

Ms. Amberboy commented that the Commission's Strategic Plan is driven by the CFSR. Most of the projects in the plan tie back to the CFSR findings. She reminded members that training topics that are included on the agenda at judges meetings on issues such as safety versus risk or trauma informed care relate directly in response to the CFSR findings. Details on the projects can be found in the annual application that the Children's Commission submits annually to the ACF.

Mr. Capouch noted that key Department staff speak each week with the staff of the Children's Commission via a collaborative conference call. Frequently, Texas CASA, Center for the Elimination of Disproportionality and Disparities and other staff and stakeholders participate in the call and share how the work is being conducted.

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

Ms. Amberboy reported that there will be a substantial amount of issues to review and discuss during the remainder of the meeting today. The CIP Committees held their joint meeting this past August and identified projects and issues to discuss for the FY2013 agenda. She highlighted the changes with regard to the FY2013 CIP budgets that were approved at the August CIP Committee meeting. There is a correction to the amount of the CPC Strategic Plan amount under the data category. The amount of \$46,597.00 is a correction. Ms. Amberboy noted that there are 3 items to add go forward to the budget. The line item under Staff Directed Projects under the Basic Budget titled Publication Reprints in the amount of \$12,000.00 provides funding for publication and printing of the Guide to Aging Out of Care, a publication managed by Ms. Mary Christine Reed. The guide is in high demand and requests for the guide continue to increase each year. The amount required to set aside to cover publication of the guide needs to increase as well. Ms. Reed updated members about the guide. The 3rd Edition was recently published and contained extensive updated content. The update was made in collaboration with Department staff to ensure that the most current policy is reflected. Requests for the guide are made by a variety of parties, including agencies who provide preparation for adult living classes, PAL staff, CASA organizations, judges and juvenile public defender offices. Texas Rio Grande Legal Aid (TRLA) tracks information on the requests that include how the guides are distributed as well as specific recommendations and feedback for updates to the content. The guide can be ordered through the TRLA website that has information for ordering or downloading the guide. Ms. Amberboy noted that the cost to reprint the guide is approximately \$5.00 - \$6.00 per copy. For FY2013, funding in the amount of \$8,900.00 is included in the line item and will be ratified later in this meeting. The Publication Reprint allocation will also cover reprint costs for approximately 100 copies of the Texas Blueprint at \$9.00 each needed for the February 2013 Education Summit. An additional budget item will provide funds to cover the cost of a 1-year membership in the NCJFCJ for 20-25 judges who are involved in the work of the Children's Commission. This expenditure is in response to a proposal by Judge Darlene Byrne and Judge Peter Sakai. Both are members of the NCJFCJ Board. Funds in the amount of \$5,000.00 will be set aside, with the total membership budget for FY2013 of \$8,000.00. A final report on the total number of judges who participate in the membership offer will be provided to the Commission. Members will vote to ratify the request later in the meeting. The final item added to the FY2013 budget is to support lawyers in Texas who desire certification through the National Association of Counsel for Children (NACC). NACC offers a child welfare law specialist certification. The exam fee for the certification is \$350.00 as well as an application fee of \$300.00. These costs are prohibitive for court appointed attorneys in Texas. During the August 2012 CIP Committee meeting, the Training Committee proposed that the Commission support paying the exam fee for attorneys who are ready to take the exam. These attorneys would have already paid for the application fee or obtained a waiver of the application fee from some other organization. The attorneys are vetted and ready to sit for the exam. A vote to ratify the expenditure will take place later during the meeting.

Ms. Amberboy noted that in July 2012, Judge Mike Nash became the President of NCJFCJ. His issue for 2013 is a review of use of psychotropic medications for children in foster care. Judge Nash appointed Judge John Specia to work on the national committee for the issue. Judge John Hathaway will serve as the chair for the committee. The participation of these two Texas judges will allow involvement of the Children's Commission at a national level on the work underway on psychotropic medications.

Ms. Amberboy, Judge Sage and Ms. Audrey Deckinga will travel to Dallas, Texas in October 2012 to meet with Commissioner Samuels on the issue of how Texas is responding to lesbian, gay, bisexual and transgender youth in foster care. Ms. Amberboy anticipates that this will be a new project for the Commission and will provide details to members at the next Commission meeting in January 2013.

Ms. Amberboy reported on the parent representation forum held last week in Oklahoma City. Improving legal representation for parents and elevating the parent voice in CPS cases were the focus of the meeting. A preliminary action plan was developed during the meeting. Work will begin on developing training that will emphasize these issues. Discussion on adopting standards of representation in Texas occurred. This issue will be a recurring topic of discussion for Commissioners with the goal of achieving consensus on the appropriateness of the issue and how much involvement the Commission should support. Development of an information packet was supported during the discussions in Oklahoma City as well as how to deliver the information to parents, while being mindful of their rights and clarifying expectations for the parent about the representation they will receive as well as how to request a change in counsel or the procedure for filing a grievance. Exploration of partnership with legal aid or another organization to work on development and maintenance of a resource for parents and parent attorneys that will be similar to the foster youth hotline managed by TRLA was discussed. This issue was discussed with Mr. Paul Furrh but has been deferred for several years. Ms. Amberboy would like to see the issue revived because of the belief expressed by the participants at the Oklahoma City conference that a hotline or guide supported by attorney training and mentoring would be helpful. In addition, there was support for holding a Round Table around visitation that will address definitions, frequency, location, supervisory roles, etc. Information on the statistics regarding family time and visitation support that these elements are the primary indicator and key component that affect reunification. Ms. Amberboy has held preliminary discussion with Ms. Deckinga regarding the issue. Ms. Deckinga commented that she met with Department staff yesterday regarding the issue and Ms. Hinson will contact Ms. Amberboy to calendar the Round Table. The Department agrees that discussion on the range of supervised to unsupervised visitation must be clarified. Ms. Amberboy invited any interested members to participate in the effort to plan the Round Table. Another issue discussed in Oklahoma City was how to decrease the amount of time to identify families and divert children from placement in foster homes to placement with family members. This broad issue still needs to be clarified and developed.

Nearly two years ago, Judge Specia distributed a Jurist in Resident (JIR) letter on the Permanency Care Assistance Program. The program is underway, however Ms. Amberboy noted that an increase in the numbers of children involved in the program is a current goal. Efforts at public awareness continue. The Department has created a bench card for judges that will be distributed and passed out at the upcoming Permanency Summit this October. Judge Specia will send an updated JIR that will have the bench card attached in .pdf format.

Judge Specia requested clarification on the numbers of children and families involved in the PCA program. Ms. Deckinga stated that there are 673 children involved as of last week. Judge Specia will obtain the regional distribution of the total in the upcoming JIR letter.

Ms. Amberboy provided remarks on the upcoming Permanency Summit that will be held in Rockwall, Texas in October 2012. The Texas Center for the Judiciary is working on preparation for the summit with Texas Appleseed. Invitations were sent to approximately 20-25 judges and their teams to participate in the summit, which will be conducted in a beyond the bench style. The intent is to focus on concrete solutions to permanency.

RECESS FOR LUNCH: Justice Guzman recessed the meeting at 12:26 p.m. The meeting reconvened at 1:33 p.m.

PSYCHOACTIVE MEDICATIONS ROUND TABLE

Ms. Kristi Taylor, Program Manager, Children's Commission, reported on work of the Psychoactive Medications Workgroup. The group addressed enhancement of communication between STAR Health providers, case workers, judges and attorneys. The group acknowledged the challenges facing parents and caregivers when their child is prescribed psychoactive medications and the extensive amount of information they need to evaluate the appropriateness of these medications as well as assessment of alternative therapies. The workgroup reviewed historical data reported on foster children taking psychoactive medications. In 2004, thirty percent of foster children in the state of Texas were prescribed some type of psychoactive medication(s) for sixty or more days. In 2005, Senate Bill 6 lead to the development of Chapter 266 of the Family Code as well as the development by HHSC of parameters designed to flag medications through the pharmacy system. Medication assessments also occur when the child receives a routine medical check and any mental health assessments. As a result of these measures a significant reduction of prescribed total medications as well as combined prescriptions of these medications for children was achieved. There is an eleven percent decline from 2004 to present, the current rate for foster children in the state taking psychoactive medication(s) is 19%. Over the past two years there has been media attention on psychoactive medication use in the foster care population. In a report issued by the General Accounting Office, Texas was identified as having the highest rate of all fifty states when the medication usage numbers in the foster care population was compared to the regular Medicaid population. A review of the report revealed that the conclusions reported were based on data reported through 2008. Subsequently, Children's Hospital of Philadelphia issued a study that stated that Texas does have high numbers but the data reflects the impact of several factors that include the increase in numbers of the foster care population, and the incidence of severe cases of children in care in the state. In addition, the removal rate in Texas is less than in other states. In July 2012, the Children's Commission held a Round Table on the issue and brought together STAR Health Psychiatrists, judges, attorneys, parents and other stakeholders. The areas examined at the Round Table included the parental/guardian consent process. The need to develop a definition of informed consent was identified and may be addressed by the advocacy community in the upcoming legislative session. There are guiding principles within the parameters that provide specifics of the details on what the medical consentor should ask, such as the child's age, weight and trauma history. The consentor should verify that non-medication interventions or solutions are considered. The Round Table group discussed how to disseminate the message to ensure that attorneys, judges, advocates and foster parents, including RTCs, are addressing the issue with consistency. The group discussed issues concerning judicial review and the appropriate role for judges. Judges hearing cases concerning psychoactive medications are often are asked to step out of their traditional role and engage in a collaborative approach to the case. During the Round Table, the need to determine what the appropriate role for the judge is. Work is underway to determine methods to bolster the system with input from the Rutgers review of the parameters. Ms. Taylor confirmed that there are several M.D.s involved in the workgroup and the work has benefitted from their expertise and perspective. There was discussion on content in the program instructions from the children's bureau that pertains to psychotropic medications. An observation was offered that the issue is one of consumer education as well as informed consent. Older youth can be guided to speak to their physician or psychiatrist to discuss their desire to obtain a written plan to be stepped down from their medications. Ms. Amberboy noted that part of the judicial review of medications will include that the judge ensures that the youth has been consulted. Ms. Taylor referenced a bench card that can serve as a resource to judges who hear these cases. A youth resource is available on the Texas Youth Connections website that provides information about psychotropic medications and is targeted for youth in care. Ms. Taylor acknowledged that there are tools and resources available and the Commission website will continue to include links to them.

EDUCATION-THE TEXAS BLUEPRINT IMPLEMENTATION

Ms. Tiffany Roper, Assistant Director, Children's Commission, provided an update on the work that has followed the release of the Education Committee Final Report in May, 2012. This summer, Ms. Roper has worked to sustain collaborative efforts among the DFPS and the Texas Education Agency (TEA). She acknowledged the work of Ms. Kristine Mohajer, Education Specialist with the Department and the additional efforts underway as a result of the Texas Blueprint recommendations. The issue of foster youth and education has been elevated within the TEA as well. Another highlight includes the support provided by Casey Family Programs and Dr. Debbie Staub who facilitated the collaborative processes between TEA and the Department with regard to moving forward with the implementation stage of the recommendations. On August 22, 2012, TEA issued a letter for distribution statewide to school superintendents, principals and key administrators. The letter highlighted the importance of maintaining educational stability for children and youth in the foster care system. Distribution of the letter was a significant milestone in the state of Texas in acknowledging the issue. The Texas Blueprint continues to receive national attention. Several future activities include work on the Texas TRIO grant, development of a website dedicated to education information and resources for various stakeholders involved in the issue. An education summit will take place on February 19-20, 2013 in Austin. Planning to set the implementation task force is also underway.

COMMITTEE REPORTS AND VOTING MATTERS

Basic Committee

Ms. Amberboy reported on behalf of Judge Hellums. The details on the CIP Basic Committee grants are described more fully in the meeting notebook under Tab 6. Ms. Amberboy reminded members that the projects are ongoing and discussion on specific activities has taken place at prior meeting of the Commission. Continuation of funding for the Basic projects were considered and approved at the joint meeting of the CIP Committees held on August 2, 2012.

The first matter for consideration is for funding for FY2013 in the amount of \$100,000 for Disability Rights Texas. The funding will provide continuation of the program for legal representation for dually managed youth. Mr. Richard Lavallo provided a brief overview of the project. The funding will help to support three attorneys who represent youth at risk of entering or involved in the criminal justice system. He noted that this will be the final year of funding for the project and efforts are underway to identify additional funding sources. Mr. Lavallo acknowledged that one of DRT's attorneys, Mr. Ian Spechler has received the ABA Child Advocate of the Year Award. Ms. Amberboy noted that Mr. Spechler will also provide attorney training on the Crossover Youth Practice Model Spread efforts underway in those Texas jurisdictions who represent the youth on those dockets.

ACTION: Justice Guzman noted that the CIP Basic Committee voted on August 2, 2012 to approve FY2013 funding for the Disability Rights Texas project in the amount of \$100,000. Lacking any additional comment or discussion, Justice Guzman asked all in favor to approve the request to award the funds say aye. The measure was carried with no opposition.

Ms. Amberboy reported on the Child Protection Court Judge Support project that allows providing aircards and cellular telephones for judges who travel to hear cases in multiple jurisdictions. The equipment ensures communication with court coordinators and facilitates access to dockets when the judge is travelling. The FY2013 funding for the project approved by the CIP Basic Committee on August 2, 2012 was \$20,520.

ACTION: Justice Guzman asked for any additional discussion on the issue and hearing none noted that the CIP Basic Committee voted on August 2, 2012 to approve FY2013 funding for the Child Protection Court Judge Support project in the amount of \$20,520. Justice Guzman asked all in favor to approve the request to award the funds say aye. The measure was carried with no opposition.

Ms. Amberboy provided an update on the Texas Remote Interpreter Project (TRIP). The project provides a Spanish-speaking interpreter for Child Protection Courts who needed this service. The interpreter is available to provide services via teleconference. Efforts are underway to expand this service and make it available to other courts. OCA has consulted with Judge Warne in Houston as well as with Judge Byrne in Travis County. Evaluation of the accessibility of the service is ongoing and is requiring some time to educate the courts on the availability of the service. Ms. Amberboy will provide a report on usage in the next six months. In the interim, FY2013 funds in the amount of \$37,599 are requested.

ACTION: Justice Guzman noted that the CIP Basic Committee voted on August 2, 2012 to approve FY2013 funding for the Texas Remote Interpreter Project (TRIP) in the amount of \$37,599. Justice Guzman asked all in favor to approve the request to award the funds say aye. The measure was carried with no opposition.

Ms. Amberboy noted that the Children's Commission has an amended application from Webb County that will provide the second year of funding for their drug court. The request for FY2013 funding will be deferred until the January 11, 2013 meeting of the Children's Commission unless it is determined that Webb County will need the funding before that time. In that event, Ms. Amberboy will be in contact with the CIP Committee members and the Children's Commissioners by email to obtain approval of the expenditure.

Ms. Amberboy reviewed the expenditure request for publication reprints for Texas Rio Grande Legal Aid and the Aging Out Guide for Foster Youth. Details on the guide were provided in detail during her report to the Commission earlier during this meeting. FY2013 funds in the amount of \$12,000 were approved by the CIP Basic Committee at the August 2, 2012 meeting.

