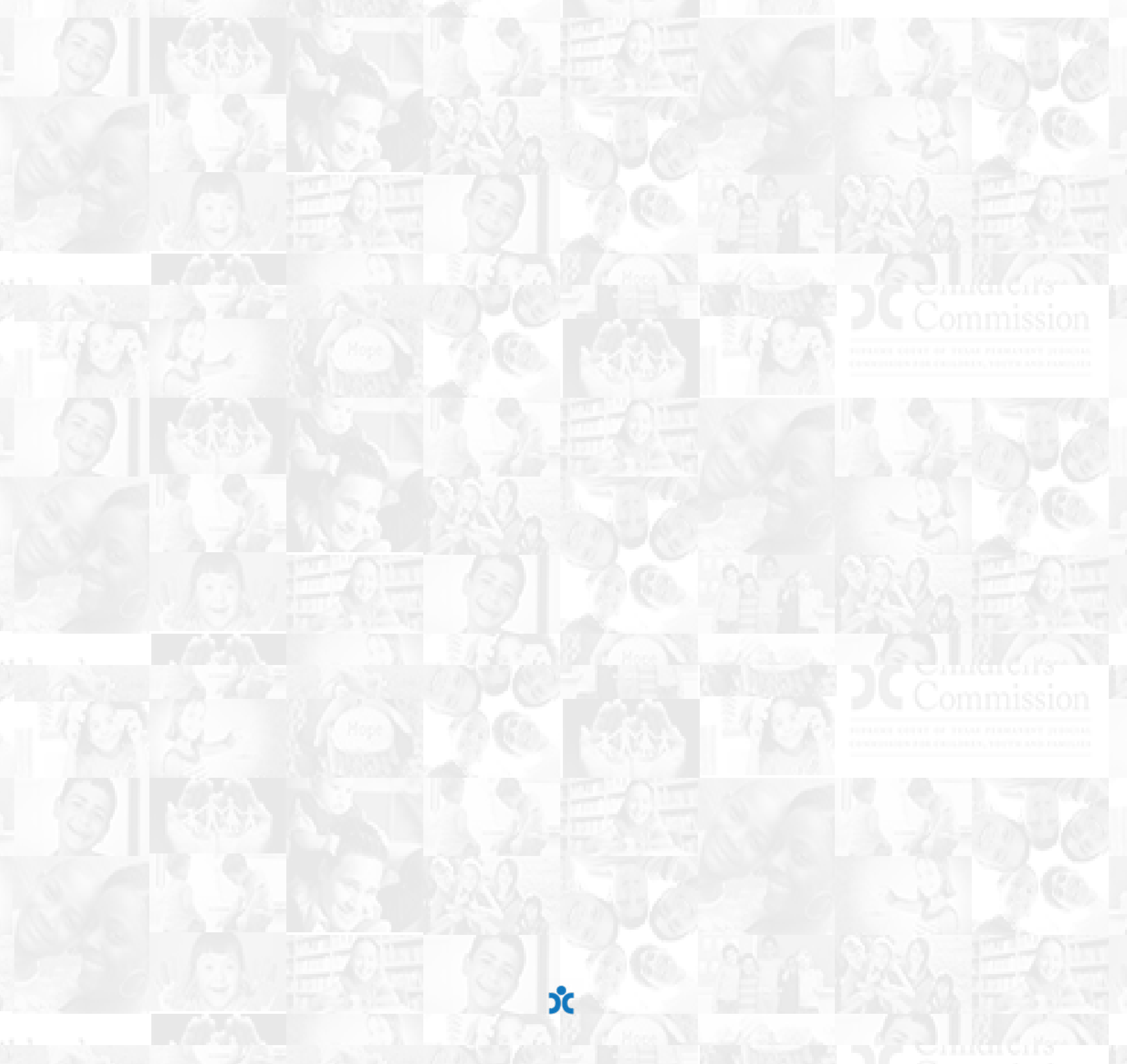


ANNUAL REPORT 2019

Children's
Commission
Annual Report
to the
Supreme Court
of Texas





**Children's
Commission**
OFFICE OF THE DEPUTY PERMANENT JUDICIAL
COMMISSIONER FOR CHILDREN, YOUTH AND FAMILIES

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Children's

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From the *Chair*



As the Children’s Commission closes another successful year, I am grateful for the new relationships we have established this year. I am also proud of the innovative strategies our long-time partners have helped us execute as we continue to transform our judiciary and child welfare system into one that is more responsive to and considerate of children and families. Our work would not be possible without the federal Court Improvement Program (CIP), which has been the primary source of funding and guidance for the Children’s Commission since its formation in November 2007. A small federal grant program initially funded in 1994 to help states assess and improve judicial handling of child welfare cases, the CIP has been essential to growth and positive change across the Texas child welfare landscape.

Over the past 25 years, Texas has been awarded more than \$40 million dollars in CIP funds to accomplish improvements and reforms aligned with the foundational principles of procedural justice; timeliness of judicial decision-making; quality legal representation and court hearings; and training and educating participants about the legal process. The Texas Legislature also continues to be a steady partner, always ready with support when needed.

Our 2019 annual report highlights some of the latest projects and innovations that continue to move Texas toward a modern child welfare system that values leadership, collaboration, and partnership with child-welfare system stakeholders, including our state agency and multiple child welfare advocates. A heartfelt thanks to our commissioners and numerous collaborators who help us ensure Texas continues to be a good steward of the CIP year after year.

A handwritten signature in black ink that reads "Lisa M. Geyman". The signature is fluid and cursive.



From the *Executive Director*



In 1997, the CIP, originally authorized in 1994, was reauthorized by the Adoption and Safe Families Act and the idea of states establishing judicially-led commissions was promoted for the first time as child welfare leaders recognized the crucial role of the judicial system in child welfare reform.

In 2005, Congress increased the amount of federal dollars provided to states to improve courts' ability to track cases, collaborate with state agencies, and train judges and court personnel in child welfare matters. In 2008, Fostering Connections to Success and Increasing Adoptions Act highlighted the importance of educational stability of youth in foster care; placing siblings together; support for kinship caregivers; and extended foster care. In 2014, CIPs were directed to promote and support normalcy efforts and implementation of the "reasonable and prudent parenting standard," giving foster parents the authority to make day-to-day decisions affecting children in their care; and to support nationwide efforts to combat domestic child sex trafficking among the population of youth in foster care.

In 2016, CIPs were encouraged to emphasize the importance of high-quality legal representation for parents, children, and agencies, highlighting best practices such as early appointment of counsel; improved case planning; expedited permanency hearings; standards of practice and legal specialization for attorneys; ethics; and models of delivery. In 2018, Congress reauthorized the CIP through 2021 with specific directives to provide the judicial and legal community with training about prevention services and the appropriate use of congregate care for children in foster care. In 2019, efforts at preventing and eliminating unnecessary removal of children to foster care were again the focus, including an emphasis on engaging and empowering family and youth voice in all aspects of child welfare to drive case planning and system improvement.

