

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

**NOVEMBER 13, 2009  
Meeting Notebook**



**201 W. 14<sup>th</sup> Street  
Austin, Texas 78701**

**Supreme Court of Texas  
Permanent Judicial Commission for Children, Youth and Families  
201 West 14<sup>th</sup> Street  
Supreme Court Courtroom  
Austin, Texas**

**November 13, 2009  
Meeting Agenda**

- 10:00      **Commencement / Opening Remarks – The Honorable Harriet O’Neill**
1.      Commission Membership Changes and Commissioner Reports
  2.      Collaborative Council Member Changes
  3.      Collaborative Council Report **(Tab 7)**
  4.      Committee Membership Changes
  5.      Staff Member Changes
- 10:45      **First order of business – The Honorable Harriet O’Neill**
1.      Adopt Minutes from August 21, 2009 Meeting **(Tab 1)**
  2.      Confirm addition of new collaborative council members **(Tab 3, pg. 2)**
- 10:50      **Highlighted Issues / Commission Projects – The Honorable Harriet O’Neill**
1.      Summit III **(Tab 6)**
  2.      Video
  3.      End of year activities – discuss
  4.      Transition plan – discuss
- 11:15      **Executive Director’s Report – Tina Amberboy**
- 11:30      **Committee Reports**
1.      Basic Committee, Robin Sage, Chair **(Tab 5)**
  2.      Technology, Karin Bonicoro, Chair **(Tab 5)**
  3.      Training, Camile DuBose, Chair **(Tab 5)**

11:45 **DFPS Update** –Audrey Deckinga or Joyce James

12:00 **Office of Court Administration Update** – Carl Reynolds

12:10 **Summit III Update** – Carl Reynolds

12:20 **Jurist in Residence Update** – Judge John Specia

12:25 **Appleseed Project Update** – Rebecca Lightsey/Marci Greer

12:35 **Advocacy, Inc Project Update** – Richard Lavallo

12:45 **Legal Representation Study** – Amy Fitzgerald

12:55 **Comments / New Business / Collaborative Council Issues**

Dates for 2010 Meetings

1:00 **Adjourn**

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

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[Go to Agenda](#)

**Table of Contents**

[Click on an item  
below to go  
straight to it.](#)

**Minutes from August 21, 2009 Meeting ..... 1**

**Commission and Committee Member List ..... 2**  
**Collaborative Council Member List**

**November 13, 2009, Report to Commission..... 3**

**CIP Grant Budgets ..... 4**  
**Basic Projects**  
**Technology**  
**Training**

**Committee Reports .....5**  
**Basic Projects**  
**Technology**  
**Training**

**Summit Report..... 6**

**Collaborative Council Report .....7**

**List of Obligations for CIP Grant Funds for ..... 8**  
**2009 – 2010**

**PERMANENT JUDICIAL COMMISSION  
FOR CHILDREN, YOUTH AND FAMILIES**

**MINUTES OF MEETING**

August 21, 2009  
10 a.m. – 1 p.m.

State Bar of Texas  
Austin, Texas

**COMMENCEMENT**

Justice Harriet O'Neill called the meeting of the Permanent Judicial Commission for Children, Youth and Families to order on August 21 2009, at 10:10 a.m. She welcomed everyone to the meeting.

**ATTENDANCE**

**Members present:**

Chair, Hon. Harriet O'Neill, Justice, The Supreme Court of Texas, Austin  
Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin  
Hon. Camile Glasscock DuBose, Judge, 38<sup>th</sup> District Court, Uvalde  
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas  
Harper Estes, Shareholder, Lynch, Chappell, & Alsup, Midland  
Stewart W. Gagnon, Partner, Fulbright & Jaworski, Houston  
Hon. Bonnie Hellums, Judge, 247<sup>th</sup> District Court, Houston  
Hon. Patricia A. Macias, Judge, 388th District Court, El Paso  
Carolyn Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, Austin  
Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland  
Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin  
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston

**Members not present:**

Audrey Deckinga, CPS Assistant Commissioner, TX Department of Family & Protective Services, Austin  
Joyce M. James, Deputy Commissioner, Texas Department of Family & Protective Services  
Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas  
Hon. Yvonne Gonzalez Toureilles, Representative, Texas House of Representatives, Alice  
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

**Staff in attendance:**

Tina Amberboy, Executive Director, Permanent Judicial Commission for Children, Youth and Families  
Jacque Barclay, Financial Analyst, Permanent Judicial Commission for Children, Youth and Families  
Sylvia Griego, Executive Assistant, Supreme Court of Texas  
Bruce Hermes, Director/Information Resource Mgr., Div. of Information Services, OCA  
Tim Kennedy, TexDECK Project Manager, Office of Court Administration  
Teri Moran, Permanent Judicial Commission for Children, Youth and Families  
Mena Ramon, Assistant General Counsel, Office of Court Administration  
Carl Reynolds, Administrative Director, Office of Court Administration  
Tiffany Roper, Assistant Director, Permanent Judicial Commission for Children, Youth and Families  
Hon. John Specia, Senior District Judge (Ret.), Judge in Residence, Office of Court Administration  
Bryan Wilson, Grant Administrator, Permanent Judicial Commission for Children, Youth and Families

**Collaborative Council members in attendance:**

Conni Barker, Director/Government Affairs, DePelchin Children's Center, Houston  
Roy Block, Executive Director, Texas Foster Family Association, San Antonio  
Judy Brow, Specialized Female Svcs. Coordinator, TX Dept. of State Health Services, Austin  
William B. Connolly, Attorney, William B. Connolly & Associates, Houston  
Cathy Crabtree, Executive Director, Children's Advocacy Centers of Texas, Austin  
Barbara Elias-Perciful, President, Texas Loves Children, Dallas  
Mike Foster, Director of Development, Caring Family Network, Austin  
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin  
Richard LaVallo, Senior Attorney, Advocacy, Inc., Austin  
Tracy Levins, Director, Admin. Svcs. and Community Relations, Texas Youth Commission, Austin  
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin  
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin  
Judy Powell, Communications Director, Parent Guidance Center, Austin  
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio

**Collaborative Council members not present:**

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas  
Susan Boone, Executive Director, Texas Council of Child Welfare Boards  
Penny Cook, Co-Founder, The Faith Connection, Dallas  
Susan Hopkins Craven, Executive Director, Texas Alliance for Infant Mental Health, Austin  
De Shaun Ealoms, Parent Program Specialist, TX Dept. of Family & Protective Svcs, Austin  
Debra D. Emerson, CPS Director of Policy and Program, TX Dept. of Family & Protective Svcs, Austin  
Tomas Esparza, Jr., Attorney at Law, The Law Office of Tomas Esparza, Jr., Austin  
Benigno F. Fernandez, M.D., President, Texas Society of Child & Adolescent Psychiatry, San Antonio  
Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin  
Eileen Garcia-Matthews, Executive Director of Texans Care for Children  
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General, Austin  
Donald Lee, Executive Director, Texas Conference on Urban Counties, Austin  
Madeline McClure, Executive Director, Texas Association for the Protection of Children, Austin  
Trista Miller, Region 07 Youth Specialist, Child Protective Services, Austin  
Bryan Sperry, President, Children's Hospital Association of Texas, Austin  
Vicki Spriggs, Executive Director, Texas Juvenile Probation Commission, Austin  
Gene Terry, Operations Director, Texas Association of Counties, Austin  
Gloria Terry, Coalition President, Texas Council on Family Violence, Austin  
Gina Van Osselaer, Executive Director, Austin Children's Shelter, Austin  
Henrietta Wright, Vice President, Board of Directors, Children's Advocacy Centers of Texas, Dallas