ACTION: Justice Guzman asked for any additional discussion pertaining to the FY2013 funding in the amount of \$12,000 for the reprinting for the Texas Rio Grande Legal Aid Aging Out Guide for Foster Youth. Lacking any comments from members, Justice Guzman asked all in favor to approve the request to award the funds say aye. The measure was carried with no opposition.

Ms. Amberboy reviewed the expenditure request for Texas judge memberships in the NCJFCJ. Ms. Amberboy provided details on the funding request during her report to the Commission earlier in this meeting. Expenditure of FY2013 funds in the amount of \$5,000 to pay for one-year NCJFCJ memberships for Texas judges who handle CPS cases were approved by the CIP Basic Committee at the August 2, 2012 meeting.

ACTION: Justice Guzman asked for any additional discussion pertaining to the FY2013 funding in the amount of \$5,000 to pay for one-year NCJFCJ memberships for Texas judges who handle CPS cases. Lacking any comments from members, Justice Guzman asked all in favor to approve the request to award the funds say aye. The measure was carried with no opposition.

Ms. Amberboy noted that Judge DuBose chose to abstain from the vote on funding for the Uvalde and Medina County videoconferencing project at the May 4, 2012 meeting of the Children's Commission. A

review of the meeting minutes from the May 4 meeting indicated that because of the abstention, there was no quorum . The matter is being presented to the Commission today for a vote to approve the expenditure. In April 2012, the CIP Technology Committee considered the application from Uvalde and Medina Counties in the amount of \$44,000. The funding was applied toward the purchase of some video conferencing equipment to facilitate communication between youth and the courts, their attorneys, therapists, and caseworkers.

ACTION: Lacking any comments from members, Justice Guzman asked all in favor to say aye to approve the request to award the FY2013 funding in the amount of \$44,000 for the Uvalde and Medina County Videoconferencing project. The measure was carried with no opposition.

Training Committee

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde, reported on the activities of the Training Committee. The details on the CIP Training Committee grants are described more fully in the meeting notebook under Tab 7.

The first matter for approval concerned the State Bar of Texas Child Abuse and Neglect Conference. The final planning for the conference is near completion and will include tracks for parent attorneys, child attorneys and DFPS attorneys. On August 2, 2012, the CIP Training Committee voted to approve FY2013 funds in the amount of \$25,000. Ms. Amberboy expects to be able to provide a date for the conference after she meets with the SBoT Committee meeting tomorrow. Because of unavoidable scheduling conflicts, the conference has been deferred to subsequent years and has been before the Commission on a couple of occasions.

ACTION: Justice Guzman asked all in favor to approve the request to award the FY2013 funds in the amount of \$25,000 for the SBoT Child Abuse and Neglect Conference to say aye. The measure was carried with no opposition.

Judge DuBose reported on the FY2013 funding request in the amount of \$162,984 for Texas CASA. This project was moved from the CIP Basic Committee grant to the CIP Training Committee grant. The funding will support training of facilitators, court advocacy skills training, multidisciplinary advocacy training and leveraging of statewide CASA and CPS Memorandum of Understanding. CASA continues to work diligently to get a CASA volunteer trained and assigned to every case where they are needed. The CIP Training Committee voted to approve FY2013 funding at the August 2, 2012 meeting.

ACTION: Justice Guzman asked all in favor to approve the request to award the FY2013 funds in the amount of \$162,984 for Texas CASA to say aye. Ms. Vicki Spriggs abstained from the vote on this matter.

Judge DuBose reported on the FY2013 funding request in the amount of \$595,924 for the Texas Center for the Judiciary. The Texas Center conducts several conferences throughout the year that include Implicit Bias, Child Welfare Judges Conference as well as facilitating the NCJFCJ judge scholarships. Justice Guzman noted that Mr. Sarosdy abstained for the vote at the CIP Training Committee at the August 2, 2012 meeting resulting in no quorum for the approval vote. The matter is being brought forth to the Commissioners today and will require a motion and a second for approval.

ACTION: Justice Guzman asked for a motion to approve the FY2013 funding request for the Texas Center for the Judiciary in the amount of \$595,924. Judge Dean Rucker made a motion to approve the

request to award FY2013 funds in the amount of \$595,924. Ms. Vicki Spriggs seconded. The members voted to approve the award of \$595,924.

Judge DuBose reported on the OCA Child Protection Court Judge and Court Coordinator Training. The annual training provides specialized training for the Child Protection Court judges. The CIP Training Committee voted to approve funding in the amount of \$15,000 for the training at the August 2, 2012 meeting.

ACTION: Justice Guzman asked all in favor to say aye to approve the request to award FY2013 funds in the amount of \$15,000 for the OCA Child Protection Court Judge and Court Coordinator Training. The measure was approved with no opposition.

Judge DuBose provided an overview on the National Association of Counsel for Children (NACC) Child Welfare Law Specialization (CWLS) Exam. The matter was discussed in detail at the meeting of the CIP Training Committee on August 2, 2012. Texas does not provide a specialization in Child Welfare Law, however it is provided through NACC. The cost of the training and the examination is prohibitive for those attorneys who specialize in child welfare representation. There are currently 31 Texas attorneys ready to sit for the exam. The application fee is \$300, with an additional \$350 required to sit for the exam. The funding request is to fund the \$350 exam fee for those attorneys who have applied and are accepted to sit for exam. The CIP Training Committee agreed to support funding at the August, 2012 meeting, however a final amount was not determined at that time. The FY2013 funding in the amount of \$10,850 requested today is based on an estimated 31 Texas attorneys who are ready to sit for the exam.

ACTION: Justice Guzman asked for a motion to approve the FY2013 funding request for the National Association of Counsel for Children (NACC) Child Welfare Law Specialization (CWLS) Exam in the amount up to \$10,850. Ms. Vicki Spriggs made a motion to approve the request to award FY2013 funds in the amount of \$10,850. Judge Dean Rucker seconded. The members voted unanimously to approve the award of \$10,850.

Judge DuBose provided several updates on the work of the CIP Training Committee. The committee is considering providing attorney ad litem training through the State Bar of Texas. SBoT has a mentor series now that can be accessed by logging on to brief online training sessions. At present there is no attorney training in child welfare law. The committee will work with SBoT to develop some mentor trainings, with a goal of one per month that will feature a speaker in a designated area of child welfare law. This will provide online access to attorneys across the state. Judge DuBose invited members to submit any training topics for attorneys to Ms. Raney.

Attorney scholarships for the NACC Conference will be provided. In 2012, the Children's Commission provided 118 attorney scholarships. Scholarships will also be provided for the ABA Parent Attorney Conference in July 2013 in Washington DC.

Technology Committee

Mr. David Slayton, Administrative Director, Office of Court Administration, provided an update on the activities of the Technology Committee.

OCA has submitted a legislative appropriation request for the 83rd Session for three additional Child Protection Courts that will assist with the overloaded dockets across the state. If the request is

successful, it will be imperative to bring judges together to discuss issues and move forward with the organization of the courts. This will take place at a strategic planning meeting that will take place in early 2013. Ms. Amberboy noted that the CIP grant funding will provide salary for the project manager. FY2013 funds in the amount of \$46,597 were approved by the CIP Technology Committee at the August 2, 2012 meeting for the CPC Strategic Plan.

ACTION: Justice Guzman asked all in favor to say aye to approve the request to award FY2013 funds in the amount of \$46,597 for the CPC Strategic Plan. The measure was approved with no opposition.

Mr. Casey Kennedy provided an update on the OCA CIP Technology Projects. At the last meeting of the Children's Commission in May, 2012, Mr. Kennedy provided a report on comparison of salary costs for third party contract staff to full time OCA employee staff. The FY2013 funding request approved by the CIP Technology Committee at the August 2, 2012 meeting reflects the reduced staff salary costs. The FY2013 funding in the amount of \$371,223 funds 3 full time equivalent (FTE) positions that support the efforts of the Children's Commission projects.

ACTION: Justice Guzman asked all in favor to say aye to approve the request to award FY2013 funds in the amount of \$371,223 for the OCA CIP Technology Projects. The measure was approved with no opposition.

Justice Guzman noted that this concluded the voting matters for approval of FY2013 CIP Committee projects.

ADOPTION OF MAY 4, 2012 MEETING MINUTES

Justice Guzman noted that a quorum was not present at the commencement of the meeting this morning. A vote to adopt the Meeting Minutes from the May 4, 2012 meeting of the Children's Commission will be held at this time.

ACTION: Justice Guzman asked for a motion to adopt the meeting minutes of the May 4, 2012 meeting of the Supreme Court of Texas Children's Commission, Ms. Audrey Deckinga made a motion, Judge DuBose seconded. The attending members adopted the meeting minutes unanimously.

PERMANENCY ROUND TABLES (PRTs)

Ms. Jenny Hinson, CPS Division Administrator for Permanency reported on the innovative strategies underway to improve outcomes for children and youth in care. Permanency Round Tables, when used in conjunction with other programs will improve the lives of children by leading to positive permanency, which the Department defines as children who exit care to a family. The Permanency Round Tables goal is to divert children from exiting the system through independent living or aging out. Ms. Hinson acknowledged the assistance provided by Casey Family Programs with model development and project support as the process has evolved. Permanency Round Tables are an internal case consultation designed to facilitate a conversation around an individual child, a permanency plan and a child specific action plan. Internal subject matter experts explore topics and develop the plan. The Permanency Round Table is not intended to replace any other permanency planning meeting(s) among families, children and stakeholders. Ms. Hinson highlighted additional goals of the Permanency Round Table. In addition to the development of a child specific permanency action plan, specific strategies are identified that can be concurrently sought after and worked on. This allows identification of multiple strategies and identification of individuals within the agency, and occasionally individuals outside the agency, who will be responsible for completing the action plan requirements within a specified timeframe. The emphasis is to sustain the sense of urgency around

attaining permanency placements in these cases. When placement in a family is determined to be unfeasible, establishment of a lifelong support connection for the child is the goal. Ms. Hinson emphasized that methods are identified to involve youth and incorporate their input in their permanency goals. Youth Specialists from the Department play a key role in facilitating the process with older youth in care. Ms. Hinson reported that all facets of the processes around the Permanency Round Tables are being tracked. Elements that will be tracked for outcome data include strategies, roles and responsibilities, duration and anticipation and identification of barriers. The information will then inform needs for professional development, resource change and development among system partners and policy change recommendations within the Department. The importance of access to social media has been recognized. Children in the system utilize social media such as Facebook to maintain connections to their families of origin and other permanent connections. This is an opportunity to leverage contacts that the child identifies. The Department is in the process of evaluating how usage can be developed. The Permanency Round Tables provide another opportunity for staff with wide ranging expertise to meeting and explore permanency in depth and identify ways to establish the children on paths that will ensure successful outcomes. Youth ages 6 and up are the target population for these efforts. Another initiative is underway at the Department that addresses the placement needs of younger children. Ms. Hinson reported that as of July 2012 there were 29,754 children in conservatorship. Of that number, some 17,000 were in TMC and 12,000 were in PMC. This final group is the target population for focus of efforts to attain legal status to a family member by the time age 18 is attained. In addition to Texas, other states that have implemented Permanency Round Tables include Georgia and Kentucky. The documented outcomes of their efforts show positive permanency outcomes for children in the child protection system. Figures for Texas since the June 4 2012 PRT implementation include a defined path to permanency for 50% of 161 cases staffed in June. The Department is sharing information about the work and goals of PRTs to the community through presentations to groups that include the Texas Foster Family Association Conference, The CASA Conference Adoption and Renaissance Training and also the two upcoming permanency summits.

Texas Department of Family and Protective Services (DFPS) Update

Ms. Audrey Deckinga, CPS Assistant Commissioner, Texas Department of Family and Protective Services, provide an update on the work of the agency. She commented on the legislative appropriation exceptional items on the Department's agenda for upcoming 83rd legislative session. There are 13 exceptional items with 4 items that seek to maintain the current level of staff, 7 items that seek to enhance or strengthen services through no increase in caseload for current staff and related issues and 2 items that seek to restore areas lost in the 82nd legislative session. The detailed information on these items are available on the Department's website at http://www.dfps.state.tx.us/documents/about/Financial_and_Budget_Information/14-15/14-15_LAR_Vol1.pdf.

Ms. Deckinga highlighted the benefits associated with utilization of differential response efforts by the Department. In instances when an initial report of abuse and neglect is received but a perpetrator is not designated and there is no finding to substantiate the abuse and neglect report, there are significant benefits that can be attained when the Department has the opportunity to connect families with direct community services. Findings support a reduction in recidivism rates for reporting and is associated with cost containment as well. This flexible response model was utilized in the 1990's in San Antonio and was well received by the caseworkers and the families. The Department was unable to expand the model throughout the state because of a lack of infrastructure in both IMPACT as well as a lack of screener-level staff. The infrastructure issue has been addressed and there is now adequate capacity, so there will be a request to the legislature to grant the Department the statutory authority as well as adequate funding to reinstate the program.

The Department has conducted an exercise to assess the impact of a 10% reduction in their allocation. Ms. Deckinga will provide details on the impact of any funding shortages as determinations are clarified during the 83rd legislative session.

Office of Court Administration (OCA) Update

Mr. David Slayton, Administrative Director reported on the legislative appropriations request prepared by the Office of Court Administration. He provided an update on several of the exceptional items requested for the 83rd legislative session. OCA will request permanent funding from the state for the Texas Remote Interpreter Project (TRIP) discussed earlier during this meeting. The state funds will pay for on staff interpreters who will assist the courts with translation services. If successful, the services will become a permanent function of OCA and will allow for the service to be expanded to a wider range of case types. A request for funding of three additional specialty courts is proposed as well as funding to provide salary increases for staff who have been at a static level of compensation for several years. Mr. Slayton commented on the work of Mr. Rick Figueroa and his work with the Judicial Council on the Shared Solutions Summit in January of 2012. Work is underway on Shared Solutions 2.0. This will provide a set of principles that can be used to assess performance across the state. The work is in its early stages and development of the principles is ongoing. Once finalized, training on these principles will be scheduled and a method for allowing courts to apply for certification will be developed. Mr. Slayton noted that the Judicial Council met last week and addressed legislative priorities that include adequate court funding. The Council will pass a resolution to ensure that courts have adequate funding to perform their required functions. During the meeting, Ms. Amberboy provided information to the Judicial Council on the recommendations of the Texas Blueprint. The Council intends to pass a resolution in support of the recommendations. An additional issue pertains to e-filing and funding for support to allow attorneys who represent children and others to electronically file documents with the courts. The final issue Mr. Slayton reported on concerned the recommendations of the Juvenile Justice Committee. Chief Justice Jefferson requested that the Committee review methods on how to address the influx of youth entering the juvenile justice system and acknowledge the cross over between youth in the child welfare system.

Mr. Slayton stated the four legislative priorities which are: 1) authorization of local governments to implement deferred prosecution measures in Class C misdemeanors with the result of decreasing the number of local filings from schools; 2) amend criminal laws to ensure that local courts are the final rather the first step in school discipline and redirect youth from the criminal system to the juvenile system; 3) amend the offenses of disruption of class, transportation and disorderly conduct in grade 6 or above with the intent to prevent criminalizing of youth under age 10; 4) amend existing criminal law procedures to increase parity between the criminal juvenile justice and trial courts in civil juvenile justice to provide equal options for judges to employ when dealing with youth in court. Additional details on these priorities can be obtained in a report by the Juvenile Justice Committee on the Judicial Councils website at <http://www.courts.state.tx.us/tjc/tjchome.asp>.