In September 2019, the Children's Commission restructured its projects and its commitment to carrying out the vision of the federal CIP, imbued with Texas values and ethos, of course. Our work, our partnerships, and our success are attributable not only to the CIP, but to every commissioner, committee member, collaborative council member, stakeholder, and partner who has helped us bring a vision that was born 25 years ago into the 21st Century. Thank you for your partnership and support!



Commission | *Goals*



The mission of the Children’s Commission is to strengthen courts for children, youth and families in the child-protection system and thereby improve their safety, permanency and well-being. Each year, the Children’s Commission works toward the fulfillment of nine goals to accomplish that mission by undertaking projects that encourage judicial leadership, accountability, and appropriate oversight of child protection cases as well as those that promote, expand, and share best and promising child welfare and court practices and resources to improve judicial administration. The Commission facilitates collaboration and communication across agencies and stakeholders; promotes high-quality court proceedings that safeguard due process, child and family involvement, and effective legal representation of parties; and collects and analyzes court and child welfare system data to improve outcomes. High-quality, appropriate training for judges, attorneys, and child welfare partners is a Commission trademark. The Commission also has a long-standing commitment to reducing racial and ethnic disproportionality and disparities in the child welfare system as well as recognizing and respecting tribal sovereignty to protect the best interests of Native American children and promote stability of Native American families. Underlying these broad goals is the mandate to administer the federal Court Improvement Program and to assess current and future needs of the courts. In 2019, the Children’s Commission voted to reform its Committee structure to more appropriately reflect important priorities and areas of focus. Details about the new Committee structure are laid out in this report as well as the objectives and strategies that guided our work throughout the year.



2019-2020 Strategic Plan Goals



- I. Encourage judicial leadership, accountability, and appropriate oversight of child protection cases to improve safety, permanency, and well-being of children and families.
- II. Promote, expand, and share best and promising child welfare and court practices and resources to improve judicial administration and strengthen the child welfare system.
- III. Facilitate and institutionalize collaboration, communication, and respect between the judicial system and child welfare partners.
- IV. Promote high-quality court proceedings that safeguard due process, child and family involvement, and effective legal representation of parties.
- V. Collect and analyze court and child welfare system data to improve outcomes, quality, and sustainability of Children's Commission strategies.
- VI. Develop, support, and fund high-quality, appropriate training for judges, attorneys, and child welfare partners.
- VII. Reduce racial and ethnic disproportionality and disparities in the child welfare system.
- VIII. Recognize and respect tribal sovereignty and protect the best interests of Native American children and promote stability of Native American children and families.
- IX. Oversee and administer the Court Improvement Program funds to assess current and future needs of the courts, endeavor to increase funding available to the Children's Commission, and leverage funds with strategic and statewide partners.

Going Forward | *Committees*

In September 2019, the Children's Commission restructured its standing committees to more accurately align them with the projects under each committee's purview.

Systems Improvement

The Systems Improvement (SI) Committee will focus on broad, statewide projects that help strengthen courts for children, youth, and families as well as expand court and child welfare system capacity to support systemic improvement and prevent children from entering foster care.

Data

The Data Committee will support the Children's Commission's data efforts and oversee the analysis of publicly available child welfare data to identify judicial processes and practices that produce desired outcomes, as well as which practices need improvement.

Legal Practice & Process

The Legal Practice & Process (LPP) Committee will help courts, judges, and legal advocates ensure that children and families involved with child welfare experience a legal system in which they have meaningful access to justice and their rights are protected.

Training

The Training Committee will continue to oversee training efforts that promote judicial leadership, identify and promote best practices to improve outcomes, and establish a well-informed judiciary and bar that prevents removal to foster care and ensures the well-being of children and families while in care.

Dual Status Task Force

The Dual Status Task Force (DSTF) will primarily focus on promoting effective judicial practices and identifying gaps and strengths in policies and practices that support youth involved in both the juvenile justice and child welfare systems.

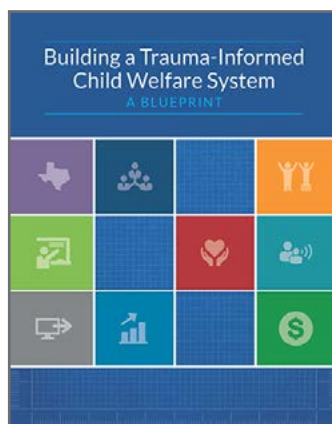
Jurists in Residence

Objective: Ensure availability of quality judicial resources such as the Bench Book, Jurist in Residence (JIR) support, and JIR correspondence to ensure judges are equipped to make informed decisions as well as use best practices in conducting hearings that will contribute to better outcomes for children and families.

The JIR role is to develop relationships with retired and sitting judges, act as a consultant, trainer, and speaker to provide expert and seasoned judicial advice on matters affecting courts and legal system handling of child welfare cases and issues, and publish informational letters and communiques concerning items of interest, such as changes in policy, law, practice, and training events. Judge Dean Rucker of Midland and Judge Rob Hofmann of Mason serve as JIRs for the Children's Commission. Both assist with the development of curricula; moderate and present at conferences; review updates to the Child Protection Law Bench Book; and attend and participate in events on behalf of the Children's Commission. In September, both JIRs attended the National Judicial Leadership Summit IV in Minneapolis, Minnesota, leading the Children's Commission's development of action plans related to youth and family engagement; high quality legal representation; procedural fairness; meaningful early hearings; and judicial leadership. At the Wyoming State Bar Annual Meeting and Judicial Conference in October 2019 in Jackson, Wyoming, Judge Hofmann presented on the value of developing a Jurist in Residence Program. In November, both JIRs met with colleagues from Arkansas to discuss the value, role, and benefits of the position as well as the benefits of establishing a Commission similar to the Texas Children's Commission.



Statewide Collaborative on Trauma-Informed Care Task Force



Objective: Promote awareness of and embed a culture and practice among the judiciary and legal community around Trauma-Informed Care so that the legal community is aware, educated, and supportive of the concept and application.

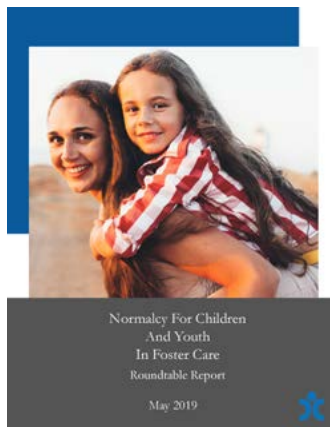
Judge Darlene Byrne has served as Chair of the Statewide Collaborative on Trauma-Informed Care (SCTIC) since 2017. The SCTIC aims to elevate trauma-informed and trauma-responsive policy and practices in the Texas child welfare system. The SCTIC initially organized its work around four broad goals: creating a statewide strategy to support system reform, enhancing organizational leadership, improving cross-systems collaboration, and strengthening community-led efforts with data-informed initiatives.