**Guests and others present:**

Anne Heiligenstein, Commissioner, Texas Department of Family & Protective Services

**OPENING REMARKS, Justice Harriet O'Neill**

Justice O'Neill called the meeting to order and recognized some guests: Anne Heiligenstein, Commissioner of the Texas Department of Family and Protective Services, who was part of the Consultative Group that helped form the Commission, and new Commission member Harper Estes, immediate past President of the State Bar of Texas. She asked members to introduce themselves and update everyone briefly.

She noted that we are meeting in the State Bar building because the Supreme Court Courtroom is being remodeled. She also noted that a team was videotaping the meeting as part of the Commission's video project.

Judge John Specia, Office of Court Administration (OCA) Judge in Residence, San Antonio, attended a conference recently on data collection and the use of data, and Texas was the only state that had two model courts, one in El Paso and one in Austin. These two courts are working together on a data project. Their work, along with CPS Specialty Courts, provides a unique opportunity to experiment with data collection and take what works to the rest of the state, Judge Specia said.

Judge Robin Sage, 307th Family District Court, Longview, and Chair of the Basic Projects Committee, introduced herself.

Harper Estes, Immediate Past President, State Bar of Texas, Midland, said he was privileged to be a part of the Commission. He has been active in Big Brothers Big Sisters for a long time, through which he and his wife had a foster son who blessed them with a couple of grandchildren, Mr. Estes said. He serves on the board of Midland Fair Havens, a residential housing program for single mothers and their children. He looks forward to working with the Commission.

Judge Dean Rucker, 318th Family District Court, Presiding Judge, 7th Region, Midland, serves as chair of the Legislative Committee and said he's glad the legislative session is over. Judge Rucker praised the Beyond the Bench multidisciplinary training held recently in Midland and thanked the Commission for funding it with Court Improvement Program (CIP) grant funds.

Judge Karin Bonicoro, Associate Judge with the Child Protection Court of Central Texas serving seven rural courts. Judge Bonicoro spoke about a grant to mentor youth who are aging out and how for the first time there will be an adoption day in her multiple-area jurisdiction. Also, a website is in development that would serve as a clearinghouse for the services available.

Ginny Schnarr, Associate Judge of the Sabine Valley Child Protection Court, introduced herself as a visitor who was glad to be present.

Allen Van Fleet, an attorney with Greenburg Traurig in Houston, said he began working on children's issues with Texas Appleseed in the school to prison pipeline study. Within the Commission, he has been working with Bryan Wilson on figuring out effective and cost-efficient ways to use video conferencing in CPS courts.

Camile DuBose, Judge, 38th District Court in Uvalde, spoke of partnering with Bexar County to put on their annual ad litem training that includes the 10 counties covered by the CPS Specialty Courts. She thanked the Commission for the scholarship that allowed her to attend the annual NCJFCJ conference in Chicago, where she was impressed with many of the trainings, especially those on domestic violence.

Patricia Macias, Judge, 388<sup>th</sup> District Court in El Paso, thanked everyone for their support and large Texas presence (some 80 Texans) at the annual NCJFCJ conference, where judge Macias ended her year-long term as NCJFCJ president.

Stewart Gagnon, attorney with Fulbright & Jaworski, said he is helping organize assistance for self-representing parties in legal actions? which will probably culminate in a training conference of stakeholders. He recently participated in a mountain rescue mission in Colorado.

Lamar McCorkle, senior district judge from Houston, said he is currently working with the Commission on judicial education issues.

Bruce Esterline, with the Meadows Foundation in Dallas, said his foundation has been focused recently on responding to communities' needs because of the economic crisis. Working with fewer foundation funds, their grant-making has been channeled more into emergency health and human services activities.

Christopher Felleisen, Policy Analyst for Jurisprudence Committee, will be working with Senator Wentworth and Katie Ogden during the upcoming interim.

Katie Ogden, Director and General Counsel for Jurisprudence Committee, said the committee is currently working on gathering interim charge suggestions until September 4th.

Jason Hassay, General Counsel for Senator Carlos Uresti, said he spent time this summer in the Senator's district, which spreads from El Paso to San Antonio. He said the Senator had previous engagements but wants to become more involved in the Commission. Justice O'Neill recalled speaking with Senator Uresti during a court retreat this summer where he shared his interest in Commission issues.

Carolyn Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, said Casey's Knowledge Management team is helping Texas with best practice information that will add to and compliment the Texas Appleseed Study on PMC youth. Casey is also helping sponsor the Third National Judicial Leadership Summit on the Protection of Children in Austin this October. Casey continues collaborative work with DFPS, especially on recent legislative mandates.

Fairy Rutland, Director, Appeals Division, Texas Department of Health & Human Services, works with the State Bar Committee on Child Abuse and Neglect, which has taken on some new projects including one on the problem of fetal alcohol syndrome. At the August Advanced Family Law Conference in Dallas, a full-day course on child abuse and neglect issues was offered for the first time. She spoke of the transformative experience of attending a two-day Undoing Racism training on disproportionality.

Anne Heiligenstein, Commissioner, Texas Department of Family & Protective Services, said the Commission has created an environment where DFPS can hear directly from judges across the state, which she appreciates because it helps strengthen the system.

Darlene Byrne, Judge, 126th District Court in Travis County, said she is proud that her court was selected to participate in NCJFCJ's Model Court Program, on which she'll report later in the meeting. She's looking forward to attending the national meeting of the 37 Model Courts later this year. She also spoke of the need to focus on the connection between CPS and delinquency courts, which tend to serve the same families.

Bonnie Hellums, Judge, 247th District Court in Houston, applauded Judge Macias on her excellent performance as NCJFCJ president as well as her speeches at the annual conference. Judge Hellums took a tour of the family courts in Chicago and was awed by their amazing facilities and resources. For example, psychologists are on staff to evaluate children and there is a large child-friendly area. She has had several persons visit her drug court who are interested in starting one of their own, and next week four persons graduate from her drug court, which makes about 60 who have graduated. Her court will also begin this fall an infants and toddlers court, in a program similar to Zero to Three.

### ***Recognize Commission Members***

Justice O'Neill welcomed Harper Estes to his first Commission meeting and thanked him for agreeing to serve. She said it means a lot to us for a former state bar president to devote some of his time to our cause.