Mr. Slayton commented on electronic filing and OCA's work to change vendors for the current e-filing system for filing of court documents. Work is underway to increase utilization of e-filing across the state and ensure adequate funding from the next legislative session.

Jurist in Residence (JIR)

Judge John Specia provided an update on his work as Jurist in Residence. He commented on the Parent Representation Forum held in Oklahoma City in September, 2012. Judge Specia acknowledged the importance of the issue of parental representation and the planning for future work to address the issue. He noted that there is a direct link with this issue and the work underway on legal

representation. Judge Specia continues to work with Judge Dean Rucker on these matters. Judge Specia commented that there is a clear need to provide better resources to parent attorneys to empower them to provide help to the families they represent. The approach is in clear contrast to the criminal justice approach. In child welfare, the perspective is always forward focused and looks at the issues of child safety and permanency. Judge Specia will continue his work with Harris County on permanency and support the work in progress. Judge Specia noted that he was appointed to the NCJFCJ Committee on Psychotropic Drugs and will continue work on the issue with Ms. Taylor as well as Judge Nash in California. He also noted that he currently hears cases in two counties in South Texas and commented on the exceptional commitment he sees from the bench from many the attorneys in these rural cases as well as the good work demonstrated by caseworkers.

COLLABORATIVE COUNCIL REPORT

Justice Guzman acknowledged the members of the Collaborative Council in attendance and opened the floor to comments.

Ms. Judy Powell, Communications Director, Parent Guidance Center, Austin, commented on her experience at the Parent Representation Forum held in Oklahoma City earlier this month. She noted that as an advocate for parents, the support she received from the presenters and participants at the Forum was very encouraging. Of particular note were the comments by Martin Guggenheim, Professor at the New York University School of Law that addressed the need for a paradigm shift to acknowledge that parents are required to act to reunite with their children and services to assist these parents are vital. Ms. Powell requested clarification from Ms. Deckinga on the differential response method as to whether there is a documentation of abuse on the part of the parent that is permanently noted on the parent's file. Ms. Deckinga responded that parents deemed by the Department for service referral under the differential response model will be captured in the IMPACT system but there will not be a record in the central registry. Ms. Powell also inquired as to whether there are adverse or penalty results for parents who decline the offer of services in these cases. Ms. Deckinga responded that in that case, the case can switch tracks from alternative response over to the traditional investigator response.

Ms. Stephanie Smith Ledesma, Assistant Professor, TSU/Thurgood Marshall School of Law, Houston, commented on her work in attorney training. She has recently worked on attorney training with the National Institute of Trial Advocacy. Ms. Smith Ledesma acknowledged her advocacy during her time in Travis County while she provided representation for parents and children. She currently serves on the board for the National Association of Counsel for Children (NACC) and is authorized by the ABA to work with and administer the child welfare law specialist program discussed earlier during this meeting. Her attainment of the specialization led her to becoming a faculty member for the National Institute of Trial Advocacy. While serving in that role, she provided attorney training in best practices on how to represent the Department, parents and children in CPS cases. She recently accepted an academic appointment as the coordinator of experiential learning at the Thurgood Marshall School of Law. In her role she plans to create a child welfare curriculum for law schools, focus on psychotropic medications and address the policy issues that pertain to youth in residential treatment centers. She is anticipating making a contribution to one or more of the committees or workgroups discussed today.

Barbara Elias-Perciful, President, Texas Loves Children, Dallas commented on the information provided during the meeting on the issue of trauma informed care and training. She believes that the issue is tied to placement breakdowns and supports training within the systems in trauma

experienced by children who have suffered abuse and neglect. She commented that she would like to see the Children's Commission add a workgroup on trauma informed advocacy. Judges and attorneys must bring an understanding of trauma to the advocacy for child clients. She commented on the American Professional Society on the Abuse of Children (APSAC), a multidisciplinary group who focuses on trauma informed issues and the mental health aspects of child welfare work. She also reported that at the annual meeting in August 2012 of the American Bar Association a resolution was passed that urges judges, attorneys and the court systems to focus on more effective identification and treatment of children and adults with fetal alcohol spectrum disorders (FASD). She urged the Children's Commission to establish a workgroup on FASD issues. Ms. Elias-Perciful noted that Texas Lawyers for Children's online resource center provides a pro-bono network where the State Bar Committee on Child Abuse and Neglect and the Texas Young Lawyers Association work to recruit pro-bono attorneys to help in child abuse cases. One of the ways in which they assist it to provide mentorship to court appointed child and parent attorneys. Mentorship is offered on trial skills, appellate law, immigration issues, Indian Child Welfare Act (ICWA) and other issues. There is a special initiative to recruit attorneys to serve as lead attorneys and assistive co-counsel for children in PMC. This has provided a method to allow more frequent contact with the child client.

Justice Guzman invited attendees to stand and introduce themselves to the Commissioners and others present at the meeting today.

Ms. Debra Emerson, CPS Director of Permanency, Texas DFPS, Austin, acknowledged her relationship as supervisor of Ms. Jenny Hinson, who provided the presentation on the Permanency Round Tables earlier in the meeting.

Ms. Rebecca Lightsey, Executive Director, Texas Appleseed, Austin.

Ms. Brett Merfish, Staff Attorney, Texas Appleseed, Austin.

Mr. Aaron Setliff, Policy Director, Texas Council on Family Violence, Austin.

Ms. Alice Emerson, Assistant County Attorney, Williamson County Attorney's Office, Georgetown.

Mr. Bob Hartman, Executive Vice President and COO, DePelchin Children's Center, Houston. Mr. Hartman recounted success stories of 2 youth who have transitioned from the DePelchin Children's Center with the benefit of trauma informed care techniques.

Ms. Laura Figueroa, The Arbitrage Group, Inc., Houston. Ms. Figueroa has joined the Collaborative Council of the Children's Commission.

Ms. Jeanne Stamp, Senior Program Coordinator, The Charles A. Dana Center, Austin. Ms. Stamp has joined the Collaborative Council of the Children's Commission.

Ms. Simi Denson, Child Protection Courts Attorney, Office of Court Administration.

COMMENTS/NEW BUSINESS

There was no new business brought forth for consideration.

NEXT MEETING

Justice Guzman noted that the next meeting of the Commission is scheduled on January 11, 2013.

ADJOURNMENT

The meeting was adjourned at 2:05 p.m.

INSERT - TAB 2

MEMBER LIST

CHILDREN'S COMMISSION MEMBERS

Hon. Eva Guzman, Chair
 Hon. Harriet O'Neill, Chair Emeritus
 Hon. Darlene Byrne, Vice Chair
 Hon. Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Bruce Esterline
 Gabriela Fuentes
 Stewart W. Gagnon

Hon. Helen Giddings
 Hon. Bonnie Crane Hellums
 Hon. Rob Hofmann
 Joyce M. James
 Hon. Patricia A. Macías
 Dr. Octavio Martinez
 Hon. Michael Massengale
 Carolyne Rodriguez
 Hon. Dean Rucker

Fairy Davenport Rutland
 Hon. Cheryl Lee Shannon
 Vicki Spriggs
 Terry Tottenham
 G. Allan Van Fleet
 Hon. Judy Warne

COMMITTEE MEMBERS

EXECUTIVE

Hon. Eva Guzman,
Chair
 Hon. Harriett O'Neill,
Chair Emeritus
 Hon. Darlene Byrne
Vice Chair
 Audrey Deckinga
 Hon. Bonnie Crane Hellums
 Hon. Camile G. DuBose
 Hon. Dean Rucker
 Hon. Patricia A. Macías

BASIC PROJECTS

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

TECHNOLOGY PROJECTS

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

OCA Advisory
Darrell Childers
Ronald Clark
Simi Denson
Casey Kennedy
Tim Kennedy
David Slayton

TRAINING PROJECTS

Hon. Camile G. DuBose, *Chair*
 Cathy Cockerham
 Barbara Elias-Perciful
 Alice Emerson
 Debra Emerson
 Hon. Richard Garcia
 Tracy Harting
 Joyce M. James
 Hon. Lamar McCorkle
 Sandeep Narang
 Shaneka Odum
 Pam Parker
 Fairy Davenport Rutland
 Hon. Ellen Smith
Staff: Milbrey Raney

COLLABORATIVE COUNCIL MEMBERS

Emy Lou Baldrige
 Roy Block
 Irene Clements
 William B. Connolly
 Elizabeth Cox
 Kevin Cox
 Susan Hopkins Craven
 De Shaun Ealoms
 Barbara Elias-Perciful
 Debra Emerson
 Laura Figueroa
 Mike Foster

Natalie Furdek
 Paul E. Furrh, Jr.
 Eileen Garcia
 Helen Gaebler
 Sandra Hachem
 David Halpern
 Julie Harris-Lawrence
 Robert Hartman
 Leslie Hill
 Chris Hubner
 Shannon Ireland
 Bruce Kendrick

Lori Kennedy
 Alicia Key
 Richard Lavallo
 Stephanie Ledesma
 Tracy Levins
 Rebecca Lightsey
 Madeline McClure
 Hon. F. Scott McCown, ret.
 Diana Martinez
 Sandeep Narang
 Judy Powell
 Chadwick Sapenter

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

STAFF

Tina Amberboy, Executive Director
 Tiffany Roper, Assistant Director
 Milbrey Raney, Staff Attorney
 Kristi Taylor, Program Manager
 Katie Brown, Staff Attorney
 Teri Moran, Communications Manager
 Rashonda Thomas, Grants & Finance Specialist
 Mari Aaron, Executive Assistant
 Mary Mitchell, Executive Assistant
 Hon. Robin Sage, Jurist in Residence
Office of Court Administration

INSERT - TAB 3

REPORT TO THE COMMISSION-JANUARY 11, 2013



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

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

REPORT TO THE COMMISSION
January 11, 2013

201 W. 14th Street
Austin, Texas 78701

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for January 11, 2013

MINUTES –September 14, 2012 meeting (adoption pending), TAB 1

COMMISSION MEMBERSHIP CHANGES, TAB 2

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES, TAB 2

COMMITTEE MEMBERSHIP CHANGES, TAB 2

STAFF CHANGES, TAB 2

COMMITTEE ACTIVITIES

Basic Grant Committee

The Basic Committee held a conference call on 12/17/12. For minutes regarding the full discussion at the meeting, please see Tab 4.

1. Child Protection Law Judicial Bench Book

The Bench Book was introduced at the 2010 CPS Judicial Conference and has been available to judges through the Texas Center for the Judiciary (TCJ) since November 2010. The Bench Book was recently moved to the OCA server after confirming that OCA could provide password protected access to the Bench Book. The location of the Bench Book on the OCA server will facilitate the update process by CIP Technology staff proficient in the Flare language used to develop the software. Staff has updated the Bench Book to incorporate legislative updates and changes. The Commission staff will re-market the bench book at the Child Welfare Judges Conference in June.

2. Appleseed / Permanency Workgroup

Texas Appleseed completed its study of Texas children in PMC and published its final report last November. Since that time, Appleseed, DFPS, Casey Family Programs, CPPP, CASA, and the Children’s Commission have been working on how best to implement the recommendations in the report. Appleseed recently completed a cost analysis to determine the current cost of hearings in multiple jurisdictions in order to learn how expensive a bench mark hearing process might be and a survey of several courts to evaluate PMC hearing quality. Link to that report here: <http://texaschildrenscommission.gov/PDF/2012Appleseed.pdf>

The Children’s Commission recently worked with Appleaseed on a Permanency Summit, which was held on October 8-9 in Rockwall, Texas. Similar to Beyond the Bench, the conference hosted Some 20 teams of Texas judges, attorneys and caseworkers from all over the state to work on a very pressing issue concerning thousands of Texas children who are stuck in foster care and what they can do to get them out and into permanent homes. Each jurisdiction submitted an action plan that included goals and strategies directed at involving youth in their court hearings in person or by other means such as video conferencing and youth-authored court reports. Texas Appleaseed is conducting follow-up and evaluation work with the participating jurisdictions. A few jurisdictions mentioned that a video to help foster youth prepare and be comfortable in court would be helpful. Appleaseed and TCJ have partnered on funding a video through TCJ’s Judicial Technical Assistance program, which covers assistant to courts in addressing issues concerning child welfare in their jurisdiction. Preliminary plans are to develop a video that will feature foster youth and youth experts talking with youth in care about the importance of participating and being involved in the decisions being made by DFPS and courts on their behalf.

The Commission will also work with Appleaseed on a Jurist in Residence Letter to update participants on what’s happened since the Summit.

3. Round Table Series

Psychotropic Medications: In 2011, the Permanent Judicial Commission for Children, Youth and Families (Children’s Commission) was asked by members of its Collaborative Council¹ to examine how judges, the child welfare agency, and other advocates and interested persons could work together to further decrease the use of psychotropic medications in Texas’ foster youth. The Children’s Commission formed a multi-disciplinary workgroup (Workgroup) led by Judge Diane Guariglia, Associate Judge from the 245th District Court in Harris County and Dr. James Rogers, Medical Director at the Department of Family and Protective Services (DFPS), to study the processes for consent, oversight, and judicial review of the use of psychotropic medications in Texas foster care. After meeting for approximately a year the Workgroup determined that an in-depth discussion among a larger group of stakeholders would be beneficial. On July 6, 2012, the Children’s Commission, in partnership with the DFPS, Casey Family Programs, and the Center for Public Policy Priorities (CPPP), convened a Round Table to discuss the matter. Over 50 judges, attorneys, psychiatrists, child welfare leaders,

¹The Collaborative Council is a multi-disciplinary advisory group appointed by the Children’s Commission to advise the Commission on the concerns, events, and innovative ideas emerging from the many stakeholder organizations. Membership includes representatives of foster youth and youth advocates, parents and parent advocate groups, attorneys ad litem, community volunteers, child-welfare policy experts, adoption and placement service providers, educators, treatment professionals, and local government.

mental health experts and advocates attended the Psychotropic Medications Round Table facilitated by Judge Scott McCown. Link to the final report here: <http://www.texaschildrenscommission.gov/pdf/psychmed.pdf>

During the Round Table, participants discussed the Consent Process, Judicial Review, and Agency Oversight, including a detailed discussion of the Psychotropic Medication Utilization Parameters for Foster Children (Parameters). The participants reviewed current statutes, policies, and practices surrounding the use of psychotropic medications and offered their expertise and insights from the field regarding what is working well and what is not. There were many concerns regarding the gaps in the system, but also many ideas for improvement. The recommendations from the Round Table and included in the Report issued on January 7, 2013, carry varying degrees of support and opposition and are generally aimed at improving training and awareness of the medical consent process and training, amending the family code to enhance accountability to adhering to certain processes, and improving information collection and sharing with a broader array of stakeholders to improve oversight and advocacy within the system and on behalf of our foster youth.