Based on the work of the SCTIC, the Children's Commission published a final report in February 2019 entitled *Building a Trauma-Informed Child Welfare System: A Blueprint*. The Trauma Blueprint is organized under nine Guiding Principles and related strategies and provides a framework for the state to advance trauma-informed care practices in the child welfare system.

The SCTIC Implementation Task Force is charged with prioritizing the strategies in the Trauma Blueprint and overseeing its implementation. The Implementation Task Force first met in July 2019 and created the following three workgroups: Policy & Practice – addressing strategies under the Guiding Principles of Culture, Collaboration, Equity, Youth & Family Voice, and Secondary Trauma; Training – addressing the Guiding Principle of Training; and Information Sharing, and Data, and Funding – addressing strategies under the Guiding Principles of Information Sharing, Data, and Funding and Sustainability.

Normalcy Round Table

Objective: Improve and expand engagement of youth and family in court hearings and related decision-making so that youth and family feel more involved and assured that their voice is heard and is important to the decisions being made about their lives.



Engaging in normal, age-appropriate activities and experiences is a critical component of healthy child development. However, experiencing abuse or neglect and being removed from a family to foster care is not “normal.” Although foster care may be safer for a child or youth, cultivating normal childhood experiences while in foster care is a challenge. Providing normalcy in foster care includes managing risk, giving children the opportunity to act like children, and encouraging the development of a child’s interests and strengths. Normalcy is just one of many considerations for children in care. It is important that normalcy is viewed through a holistic lens, in tandem with education, medical, mental health, and other considerations. The Children’s Commission held a Round Table in January 2019 to discuss normalcy for children and youth experiencing foster care. A Round Table report was issued in May 2019, and Commission staff made presentations about normalcy to various stakeholders in May, June, and September 2019. In October 2019, the Children’s Commission granted funding to Texas CASA to create a role-based Normalcy Guide. The Guide will be published in FY2020.

Foster Care & Education Convening



Objective: Support the improvement of education outcomes for children in the conservatorship of DFPS to increase opportunities for educational progress, leading to a more productive and stable adult life.

Since the inception of the Education Committee in 2010 and the release of the Texas Blueprint in 2012, the Children's Commission has convened a multi-disciplinary, statewide effort aimed at improving education outcomes for children and youth in foster care. The Foster Care and Education (FC&Ed) Committee was established in 2015 to continue the implementation of the Texas Blueprint recommendations. In FY2019, the structure of the FC&Ed collaboration shifted from a workgroup model to a project-centered model and on June 28, 2019, over 50 stakeholders from around the state met at the Texas Association of School Boards to develop an eighteen-month slate of projects and activities. Rather than organize around general topics (i.e. training or local collaboration), the FC&Ed work in 2019-2020 is centered around concrete deliverables such as creating short videos, infographics, and compiling best practices. The meeting provided a forum to identify and develop a list of key deliverables. In 2019, stakeholders began working on multiple foster care and education projects, including:

- A Top Ten Things You Need to Know About Education in Residential Treatment Centers;
- An Every Student Succeeds Act Implementation Tool Kit;
- A Records and Information Sharing Process Map;
- An Inventory of Non-traditional Higher Education Pathways; and
- Resources for Higher Education Professionals.

Expanding Relationships Beyond Texas

Objective: Facilitate and institutionalize collaboration, communication, and respect between the judicial system and child welfare partners.



In October 2018, the Children’s Commission hosted a delegation of child welfare advocates and stakeholders from the Philippines to exchange information about the child welfare and justice systems in Texas and in the Philippines. The Filipino team of professionals visited several locations throughout the United States to learn more about the U.S. judicial system with special emphasis on the legal structures in place to protect children; the juvenile justice system and best practices in treatment and rehabilitation tailored to the needs of juvenile offenders and their families; international cooperation efforts that combat trafficking in children and child exploitation; cross-border child custody disputes; and implementation of the Hague Convention on International Child Abduction.



In October 2019, the Commission participated in the first annual meeting between DFPS and the Mexican Consulates in Texas. At the meeting, state and regional DFPS leadership from Child Protective Services and Child Protective Investigations, together with staff from the regional Consulate offices and the Mexican Ministry of Foreign Affairs, met to discuss how to streamline communications and processes. Commission staff provided updates on how information about the role of the Consulate is shared with the judiciary through the Bench Book and JIR correspondence.



In November 2019, the Supreme Court of Arkansas, led by Justice Rhonda Wood, brought a team of court, legislative, private sector, court improvement, and court administration professionals to Austin to learn about the Children’s Commission. The day-long meeting focused on why the Commission was formed; how the Commission is organized; its critical partnerships; judicial leadership; the importance of external relationships; and the role a statewide, multi-disciplinary judicial commission can play in facilitating dialogue among child welfare stakeholders.

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CHILDREN / JUVENILES

• A JUDICIAL PERSPECTIVE ON DUAL STATUS YOUTH •
• TRANSITIONS FROM FOSTER CARE TO ADULTHOOD •
• HIGH-QUALITY COURT-APPOINTED ATTORNEYS •



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Texas Bar Journal: Children/Juveniles

In November 2018, the Texas Bar Journal offered the Children’s Commission the opportunity to submit content for its October 2019 journal which was dedicated to children and juveniles. The Children’s Commission co-authored a Texas Bar Journal article with the Texas RioGrande Legal Aid Foster Youth Justice Project entitled “Representing Youth and Young Adults,” which focused on the transition to adulthood for youth who are under the care and conservatorship of the state of Texas, which can involve significant challenges to experiencing normalcy, attaining independence, and developing skills for a successful adulthood. The article acknowledged that lawyers play a critical role in representing teenagers in foster care by ensuring the complex framework of laws that cover health care, education, runaway issues, and transition planning are addressed in addition to advocating for safety, permanency, and well-being. Additionally, the article discussed how lawyers can help teenage clients navigate the critical decision about whether to remain in foster care beyond their 18th birthday to access additional resources and support, including a Supervised Independent Living program. The article also underscored the importance of youth participation in the decisions that impact their lives.