### ***Recognize Collaborative Council Members***

Justice O'Neill recognized two collaborative council members who have been recognized for their outstanding advocacy and dedication to this field of practice. Barbara Elias Perciful received the Advocate of the Year Award given by the ABA Young Lawyers Division at their annual meeting in Chicago in July. Richard Lavallo received the Fairy Davenport Rutland Award for Distinguished Service to Children and Families given by the State Bar Committee on Child Abuse and Neglect at the Advanced Family Law Conference that was held earlier this month.

Justice O'Neill welcomed two new members – Johana Scot and Judy Powell of the Parent Guidance Center.

### ***Committee Membership Changes***

Judge DuBose added two new members to the Training Committee. The new members are: Tracy Harting, an attorney with the Travis County Office of Parent Representation, and Cathy Cockerham, with Texas CASA.

### ***Collaborative Council Roundtable***

Justice O'Neill said she sincerely regrets not having been able to attend the July 24, Collaborative Council retreat, of which she has heard very favorable reports, and she hopes it may become an annual event.

### **ADOPT MINUTES**

The meeting minutes from the January 16, 2009, Children's Commission meeting were approved by general consent with no corrections.

### **SUMMIT III**

The Commission is proud to host the third National Judicial Leadership Summit on the Protection of Children to be held in Austin on October 15-17, 2009. The Summit audience will be made up of the Chief Justice of each state, the child welfare director, the education commissioner, the State Court Administrator, and the CIP Director. One of the primary areas of focus at the Summit will be on educational needs of kids in foster care. There will also be a dinner at the Bob Bullock on Friday, October 16<sup>th</sup> and our speaker at the dinner will be former Secretary of Education, Margaret Spellings.

Justice O'Neill highlighted the Children's Commission's new logo, to a round of applause.

### **EXECUTIVE DIRECTOR'S REPORT**

Ms. Amberboy said that she had prepared and submitted a written report to the Commission when our April 2009 meeting was cancelled because of the legislative session. So rather than talking for 30 minutes at each meeting to update the Commission, she will continue to prepare the written reports (see tab 7) and simply highlight some areas in the interest of saving time.

### ***Collaborative Council Retreat Report***

The purpose of the July 24 retreat was to thank the Collaborative Council and devote some dedicated time to hearing from them about the issues they are dealing with in their communities and practice areas. Thirty members attended and it was an excellent way for the members to learn about each other, network

and make new contacts. There was a suggestion that we seek information on topics of interest from the Collaborative Council members that could be compiled in a report to the Commission. The plan is to conduct an annual meeting to continue our collaboration with the group and figure out how to grow and make the most of the relationships we've established through the process.

### ***Mediation Round Table Report***

In June, a second successful Round Table was conducted on the issue of mediation. Goals included: establishing the expectation that judges will refer appropriate child protection cases to mediation; assuring consistency and quality in the delivery of mediation services; assuring reliable, consistent mediation services and secure stable funding; providing mediator training that is focused on the unique characteristics of child protection cases; and providing to lawyers, CASAs, and DFPS staff training focused on effective participation in the mediation process. The next Round Table is scheduled for October, spearheaded by the Technology Committee, to address the judicial use of data.

### ***Newsletter***

Ms. Amberboy noted the article about Star Health.

### ***CIP Applications to ACF***

The annual applications to ACF (due in August) for the three CIP grants are in a separate notebook and will be discussed later. We will need the Commission's approval today to submit them. Sections four of each application summarized past funded activities, and section five summarizes proposed activities and grants to be funded for 2009 and 2010.

### ***Budgets***

Please review the proposed budgets under tab five, for which we need your approval later today.

### ***Delinquency Issues***

To follow up on Judge Byrne's comments, Ms. Amberboy recommended that the Commission consider adding this as another Commission focus or strategy. She and Justice O'Neill attended a conference this April at Georgetown University on juvenile justice, and there is a national trend to look at dependency and delinquency more holistically.

## **COMMITTEE REPORTS**

### ***Basic Projects Committee***

Judge Robin Sage reported on the July 27, Basic Projects Committee's meeting where 17 different projects were considered. She referred members to tab five in the meeting notebook where the committee's recommendations are summarized. There are a couple of new projects – Round Tables, and The Summit. The rest of the projects are in their second or third year of funding cycle. She added that the Bench Book project is making good progress and is expected to be complete next spring.

*Status Report on Appleseed PMC Study:* Marcy Greer, an attorney who works with Appleseed on the study, handed out a written report and said the study has confirmed that the large number of Texas children in PMC will likely not exit the system in a positive way, because most will likely age out of the system. The study looks for ways the judicial system can affect outcomes. Fifteen jurisdictions were chosen for geographic and other kinds of diversity. She commended DFPS for their support and participation in the study and reviewed the preliminary data in the handouts. The study shows that older children and adolescents are not fairing as well as children who are 12 years old and younger – they are far less likely to be adopted and have too many placements.

**Action:** Justice O'Neill asked for a vote to adopt the Basic CIP Application to ACF recommended by the Basic Projects Committee. There was no discussion and the application was approved unanimously.

**Action:** Justice O'Neill asked for a vote to adopt the grant applications and associated budgets received by the Commission requesting funds for 2009 -2010 and recommended by the Basic Projects Committee. There was no discussion and the applications were approved unanimously.

Judge Darlene Byrne abstained from voting.

**Action:** National Adoption Day – In the budget \$5,000 was set aside for National Adoption Day events. Since the applications are just now arriving after the committee met, Justice O'Neill asked for a motion to allow the Executive Director to make awards on the Commission's behalf up to \$1,500 to those agencies meeting the application guidelines. Judge Hellums made a motion, Judge Byrne seconded, and it was approved unanimously. All awards made will be brought to the Commission meeting in November for ratification.

### ***Technology Committee***

Judge Karin Bonicoro reported on the Functional Requirements study which identified essential data elements for a case management system to provide counties with a framework for implementing systems. The study will be enhanced to include some of toolkit outcome measures. The Child Protection Court Case Management System (CPCMS) designed for CPS Specialty Courts will be released in September. The Technology Committee will also spearhead the next Round Table on the judicial use of data in CPS cases. She reviewed the TexDECK report found in the meeting notebook under tab 8, highlighting that the Judicial Web Page has been incorporated into the Automated Registry. She also pointed out the additional funds the Committee has recommended be granted to the TexDECK project to enhance existing projects, such as providing funds and technical assistance to counties that want to implement the Functional Requirements in their case management systems.

**Action:** The Technology Committee has reviewed the listed grants and budgeted amounts and recommends funding each project as well as the overall budget. Justice O'Neill asked for a vote to adopt the Data Collection and Analysis CIP Application ACF. There was no discussion and the grant application was adopted unanimously.

**Action:** The Technology Committee has reviewed grants and budgeted amounts and recommends funding each project summarized under tabs 4 and 5. Justice O'Neill asked for a vote to approve the grant applications recommended for funding in 2009 and 2010 by the Technology Committee. There was no discussion and the grants and associated budgets were adopted unanimously.