Family Visitation: In 2013, the Commission will host a Family Visitation Round Table, a concept envisioned by the Texas Team that attended the Parent Attorney Conference in Oklahoma City in September 2012. The Round Table will be aimed at identifying practices that will promote more family visitation, less conditional, and more supportive of family reunification. DFPS would like to move away from a one-size-fits-all approach, but needs input from all stakeholders to help determine whether the level of supervision should be based on the placement type or the type of abuse or neglect, etc., and how to move up and down the range of most restrictive to unsupervised. Part of the focus will be on how to transition from monitored visitation to a less restrictive to unsupervised, which is an attractive concept, but may be difficult to implement. DFPS has established an internal and an external workgroup to develop new visitation protocols. Also, issues of losing visitation and negative drug screens and the effects on parents and children, using CPS staff for supervision, child placements, and transportation will be discussed. A survey will be conducted to assess CPS and Child Placing Agency visitation policies as well as system advocate perceptions of how visitation works at the local level.

4. Legal Representation Study (LRS)

The Children's Commission created a 30-member multidisciplinary LRS Workgroup in 2011 to implement the study's recommendations. The LRS Workgroup met several times during FY 2012 to develop a plan that would afford due process, timely and meaningful court hearings, and high-quality legal advocacy. Children's Commission staff and Commission members also made several presentations to various groups in

FY2012 including: Judicial College for Advanced Studies, Advanced Family Law Child Abuse and Neglect Conference, Texas Association of Counties Legislative Conference. In late 2011, Judge Dean Rucker and Children's Commission Staff developed a comprehensive Appointment of Counsel Plan (ACP) for county and district courts that addressed many of the study's recommendations, including 1) the timing and duration of attorney appointments, 2) compensation and expenses related to representation, 3) training (initial and ongoing) required to qualify for and continue to receive appointments, 4) standards of representation for attorneys and performance evaluation. To solicit feedback about the ACP from Texas judges other stakeholders, a Jurist in Residence letter from Judge John Specia describing the ACP was emailed to some 400 stakeholders. The JIR letter included a link to the proposed ACP and a link to a short online survey that asked for feedback. Although survey respondents largely agreed on the need for improved quality in legal representation, several respondents said they considered the proposal to be unworkable in their rural jurisdictions that have small pools of eligible attorneys. As part of the Commission's continuous quality improvement process, it will consider the feedback from judges, and will recommend that the LRS reassess this strategy.

Other elements of the work that may result in reforms include clarification that counties may establish a Public Defender (PD) or Managed Assigned Counsel (MAC) office or contract with a legal-aid office or local bar section for legal representation, and also that counties can establish special prosecution units within the county or a region of the state. Also, statutory changes may include placing additional duties on DFPS and the judge to advise parents that they are entitled to a court appointed attorney if they are indigent and opposed to the suit for termination or conservatorship. There may be legislation filed aimed at explicitly limiting the duties of attorneys ad litem who are appointed to represent parents cited by publication. There may be legislation filed to create an ongoing, annual legal education requirement.

In 2013, the LRS Workgroup will continue to examine whether compensation can be reformed at a statewide level through state-provided funding or another source, rather than the current system which pays attorneys solely from county funds. Another issue related to compensation is whether counties should be required to publish a clear list of expenses that are reimbursable. The LRS was generally supportive of this idea. LRS Workgroup members will also continue to work on the issue of building and implementing a statewide information and bill tracking system to track, report, and analyze attorney time spent on cases and dollars paid by the county. The LRS Workgroup believes that attorney standards would help ensure high-quality representation, but further discussion is needed before defining standards and deciding who will draft them, and what level of support from LRS Workgroup and Commission members the effort will require.

5. Jurist in Residence

The Jurist in Residence position was created to foster judicial leadership and promote greater expertise among child protection judges. The Commission's JIRS, Judge John Specia and Judge Robin Sage have been instrumental in advancing judicial education and community collaboration across the state because of their special knowledge in assisting the state in meeting its obligations to address CFSR issues including the importance of permanency and stability in living situations, the appropriateness of APPLA, the urgency behind reunification or other permanent placement, and how to identify needs and orders services for children, parents, and caregivers. This knowledge is shared through training events and written communiqué. Judge Specia used his leadership and communications skills in FY2012 to further collaboration on several projects. He led a multidisciplinary team that began an ongoing permanency project in Harris County, Texas' largest county. Both judges are valued facilitators and speaker at most Commission-sponsored multi-disciplinary round table discussions and judicial training conferences. In December 2012 Judge Specia resigned his JIR position because he has been appointed the Commissioner of the Texas Department of Family and Protective Services.

In 2012, the Commission published JIR newsletters on free online training for parent attorneys, CPS staff realignment after the 82nd Legislative Session, new appellate rules applicable to parental termination cases, DFPS subpoena policy, training scholarship announcements, court hearing practices and court costs, and OCA's Spanish interpreter program for CPS cases. Most recently, Judge Sage published a JIR on the Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care. Link to JIR letters here: <http://texaschildrenscommission.gov/news.htm>

6. Judicial Disproportionality Workgroup (JDW)

A number of Texas CPS judges have become actively engaged in understanding and undoing racism. Some have brought workshops into their courts and communities similar to the Undoing Racism conference. Judge Meca Walker hosted an Undoing Racism Workshop in August 2012 in Houston that brought together many Harris County child welfare stakeholders who appear in her court for a two and a half day workshop exploring institutional racism and how systems affect individuals. The JDW met in May 2012 to discuss supporting the annual Implicit Bias conference, regional workshops and efforts to include Disproportionality at other conferences. The next Implicit Bias Conference will be held March 25-26, 2013 in San Antonio. The Commission will continue to host meetings of the JDW to continue education efforts aimed at the judicial and legal system. The Commission also supports the work of the Center for the Elimination of Disproportionality and Disparities by serving on the statutorily created

Interagency Council for Addressing Disproportionality. The CEDD Interagency Council has just released a report to the Texas Legislature examining the level of disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, education, and mental health systems. Commission staff also recently attended a statewide CEDD meeting on December 14th where stakeholders reported progress and innovative ideas from the various regions and two of the JDW Chairs met with staff discuss plans for the next Implicit Bias Conference, the future of the JDW, and continued connection with the Texas Tribes. The JDW will meet early 2013 and plans to incorporate a speaker into the next meeting for continued education and inspiration.

7. Tribal Initiatives

The Children's Commission has worked to develop collaborative relationships with Texas' three federally recognized tribal nations. In April 2012, a small Commission-sponsored delegation that included Children's Commission Executive Director and the DFPS Assistant Commissioner for Child Protective Services visited the Alabama-Coushatta Tribe of Texas for a signing ceremony honoring the first Tribal IV-E Agreement in Texas. This event was preceded by a Judicial Symposium that included Alabama-Coushatta Tribal judges, state court and county court judges, caseworkers, attorneys, experts from domestic violence advocacy groups and many other stakeholders. Commission staff traveled later in the year to the Ysleta del Sur Pueblo reservation in El Paso to meet with representatives of the three federally-recognized tribes, state leaders in child welfare, and experts in racial Disproportionality. National experts introduced the idea of historical trauma, and how the past informs our current challenges. Commission staff has been connecting with members of the Alabama-Coushatta, Ysleta del Sur Pueblo and the Kickapoo tribes to gain a better understanding of how state courts and tribal courts can work together in child abuse and neglect cases. In June, judges who attended the annual child welfare judges conference attended a presentation by the National Council of Juvenile and Family Court Judges about tribal history and culture as well as the history of ICWA and practical tips on ensuring ICWA is considered and applied appropriately in child welfare cases.

8. Psychoactive Medication Workgroup

Psychotropic Medication Utilization Parameters (Parameters) were created in 2005 to encourage the appropriate use of psychotropic medications in foster children. The Parameters have been considered successful, leading to a significant reduction (31%) in the overall use of psychotropic medications and decreases in the use of multiple medications for the same purpose. However, some judges and stakeholders continued

to encounter lingering cases where the Parameters have not provided enough of a safety net or the system was not responsive enough for these children.

After receiving feedback regarding concerns about psychoactive medications, the Children's Commission formed the Psychoactive Medication Workgroup (PMW), which has sought to improve practices and communication, gain a better understanding of the Parameter review process, and identify possible gaps and solutions in this system. In early July 2012, the Commission co-hosted a Round Table meeting on Judicial Practices in the Oversight of Psychoactive Medications and Texas Children in Foster Care. The Round Table brought together judges, child psychiatrists, STAR Health and DFPS leadership, as well as other subject matter experts, for an all-day discussion of how judges handling CPS cases can exercise and practices to help consider and eliminate non-pharmacological interventions before resorting to the use of psychoactive medications. See the Round Table section of this report for more information and link to the July Round Table Report here: <http://www.texaschildrenscommission.gov/pdf/psychmed.pdf>

Another tool implemented in 2012 to improve information-sharing is the Judicial Medication Information Email Box which allows judges to submit a request for general medication information. Emails are reviewed by a STAR Health Behavioral Health Service Manager, who has support from the STAR Health Behavioral Health Medical Director (child psychiatrist), the STAR Health Pharmacist and clinical managers. STAR Health also maintains a 24/7 Behavioral Health hotline with access to behavioral health professionals when urgent needs arise.

TIC information excerpted from the Psychotropic Medications Round Table Report:

In 2011, DFPS launched an initiative to transition the Texas child welfare system into a trauma-informed system. Part of this initiative includes coordinating with HHSC and STAR Health to identify evidence-based, trauma-informed treatment strategies and build a network of trained behavioral health providers to offer these services. This initiative includes four subgroups to focus on specific sectors of this work:

1. Trauma-informed assessments/tools: to recommend trauma-informed screening/assessment tools and processes to DFPS leadership;
2. Trauma-informed training: develop trauma-informed training for staff and caregivers, including classroom as well as computer based applications;
3. Trauma-informed caregiver support: develop recommendations and protocols for supporting caregivers, including birth parents, adoptive parents, foster parents, providers, and kin;
4. Trauma-informed staff support: develop recommendations and protocols for supporting staff and other stakeholders affected by secondary traumatic stress, direct trauma, compassion fatigue, burnout, and compassion success.

DFPS is currently involved in developing a governance plan to support the Trauma-informed Care Strategic Plan. This is an on-going initiative to enhance the well-being of the children and families served along with that of the caregivers and staff providing service. In addition to implementing this strategic plan, DFPS has been working with HHSC and STAR Health to implement systems to ensure that non-pharmacological interventions are considered when clinically appropriate prior to prescribing psychotropic medications.

9. Restraint Group / Trauma Informed Services

The TIC Workgroup has developed a new chapter for the Child Protection Judges' Bench Book and plans to develop more materials for judicial and attorney education. While the TIC Workgroup has been on hold as DFPS has been developing its strategic plan to integrate trauma-informed care into child protective services, representatives from the TIC Workgroup have participated in strategic planning sessions with DFPS to begin the work of making the entire Texas child welfare system more aware of and responsive to the effects of trauma on child development and mental health.

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

The Education Committee held its final meeting in April 2012 to conclude its work and discuss its final report, The Texas Blueprint: Transforming Education Outcomes for Children and Youth in Foster Care. The final report, submitted to the Children's Commission and the Supreme Court of Texas at a reception held May 3, 2012, represented collaborative discussion and problem-solving of over 100 court, child welfare, and education stakeholders over a 19-month period. In total, the Education Committee and its subcommittees and workgroups met more than 50 times. Although the Education Committee officially met its charge with the submission of its final report, members agreed to continue future collaboration, primarily through the creation of an Implementation Task Force. In December 2012, the Supreme Court of Texas issued an order which officially discharged the Education Committee of its duties and created the Texas Blueprint Implementation Task Force and Advisory Council. The Texas Blueprint Implementation Task Force will be chaired by Judge Rob Hofmann, former Education Committee member, and includes:

- Hon. Alyce Bondurant, Child Protection Court of North Texas, Wichita Falls
- Sarah Abrahams, Casey Family Programs
- Joy Baskin, Texas Association of School Boards
- Cathy Cockerham, Texas CASA
- Lori Duke, Clinical Professor, Children's Rights Clinic, UT School of Law, Austin
- Jenny Hinson, the Texas Department of Family and Protective Services, Austin
- Julie Wayman, Texas Education Agency

- Others as identified by the Chair of the Implementation Task Force, including a representative of the Texas Association of School Administrators, an attorney who represents parents in child abuse and neglect proceedings, a youth formerly in foster care, and a representative of a child placement organization.

The Texas Blueprint Implementation Task Force will hold its first meeting on January 8, 2013. It is charged with:

- Meeting periodically to assess the progress of implementation.
- Prioritizing the Texas Blueprint recommendations and strategies.
- Identifying which recommendations and strategies are to be implemented and the best methods for implementation.
- Developing an implementation plan which shall include phases for implementing the prioritized recommendations and strategies.
 - Phase I: Short-term goals
 - Phase II: Intermediate goals
 - Phase III: Long-term goals
- Seeking the guidance of the Advisory Council, as needed.
- Providing periodic updates to the Advisory Council and the Children's Commission.
- Creating workgroups, as needed, to carry out its charge.
- At the conclusion of Phase I of the Implementation Plan, the Task Force I providing recommendations to the Children's Commission regarding the need for reauthorization or changes to the structure or membership of the Task Force.

An Advisory Council was also created to support the work of the Task Force and to provide guidance, as needed. It will be chaired by Judge Patricia Macias, former chair of the Education Committee, and includes:

- Hon. Cheryl Shannon, 305th District Court, Dallas
- Commissioner John J. Specia, Jr., Texas Department of Family and Protective Services
- Commissioner Michael Williams, Texas Education Agency
- James B. Crow, Executive Director, Texas Association of School Boards
- Dr. Johnny L. Veselka, Executive Director, Texas Association of School Administrators
- Carolyne Rodriguez, Casey Family Programs
- Vicki Spriggs, Texas CASA

Next steps to continue the collaborative work begun by the Education Committee include:

- Support the work of the Implementation Task Force, including periodic meetings, the creation of an implementation plan, and ongoing assessment of implementation of the Texas Blueprint recommendations
- Raise awareness among court, education, and child welfare stakeholders both in Texas and nationally through presentations and written materials
- Assist in the creation of tools, resources, and training for attorneys and judges
- Support collaboration at a state, regional, and local level between education and child welfare stakeholders and the courts

On February 19-20, 2013, Texas will hold its first ever Education of Foster Children and Youth Summit in Austin. In November 2012, Justice Eva Guzman and the DFPS and TEA Commissioner issued a joint invitation to Education Service Center directors from the 20 education regions of Texas, approximately 30 superintendents from school districts identified as having a significant number of foster students enrolled in their schools, judges whose jurisdictions correlated with those identified school districts, and a selected number of DFPS and CASA program staff. Attendance at the summit is expected to be between 150 and 200. The primary goals of the summit are to raise awareness of the unique educational needs of students in care, including current data regarding educational outcomes, and to provide the opportunity for regional education, DFPS, and courts to meet together and discuss ways to collaborate to improve the educational outcomes of children and youth in care.

Texas TRIO grant (Education)

In October 2011, the Texas Education Agency, in partnership with DFPS and the Children's Commission, received a 17-month grant to support collaboration between education, child welfare, and the courts in Texas. As part of this grant, Commission staff has participated in weekly conference calls and monthly in-person meetings with its partners. In addition, Commission staff has participated in monthly meetings with stakeholders in Harris County, including the Houston Independent School District, to implement some of the strategies identified in the Education Committee's Texas Blueprint.