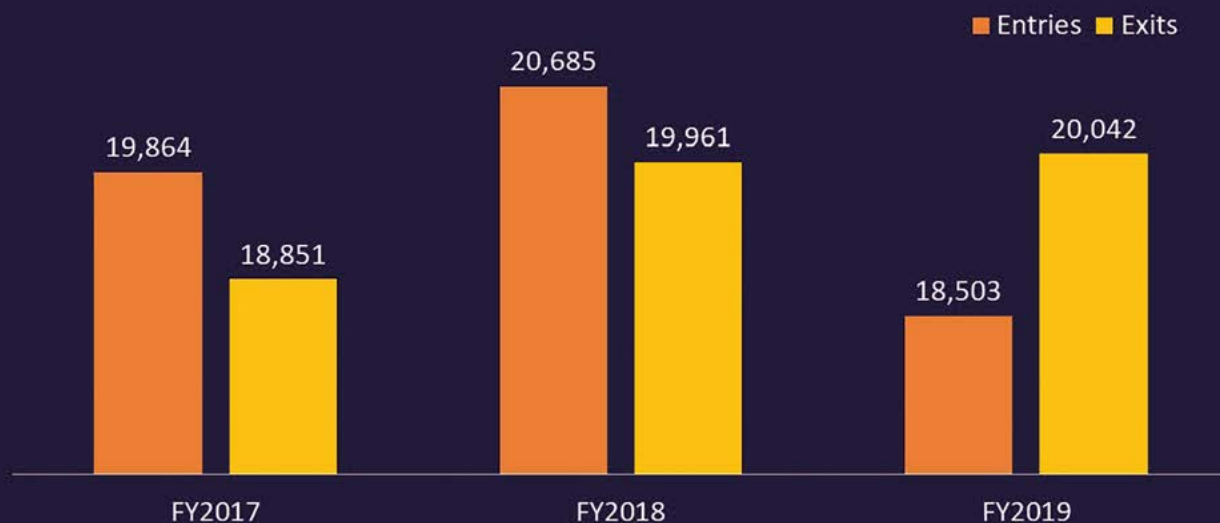
Data Analyst

Objective: Use child welfare agency, court system, and other data to improve permanency outcomes for children and youth in foster care.

In FY2019, the Children’s Commission restructured its Data Committee to focus on using data to better understand the relationship between child welfare outcomes and judicial practices. In April 2019, the Texas Alliance for Child and Family Services (TACFS), through its Research and Policy Division and with funding from the Children Commission, hired a data analyst whose job is to access publicly available data from DFPS, court-specific data, and data from the TACFS, and analyze that data in a manner that provides helpful information to the judiciary. The data analyst supports the Commission’s Data Committee by analyzing publicly available child welfare data in a manner that facilitates discussions between DFPS and judges about data, judicial processes and practices, and potential systemic improvements. Working together, the analyst and the Data Committee anticipate developing multiple projects in FY2020 including reorienting how data is presented at the Commission’s annual Child Welfare Judges Conference to engage with courts about utilizing data to improve permanency outcomes; evaluating the Permanent Managing Conservatorship Specialty Courts in Houston and Dallas; evaluating data from DFPS Region 3B as Community Based Care is implemented; creating a “data dashboard” for Child Protection Court (CPC) judges utilizing the Child Protection Case Management System data collection system so they can make best use of their existing data; and creating guidelines for CPC judges on differentiating required data entry compared to best practice data entry.



In FY2019 more children exited from care than entered care for first time in 3 fiscal years.



Data source: DFPS Warehouse Report exd1_03s

Strategy: Utilize Data Analyst to assist the Children’s Commission with data projects to identify, track and measure outcomes, identify best practices, and address areas in need of improvement.

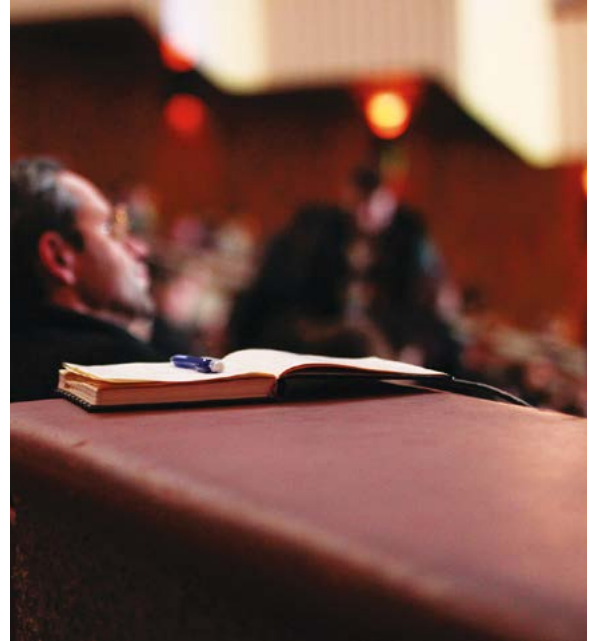
Fiscal year 2019 data show that more than 20,000 children exited from Texas foster care, including more than 6,000 who were adopted. More than half of these adoptions (3,095) were relative adoptions, also a new record for CPS. The number of children leaving foster care outnumbered the number entering care by more than 1,700 children, a trend the state hopes will continue.

Texas Board of Legal Specialization

Objective: Encourage attorneys who wish to achieve a higher level of understanding and expertise to pursue child welfare specialization through the Texas Board of Legal Specialization (TBLS) to provide a higher caliber of legal representation.

The Texas Board of Legal Specialization received over 65 applications for its inaugural board certification exam in child welfare law held in October 2018. Forty-eight applicants sat for the exam, and twenty-nine passed the exam. Combined with applicants who were eligible to become certified without taking the exam based on meeting certain criteria established by the TBLS, there are currently forty-five Texas attorneys who are board-certified in child welfare law. In October 2019, TBLS administered its second child welfare exam. Thirty-five applicants sat for the exam, and successful applicants will be notified of their status in January 2020.

The Children's Commission continues to partner with TBLS to provide scholarships to reimburse the exam fee for applicants who successfully pass the exam. Additionally, Commission staff members serve as members of the TBLS Exam Committee and the Texas Board of Legal Specialization.



Mediation Round Table

Objective: Promote the value of mediation in CPS cases to assist children and families with exiting the child welfare system more quickly.

Mediation in CPS cases is a collaborative problem-solving process with the goal of reaching a consensus on how to resolve issues involving children who are alleged to be abused or neglected. An impartial, neutral, and specially-trained mediator uses a process designed to facilitate constructive negotiation and communication amongst parents, attorneys, CPS, and other parties. The Commission hosted a Round Table on Mediation in CPS cases in February 2019 with the goal of creating a collaborative framework for understanding how mediation in CPS cases can be improved. The Round Table brought together 45 mediators, attorneys, judicial leaders, subject matter experts, and policymakers from across Texas to discuss issues affecting mediation in child protection cases. Participants exchanged experiences and ideas regarding how to create conditions for successful mediation, when and how to use mediation as an effective tool, as well as the challenges facing diverse jurisdictions in establishing effective mediation programs. The Commission will publish a Round Table report in FY2020.