**Action:** Justice O'Neill asked for a vote to ratify the Executive Committee's May 28, authorization to amend OCA's grant for an additional \$84,908. A summary of the action is found under tab 6. The Technology Committee recommends the addition. There was no discussion and the action was ratified unanimously.

### ***Training Committee***

Judge Camile DuBose, noted the committee's report under tab 8, highlighting the success of the Round Table projects, the NACC ad litem trainings, and TCJ's judicial trainings. She noted that the Training Committee has reviewed grants and budgeted amounts and recommends funding each project summarized under tabs 4 and 5.

**Action:** Justice O'Neill asked for a vote to adopt the Training CIP Application to ACF recommended by the Training Committee. There was no discussion and the grant application was adopted unanimously.

**Action:** Justice O'Neill asked for a vote to approve the grant applications to the Commission recommended for funding in 2009 and 2010 by the Training Committee. There was no discussion and the grants and associated budgets were adopted unanimously.

**Action:** Justice O'Neill asked for a second to ratify the Executive Committee's April 2009 authorization to spend up to \$40,000 for attorney scholarships as explained under tab 6. Judge Byrne seconded and the Executive Committee's action was ratified unanimously.

Justice O'Neill recognized Judge Peter Sakai, Judge, 225th District Court in Bexar County. Judge Sakai succeeded Judge John Specia in that court.

### ***Legislative Committee***

Judge Dean Rucker, referred members to the written report in their meeting notebook under tab 8, and highlighted a few bills including one that improved the conduct of permanency and placement hearings and the information gathered and shared at those hearings. Other issues addressed include relative placements, dually managed youth, and aging out youth. Judge Rucker described it as a very successful session and thanked Collaborative Council members for their help and input. This was the Commission's first legislative session, and Judge Rucker said he hopes the Commission's ability to act as a useful resource will continue and grow in upcoming sessions. Committee chairs sought input from the Commission, and Ms. Amberboy and Ms. Roper were called upon frequently in a relationship that will likely extend during the formation of interim charges. He commended Ms. Amberboy and Ms. Roper for their diligence, and hard work in reviewing and following more than 200 bills, focusing on some 50 bills. Judge Rucker commended Katie Filmore, a Baylor Law School graduate who served as a legislative researcher for the Commission.

### **GUEST COMMENTS, Anne Heiligenstein, Commissioner, Texas Department of Family and Protective Services**

Commissioner Heiligenstein thanked Judge Specia, Judge Byrne, and other Commissioners for their feedback and expertise in general, and for the Commission acting as a resource during the session. She handed out a legislative summary, noting that the saying "budget is policy" describes a large part of her job. Although she described it as successful, it was also a difficult session because of the state's budget shortfalls. She applauded legislators for making tough budget decisions while continuing to support programs that protect abused and neglected children. She highlighted the federal Fostering Connections Act, which will help states better serve children in PMC by allocating funds to qualifying relatives who take in these children, and in allowing for youth to stay in care up to age 21. She asked for the Commission's help in DFPS's new effort to revamp its entire system of contracting with providers, noting the many areas in which Texas needs to improve, such as in provider reimbursement policies that that promulgate disincentives to reduce levels of care. She predicted that the Commission's collaborative approach will continue to influence system improvements.

### **MODEL COURT PRESENTATION, Judge Darlene Byrne, 126th District Court, Austin**

Judge Byrne summarized NCJFCJ's Model Court Program, of which her court recently became a part. In short, the program provides funds and technical support for courts to identify barriers to the timeliness of court events and delivery of services for families with children in care, and then design and implement court- and agency-based changes to address these barriers.

### **OFFICE OF COURT REPRESENTATION**

Carl Reynolds, Administrative Director, Office of Court Administration, reported that the Commission-funded Annual CPS Judges Conference that OCA puts on will proceed this October. He also reported that he and his General Counsel, Mena Ramon, have been working with the Children's Justice Act staff and oversight board for OCA to apply for a CJA grant to create a staff attorney position at OCA for CPS Specialty Court judges.

He introduced a demonstration of the Child Protection Case Management System by Judge Karin Bonicoro and members of his staff. Mr. Reynolds lauded Judge Bonicoro for lending her expertise and time to the project, as well as Bruce Hermes, Scott Jones, Tim Kennedy, Ron Clark, Charlie Lee, Charlotte Velasco, Hung Nguyen, Trent Fryar, and Jason Hodges.

After the demonstration, the group gave the team a round of applause.

Collaborative Council member Bill Connolly raised questions about judicial access to CPCMS during a trial and whether due process issues might arise. Judge Bonicoro stated that all of the information entered into CPCMS would have already been introduced into evidence in some form or fashion, for example, either through petitions, pleadings, reports or orders. Mr. Connolly suggested during a trial on the merits, the court's judgment of the case should be based on pleadings that are on file and the evidence that's adduced at that moment, not evidence that has been adduced throughout the history of the case. Judge Bonicoro disagreed, saying that all the information in the system is public record. Matters such as this, Justice O'Neill said, should be worked through at the committee level, and she advised Mr. Connolly to bring his concerns to the Technology Committee.

Arabia Vargas asked whether, if a case would be sent up to a district judge, the district judge would have access to the CPCMS information. Judge Bonicoro said no, because CPCMS will be used by the associate judges of the CPS Specialty Courts for docket management.

Johana Scot asked why reunification with parents is not included under the system's category of performance measures that includes adoption. Ms. Scott asked whether the system's design includes keeping separate track of reunifications. Unfortunately, due to time constraints, Justice O'Neill asked them to conclude their discussion after the meeting.

### **JURIST IN RESIDENCE REPORT, Judge John Specia**

Judge John Specia reported that he and Commission staff are working on how to utilize data from Fostering Court Improvement, which is a group that runs state CPS data through various machinations to produce a variety of reports that drill down to county level. Judge Specia noted that the one-day training on child abuse and neglect at the recent Advanced Family Law Conference was excellent, with more than 200 participants. As a result of the Mediation Round Table, Judge Specia described how Judge Larry Thorne from Beaumont revamped a mediation project in his court that had previously fallen apart. Judge Specia also applauded the collaborative efforts from DFPS leaders. For example Anne Heiligenstein and Audrey Deckinga recently attended the CPS Judges Conference and valiantly fielded hard questions and concerns from judges. The section was designed for the department to share what they wanted judges to know, and vice versa. He described it as just one example of how collaboration is progressing in Texas.

### **SUMMIT III, Carl Reynolds**

Mr. Reynolds briefly reported that Summit plans are progressing and referred members to the list of agenda topics under tab 7 that include educational outcomes and engaging youth in court. Mr. Reynolds described how transformative the previous Summits have been to him, and how he is excited about its arrival in Austin this October.

Justice O'Neill noted the presence of Jim Terrell, attending the meeting on behalf of Commission member Representative Yvonne Gonzalez-Toureilles.

### **OTHER COMMENTS**

Barbara Elias-Perciful reported on a joint effort of TLC and Texas Young Lawyers Association to recruit

pro bono attorneys to represent PMC youth. Judges can go to that part of the TLC website and look for attorneys to appoint.