The state-level team has developed training and other resources for education, child welfare, and court stakeholders, including:

- A resource guide for education stakeholders about foster care, the unique needs of children in care, and how to support foster students in the school setting, which will be released in February 2013
- Two webinars for the newly created foster care liaisons in each school district
- School District Foster Care Liaison 101: Guidance, October 2012

- School District Foster Care Liaison 201: Understanding CPS and the Courts, November 2012
- A listserv for the foster care liaisons in each school district, which is being maintained by the Texas Education Agency

Training Grant Committee

The Training Committee met by conference call on 11/29/12. For minutes regarding the full discussion at the meeting, please see Tab 4.

1. Attorney Education

Attorney Practitioner Manual: The Attorney Practitioner Manual was not updated in FY 2012 as planned for lack of staff time, but is on the agenda for fall 2013 after the legislative session.

Attorney Ad Litem Appointment Eligibility Online Training: Commission staff helped develop two training courses on representing parents and children in CPS cases designed to assist attorneys in meeting the statutorily required minimum three hours of continuing legal education (CLE) training to be eligible for appointment as an attorney ad litem in CPS cases. Both courses were filmed at the State Bar's studio, in November 2011 and May 2012. Attorneys who represent children, parents, or the Department of Family and Protective Services (DFPS) in CPS cases can take either or both courses free of charge. Commission Staff has also worked with the State Bar of Texas to create a larger, ongoing, online video library focused on CPS issues and taped as live webinars and that offer full CLE credit to attorneys at no charge.

The online 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

Possible 2013 Topics:

- Preserving error and appellate issues in CPS cases.
- Discovery in CPS cases (this could be a series)
- Jury selection series (jury demand, jury charge, voir dire)
- SIJS/ immigration issues
- Pretrial matters
- Mediation in CPS cases.

Attorney Scholarships: In September 2012, the Commission approved using \$50,000 of FY 2013 for scholarships to send Texas attorneys to training conferences related to child abuse and neglect cases. Although the conferences for which attorneys scholarships will be available in FY 2013 have not been wholly identified, they will likely include:

NACC Child Welfare Law Conference – The NACC annual conference offers nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases. Commission scholarships usually cover registration for the conference, and may cover preconference sessions on various topics such as Red Book training for NACC Child Welfare Law Certification. Commission staff works with NACC to develop the grant award statement, which describes the purpose of the program, NACC's deliverables and a training evaluation component. Staff also verifies and approves attorney applicants by confirming their good standing with the State Bar, and verifying with a sponsoring judge that they accept appointments to represent children, parents or DFPS. In 2012, the Commission provided \$400 registration scholarships to send 17 Texas attorneys to NACC's annual conference in Chicago. In 2013, the NACC annual conference will be held August 26-28 in Atlanta, Georgia.

Scholarships for Child Abuse and Neglect Track at Advanced Family Law (AFL) – The AFL conference offers a day-long Child Abuse and Neglect training each year at the annual State Bar of Texas Advanced Family Law Conference. Commission scholarships cover the \$100 registration fee for the one-day session, or for subsequent video replays of the training. In 2011 and 2012, the Commission funded 100 and 118 registration scholarships, respectively. Commission staff works with the State Bar of Texas to negotiate an interagency agreement each year, and as with all scholarships, staff verifies and approves attorney applicants by confirming their good standing with the State Bar, and verifies with a sponsoring judge that the attorneys accept appointments to represent children, parents, or DFPS. In 2013, the one-day Child Abuse and Neglect Track at Advanced Family Law will be held August 7th in San Antonio.

American Bar Association Center for Children and the Law Parent Attorney Conference and Child Law Conference – this conference is scheduled for July 10-13, 2013 in Washington DC – The conferences bring together experienced child and parent attorneys, foster alumni, parents, judges, child welfare agency representatives, and other key stakeholders to receive not only substantive training, but also tips for returning to their home states to work on ways to improve the quality of legal representation for children and parents.

Scholarships for DFPS attorneys: The Commission has provided scholarships for attorneys to attend Texas District and County Attorney Association's Crimes Against Children conference and other conferences and may do so again in FY2013.

CQI (Continuous Quality Improvement) – is a new process in place to evaluate how scholarships are awarded and collect information and feedback from the recipients regarding their conference experience.

Trial Skills Training - Recent work has been on developing our hands-on Trial Skills Training curriculum. After discussions with NITA and NACC, the Trials Skills group concluded that in order to have the most flexibility with the final product and to conserve our financial resources, the Commission would develop the training materials in-house and rely on the Commission Staff and the members of the Trial Skills workgroup. A critical element of the training is a Texas-specific fact pattern. The Commission obtained a general fact pattern from Texas CASA and elaborated on it along with using the Department's "Hot Docs" pleadings. The fact pattern was adapted, and related pleadings and forms created, including Expert Witnesses' reports and medical and business records. The goal was to have a completed Case Scenario by the end of December with enough material for a robust set of trial skills trainings, with exacerbating and mitigating facts for all participating attorneys to use in litigation exercises. The training will include a core "mentor" faculty made up of Workgroup Members who are NITA-trained and who will in turn train others. Local attorneys will also be recruited to advise on local practices. The core faculty will be trained in Austin in April 2013. We anticipate that 2-3 faculty members at a time will travel to present the training across the state over the next several years. We will also confer with judges who hear CPS cases in any jurisdiction where the training takes place. All trainers will be asked to choose an area of trial skills training on which to develop a presentation to the attendees (for example, a lecture on elements of a successful Opening Statement or tips on Cross-Examination skills). These presentations may also become a part of our growing video library of CPS Mentor Series CLEs at the State Bar.

State Bar of Texas Child Abuse and Neglect Committee Multi- Disciplinary Child Welfare Law Conference – The committee postponed the conference due to schedule conflicts and eventually decided to combine the project with the Keeping Infants and Toddlers Safe (KITS) scheduled for June 2013 in Houston.

Parent Attorney Leadership Conference – This training held September 11-12, 2012 in Oklahoma City, was a joint project of federal Court Improvement Program leaders, and multidisciplinary teams from LA, NM, OK, AK. The conference was intended to help Texas strategize about how to improve the level of legal representation for parents as well as improve respect for and self-esteem of attorneys who chose to represent

parents; demonstrate how quality parent representation is tied to improved outcomes through a review of current data; understand what is needed at a minimum to achieve quality parent representation, both in and out of the courtroom and at the policy level; and empower parent attorneys to be leaders, trainers, mentors and system reformers. The team developed an action plan at the conference that includes: 1. Design and convene a statewide Child Welfare Law Conference; 2. Adopt Standards of Representation for Parents' Attorneys; 3. Identify organization that can develop and operate a parent-focused resource such as an Information Packet or Guide for Parents, including parent client's rights, attorney duties, remedies for ineffective assistance, and grievance process; 4. Design and convene Family Time Round Table to discuss child welfare agency's current policies and practices regarding family visits and visitation; 5. Improve Family Placements at Beginning of Conservatorship Case. Please contact Commission staff for a copy of the action plan.

A Round Table of Family Visitation (see item 4 of this report) will be held on March 1, 2013 in Austin. Additionally, the CIP programs from the Region VI states and staff from the American Bar Association continue to communicate periodically to continue the work started during the planning phase of the conference, including developing resources for other states interested in holding similar conferences or further supporting parent attorneys in their jurisdictions. This may include a white paper that outlines indicators of success of parent representation.

2. Judicial Education

The Texas Center for the Judiciary (TCJ) – At the August joint committee meeting, FY 2013 funding was approved by the Training Committee for TCJ to continue its CIP projects, including the following:

Judicial Scholarships to Attend the NCJFCJ National Conferences –The National Conference on Juvenile and Family Law was held March 21-24 in Las Vegas and scholarships to the conference were awarded to 27 Texas judges to attend. The Annual Conference of the NCJFCJ will was held July 15-18, 2012 in New Orleans, LA and roughly 25-30 scholarships were awarded. In 2013, the NCJFCJ Annual Conference will be held July 13-17 in Seattle, Washington. Commission staff will work with TCJ to determine the criteria for conference scholarships. In 2012, the prerequisite for obtaining a scholarship was attendance at the Child Welfare Judges Conference held June 4-6 in San Antonio.

Permanency Summit (replaced Beyond the Bench Conference in FY 2012) – In partnership with Texas Appleseed and an advisory group, a state-wide Permanency Summit was held October 7-9, 2012 in Rockwall, Texas. This summit was held in lieu of a Beyond the Bench conference in 2012. The Summit brought

together judges, CPS, CASA, attorneys and other advocates for a two-day multi-disciplinary training that included presentations on the value of permanency for youth in care and judicial practices that can help youth be more involved and exit the system more timely and more prepared to enter adulthood. Approximately 20 teams attended and each team left with an action plan to incorporate some of the practices discussed during the summit, particularly how to engage more youth in court hearings. The conference received very high evaluations and Texas Appleseed is conducting follow-up and evaluation work with the participating jurisdictions. As follow up, TCJ is working with Appleseed on developing a video through TJC's Judicial Technical Assistance program, which covers assistance to courts in addressing issues that fall outside traditional conference-type training and education.

Implicit Bias in Judicial Decision-Making Conference –The goal of the conference is to educate judges about the effect of cultural biases on decision making and how these biases have contributed to disparate outcomes for African American, Native American and Hispanic youth and families involved in the judicial system. Some of the nation's pre-eminent experts presented on race and racism, including its history in the United States, the effects of unintentional biases, current research, and tools judges can use to effect change in their courtrooms, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) Court Catalyzing Change Bench Card. The Implicit Bias Conference was held February 6-7, 2012 in Austin and 36 judges attended. Evaluations for the conference were very favorable and an Implicit Bias Conference will be held in FY 2013 on March 25-26 in San Antonio. TCJ is working with Commission staff and members of the Judicial Disproportionality Workgroup to develop the agenda, including topics and speakers, and to identify possible judicial participants.

Child Welfare Judicial Conference – This annual conference was held June 4-6, 2012 in San Antonio and included national and local speakers presenting on issues such as Reducing Time to Permanency, How to Understand and Utilize Psychological Evaluations, Trauma and the Children of Military Families, and Fostering Educational Success: Improving Education Outcomes for Foster Youth. Judicial resources and tools were spotlighted and courts learned about emerging issues in child welfare and how to lead collaborative efforts in their jurisdictions. In 2013, the Child Welfare Judges Conference will be held May 21-23 in San Antonio.

Education of Foster Youth Summit – On February 19-20, 2013, Texas will host its first ever summit regarding educational outcomes of children and youth in foster care. Summit invitees were determined by the 20 education regions of

the state and included the 20 Education Service Center directors, approximately 25 to 30 superintendents of school districts identified as having significant populations of enrolled foster students, judges whose jurisdictions correlated to those school districts, and select DFPS and CASA program staff. Approximately 150 to 200 participants are expected. The primary goals of the summit are to raise awareness of the unique educational needs of children and youth in care and to encourage discussion on the state, regional and local level about collaborative ways to improve the education outcomes of students in care. In order to accommodate as many attendees as possible, particularly those traveling from other parts of the state, Staff would like to request authorization to spend an additional 31,614.00 for the Summit. This matter was submitted to the Training Committee via email on December 11, 2012. There were no objections from any Training Committee member and six responded affirmatively via email. TCJ's current grant award is for \$595,924.00 and will be increased to \$627,538.00 effective February 1, 2013, if approved by the Commission on January 11, 2013.

Other Judicial Conferences – TCJ broadened the scope of the language in its grant application to include conferences held by national organizations other than the NCJFCJ, which was approved by the committee in August 2012.

Judicial Technical Assistance –The committee approved funding for the Texas Center for the Judiciary to work with experts who may provide judicial technical assistance to improve moving children to permanency. In past fiscal years, judicial technical assistance primarily funded analysis of county-level data, particularly looking at permanency outcomes.

Funding for Local Training –Funding for local training is included in the award given to TCJ. In August 2012, TCJ helped facilitate an Undoing Racism Workshop for Judges Bonnie Hellums and Meca Walker in Harris County.

Office of Court Administration (OCA) Judicial Education – The CIP Training Grant ordinarily funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. The annual training was held March 19-20, 2012 in Austin and 14 Child Protection Courts attended. Part of the conference consisted of a roundtable to discuss how kids move through care. Emphasis was made on timelines, how to achieve permanency, and how to improve the court process. However, because of the overlap between topics and speakers, the OCA Judicial Education conference will be merged with the Child Welfare Judges Conference in FY 2013, with the conference being preceded by a meeting of the CPC judges to discuss technical and other issues related to their courts.

Technology Committee Report

The Data/Technology Committee met by conference call on 12/10/12. For minutes regarding the full discussion at the meeting, please see Tab 4.

1. **Education Website** – OCA has set up a website devoted to the Education Committee and the projects involving improving education outcomes for children in foster care. The Children’s Commission Staff have authority to modify and populate the site with information. Mr. Childers and Ms. Roper are currently working on this project.
2. **Event Management System** – OCA has purchased a web based event management software to help manage the 200+ commissioners, committees, council, stakeholder, and interested person lists currently used by Commission staff. This tool will allow the staff to automate contact information, membership status, and committee assignments and will also help staff to identify and collect federally required match data. The Children’s Commission will also use the program for conference marketing and commission meetings.
3. **Notice and Engagement Web Application** – The project involves using non-confidential case data to build a system whereby notice of statutory hearings and other court-related events requiring notice to parties and interested persons can be distributed electronically. The Children’s Commission and DFPS have been collaborating over past 2 years as a result of the CFSR and PIP. Based on feedback from stakeholders such as caregivers and foster parents we still want to build an alert system to ensure that everyone gets notice of non-confidential information on hearings such as name of case, court house, and date/time. Ms. Amberboy advised that we are still working on how to put hearing data into IMPACT and then send via a link to be used by OCA to populate the alert system. At present there is more hearing date information in the CPCMS system than IMPACT and so the pilot system will be built with hearing information generated by CPCMS at this time. The Children’s Commission will work with Child Placing Agencies and DFPS on how to provide information about this new project to interested persons to help determine its usefulness and usability.
4. **Attorney Billing System** – A role for attorneys appointed to cases is being added to the CPCMS role-based security project for later use that may involve a uniform identification and billing system that can help provide information on the number of Texas attorneys providing legal representation in child protection cases, their level of training, and the amount of money counties are spending on court appointed legal representation year to year. The CPCMS system is being enhanced to include role-based security identifiers for other system stakeholders and advocates as well. Ms. Amberboy added that a role for caseworkers and CASA volunteers are also being added to allow electronic filing of court reports.

Enhancements should be live within the next 60-90 days and will provide an update at the Commission meeting.

5. **Video Conferencing** – This project enables local courts presiding over child protection cases to have children participate in their placement/permanency hearing without them being physically present in the courtroom. A video link hosted and maintained by OCA provides the judge the opportunity to interact with the child or youth when they cannot be in the courtroom or in attendance at their hearing. Although not a replacement for seeing the child in person, video conferencing can allow the judge can gain perspective on the youth’s issues, wants and needs, and see the child’s demeanor and body language. Phase II of the project (which spans FY2012 and FY2013) has focused on implementing video conference capability in DFPS’ 58 residential treatment center (RTC) facilities where children are in placement. OCA has worked consistently with six courts, and has implemented video conferencing at 28 RTC facilities to date. OCA is targeting an additional 8 to 10 courts in FY13 to expand court participation and likewise expect to add more RTCs to the list.