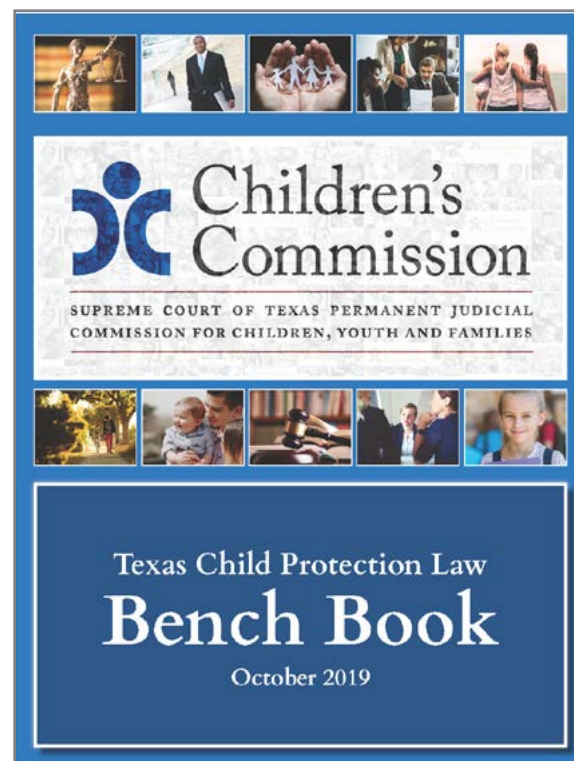
Child Protection Law Bench Book

Strategy: Maintain, update, and support a high-quality Child Protection Law Bench Book for CPS Judges.

The Texas Child Protection Law Bench Book was updated in October 2019 and distributed to judges attending the annual Child Welfare Judges Conference that same month. Several new judges who took the bench in January 2019 also received a 2018 Bench Book to help them implement best practices on their child protection dockets from the outset of their tenure. Updates from the 86th Legislative Session were included in the latest version of the Bench Book, which is available for free to all on the Commission's website in PDF and interactive form.

Bench Cards

- At a Glance
- Adversary Hearing
- Status Hearing
- Permanency Hearing Before Final Order
- Final Hearing
- Termination Grounds
- Permanency Hearing After Final Order
- De Novo Hearing
- Foster Youth Education
- Indian Child Welfare Act (ICWA)
- Medical and Mental Health Care for Foster Youth
- Human Trafficking
- Disproportionality Bench Card
- Courts Catalyzing Change Bench Card
- ABA Child Interview Bench Cards



Legal Representation Task Force

Strategy: Convene and maintain a Legal Representation Committee to support efforts to ensure high-quality legal representation for parties.

In 2017, the Children’s Commission conducted an extensive survey and research project on legal representation. The study culminated in a report to the Texas Legislature in September 2018 entitled *Supreme Court of Texas Children’s Commission 2018 Study of Legal Representation in Child Protection Cases*. The study identified disparities in attorney compensation and performance, a lack of systemic oversight and accountability, and uncertainty about the costs, benefits, and burdens of a county-based system of representation. A primary recommendation of the study was to establish a task force on court-appointed legal representation which could make recommendations for systemic reform of the attorney ad litem/court-appointed representation system currently in place.

The primary role of the Task Force on Court-Appointed Legal Representation is to engage in dialogue with stakeholders and reach agreement on recommendations that can be presented to the Texas Legislature on the statutory and systemic reforms required to help ensure high-quality legal representation for parties involved in child welfare cases. The Task Force presents an opportunity to bring in external partners who can offer expertise in the design, creation, evaluation, and administration of different systems of representation. Crafting workable recommendations for reform will require a collaborative effort from experts in judicial, legal, legislative, and court administration fields. The Task Force held its first meeting in December 2019.



What Does An Attorney Do?

In response to the Children's Commission 2018 Study of Legal Representation in Child Protection Cases, the Legal Representation Committee began exploring different projects to address concerns raised by the study. One effort was the creation of easily accessible information to help parents and children understand what they should expect from their attorneys. The pamphlet below was designed specifically for parents and was distributed at the 2019 Child Welfare Judges Conference so judges could make it available in their courtrooms.



Your attorney **must**:

- Interview you.
- Investigate your case.
- Interview each person who knows important facts about your case.
- Interview parties to your case and their attorneys. Parties usually include CPS, parents, and sometimes grandparents or foster parents.
- Children are not parties, but the child's attorney **MUST** participate in your case the same way your attorney does.
- Review all documents in the court's file, and provide copies to you if you ask for them.
- Request documents or other information from CPS and other parties.
- Meet with you in person before each court hearing unless this is not possible.
- Explain things in a way that you can understand.
- Offer their advice about what they think you should do.
- Follow your decisions about what you want in your case.
- Be loyal and keep what you tell them private, except when your attorney believes a child is being abused or neglected or when sharing the information is required to prevent a crime from happening.
- Know the law in order to provide you with good legal representation.
- Take action to help you get what you want in the case, including settling or negotiating an agreement outside of court.
- Review and sign all proposed orders that affect you OR decline to sign the orders if directed by you not to agree.
- Know when and where all court hearings for your case will be held and share this information with you.
- Keep you informed about what's happening in your case and give you an update when you ask for one.



Your attorney **may**:

- Attend and participate in all legal proceedings in the case.
- Provide a substitute attorney if your attorney cannot personally attend, if you and the judge agree.
- Participate in any meetings run by CPS that you are also invited to participate in.
- Request a trial in front of a judge or jury.
- Agree OR refuse to agree to let another attorney interview you.



Your attorney **cannot**:

- Knowingly make a false statement to a judge or jury or use evidence that the attorney knows is false.
- Represent you AND someone else who wants a different result in the case.
- Allow you to lie to the court.
- Ask a witness to lie.
- Fail to work on your case or not take care of their duty to you and your case.
- Knowingly treat any person involved in a court proceeding differently based on race, color, national origin, religion, disability, age, sex, or sexual orientation.

This document is intended to provide legal information only. For legal advice, please speak with an attorney.



Texas Bar Journal: Legal Representation

The Texas Bar Journal also published an article authored by Children’s Commission staff entitled “Legal Representation in Child Protection Cases” which addressed the complex area of law governing removal of children from their parents by the state agency and the involuntary termination of the parent-child relationship, an area that is increasingly recognized as requiring specialized training and expertise. Providing legal representation to parents and children in child protection cases is an essential duty under Texas law, but providing high-quality representation with limited resources is a challenge both for courts and attorneys. The article referenced the Children’s Commission *2018 Study of Legal Representation in Child Protective Services Cases* which includes the divergent perspectives from stakeholders on issues including attorney performance and accountability, what resources are most needed to improve legal representation for children and parents in CPS cases, and which reforms are likely to have the greatest impact. The article also announced the creation of the Task Force on Court-Appointed Legal Representation and outlined the Task Force’s goal of creating a shared vision on systemic change.

Judicial Scholarships

Strategy: Support attendance at state and national judicial and legal conferences and training events.