Aaron Setliff, of the Texas Council on Family Violence, standing in for Collaborative Council member Gloria Terry, noted that the Texas Court of Criminal Appeals and the Texas Council on Family Violence will be joining together on a summit regarding the criminal aspects of family violence and will invite judges to attend.

#### **ADJOURNMENT**

Justice O'Neill wrapped up the meeting by reading the poem "His Name is Today" by Gabriel Mistral that is the theme of the upcoming Summit III.

She thanked everyone for attending and reminded everyone of the next meeting on November 13. The meeting adjourned at 1:20 p.m.

# Permanent Judicial Commission for Children, Youth and Families

## BASIC

(Standing)

Hon. Robin Sage, Chair  
Joe Gagen  
Hon. Bonnie Crane Hellums  
Colleen McCall  
Hon. Mickey Pennington  
Carolyne Rodriguez  
Hon. Elma Salinas Ender  
Hon. Peter Sakai  
Hon. Cheryl Lee Shannon  
Hon. Olen Underwood  
Hon. Doug Warne  
Staff: Tina Amberboy  
Tiffany Roper

## COMMISSION

Hon. Harriet O'Neill, Chair  
Hon. Darlene Byrne, Vice Chair  
Hon. Karin Bonicoro  
Audrey Deckinga  
Hon. Camile G. DuBose  
Bruce Esterline  
Harper Estes  
Joe Gagen  
Stewart W. Gagnon  
Hon. Bonnie Crane Hellums  
Joyce M. James  
Hon. Patricia A. Macias  
Carolyne Rodriguez  
Hon. Dean Rucker  
Fairy Davenport Rutland  
Hon. Robin Sage  
Hon. Cheryl Lee Shannon  
Hon. Yvonne Gonzalez Toureilles  
G. Allan Van Fleet  
Hon. Jeff Wentworth

## TRAINING

(Standing)

Hon. Camile G. DuBose, Chair  
Mari Kay Bickett  
Cathy Cockerham  
Barbara Elias-Perciful  
Alice Emerson  
Debra Emerson  
Judge Richard Garcia  
Tracy Harting  
Joyce M. James  
Hon. Lamar McCorkle  
Shaneka Odem  
Pam Parker  
Fairy Davenport Rutland  
Judge Ellen Smith  
Staff: Tiffany Roper

## TECHNOLOGY

(Standing)

Judge Karin Bonicoro, Chair  
Catherine Babbitt  
Judge Oscar Gabaldon  
Jason Hassay  
Hon. Gilford Jones  
Elizabeth Kromrei  
Robert Nolen  
Carl Reynolds  
Linda Uecker  
G. Allan Van Fleet  
Staff: Bryan Wilson

## EXECUTIVE

Hon. Harriet O'Neill, Chair  
Hon. Darlene Byrne, Vice Chair  
Hon. Karin Bonicoro  
Audrey Deckinga  
Hon. Camile G. DuBose  
Hon. Dean Rucker  
Hon. Robin Sage

## LEGISLATIVE

(Ad Hoc)

Hon. Dean Rucker, Chair  
Stewart W. Gagnon  
Sandra Hachem  
Hon. F. Scott McCown, ret.  
Andrea Sparks  
Hon. John Specia, ret.  
Gerry Williams  
Staff: Tina Amberboy  
Tiffany Roper

## Staff

Tina Amberboy, Executive Director, Children's Commission  
Tiffany Roper, Assistant Director, Children's Commission  
Bryan Wilson, Grant Manager, Children's Commission  
Teri Moran, Support Services Officer, Children's Commission  
Carl Reynolds, Administrative Director, Office of Court Administration  
Sylvia Griego, Executive Assistant, Justice Harriet O'Neill

## COLLABORATIVE COUNCIL MEMBERS

November 13, 2009 \**New Members*

**Emy Lou Baldrige**

*Co-Founder*

Greater Texas Community Partners

**Conni Barker**

*Director/Government Affairs*

DePelchin Children's Center

**Roy Block**

*Executive Director*

Texas Foster Family Association

**Susan Boone**

*Executive Director*

Texas Council of Child Welfare Boards

\* **Irene Clements**

*Vice President for Advocacy, Children  
and Family Services*

Lutheran Social Services

**William B. Connolly**

*Attorney at Law*

William B. Connolly & Associates

**Penny Cook**

*Co-Founder*

The Faith Connection

**Cathy Crabtree**

*Executive Director*

Children's Advocacy Centers of Texas

**Susan Hopkins Craven**

*Executive Director*

Texas Association of Infant  
Mental Health

**De Shaun Ealoms**

*Parent Program Specialist*

TX Dept. of Family & Protective Svcs.

**Barbara Elias-Perciful**

*President*

Texas Lawyers for Children

**Debra D. Emerson**

*CPS Dir. of Policy and Program*

TX Dept. of Family & Protective Svcs.

**Tomas Esparza, Jr.**

*Attorney at Law*

The Law Office of Tomas Esparza, Jr.

**Benigno J. Fernandez, MD**

*President*

Texas Society of Child & Adolescent  
Psychiatry

**Mike Foster**

*Immediate Past President*

Texas Association of Child Placing  
Agencies

**Paul E. Furrh, Jr.**

*Chief Executive Officer*

Lone Star Legal Aid

**Eileen Garcia-Matthews**

*Executive Director*

Texans Care For Children

**David Halpern**

*Director*

Seedling's Promise Mentor Program

\* **Leslie Hill**

*Managing Attorney*

Travis County Office of  
Child Representation

**Alicia Key**

*Deputy Attorney General for*

*Child Support*

Office of the Attorney General

**Richard LaVallo**

*Senior Attorney*

Advocacy, Inc.

\* **Stephanie Ledesma**

*Managing Attorney*

Travis County Office of  
Parental Representation

**Donald Lee**

*Executive Director*

Texas Conference on Urban Counties

**Tracy Levins**

*Director*

Admn. Svcs/Community Relations

Texas Youth Commission

**Rebecca Lightsey**

*Executive Director*

Texas Applesseed

**Madeline McClure**

*Executive Director*

TexProtects

**Hon. F. Scott McCown, ret.**

*Executive Director*

Center for Public Policy Priorities

**Trista Miller**

*Student, former CPS Youth Specialist*

Former Foster Youth

**Judy Powell**

*Communications Director*

Parent Guidance Center

\* **Chadwick Sapenter**

*Entrepreneur*

Former Foster Youth

**Johana Scot**

*Executive Director*

Parent Guidance Center

**Vicki Spriggs**

*Executive Director*

Texas Juvenile Probation Commission

**Gene Terry**

*Operations Director*

Texas Association of Counties

**Gloria Terry**

*Coalition President*

Texas Council on Family Violence

\* **Kenneth Thompson**

*Fatherhood Specialist*

TX Dept. of Family & Protective  
Svcs.