Two specific areas of challenge were identified in FY2012: Some RTC facilities in rural locations do not have access to broadband Internet service OR if they have broadband Internet service it is too slow and they may experience intermittent service interruptions; Some RTC facilities are reluctant to take advantage of the opportunity to participate in this project, but DFPS has assisted in informing the facility that if they are able to participate and opt out, they will be required to transport the child to the courtroom to participate in their placement review hearing in person. The future plan is that the system could also be used by other stakeholders; CASA offices could communicate with the clients in RTCs. It could also be used to provide visitation for family members with kids placed.

6. **CPCMS** – **There are various CPCMS-related maintenance and enhancement operations that are generally ongoing and include demos of the website** to provide interested courts/independent counties the ability to test drive the CPCMS with their own data. Roles based security for CPCMS is being developed to accommodate other user roles that can be authorized for view only, data entry only, a restricted combination of and data entry, or unlimited view and data entry. Also, the plan approved in August 2012 including updating all training and marketing videos to cover all of the v3.0 through v3.3 releases in 2011 and the v4.0 through v4.3 releases in 2012 will instead be made on an as needed basis.

OCA has a tool that provides an overview but also allows drill down capability to various sections and subsections, which allows OCA to provide a more succinct presentation of information to interested users and eliminates the need to maintain

general training video library. The pending project to export CPCMS Court Docket Calendar in a standard calendar format to enable other devices (e.g., blackberries, iPhones) and applications (case management systems) to process and display the Docket Calendar information outside of the CPCMS system was left over from previous year and continues into 2013.

7. **Regional Videoconference System for CPS Cases in the 38th Judicial District** – The Uvalde system is slightly different than the system that OCA facilitates and hosts. In Uvalde County the regional videoconference system, through licenses issued by the court to attorneys who qualify, allows attorneys to have confidential, direct contact with their clients from their own computers as long as those computers have web-cam capability. Uvalde County requested an extension of six months to implement the project. All equipment has been installed, tested and is currently in use, but the data collection is just beginning. Uvalde / Medina Counties use the system for more than CPS cases and that CIP funds paid for only a portion of the program. The system has been used to accommodate incarcerated parents, CASA volunteers, Agency staff, youth, and parents in Medina County. Medina County is also implementing a permanency hearing docket and may be using the video equipment to support this docket.
8. **Spanish Interpreter** - OCA Child Protection Courts as well as other Texas courts can schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. Licensed court interpreter Mr. Marco Hanson works remotely, using a speaker phone or videoconferencing, to provide courtroom interpretation for as many as 20 hours a week. However, this project has struggled with utilization. Although it is available to all courts the process to use the service requires pre-planning, which is sometimes difficult and the need may be somewhat unpredictable. The service will be offered to the Offices of Parent and Child Representation in Travis County to assist with client and family interviews through the end of the 2013 grant year.
9. **Child Protection Court (CPC) Strategic Plan** – The CPC Strategic Plan is aimed at developing a three to five year plan to addressing CPC court workloads in various funding scenarios. OCA has requested funding for three additional courts and will need to plan contingencies for getting funding for zero to three courts. OCA has been working to collect data from a variety of sources: the CPCMS system, the DFPS data book, polling District Judges, and interviewing child protection court judges. A survey went out to all District Judges in the state collecting information about CPCs; and asking whether they want to participate. This data will be presented to the Presiding Judges in a facilitated planning session in January where the Presiding Judges will define a mission statement for the courts and a set of principles to make decisions for the program now and in the future.

INSERT-TAB 4

CIP COMMITTEE MINUTES

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

**December 17, 2012
via conference call**

Toll free: 1-877-820-7831
Participant Passcode: 629943

MEETING MINUTES

ATTENDANCE OF MEMBERS

Members Present

Members Absent

Name		Name
Ms. Gabriela Fuentes, Member	Teleconference	Judge Bonnie Hellums, Chair
Ms. Colleen McCall, Member	Teleconference	Ms. Carolyn Rodriguez, Member
Judge Peter Sakai, Member	Teleconference	Judge Doug Warne, Member
Judge Virginia Schnarr, Member	Teleconference	
Judge Cheryl Lee Shannon, Member	Teleconference	
Judge Virginia Schnarr, Member	Teleconference	
Judge Olen Underwood, Member	Teleconference	
Ms. Tina Amberboy	In Person	
Ms. Kristi Taylor, Staff	In-Person	
Ms. Mary Mitchell, Staff	Teleconference	
Ms. Mari Aaron, Staff	Teleconference	

The Committee had a quorum present for this meeting.

I. Call to Order

Ms. Amberboy called the meeting to order at 12:02 p.m.

II. Update on Basic projects

a. Child Protection Law Judicial Bench Book

Ms. Amberboy reported on the status of the Texas Child Protection Law Bench Book. The document was updated in November 2012 to include legislative changes and additional topics such as psychotropic medications, trauma-informed care, and Disproportionality. Online access to the Bench Book has been available through TCJ since late 2010 and through OCA since early 2012. This is the third and final year of the contract with Lexis. The plan is to convert all links to the free service through Texas Legislature Online by October 2013 when the Lexis contract concludes. A limited number of Bench Books have been printed and will be provided to all new judges taking the bench in January and will be made available to all judges attending the 2013 Child Welfare Judges Conference in May.

Ms. Amberboy confirmed for Ms. Fuentes that new judges will be provided a copy of the Bench Book.

b. Texas Appleseed Project

Ms. Amberboy provided information about the highlights of the Permanency Summit held in Rockwall, Texas in October 2012. Since publishing its report, *Improving the Lives of Children in Long-Term Foster Care*, in 2010, Appleseed has continued to work with the Commission on how best to implement some of the recommendations in the report. Most recently, the Children's Commission worked with Appleseed, the Texas Center for the Judiciary, DFPS, and Casey Family Programs on the first ever Permanency Summit for Judges held on October 8-9 in Rockwall, Texas. Seventeen teams of Texas judges, attorneys and caseworkers from all over the state met at the Permanency Summit to work on a very pressing issue concerning thousands of Texas children who are stuck in foster care and what they can do locally to help them achieve permanency. Judges from a cross-section of Texas courts each brought a multi-disciplinary team from their local jurisdiction to the Summit and many left with a renewed commitment to the lead effort once back home in helping children find permanency before they transition out of the state's care. Continuing its partnership with the Children's Commission, Appleseed will conduct follow up surveys and evaluations with selected jurisdictions to discuss the conference, and solicit feedback about what attendees liked and did not like as well as what was helpful. Appleseed will also document whether courts have been able to take steps toward implementing the action plan each jurisdiction developed, and will offer to assist jurisdictions as they move toward implementation. Assistance may come in the form of convening a meeting or assisting with written strategic or implementation plan or identifying training needs within the locale.

c. Round Table Series

Ms. Amberboy provided an update on upcoming and recent round table meetings. The Commission is planning another Round Table with DFPS and Casey Family Services focusing on Family Visitation. The Round Table will take place in Austin, Texas on March 1, 2013. Like the other Round Table Discussions, Judge Scott McCown will facilitate the round table of participants from multiple disciplines to weigh in on the best strategies and current limitations to providing children and youth in foster care with visitation opportunities with the families to ensure close and continuing relationships, and to help increase reunification. Members who want to be placed on the invitation list are asked to contact Ms. Amberboy. Judge Olen Underwood requested an invitation to the event.

The Report from the July 2012 Psychotropic Medications Round Table has been circulated among participants and will be released to the public in the weeks to follow. The stakeholder participation has been invaluable, with detailed explanations of the many DFPS policies, as well historical knowledge regarding the statutory framework for psychotropic medications.

d. Legal Representation Study

Ms. Amberboy provided a summary of the highlights of the work of the Legal Representation Study (LRS) Workgroup. The workgroup was formed by the Commission in early 2011 to develop plans for implementing the recommendations from the LRS Report, issued in December 2010. There are two main areas of focus – the administration and the quality of legal representation in child protection cases. Several in-person and conference calls were conducted in FY2012, and the LRS Workgroup will continue to meet and confer in FY2013.

The Workgroup has focused on reforms to improve how legal representation systems and processes are administered by counties and judges, qualifications and training of attorneys providing legal representation, accountability within the judicial system to help ensure parties are receiving high-quality legal representation, and compensation.

Statutory changes on the horizon for FY2013 may include clarification that counties may establish a Public Defender (PD) or Managed Assigned Counsel (MAC) office or contract with a legal-aid office or local bar section for legal representation, and that counties can establish special prosecution units within the county or a region of the state. Also, statutory changes may include placing additional duties on DFPS and the judge to advise parents that they are entitled to a court appointed attorney if they are indigent and opposed to the suit for termination or conservatorship. There may be legislation filed aimed at explicitly limiting the duties of attorneys ad litem who are appointed to represent parents cited by publication. There may be legislation filed to create an ongoing, annual legal education requirement.

In 2013, the LRS Workgroup will continue to examine whether compensation can be reformed at a statewide level through state-provided funding or another source, rather than the current system which pays attorneys solely from county funds. Another issue related to compensation is whether counties should be required to publish a clear list of expenses that are reimbursable. LRS Workgroup members will also continue to work on the issue of building and implementing a statewide information and bill tracking system to track, report, and analyze attorney time spent on cases and dollars paid by the county.

The LRS Workgroup believes that attorney standards would help ensure high-quality representation, but further discussion is needed before defining standards and deciding who will draft them, and what level of support from LRS Workgroup and Commission members the effort will require.

Discussion

Judge Shannon and Judge Sakai offered comments with regard to the roles and responsibilities that judges, attorneys and the Department should exercise. Judge Sakai noted that appellate courts in Bexar County are sensitive to CPS cases and have issued an opinion that if an attorney files a request for a jury trial at the onset of the case, when time for the jury trial arrives and the client fails to appear, the trial cannot be waived unless the attorney waives the request. Ms. Amberboy inquired as to whether any thought have been given to whether or not an attorney cannot file a jury demand unless the client is located. She will confer with Judge Rucker and follow up with Judge Sakai to clarify. Judge Sakai has a question as to how the issue can be addressed in legislation.

e. Psychoactive Medications

Ms. Taylor provided an update on the work of the Psychoactive Medications Workgroup. After receiving feedback regarding concerns about psychoactive medications, the Children's Commission formed the Psychoactive Medication Workgroup (PMW), which has sought to improve practices and communication, gain a better understanding of the Parameter review process, and identify possible gaps and solutions in this system. In early July 2012, the Commission co-hosted a Round Table meeting on Judicial Practices in the Oversight of Psychoactive Medications and Texas Children in Foster Care. The Round Table brought together over 50 participants that included judges, child psychiatrists, STAR Health and DFPS leadership, as well as other subject matter experts, for an all-day discussion of how

judges handling CPS cases can exercise informed and appropriate oversight of the medications being prescribed to the children in their courts.

At the Round Table, the participants discussed their concerns and recommendations for improving this process. Several participants expressed a desire to see more emphasis on non-medication alternatives, with trauma-informed, recovery-based policies to ensure these alternatives are being considered. The Psychoactive Medications Workgroup will reconvene during early 2013 to consider the Round Table Report and subsequent changes in legislation and policy.

The report that will be issued in early 2013 will reflect the suggestions offered by the participants.

f. Trauma-Informed Care Workgroup

Ms. Taylor provided details about the work on Trauma-Informed Care (TIC). The Commission's Trauma-Informed Care Workgroup began in 2011 when a Collaborative Council member reported a child death while being restrained by staff of a residential treatment center. Researching the use of restraints led to broader goals of better outcomes for children in foster care by introducing trauma-informed practices into the Commission's judicial and attorney education.

The TIC Workgroup met several times and collaborated on suggestions for improving practice in this area and also how to raise awareness of the need for the child-welfare system to become trauma-sensitive. This work has been included in the Psychoactive Medications Round Table Report, the newly added chapter of the Bench Book, and in the TIC strategic planning process by DFPS.

The TIC Workgroup will meet early in the New Year. Because trauma-informed care is such a significant part of best practices in prescribing psychoactive medications, the TIC Workgroup will be helpful to the Psychoactive Medications Workgroup and the implementation of the suggestions that resulted from the Round Table.

Work will be ongoing to determine how to best integrate with the Department's strategic plan that addresses TIC.

Discussion

Judge Sakai noted that TIC is a hot issue between Department and judiciary. He asked if we are trying to come up with what the social work process should be or push the Department to acknowledge the importance of the issue – train and include in contracts for service. Ms. Taylor stated that the goal is the acknowledgement and training and clarify in contracts. Some RTCs are embracing the concept and seeing overall results that reflect less staff injuries when a de-escalation model is utilized with children. Judge Sakai asked if the Department should develop the policy in collaboration with the judiciary. Ms. McCall commented that the Department is proceeding with the approach of how to systematize the policy within the context of the huge DFPS system. There have to be multiple levels of approach with staff, contractors.

Ms. Taylor noted that the Commission's role is to depolarize the systems. The judges can drive this issue by making inquiries during the case about restraints and alternative methods used prior to prescribing psychoactive medications. The goal is to clarify roles and make sure checks and balances are working.

Judge Sakai noted the need to continue the dialogue and seek to discourage judges from becoming directive and telling counselors and case workers what to do. TIC is another step in the process and communication is vital. The Department must define it and help the judges with their understanding of it. Efforts to inform all system partners and ensure that there is understanding of the issue are needed. Everyone who touches the case needs to understand that there is a shift in thinking and understanding. Advocates often seek a solution through litigation. Ms. Taylor acknowledged that when the group reconvenes, she will ensure that the work proceeds with an emphasis on being mindful of the issues.

g. Judicial Disproportionality Workgroup

Ms. Taylor reported on the status of the Judicial Disproportionality Workgroup (JDW). In late 2010, the Children's Commission created the Judicial Disproportionality Workgroup to raise awareness and understanding among judges and key stakeholders about racial disproportionality by: (i) developing and promoting judicial and attorney training applying tools designed to reduce institutional racism and bias; (ii) identifying and providing technical assistance regarding statewide and jurisdiction-specific disproportionality data; and (iii) connecting judges with expert trainers for community-based workshops if they wish to expand the training into their communities and for local partners.

Child welfare judges have been actively engaged in understanding and undoing racism. At the first three Annual Implicit Bias Conferences, judges heard from national speakers about the latest discoveries in brain science and how cultural bias affects decision making. Several judges were so moved by the Implicit Bias training that they brought similar workshops into their courts and communities. Judge Meca Walker hosted an Undoing Racism Workshop in August 2012 to bring together many Harris County child welfare stakeholders.

The next Implicit Bias Conference will be held March 25-26, 2013 in San Antonio. The Commission will continue to work with the Texas Center for the Judiciary to plan the annual Implicit Bias conference, and will continue to host meetings of the JDW to continue education efforts aimed at the judicial and legal system. Ms. Amberboy will send invitations to the conference to any interested parties.

Native American children are also disproportionately over-represented in the child protection system. The Children's Commission has worked to develop collaborative relationships with Texas' three federally recognized tribal nations, and that work will continue in 2013.