In partnership with the Texas Center for the Judiciary (TCJ), the Commission provided scholarships to 24 judges to attend the National Council of Juvenile and Family Court Judge's (NCJFCJ) July 2019 annual conference by paying their registration fees and conference-related expenses up to the amount of \$2,000 each. All scholarship recipients also received a one-year NCJFCJ membership from the Commission. Criteria for attendees included presiding over a docket that hears child protection cases and a commitment to attend the October 2019 Child Welfare Judges Conference.

Also in October 2019, First3Years hosted a Texas Cross-Site Learning Retreat on Infants and Toddlers in Child Welfare. The Commission provided scholarships for five judges to attend the training. Attendees received in-depth presentations on infant-parent attachment and innovative ways which jurisdictions are addressing the unique needs of early childhood during a child protection case. The multi-disciplinary event also provided an opportunity for stakeholders to share what is and is not working in their communities and to develop solutions together.



Presentations

Objective: Support county, state, and national child welfare leaders and organizations to enhance knowledge and competency and share experience and expertise with and throughout Texas.



The Children's Commission staff gave several presentations in 2019. A few examples are included below:

- Presentation of 2018 Legal Representation Study at ABA Conference;
- Promising Practices in Youth Services and Partnerships from Texas Workforce Commission's Foster Youth Conferences at TWC Annual Conference;
- Understanding Legal Basics of CPS Cases presentation to Texas Work Force Commission;
- 86th Legislative Update presentation at 2nd Annual CPL Advanced Protection Law Conference and CLE;
- Presentation on the SCTIC Trauma Blueprint at Child Protection Round Table Meeting;
- Texas CASA Podcast on Education Advocacy;
- Building a Trauma-Informed Child Welfare System at Texas Network of Youth Services Annual Conference;
- Dual Status Youth Presentation at West Texas Juvenile Chiefs Association;
- Presentation on Education in Residential Treatment Centers at Child Welfare, Juvenile Justice, and Special Education, National Council of Juvenile and Family Court Judges, and National Association of Counsel for Children; and
- Normalcy presentations at the May 2019 Commission meeting; Texas Council of Child Welfare Boards in September 2019; and the Dallas Permanent Managing Conservatorship Court, also in September 2019.



Child Welfare Judges Conference 2019



Strategy: Plan, fund, conduct, and evaluate judicial training conferences and events.

This year’s Child Welfare Judges Conference (CWJC) was held in October 2019. Fifty-seven judges from across the state attended a first of its kind Pre-Conference event on the Judicial Impact on Well-Being of Children in Care, and then were joined by more colleagues for a total of 93 judicial attendees at the full conference. The curricula was based in part on specific judicial requests for further education in the 2018 CWJC post-event survey. Using both plenary and break-out sessions, the conference content included a State Keynote on Judicial Awareness of Mental Health Issues in our Courts; an 86th Legislative Session Update; a Case Law Update; two panels on Tools for a Trauma-Responsive Child Welfare System which included updates from the Commission, DFPS, and Superior Health as well as staff from STAR Health; a Federal Keynote with an update from the Administration on Children, Youth and Families; a presentation on Community Based Care and the Texas response to the Family First Prevention Services Act; a DFPS Statewide Update; Effects of ICWA and Human Trafficking in Tribal Communities; a Reunified Parents Panel; and a panel honoring retiring judges. Additionally, following a presentation on DFPS Data Sharing, judges and DFPS Regional Directors participated in breakout sessions which examined judicial and agency policies and practices related to improving children’s timely exits to permanency. This new approach, partnering judicial and agency efforts to identify best practice, was very productive. All told, 15.75 hours of CJE were offered (including the Pre-Conference), and 12.25 Family Violence credits were offered in the above curricula.



Child Protection Courts Convening

Strategy: Support specialized training for Child Protection Court program, judges, and support staff.



The Children's Commission partnered with Office of Court Administration (OCA) and TCJ in July 2019 to convene a meeting of the Child Protection Court (CPC) judges and their court coordinators in response to the CPC judges' requests for additional training specific to their court management and data collection. Topics presented to the 52 attendees included updates on Community Based Care; Dual Status Youth; education on CPCMS updates, reporting measures and upgrades; Videoconferencing; Court Security; OCA Updates; and a panel presentation by three presiding judges, including JIR Judge Dean Rucker, which was moderated by David Slayton, Administrative Director of OCA. JIR Judge Rob Hofmann moderated a discussion of issues unique to the CPCs. The judges who attended indicated a strong interest in repeating the event.

Permanent Managing Conservatorship Specialty Court

Strategy: Collaborate with and provide support for specialty courts, dockets, and programs.



In 2018, the Children’s Commission provided funding through OCA to employ an Associate Judge and Court Coordinator to assist in handling child abuse and neglect cases filed in Dallas County Family Courts to promote achieving permanency for children in the Permanent Managing Conservatorship (PMC) of the Department of Family and Protective Services. The Dallas PMC Court began hearing cases in March 2019. At least 40 children have achieved permanency since the court’s inception and the judge dedicated to this docket has helped resolve issues facing youth who are aging out of the foster care system including high school equivalency programs, laptops, jobs, and vital documents. Perhaps most importantly, through meaningful dialogue and respectful engagement, the judge has created a court environment that empowers youth.

Attorney Scholarships

Strategy: Support attendance at state and national judicial and legal conferences and training events.

- **March 2019** - 2nd Annual Child Protection Law Course in Dallas, Texas; the Commission awarded a \$10,000 grant to assist with expenses and to provide for 25 registration scholarships.
- **April 2019** - American Bar Association Parent and Child Attorney Conferences; ten attorney registration scholarships total were awarded to both conferences, along with travel stipends to attend these bi-annual conferences held in Tyson's Corner, Virginia.
- **Spring 2019** - NACC Red Book Online Training; this webcast series began March 13 and ended June 5; 23 scholarships were awarded.
- **August 2019** - Advanced Family Law Child Abuse and Neglect CLE; registration scholarships were awarded to 78 attorneys to attend the live workshop held in San Antonio, Texas or one of the three subsequent video replays across the state later in the fall.
- **August 2019** - National Association of Counsel for Children (NACC) 42nd Annual Conference; registration scholarships and travel stipends were awarded to 12 attorneys and judges total for the annual preconference Red Book Training and/or the conference, which was held in Anaheim, California. The Commission also provided copies of the Red Book to those who attended the preconference training.
- **Fall 2019** - NACC Red Book Online Training; this webcast series began September 18 and ended on December 5; 10 scholarships were awarded.
- **October 2019** - Texas Department of Family and Protective Services Attorney and Legal Support Conference; the Commission provided \$10,000 in funding for speakers and conference support for this 3-day CLE in New Braunfels, Texas.
- **FY2019** - National Association of Counsel for Children's Child Welfare Legal Specialization; the Commission awarded recertification scholarships to 5 Texas attorneys.