**Gina VanOsselaer**

*Executive Director*

Austin Children's Shelter

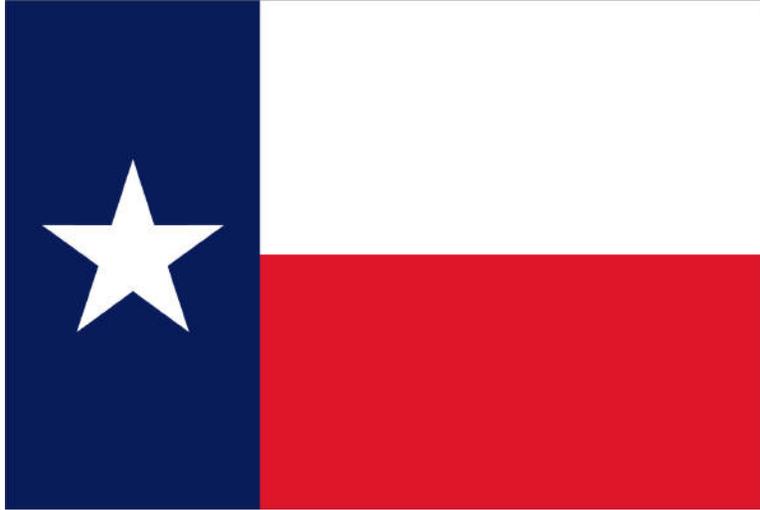
**Arabia Vargas**

*Chair*

Bexar County Child Welfare Board

**Henrietta Wright**

*Vice President, Board of Directors*  
Children's Advocacy Centers of Texas



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

**REPORT TO THE COMMISSION  
November 13, 2009**



**201 W. 14<sup>th</sup> Street  
Austin, Texas 78701**

**Supreme Court of Texas  
Permanent Judicial Commission for Children, Youth and Families  
Report for November 13, 2009 Meeting**

**MINUTES– August 21, 2009 meeting** (adoption pending) **(TAB 1)**

**COMMISSION MEMBERSHIP CHANGES**

Per Supreme Court Order, the following people have been added to the Commission membership:

Judge Robin Sage, District Judge of the 307<sup>th</sup> District, Longview, Texas

Judge Karin Bonicoro, Child Protection Court Judge, Central Texas

Joe Gagen, Executive Director, Texas CASA

Each new member will serve a three year term.

The following members have elected to serve an additional three year term:

Carolyne Rodriguez, Director of Strategy, Texas, Casey Family Programs

Bruce Esterline, Vice President, Grants, Meadows Foundation

Darlene Byrne, District Judge of the 126<sup>th</sup> District, Austin Texas

**COLLABORATIVE COUNCIL MEMBERSHIP CHANGES**

The Executive Committee of the Commission has elected to add the following members to the Collaborative Council and these additions were mentioned at the 8/21/09 meeting.

New members for 2009 – 2010:

Leslie Hill, Chief Attorney, Travis County Office of Child Representation

Stephanie Ledesma, Chief Attorney, Travis County Office of Parent Representation

Kenneth Thompson, Fatherhood Program Specialist, DFPS

Irene Clements, President, Texas Foster Family Association

Chadwick Sapenter, Former foster youth and former Commission Training Committee member

*Pending – Janet Sharkis, Executive Director, Office for Prevention of Disabilities*

*Pending – Robin Harrison, Community Connection Network*

## **COMMITTEE MEMBERSHIP CHANGES**

Judge DuBose added Alice Emerson, Assistant County Attorney, Williamson County, and Shaneka Odom, DFPS Region 5 Youth Specialist, to the Training Committee. Judge Hal Gaither and Chadwick Sapenter have completed their terms on the Training Committee.

Judge Chavez has completed his term on the Technology Committee.

The Basic Projects Committee has no changes at this time.

## **COMMITTEE ACTIVITIES / REPORTS**

### **Basic Grant Committee Report from 11/05/09 meeting (TAB 5)**

#### **Staff-directed initiatives**

**1. Bench Book** – The Bench Book Committee met on August 20, 2009. In attendance was Judge Dean Rucker, Judge Ginny Schnarr, Senior Judge Lamar McCorkle, Andrea Sparks, Senior Judge John Specia, Judge Robin Sage, Staff: Tina Amberboy, Teri Moran.

Several changes to the Bench Book were agreed upon by the members, including the decision to include a disclaimer on the Bench Book site regarding citations and research not being exhaustive – that only select cases are shown. A tutorial on how to use the Bench Book will be developed. Once the format is approved by the Bench Book committee, each section will be prepared to conform and submitted to a member of the committee for editing. Final edits will be completed over the summer and the Bench Book will be rolled out at the CPS Judicial Conference in August 2010.

**2. Appleseed PMC Project** – Appleseed is nearing the end of the interview phase of the Permanent Managing Conservatorship (PMC) project. They will have interviewed over 100 judges, attorneys, foster youth, foster parents, caseworkers, CASA volunteers, and children in care by the end of the project. Appleseed has also spent several months examining DFPS data for evidence of trends or practices that result in barriers to permanency for children who are in the PMC of the state. Policy recommendations are being formulated and the development will be overseen by a Policy Advisory Board made up of Commission and Appleseed staff, DFPS executives, judicial officers, and other child welfare stakeholders.

Some of the bigger issues that have been identified include whether kids should attend court hearings, whether termination of parental rights should be granted in cases involving older youth in care, and whether attorneys appointed to represent PMC youth are doing an adequate job advocating.

The report is due mid 2010, in advance of the 2011 Legislative Session.

**3. TYC/CPS Project** – The workgroup is scheduled to meet on Thursday, 12/03/09. At the committee's last meeting in January 2009, the committee discussed a project that

would focus on legal representation of kids in long term care and placed in TYC facilities and State Schools. As a result, Advocacy Inc., applied for a grant from the ReesJones Foundation for a three year project to provide attorney ad litem representation to all youth who have disabilities, are in long-term foster care, and placed in either TYC or State Schools. ReesJones awarded Advocacy Inc \$75,000 for the project in October 2009, and the Commission awarded \$50,000 in August 2009.

As proposed, the project will employ two full time staff attorneys -- one focused on youth in the TYC System and one focused on youth placed in one of the state schools. The attorneys will travel two days a week, visiting youth they represent in each facility at least once per month. During the course of the project, the attorneys will meet with the youth, review medical records, speak to doctors and institutional staff, and provide zealous advocacy in the court system through representation at DFPS placement review hearings, which are held at least every six months. This effort will also be supported by the Commission's video technology conferencing workgroup, which is working to provide most, and eventually all, judges hearing CPS cases with the technology to hold video conferences in various locations, including CASA and Children's Advocacy Center offices, throughout the state. An evaluation of data regarding improved outcomes as a result of the focused representation is one of the primary objectives of this project.

**4. Round Table Series:** The goal of the Round Table Series is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. The first Round Table, held in February 2009, brought together state child protection leaders to discuss a recent 5<sup>th</sup> Circuit case regarding child protective services investigations. The second Round Table, held in June 2009, brought together judges, attorneys, mediators, CASA, child welfare agency representatives, and prosecutors to discuss Child Protective Services (CPS) mediations. A third Round Table is being planned for late 2009 / early 2010 to discuss the use of data by the judiciary to help inform judicial practices and to identify problem areas.