The Commission also supports the work of the Center for the Elimination of Disproportionality and Disparities by serving on the statutorily created Interagency Council for Addressing Disproportionality. The CEDD Interagency Council has just released a report to the Texas Legislature examining the level of disproportionate involvement of children who are members of a racial or ethnic minority group at each stage in the juvenile justice, child welfare, education, and mental health systems. Commission staff also recently attended a statewide CEDD meeting on December 14th where stakeholders reported progress and innovative ideas from the various regions.

The JDW Chairs met on December 14, 2012 to discuss next steps including plans for the next Implicit Bias Conference, the future of the JDW, and continued connection with the Texas Tribes. The JDW will meet early in 2013 and plans to incorporate a speaker into the next meeting for continued education and inspiration.

h. Crossover Youth Practice Model

The Center for Juvenile Justice Reform (CJJR) at Georgetown University's Public Policy Institute has been involved with Travis County in implementing its Crossover Youth Practice Model (CYPM) since 2010. Casey Family Programs and the CJJR began spreading the CYPM to other counties in Texas in 2012. The CYPM is built around a core set of principles and is designed specifically to improve outcomes for "crossover youth" (youth involved in both the child welfare and juvenile justice systems) by creating greater efficiencies and levels of effectiveness through the collaborative efforts of these two systems. In 2012, the CYPM expanded to five additional counties - Bexar, Tarrant, Dallas, El Paso, and McLennan. CJJR convened three meetings in Texas in 2012, and will convene additional meetings in 2013 as well as extend invitations to spread the CYPM program to other Texas counties that have not yet been identified. CJJR has also approached DFPS and the Texas Juvenile Justice Department about including this project in their state appropriations. Each agency is looking into whether that can happen during the 83rd Session. The total estimated amount to fund the continued efforts is \$60,000.

Discussion

Ms. McCall inquired who the DFPS contact is and Ms. Amberboy noted that Ms. Decking and Ms. Brooks are involved in the conversations.

Ms. Amberboy noted that she is available to coordinate communication for any counties interested in involvement.

Judge Sakai noted that in Bexar Count the Juvenile Court will take the lead and there is excitement about having the Department and Juvenile Probation working together.

i. Jurist in Residence

The Jurist in Residence project was created to foster judicial leadership and promote greater expertise among child protection judges. The Commission's first JIR, Judge John Specia, has been instrumental in advancing judicial education and community collaboration across the state. OCA added a second JIR position in 2012 to assist the Commission's court improvement efforts. As part of the JIR program, the Commission publishes JIR newsletters that provide practical information to judges who hear CPS cases and tools to help them do a better job. In FY2012, the Commission published JIR newsletters on free online training for parent attorneys, CPS staff realignment after the 82nd Legislative Session, new appellate rules applicable to parental termination cases, DFPS subpoena policy, training scholarship announcements, court hearing practices and court costs, and OCA's Spanish interpreter program for CPS cases. In 2013, Judge Specia will retire as the JIR and Judge Dean Rucker will become a JIR to the Children's Commission, in addition to Judge Robin Sage. The JIR program will focus on providing assistance to other judges as well as projects aimed at hearing quality and data collection and evaluation of NCSC toolkit measures related to timeliness and hearings.

III. New Business

Members brought forth no new business items for discussion.

Ms. Amberboy invited all members to attend January 11, 2013 meeting of the Children's Commission.

The meeting agenda will include a report on the trial skills work and the materials that the workgroup will produce.

Next Meeting Schedule

Ms. Taylor will advise members of the 2013 CIP Training Committee meeting schedule once dates are finalized.

IV. ADJOURN

The meeting adjourned at 12:46 p.m.

CIP TRAINING COMMITTEE-TAB 4

CIP TRAINING COMMITTEE MINUTES - NOVEMBER 29 2012

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

**November 29, 2012
via conference call**

Toll free: 1-877-820-7831
Participant Passcode: 629943

MEETING MINUTES

ATTENDANCE OF MEMBERS

Members Present

Members Absent

Name		Name
Judge Camile DuBose, Chair	Teleconference	Ms. Debra Emerson, Member
Ms. Cathy Cockerham, Member	Teleconference	Ms. Tracy Harting, Member
Ms. Barbara Elias-Perciful, Member	Teleconference	Ms. Joyce James
Ms. Alice Emerson, Member	Teleconference	Ms. Shaneka Odom, Member
Judge Richard Garcia, Member	Teleconference	
Judge Lamar McCorkle, Member		
Dr. Sandeep Narang, Member	Teleconference	
Ms. Pam Parker, Member	Teleconference	
Ms. Fairy Davenport Rutland, Member	Teleconference	
Mr. Randy Sarosdy, Member	Teleconference	
Judge Ellen Smith, Member	Teleconference	
Justice Michael Massengale, Advisory	Teleconference	
Ms. Tina Amberboy	In Person	
Ms. Tiffany Roper, Staff	In-Person	
Ms. Milbrey Raney, Staff	In-Person	
Ms. Mary Mitchell, Staff	In-Person	
Ms. Mari Aaron, Staff	Teleconference	

The Committee had a quorum present for this meeting.

I. Call to Order

Judge DuBose called the meeting to order at 12:02 p.m.

II. Adoption of Minutes

ACTION: Judge DuBose asked for a motion to ratify the approval of the August 2, 2012 minutes of the joint meeting of the Basic, Training and Technology Committees. Mr. Sarosdy made a motion, Judge McCorkle seconded and the minutes were ratified with no dissent.

III. Changes to Children’s Commission Staff

Judge DuBose announced the hire of a new employee to the Children’s Commission. Ms. Mary Mitchell joined the staff on November 14 and will serve as Executive Assistant. Ms. Mitchell was introduced and provided brief comment on her background prior to joining the Children’s Commission.

IV. Update on Training Grant Funding

Distribution of the FY2013 CIP grant funds is expected in April 2013 from the Children's Bureau. Ms. Amberboy explained that the federal budget negotiations have affected the distribution of CIP funds. The Commission will operate on FY2012 funds in the interim and has no financial concerns as a result of the delayed funding.

V. Update on training projects

a. Attorney Practitioner Manual

Ms. Amberboy reported on the status of the Attorney Practitioner Manual and the Texas Child Protection Law Bench Book. Revisions and updates are in process for both documents. The Attorney Practitioner Manual will be elevated to a priority for FY2013 since the update to the Bench Book is near completion. The timeline for additional edits to the manual will accommodate the outcomes of the 83rd Texas Legislative Session. Ms. Elias-Perciful commented that the manual can be added to the content of the Online Center and this would be an option for reaching a larger audience. Ms. Amberboy noted that the manual is available on the Children's Commission website (www.texaschildrenscommission.gov). Ms. Amberboy also noted that the DFPS Manual is also available online, and that it is current and useful to practitioners as well. Ms. Elias-Perciful commented that the Online Center staff can work on a .pdf document and index by topic. Judge DuBose commented that any action with regard to the manual needs to be deferred until legislative changes associated with the 83rd Session can be incorporated.

b. Attorney Appointment Eligibility Training

Ms. Amberboy reported on the status of the training course. The Children's Commission staff, in partnership with the State Bar and practicing attorneys, developed a training course for attorneys who represent children in CPS cases. The course was videotaped at the State Bar on May 22, 2012. The content was originally intended as a general overview training, but the final product contained discussion of specific best practices. After review, the staff determined that the content, while beneficial to advanced practitioners, would be less so for new attorneys. Subsequently, staff began work with the State Bar to split up the content into 3 separate webinars. The segment content is described in detail in the supplemental document provided to members with the meeting agenda. The completion date for the webinars is expected by mid-December 2012. Additionally, a better replacement for the 2008 AAL Training CLE is in the planning stages. Judge DuBose inquired if the material in the now 3 separate, more advanced CLE segments is similar to the CPS mentor webinar series and Ms. Amberboy confirmed. Ms. Elias-Perciful asked if the State Bar will charge a fee for the training and noted that the Online Center is able to integrate the content into their topical coding system. This would enable a topics and brief search to link to the training webinars. She commented that this changes the dynamic of CLE by enhancing the search functionality for users. She requested a copy of the webinar video. Judge DuBose recommended that Ms. Elias-Perciful follow up with Ms. Amberboy, since clarification on release of the video will be necessary from SBoT. Ms. Elias-Perciful and Ms. Amberboy will continue the discussion offline. Ms. Raney noted that she will provide updates to the CIP Training Committee when there are additions to online training resources at the SBoT.

c. Child Protection Webinars

The Commission staff, in collaboration with the State Bar, are working to develop a new category of online CLE. This will be similar to the existing "Ten-Minute Mentor" Series and will be called "CPS Mentor Webinar Series." There are currently 3 CLEs available online from the

State Bar, discussed above in subsection ‘b.’ Two additional CLEs are planned, as noted in the supplemental document submitted to the Members along with the Agenda.

d. Attorney Scholarships

At the August 2, 2012 meeting of the CIP Committees, the staff reported that numerous attorney scholarships were awarded by the Children’s Commission to provide registration for attorneys who attended the summer 2012 Advanced Family Law Child Abuse & Neglect Track and the NACC Annual Conference. The Commission plans to award scholarships for these conferences in the summer of 2013 as well as the ABA Conferences for Parents’ Attorneys and for Children’s Attorneys in July 2013. To fulfill a component of the CIP grant reporting requirement, the staff has created an internal Continuous Quality Improvement (CQI) process for how the scholarships are awarded and the associated evaluation process of the conferences attended. Feedback has been positive from the attorneys who attended the summer 2012 conferences. In addition, some of the \$50,000 in CIP grant funds were used for the Region VI Parent Representation Leadership Forum held in September 2012. Ms. Amberboy provided a detailed report on this forum later in this meeting. Evaluations by the participants indicated that the training was substantive and that an important take-away included tips for working on ways to improve the quality of parent attorney representation in each region.

Ms. Elias-Perciful expressed her support of use of CIP funds for this purpose and believes it provides a good benefit. Judge Ellen Smith concurred and noted that the content is beneficial to child welfare practitioners. Judge DuBose invited members to pass along additional comments to Ms. Raney.

e. Trial Skills Training

Members received detailed information on the progress of the Trial Skills Training workgroups in the supplemental document provided with the meeting agenda. Ms. Raney reported that Ms. Leigh Mathews Rodriguez, an intern for the Children’s Commission, is providing assistance with the Case Scenario. This will include obtaining the pleadings, populating the pleadings with information from the fact pattern, and creating all of the forms and legal documents that accompany a year-long CPS case that goes to trial on the termination of parental rights. She acknowledged Ms. Pam Parker’s work in obtaining Hot Docs pleadings forms for the project. A detailed report on the Trial Skills Training project will be on the Agenda for the January 11, 2013 Children’s Commission meeting and materials for the upcoming pilot project will be provided at that time. Justice Massengale complemented Ms. Raney’s efforts on the Trial Skills Workgroup and noted that the workgroup will hold its next conference call meeting on December 6, 2012. Ms. Raney noted that a portion of the \$40,000 CIP Training funds will cover the expense to bring Peter Hoffman, a member of the Trial Skills Workgroup, to Austin and hold training for faculty to know how to best present the curriculum. The timeline for this training is April 2013. CIP training funds are also allocated to support NACC Certification (\$10,800). Staff are working on a CIP Grant Application for NACC’s Certification Exam Fee Reimbursement.

f. SBoT CAN Committee Multi-disciplinary Training in FY2012

Ms. Rutland reported that the obstacles to scheduling the training have been resolved and that the result is quite positive. There will be a conference in June 2013 in Houston, Texas on keeping infants and toddlers safe, and SBoT CAN will partner to conduct their training during this event. The training will take place on June 19-21, 2013 and there is no charge to attend. 15-16 hours of CLE are anticipated. Ms. Carol Hurley along with Judge Bonnie Hellums and Dr. Connie Almeida will meet with Dori Wind, a committee member, to develop the training schedule. National speakers include the Honorable Lynn Edwards and Dr. Ira Chasnoff. Invitees include Judge John Specia, DFPS

Commissioner as of December 2012. Ms. Amberboy asked if the \$25,000 grant awarded by the commission in November, 2011 is still needed. Ms. Rutland commented that she will know this information when the training plans are finalized and anticipates that the funds will be used to cover planning costs. Judge DuBose requested that Ms. Rutland provide updates on the planning progress to Ms. Amberboy.

Ms. Raney provided additional comment on the attorney scholarships and stated that the CIP funding is used for the attorneys' application fee for the NACC certification exam on a reimbursement basis for the Texas attorney candidates who are approved to sit for the exam.

JUDICIAL EDUCATION

The Texas Center for the Judiciary (TCJ)

At the August 2012 CIP committee meeting, funding was approved by the committee for TCJ to continue its CIP projects, including the following:

Judicial Scholarships to Join the NCJFCJ – 27 judges accepted a CIP sponsored membership to NCJFCJ. Also, many of our judges attended the NCJFCJ National Conference on Juvenile and Family Law in New Orleans using a TCJ-funded scholarship. The next NCJFCJ annual conference will be held July 14-17, 2012 in Seattle.

Judge DuBose encouraged attendance at the Seattle conference.

Permanency Summit– Seventeen teams of Texas judges, attorneys and caseworkers from all over the state met in October 2012 to work on a very pressing issue concerning thousands of Texas children who are stuck in foster care and what they can do to get them out and into permanent homes. The Permanency Summit was held in response to lead efforts to get children into a permanent home before they transition to the state's Permanent Managing Conservatorship (PMC).

Ms. Amberboy provided detailed comments on the inaugural Permanency Summit. The seventeen teams which attended the Summit were comprised of judges, attorney and caseworkers. In depth discussions were held on strategies to improve permanency outcomes in the local jurisdictions. Staff from Casey Family Programs, the Department and former foster youth participated as well. The jurisdictional teams reviewed ideas on how to bring youth to court and worked to develop a customized plan to involve youth either in-person or by videoconferencing. The teams were also charged with identifying another issue that will improve permanency outcomes and included areas such as targeting biological families. Texas Appleseed is working to develop follow up evaluations with 5 of the 17 jurisdictions and to assist a TCJ with the development of a communication plan. Site specific strategies to improve permanency in the respective jurisdictions will also be developed. Planning for the next event will be informed by the observations and assessments completed at the conclusion of this initial Summit.