Attorney Training: 10 Years of Trial Skills



Objective: Ensure that attorneys and judges are educated and knowledgeable in order to employ best practices in providing legal representation and in conducting hearings.

The Children's Commission's Trial Skills Training (TST) is a unique, realistic, and effective hands-on training designed to improve the litigation skills of child welfare law attorneys in order to raise the caliber of legal services to children and families in child protection cases across the state. Developed and initially spearheaded by Justice Michael Massengale, the TST is now led by Judge Piper McCraw.

Each TST program has a competitive application process and is limited to 21 less-experienced attorneys. The participants are evenly divided into three groups of seven, comprised of children's attorneys, attorneys who represent DFPS, and parents' attorneys. Acceptance criteria require, in part, that attorneys who wish to participate complete an application and receive a recommendation from their presiding or appointing judge as suitable for the three-day training event. Trial Skills Training is held once a year and offers approximately 17-18 MCLE hours, including ethics hours. Ten TSTs have been hosted by the Children's Commission since its inception in October 2013. The TST program is based on a fictional CPS fact pattern, with a complete mock case file covering all Texas-specific statutory hearings building up to final trial. The curriculum includes lectures and demonstrations from trained faculty comprised of senior attorneys and judges, along with strategy sessions followed by practice litigation exercises (some of which are videotaped so that attorneys can see and hear their courtroom demeanor), followed by personal critiques and coaching conducted by the TST faculty.



Children's Commission Webcast

Strategy: Produce high-quality training and evaluate delivery and content.

On July 23, 2019, Commission staff presented a live webcast entitled “86th Legislative Session Update on CPS-Related Matters.” Broadcast from the Commission, the CLE provided an update on bills passed during the 86th Legislative Session relevant to attorneys practicing child protection law. Each bill was examined in detail, including the subject and purpose of each bill, the statutes affected, and the effective date. The information enabled attorneys to understand the changes in the law and to be prepared to incorporate them into their practice upon their effective date. The webcast was free for all viewers and provided an hour of MCLE. The webcast has been archived and is available on the Commission’s website. The Commission plans to continue to provide free, statewide CLE via webcast as the need and opportunity arises.

TexasBarCLE Webcasts

Strategy: Provide high-quality and easily accessible training resources for judges and attorneys.

In partnership with TexasBarCLE, the Commission provided six hours of live MCLE in September 2019 on basic and advanced topics for attorneys providing legal representation in CPS cases. The webcasts included presentations on Essentials of Child Representation in CPS Cases: Ethics and Best Practices for Attorneys ad Litem; Mediation as a Tool for Family



Reunification; Essentials of Parent Representation in CPS Cases: Ethics and Best Practices for Attorneys Representing Parents; and Avoiding Burnout: Essentials of Self Care in CPS Cases. The total number of viewers was 585. The State Bar provided discounts to court-appointed attorneys and scholarship opportunities to other viewers, while the Commission offered scholarships to attorneys representing DFPS. In general, the webcast audience included attorneys on the child protection docket across the state, along with judges, CASAs, and other stakeholders. All four webcasts have been archived and are available online with the same available discounts in TexasBarCLE’s Online Classroom.

Texas Bar Journal: Dual Status Youth

An article entitled “Two Doors to the Courthouse,” authored by Judge Gary Coley of Waco and Judge Lisa Jarrett of San Antonio, provided insights on the needs of youth involved in the juvenile justice and child welfare system, also referred to as dual status youth. Each system operates within a different framework, organizational structure, and funding mechanism. Often the legal system response is similarly fragmented. For youth, the complexities of system involvement are often exacerbated by interactions with more than one system at a time. The challenges also range from theoretical, such as whether the youth is considered a victim or a perpetrator, to practical considerations including how placement decisions are made. For the youth to be successful, collaboration between the professionals and caregivers is critical. Through communication and coordination at the state and local levels, both the child welfare and juvenile justice systems can accomplish the mutually reinforcing goals of safety and rehabilitation.



Two Doors to the Courthouse

A judicial perspective
on dual status youth.

Dual Status Task Force

Strategy: Convene a Task Force to examine the issues related to youth involved both in the juvenile justice and child welfare systems.



The Dual Status Task Force (DSTF) is co-chaired by Judge Gary Coley and Judge Lisa Jarrett. The goals of the DSTF are to identify key subject matter experts from the child welfare and juvenile justice systems; offer a forum for communication and collaboration among professionals working with youth involved in both systems; strengthen the judicial response to serving youth involved in both systems by clarifying the related law and policy and identifying best practices; and make recommendations for systemic improvements to serving youth and families with involvement in both systems. The DSTF first met in July 2019 and formed the following workgroups:

1. Definitions – defining the dual status population, including youth who are concurrently involved in both systems and youth who have a history of involvement in either or both systems;
2. Judicial Practices – ranging from documenting what works in jurisdictions that already have crossover dockets to exploring the implications of SB 1887 (86th Legislative Session);
3. Training – identifying training needs for judges and lawyers, perhaps expanding the scope to other stakeholders;
4. Legal Representation & Advocacy – focusing on ethical issues in representation, raising awareness about the dual status population among prosecutors, and engaging local CASA programs; and
5. Transition Planning & Local Coordination – addressing how to strengthen support for dual status youth during transitions between systems (e.g. reentry) and identifying other opportunities for collaboration at the local level.

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Court Improvement Program grant recipients received

\$927,833

Commission | *Grantees*

Child Protection Law Section 2nd Annual Advanced Child Protection Law Course \$10,000 | **Department of Family & Protective Services (DFPS)** Legal Support Professionals & Regional Attorney Conference \$10,000 | **National Association of Counsel for Children (NACC)** 2019 Child Welfare, Juvenile Justice, and Family Law Conference, Child Welfare Legal Specialization, and Online Red Book Training \$23,319 | **Office of Court Administration (OCA)** Child Protection Case Management System, Notice & Engagement Web Tool, and Video Conferencing \$267,618 | **State Bar of Texas (SBOT)** Advanced Family Law Child Abuse & Neglect Workshop \$7,800 | **Texas Center for the Judiciary (TCJ)** 2018 Child Welfare Judges Conference, 2019 Family Justice Conference Child Welfare Track, 2019 National Council of Juvenile and Family Court Judges Conference, and 2019 Child Protection Court Convening \$345,505 | **Texas Center for Child and Family Studies** Data Analyst \$72,805 | **Texas Legal Services Center (TLSC)** Family Helpline \$190,786.



From Our Grantees

Goal IX: Oversee and administer the Court Improvement Program (CIP) funds to assess current and future needs of the courts, endeavor to increase funding available to the Children’s Commission, and leverage funds with strategic and statewide partners.

Court Improvement Program grant recipients are required to submit a report at the conclusion of each fiscal year. The reports outline the goals, activities, data, and system impact of each grant. Here are a few highlights.