**5. Summit III:** The National Center for State Courts, the National Council of Juvenile and Family Court Judges, Casey Family Programs, the National Association of Public Child Welfare Administrators, and the Conference of State Court Administrators hosted the 3<sup>rd</sup> National Judicial Leadership Summit on the Protection of Children, on October 15-17, 2009, in Austin. The Summit was opened by Chief Justice Wallace Jefferson and Justice Harriet O'Neill. Attendance exceeded 300 participants from 48 states. The Summit included workshops and peer exchange events on:

- ⦿ Foster Connections to Success Act
- ⦿ Cross-Over Youth and Dually Managed Youth
- ⦿ Performance Measurements for Courts
- ⦿ Engaging Youth In and Out of Court
- ⦿ Educational Success for Children in Care – Blueprint For Change
- ⦿ Disproportionality in Foster Care
- ⦿ Legal Representation for Children and Parents
- ⦿ Transition to Adulthood: Permanency For Older Youth
- ⦿ Collaborating for Kids: Child Welfare / Courts / Education
- ⦿ Engaging Relatives to Care for Youth
- ⦿ Performance Measures for Courts
- ⦿ Data Exchange

As a result of the Summit, every state in attendance is developing collaborative plans to better address education and racial disproportionality within their foster care systems. The Texas Summit Action plan that was developed during the conference includes five goals. **(See full report under TAB 6)**

**6. Legal Representation Study** – This study is overseen by a workgroup of the following members:.

On November 2, a letter from Justice O’Neill was sent to judges who hear CPS cases in the eight most populous counties and seventeen cluster courts. The letter explained the goal of the Legal Representation Study and requested the judges’ participation. In 1-2 weeks, LRS staff will begin contacting these judges, as well as prosecutors, to schedule in-person interviews. The methods and tools for gathering information from relevant stakeholders are listed below:

**Documents that have been completed and reviewed by the LRS Work Group:**

- A work plan outlining the stages of the Legal Representation Study and what is to be undertaken during each stage.
- A written survey that will be given to parents who have been or are involved in child protection cases. The survey is handed out to parents at statewide parent collaboration groups, which are attended by LRS staff. The written survey is followed by an interview questionnaire that will be conducted with parents who have been or are involved in child protection cases, after they’ve completed the written survey.
- A written survey that will be given to children who have been or are involved in child protection cases. The survey is handed out to youth at Youth Leadership Council meetings, which are attended by LRS staff. The written survey is followed by an interview questionnaire that will be conducted after they’ve completed the written survey.
- Interview document for Judges who handle CPS/child abuse and neglect cases – these questions will be posed during in-person interviews or phone interviews.
- Interview document for Prosecutors who handle CPS/child abuse and neglect cases – these questions will be posed during in-person or telephone interviews.
- Survey for Attorneys who represent parents and/or children in child abuse and neglect cases – these questions will be posed through Survey Monkey to:
  1. Attorneys who have completed the NACC training (estimated 600)
  2. Attorneys on the rotation lists in the 8 most populous counties and 17 cluster courts (some may be duplicative of the 600)

- Questionnaire for appropriate court and/or county personnel – these questions will be e-mailed to staff in each of the jurisdictions, primarily to gather information about the appointment process and cost to the county.
  1. Cluster court coordinators
  2. Urban county administrators

**Document that is still in progress:**

- Combination questionnaire and telephone survey document for CASA and DFPS supervisors. Texas CASA and DFPS are assisting with distributing the survey.

**Interviews that have been begun:**

- Children who participate in Youth Leadership Council
- Parents involved in the Parent Collaboration Group

**7. CFSR / PIP Child and Family Services Review** – Commission staff is working with DFPS on the Program Improvement Plan (PIP), focusing primarily on addressing permanency outcomes for children in the long-term conservatorship of the state. The Commission’s Executive Director is a member of the CPS PIP team. Proposed PIP strategies include the use of Commission Round Tables which are responsive to permanency outcomes strategies, including mediation (held in June 2009), PMC without termination of parental rights (TPR), and providing appropriate notice to parties for the opportunity to be heard (to be scheduled in 2010). The PIP was recently updated to include a new strategy that would help judges use data specific to their district, county or region to identify agency or judicial practices that may contribute to the over-use of PMC without TPR.

**New PIP Strategy:** (Included under PIP Theme # 2: Remove barriers to permanency – especially the practice of Permanent Managing Conservatorship without termination of parental rights)

DFPS has requested Commission support to implement this strategy by providing technical assistance (TA) regarding judicial orders of permanent managing conservatorship without termination of parental rights (PMC w/o TPR) to specific court jurisdictions at the court’s request or where statewide data shows the greatest percentages of PMC w/o TPR orders. The TA would address the findings of the March 2008 federal CFSR, federal ASFA and Texas Family Code assumptions, timeliness, best interests of the child, data, statutory basis for judicial decision-making, leadership beyond the bench, and development of specific judicial tools.

**Judicial tools may include:**

1. Keep DFPS working toward permanency outcome: develop new Texas Family Code (TFC) section 263.502(c)(7) Placement Review Report and new TFC section 263.503(a)(6) & (7) Placement Review Judicial Finding;
2. Tool to re-engage parents: develop new TFC section 263.503(b) Placement Review Judicial Action to order DFPS to provide services to parent for not more than six months;
3. Tool to review old grounds of PMC w/o TPR under TFC section 161.004; and

4. Tool to review new grounds for TPR after PMC w/o TPR under new culpability in TFC section 161.001 (F) child support and 161.001 (N) visitation and best interest.

**8. Judicial Technical Assistance**

The Texas Center for the Judiciary will assist the Commission in advancing ideas and practices that improve judicial handling of child protection cases by providing access to judicial subject matter experts for technical assistance as requested by the Commission. TCJ will develop judicial training required to educate and implement practices identified as a result of the technical assistance, as appropriate.

**9. Statewide Taskforce on Disproportionality**

Part of the Commission's strategy regarding judicial education and practice includes staff participation on the Statewide Taskforce on Disproportionality established by DFPS in December 2008. Participation includes attending training events, quarterly meetings, and helping the taskforce strategize on how to reduce or eliminate disproportionality in the state's foster care population. The Commission's commitment and participation on the taskforce will be reported on quarterly through this report to the Commission.

A conference entitled Implicit Bias in Judicial Decision-making is scheduled for May 10 & 11, 2010. The training will be 12 hours, broken down into three parts. The first segment will focus on state data, historical background, and institutional racism and power. The second part will focus on judicial strategies in use in other jurisdictions around the county that have been successful in addressing this issue. The third part of the training focuses on assisting the Texas judges in attendance with identifying a strategy that can be used in their own jurisdiction as well as ideas on how to evaluate the effectiveness of it.