Education Summit

Ms. Roper reported on the planning efforts underway by TCJ and the Commission staff for the Education Summit that will take place in Austin, Texas on February 19-20, 2013. This invitation-only event will bring together targeted segments of the education partners, judges, and Department staff. The Summit is the next step in the outreach efforts outlined in the final report of the Education Committee, "The Texas Blueprint." The planning team is working to assemble relevant information and identify school districts which have the highest numbers of students in care in their schools. In addition to the 20 Education Service Center Directors in the state, the invitee list includes a judge from each jurisdiction that correlates to the district superintendent of schools with the highest

numbers of foster youth on the campuses. This team composition is similar to the model used for CPS-related conferences. The Summit expects to attract approximately 150 attendees. Ms. Roper is available to provide additional details to any interested CIP Training Committee members. Judge DuBose inquired about duplication of the Summit and post-summit evaluation plans. Ms. Roper noted that this is a new endeavor for the Children's Commission and care was taken to include staff from Texas CASA, DFPS, TCJ, TEA, TASB, and other stakeholders in the planning process. Evaluation and next steps are part of the planning. Judge DuBose observed that depending on the success of the Summit, a presentation outside the state would be a way to highlight the cutting-edge efforts underway in Texas. Ms. Rutland inquired about inclusion of private attorneys on the invitation list. Ms. Roper commented that the priority is to involve district superintendents and Education Service Center directors, judges, and key Department staff. Due to budget constraints for this initial Summit, the decision was to focus the outreach to the education community and emphasize judicial outreach efforts to the education community. Ms. Amberboy noted that the emphasis is to grow awareness and education between the systems (education, judicial and the Department). This work will be ongoing and there will be additional opportunities to further the work with other populations. Ms. Roper noted that education advocacy training for attorneys and CASAs is on the agenda for future planning. Initial judicial training was provided at the CPS Judges Conference in San Antonio in June of 2012. Attorney training will be next and may be offered as an agenda item for Ms. Rutland's conference. Ms. Rutland commented that she works with a child advocate for special education and noted many of the foster youth are also in special education so there is a good correlation of interest. She will provide references to Ms. Roper on the child advocate's background. Ms. Roper noted that the drill down efforts can be deferred until the conclusion of the Summit. Judge McCorkle commented that since this is a unique effort, a videotaping might be useful. The video could then be maintained for reproduction and distribution to IDSs in the state to share the discussion. Since The Texas Blueprint is published, placement of commentators in the audience could be arranged and they could be tasked with documenting observations and critiquing the Summit. The final product could then be incorporated into the work already completed. He noted that he worked with Peter Vogel on a technical matter and had Mr. Vogel author a write-up / blog for another audience. This served as a way to expand the audience in a different manner. Ms. Elias-Perciful commented that attorneys who attend conferences on behalf of the Online Center provide papers and write-ups on new information obtained. Judge McCorkle emphasized that if this will be a new forum for discussion of these issues, there will be benefit in engaging someone to observe and critique. Ms. Roper noted that the Summit will be similar to the Round Tables that the Commission holds in that a final report will be a product. Judge McCorkle commented that an advocacy group could be utilized, but suggested that UT Law School could provide law review students to provide input on the topic. The benefit of the law review students involvement would be that the advocacy group affiliation would not be associated with the product. Ms. Roper acknowledged the suggestions provided by the members during the discussion and noted that because of the continued national focus on the work of the Education Committee and the recommendations, development of a continuation plan will be on future agendas.

Implicit Bias in Judicial Decision Making Conference

Judge DuBose reported that the conference will be held on March 25-26, 2013 at the Sheraton Gunter Hotel in San Antonio, Texas.

Child Welfare Judges Conference

Judge DuBose reported on the status of planning for this conference. TCJ is at work to finalize dates since the original dates conflicted with the last days of the elementary school year. Since many of the staff have elementary aged children, the date was changed to May 22-23, 2013 for the full conference and an additional half-day for the CPC judges and court coordinators training that is set

for May 21, 2013. That conference will be held at the La Cantera Resort in San Antonio, Texas. Ms. Amberboy clarified that all judges can attend this child welfare judges conference.

Beyond the Bench 2013

Judge DuBose noted that this is likely to be second Permanency Summit and will be scheduled in October 2013. The planning group is considering a location in Austin, Texas.

Judge DuBose commented on the Judicial Conference on Family Law. She is seeking recommendations for speakers on cutting edge topics for judges. Dr. Sandeep Narang is confirmed and his topic is Shaken Baby Syndrome. Judge DuBose requested that recommendations for topics and speakers be provided to her for consideration.

Region VI Parent Representation Forum

Judge DuBose updated the CIP Training Committee members on the forum. The Children's Commission staff participated along with 14 attorneys and judges. Work undertaken at the Forum addressed how to help Texas strategize on ways to improve the level of legal representation for parents as well as improve respect for and self-esteem of attorneys who choose to represent parents. Topics also covered were demonstration of how quality parent representation is tied to improved outcomes through a review of current data; increased understanding of what is needed at a minimum to achieve quality parent representation, both inside and outside of the courtroom and the at the policy level; and how to empower parent attorneys to be leaders, trainers, mentors and system reformers. The team developed an action plan during the forum and the content is described in detail in the supplemental .pdf document provided to members with the meeting agenda. The document includes information on hosting or partnering on a Child Welfare Law conference, development of standards of representation for parent and child attorneys, development of an information guide for parents, exploration of a parent resource project similar to the youth resource project operated by Texas Rio Grande Legal Aid / Foster Youth Justice Project, work to improve family placements, and improvement in how the Department and the state provides visitation or family time for families involved in the child welfare system. A Round Table to examine family visitation issues is in the planning stages. Training projects will emanate from the Round Table and will be on the horizon for our Committee and for Commission Staff.

Judge Garcia acknowledged that the conference was very good. The five states involved are in the CIP Region VI and are Texas, Arkansas, Louisiana, New Mexico and Oklahoma.

Mediation Project

Ms. Roper reported that discussion to address next steps on the project with Ms. Cynthia Bryant are ongoing. Time and effort toward the project will be allocated based on resources and scheduling around other project priorities.

VI. New Business

Members brought forth no new business items for discussion.

VII. Next Meeting Schedule

Ms. Raney will advise members of the 2013 CIP Training Committee meeting schedule once dates are finalized.

VIII. ADJOURN

The meeting adjourned at 12:50 p.m.

CIP DATA/TECHNOLOGY COMMITTEE-TAB 4

CIP DATA/TECHNOLOGY COMMITTEE MINUTES - DECEMBER 10, 2012

**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Data/Technology Committee**

**December 10, 2012
via conference call**

Toll free: 1-877-820-7831
Participant Passcode: 629943

MEETING MINUTES

Members Present

Members Absent

Name		Name
Ms. Vicki Spriggs, Chair	Teleconference	Mr. Jason Hassay, Member
Mr. Dan Capouch, Member	Teleconference	Hon. Gilford Jones, Member
Dr. Octavio Martinez, Member	Teleconference	Mr. Robert Nolen, Member
Mr. G. Allan Van Fleet, Member	Teleconference	Ms. D. J. Tessier, Member
		Mr. Bryan Wilson, Member

**OCA Technical Advisory Staff
(non-voting)**

Mr. Darrell Childers	Teleconference	Mr. Ron Clark
Ms. Simi Denson	Teleconference	
Mr. Casey Kennedy	Teleconference	
Mr. Tim Kennedy	In-Person	

Children’s Commission Staff

Ms. Tina Amberboy	In-Person
Ms. Mary Mitchell, Staff	Teleconference
Ms. Mari Aaron, Staff	Teleconference

I. Call to Order

Ms. Spriggs called the meeting to order at 12:05 p.m.

II. Education Website

Ms. Amberboy provided an update regarding the education website. OCA has set up a website devoted to the Education Committee and the projects involving improving education outcomes for children in foster care. The Children’s Commission Staff have authority to modify and populate the site with information. Mr. Childers and Ms. Roper are currently working on this project.

III. Event Management System

Ms. Amberboy stated that OCA has arranged to purchase web based event management software to help manage the 200+ commissioners, committees, council, stakeholder, and

interested person lists currently used by Commission staff. This tool will allow the staff to automate contact information, membership status, and committee assignments and will also help staff to identify and collect federally required match data. The Children's Commission will also use the program for conference marketing and commission meetings.

IV. Bench Book Update

Ms. Amberboy reported on current status. The Bench Book was updated in November, and submitted to House Printing on December 10th. We will initially print 100 copies which will be sent out to the new judges taking bench in January 2013, and also to the judges who attended the San Antonio conference last summer. The next update to the book is expected to be in late fall of 2013. The updated Bench Book will also be converted into FLARE which is the version that gets posted to the OCA and Children's Commission websites.

V. Notice and Engagement Web Application

Ms. Amberboy stated that this project involves using non-confidential case data to build a system whereby notice of statutory hearings and other court-related events requiring notice to parties and interested persons can be distributed electronically. The Children's Commission and DFPS have been collaborating over past 2 years as a result of the CFSR and PIP. Based on feedback from stakeholders such as caregivers and foster parents we still want to build an alert system to ensure that everyone gets notice of non-confidential information on hearings such as name of case, court house, and date/time. Ms. Amberboy advised that we are still working on how to put hearing data into IMPACT and then send via a link to be used by OCA to populate the alert system. At present there is more hearing date information in the CPCMS system than IMPACT. Ms. Spriggs acknowledged that people are frustrated with notifications. Ms. Amberboy is optimistic that the Children's Commission and OCA can develop a user friendly tool to solve the problem. Mr. C. Kennedy advised that the hearing data can be provided to any user with a valid email address. Ms. Spriggs asked if there was a projected go-live date. Ms. Amberboy stated that she meets often with Mr. Clark and the system will be ready to test in near future.

VI. Attorney Billing System

Ms. Amberboy explained that a role of attorneys appointed to cases is being added to the CPCMS role-based security project for later use that may involve a uniform identification and billing system that can help provide information on the number of Texas attorneys providing legal representation in child protection cases, their level of training, and the amount of money counties are spending on court appointed legal representation year to year. The CPCMS system is being enhanced to include role-based security identifiers for other system stakeholders and advocates as well. Ms. Amberboy added that a role for caseworkers and CASA volunteers are also being added to allow electronic filing of court reports. Mr. T. Kennedy advised that the enhancements should be live within the next 60-90 days and will provide an update at the Commission meeting.

VII. Video Conferencing

Mr. T. Kennedy explained that the project enables local courts presiding over child protection cases to have children participate in their placement/permanency hearing without them being physically present in the courtroom. A video link hosted and maintained by OCA provides the judge the opportunity to interact with the child or youth when they cannot be in the courtroom or in attendance at their hearing. Although not a replacement for seeing the child in person, video conferencing can allow the judge can gain perspective on the youth's issues, wants and needs, and see the child's demeanor and body language. Phase II of the project (which spans FY2012 and FY2013) has focused on implementing video conference capability in DFPS' 58 residential treatment center (RTC) facilities where children are in placement. Mr. Kennedy stated that he is currently working with six courts, and has implemented video conferencing at 28 RTC facilities to date. He added that we are additionally targeting 8-10 courts in FY13 to expand court participation and likewise expect to add to this list. Ms. Amberboy explained that two specific areas of challenge were identified in FY2012:

1. Some RTC facilities in rural locations do not have access to broadband Internet service OR if they have broadband Internet service it is too slow and they may experience intermittent service interruptions.
2. Some RTC facilities are reluctant to take advantage of the opportunity to participate in this project, but DFPS has assisted in informing the facility that if they are able to participate and opt out, they will be required to transport the child to the courtroom to participate in their placement review hearing in person.

Ms. Amberboy explained that the future plan is that the system could also be used by other stakeholders; CASA offices could communicate with the clients in RTCs. It could also be used to provide visitation for family members with kids placed in RTCs. Ms. Spriggs agreed that this could be especially useful in rural areas. Ms. Amberboy concluded that OCA is working out kinks with courts first and there is the possibility of expanding the capacity and availability of the system in the near future.

VIII. CPCMS

Ms. Amberboy explained that we plan to demo the CPMS website to provide interested courts/independent counties the ability to test drive the CPCMS with their own data. There will be expanded roles based security for CPCMS to accommodate other user roles that can be authorized for view only, data entry only, a restricted combination of and data entry, or unlimited view and data entry. Ms. Amberboy advised that rather than updating all training and marketing videos to cover all of the v3.0 through v3.3 releases in 2011 and the v4.0 through v4.3 releases in 2012, that training videos will be made on an as needed basis. Mr. T. Kennedy explained that OCA has a tool that provides an overview but also allows drill down capability to various sections and subsections; this presents succinct presentation of information (and eliminates the need to general training videos) Mr. Kennedy explained that the pending project to export CPCMS Court Docket Calendar in a standard calendar

format to enable other devices (e.g., blackberries, iPhones) and applications (case management systems) to process and display the Docket Calendar information outside of the CPCMS system was left over from previous year. Ms. Amberboy agreed to update the status

IX. Regional Videoconference System for CPS Cases in the 38th Judicial District –

Ms. Spriggs referenced the regional videoconference system in the 38th district. Ms. Amberboy explained that the Uvalde system is slightly different than the system that OCA facilitates and hosts. In Uvalde County the regional videoconference system, through licenses issued by the court to attorneys who qualify, allows attorneys to have confidential, direct contact with their clients from their own computers as long as those computers have web-cam capability. Uvalde County requested an extension of six months to implement the project. All equipment has been installed, tested and is currently in use, but the data collection is just beginning. Ms. Amberboy added that Uvalde / Medina Counties use the system for more than CPS cases and that CIP funds paid for only a portion of the program. The system has been used to accommodate incarcerated parents, CASA volunteers, Agency staff, youth, and parents in Medina County. Medina County is also implementing a permanency hearing docket and Ms. Amberboy stated that she will obtain details and information on how they plan to use the video equipment to serve the docket.

X. Spanish Interpreter

Ms. Spriggs noted that based on the annotated agenda information, the program is underused and may not be continued in FY2014. Ms. Amberboy explained that the OCA Child Protection Courts involved in the project can schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. Licensed court interpreter Mr. Marco Hanson works remotely, using a speaker phone or videoconferencing, to provide courtroom interpretation for as many as 20 hours a week. Ms. Amberboy reported that the project has struggled with utilization. Although it is available to all courts in Harris County the process to use it is cumbersome and requires pre-planning, which is sometimes difficult and unmanageable. Ms. Amberboy and Mr. Hanson will be meeting with the Offices of Parent and Child Representation to inquire whether they could use his interpreter services. Ms. Spriggs asked whether we had completed a survey monkey to ask why people are not using the system; and, if they used it, why they stopped. Ms. Amberboy responded that there has not been a survey, but she has spoken with the courts; the response from judges is that it is difficult to plan when the service will be required. Ms. Spriggs asked whether there were plans to review the program, perhaps to re-boot and change the process, and then reintroduce? Ms. Amberboy replied that because we need to use CIP funds in a way that helps more than one jurisdiction long term, the project will be discontinued at the end of the fiscal year.

XI. Child Protection Court (CPC) Strategic Plan

Ms. Denson provided an update. The Child Protection Court Strategic Plan is aimed at developing a three to five year plan to addressing CPC court workloads in various funding scenarios. OCA has requested funding for three additional courts and will need to plan

contingencies for zero, one, two, or three additional funded courts. OCA has been working to collect data from a variety of sources: the CPCMS system, the DFPS data book, polling District Judges, and interviewing child protection court judges. A survey went out to all District Judges in the state collecting information about CPCs; and asking whether they want to participate. This data will be presented to the Presiding Judges in a facilitated planning session in January where the Presiding Judges will define a mission statement for the courts and a set of principles to make decisions for the program now and in the future. Ms. Spriggs asked if Ms. Denson had a feel for whether legislature would increase the number of courts. Ms. Denson answered that so far presiding judges have a very good record with legislature and she felt that we can be optimistic

XII. New Business

Members brought forth no new business items for discussion.

XIII. Next Meeting Schedule

Ms. Amberboy will advise members of the next meeting schedule after the January 11 Children's Commission meeting.

XIV. ADJOURN

The meeting adjourned at 12:34 p.m.

INSERT - TAB 5

Texas Child Protection Trial Skills Notebook



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

TEXAS CHILD PROTECTION

TRIAL SKILLS

NOTEBOOK

DEVELOPED BY THE
CHILDREN'S COMMISSION
DECEMBER 2012

V. DECEMBER 2012

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