Texas Center for the Judiciary

The Texas Center for the Judiciary (TCJ) worked with the Children’s Commission to develop judicial training relating to best practices for presiding over child welfare cases. In the 2019 grant year, TCJ worked to achieve the following outcomes: improve the quality and timeliness of court proceedings by providing training and technical assistance to judges hearing child welfare cases; enhance judicial expertise on particular topics related to child well-being, child and family safety, and permanency in order to improve outcomes for children and families; improve judicial procedure in child welfare cases to ensure due process, timeliness to case resolution, and permanency; facilitate collaboration between the judiciary and system partners represented in the courtroom; and support judicial best practices through data and information sharing.

In partnership with the Children’s Commission, TCJ organized four events: the Child Welfare Judges Conference held in October 2018; three presentations on CPS-related continuing education at the Family Justice Conference held in January 2019; Twenty-five scholarships to the July 2019 National Council for Juvenile and Family Court Judges annual conference; and a Child Protection Court Convening also held in July 2019. Based on responses collected from each of these events, judges committed to implementing changes to courtroom policies and procedures that ranged from ensuring participants are aware of new legal requirements to showing greater compassion for the parties in a case. Additionally, judges committed to asking children and parents about contact with their court-appointed attorneys and to seeking more detailed planning for how parents can overcome relapses involving drug use.

Family Helpline



The Family Helpline provides families with easy access to quality and reliable legal information regarding child protection issues so that a family can make educated and informed decisions, ultimately resulting in more positive outcomes for families. In striving toward this goal, Family Helpline staff has worked to positively impact child and family safety, permanency, well-being, as well as due process and timeliness to case resolution. The Family Helpline also seeks to empower, educate, and support families experiencing CPS issues by providing easy telephonic access to accurate legal information provided by attorneys experienced in CPS matters. Callers are provided legal information and education regarding child protection matters, but not legal advice, by experienced child welfare attorneys in an anonymous setting. During FY2019, Helpline attorneys completed 2,644 calls, including 2,243 first-time callers. Calls affected a total of 2,487 adults and 3,947 children from 168 counties. By staffing the services with trauma-informed, experienced child welfare attorneys, the Helpline is prepared and able to answer callers' questions and to provide accurate and clear information regarding the child protection system. Data tracked from Helpline calls show that attorneys discussed 120 unique issues with callers, with most calls requiring the discussion of at least three or more issues. Throughout FY2019, the Family Helpline shared outreach materials with courts that handle child protection matters, as well as provided an avenue to constituents to access an easy-to-use telephonic service aimed at assisting families experiencing the child welfare system. The Family Helpline believes that when courts provide families information regarding Family Helpline services, those courts are helping to promote procedural justice in their courts.

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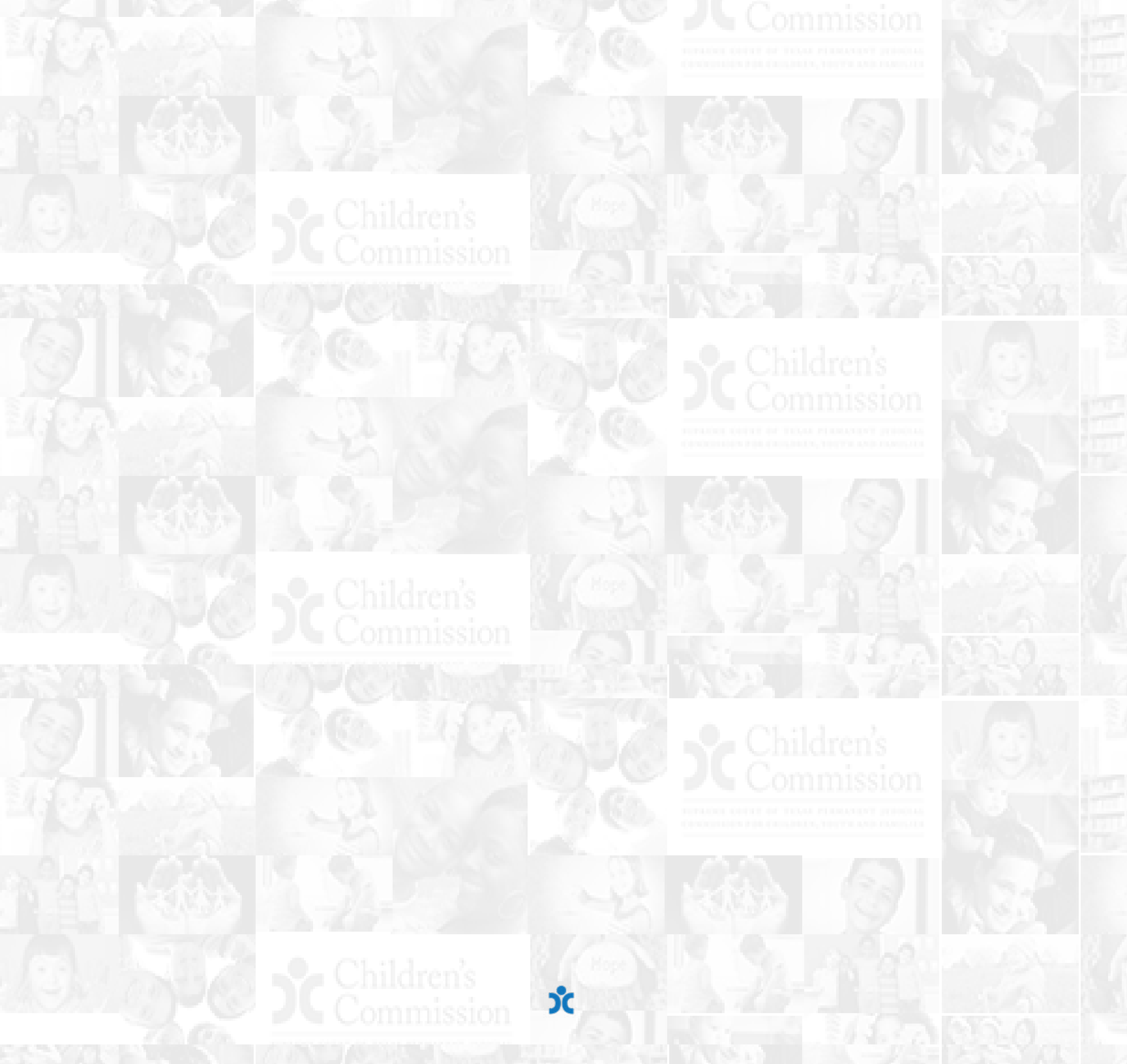
Dylan Moench
Staff Attorney

Patrick Passmore
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PERMANENT COURT OF JUDICIAL APPOINTMENT
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Children's Commission
201 W. 14th St.
Austin, Texas 78701
texaschildrenscommission.gov



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