National Adoption Day Grant Awards – Since the August 21, 2009 Commission meeting, the Executive Director has approved four grant requests totaling \$5,000. **(See addendum A in this report).**

**Training Committee Report from 10/02/09 meeting (TAB 5)**

**Projects to Improve the Quality of Legal Representation:**  
**NACC Training** – Through CIP funding and with the support of the Commission, in 2009 the National Association of Counsel for Children (NACC) will conduct 14 one-day trainings around Texas for attorneys representing children, parents, and DFPS in CPS cases. The training covers state and federal statutory material, case law, and best practices for representation in these complex cases in an effort to improve the quality of legal representation of children in child abuse and neglect cases and benefit the families involved with our child welfare system. The NACC is using national and Texas experts as well as experienced local attorneys to provide the training. So far, over 600 people have registered for the trainings. The remaining training dates are:

<b>Harlingen</b>	<b>December 2</b>
<b>Corpus Christi</b>	<b>December 4</b>

***Child Welfare Law Certification*** - In May 2009, the Texas Board of Legal Specialization approved the application of the NACC to offer child welfare law certification to qualifying Texas attorneys. The staff of the Children’s Commission will coordinate with the NACC in the scheduling and planning of the examination, which is expected to be held in 2010 for attorneys who submitted their applications by September 2009, and in 2011 for attorneys who submit their applications to the NACC during its rolling application period from January to May, 2010.

***Red Book Training*** – Also during 2009, the NACC offered free “Red Book” training in Dallas, Austin, and Houston to Texas attorneys who are interested in qualifying for the child welfare law certification. Over 100 attorneys registered for one of the three trainings.

***Attorney Scholarships*** – The Training Committee set aside funding for attorney scholarships to send Texas attorneys who represent parties and children in CPS cases to Texas and national conferences. Commission staff will identify applicable conferences and will develop an application process for the attorney scholarships to be awarded.

***Mediation Round Table*** – As a follow-up to the Mediation Round Table held last June, a Jurist in Residence communiqué regarding CPS mediations will be distributed to members of the Texas judiciary.

***Child Welfare Law Conference*** – Commission staff is working with the NACC to develop its annual child welfare law conference to Austin on October 20-23, 2010. The annual NACC conference offers nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases. There will be a significant number of scholarships available for Texas attorneys to cover the conference registration fees. Attendees will be responsible for their travel expenses. Commission staff will develop and implement an application process for these scholarships. The Commission is committing \$100,000 to sponsor the conference. Two training committee members will serve on the NACC advisory board for the 2010 conference.

***Trial Advocacy Skills Training*** – Commission staff is currently researching methods of providing trial advocacy skills training to attorneys who represent DFPS, parents, and children in CPS cases. The Training Committee will review these options at its next committee meeting.

### ***Judicial Training:***

***Beyond the Bench*** - The Texas Center for the Judiciary held its second Beyond the Bench conference in 2009 during September (the first Beyond the Bench during FY 2009 was held in May). Teams attending this Beyond the Bench included Galveston, Corpus Christi, Laredo, Kingsville, and the Rio Grande Valley. This annual training brings together a comprehensive list of stakeholders in the child-protection system from a particular region for a two-day cross-disciplinary training that includes open communication and collaboration, brainstorming, and problem solving as well as discussion of best practices. Stakeholders who participate include judges, prosecutors, CASA, CPS, foster parents, educators, mental health/substance abuse professionals, public health professionals, law enforcement, the Texas Workforce Commission,

educators, former foster youth, and parents formerly involved with CPS. In FY 2010, a Beyond the Bench Conference will be held in Harris County; planning for this conference is underway.

***CPS Judges Conference*** - This annual conference is designed specifically for judges who hear child-protection cases and focuses on best practices and cross-disciplinary issues. The next CPS Judges Conference will be held in August 2010. Commission staff is working with the Texas Center for the Judiciary regarding curriculum for this conference.

***Associate Judges Conference*** - This annual conference is for Texas associate judges who hear the bulk of child-welfare cases and includes IV-D judges. The conference provides education to equip associate judges to better handle their difficult caseloads. The next associate judge conference will be held in July 2010.

***National Conferences*** - The training grant makes funding available for judges who hear child-protection cases to attend trainings sponsored by national groups such as the annual conference of the National Council of Juvenile and Family Court Judges (NCJFCJ) and the Child Abuse and Neglect Institute of the NCJFCJ. In 2009, over 100 scholarships were awarded to Texas judges to attend national conferences. The NCJFCJ will hold conferences in March and July 2010; applications for the March conference have been accepted by the Texas Center for the Judiciary.

***Child Protection Court (CPC) Annual Update*** - Although Texas' child protection courts (formerly known as Cluster Courts) are now state-funded, CIP Training grant funds are available to provide training, equipment, supplies and technical assistance as needed. It also partially funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. The CPC Annual Update was held in October 2009 and included sessions regarding court performance measures, court case management, DFPS update, and new appellate cases. The next CPC Annual Update will be held in October 2010.

***Conference on Implicit Bias in Judicial Decision-Making*** – In May 2010, the Texas Center for the Judiciary will hold a judicial conference regarding implicit bias in judicial decision-making and tools for judges to address this issue. A planning workgroup for the conference has been formed and work on the agenda and identification of speakers has commenced.

## **Technology Committee report from 10/22/09 meeting (TAB 5)**

### **Staff directed initiatives**

**A Round Table titled "Using CPS data in Texas Child Protection Courts"**— A roundtable discussion on the use of CPS data by Child Protection Courts was to be held in October. At the planning session in September, some questions arose about the best way to have the roundtable. There were discussions on appropriate use of CPS data in courts as well as ethical concerns about how data could potentially influence judicial decisions. Because of these concerns and a tight schedule with heavy workloads brought on by the October 15-17, 2009, National Judicial Leadership Summit, the data

roundtable schedule in October was postponed. The planning committee will meet again November 19, and work toward conducting the roundtable early next year. It will also serve as a Performance Improvement Plan item for the department.

### **Report on Texas Data Enabled Courts for Kids (TexDECK)**

#### ***Update of Child Protection Case Management System (CPCMS)/ SDCMS***

The new CPCMS system successfully launched one Sept. 21, 2009 with very few defects reported. In the next three to six weeks, staff will work toward implementing user requested changes, such as improving navigation, data entry input, and a few functionality upgrades. Within three to six weeks of the requests, work on those requests should be complete. Work to speed the response time of users who access the internet via wireless air cards is also being performed.

#### ***Functional Requirements Version 2 status***

The current Functional Requirements version 1.0 will be updated soon to 2.0, adding elements such as a case study component, an item showing the business logic behind data fields, and outcome measures. The CPCMS system already incorporates 20 of the 30 federal data measures used in the CFSR. Other additions include expanding data capture. A medication chart allows for the capture of a child's prescribed medicines that the software evaluates using the child's age and weight and will send red flags for possible over-medication.

#### **Update on Tarrant County Enhancements to Juvenile Court Management -**

Tarrant County is proceeding on work to implement its version of the Functional Requirements for the child protection courts with a \$350,000 grant awarded last meeting. The programming will be added into its existing juvenile case management system.

#### **Update on Legal Representation Study – For more information, please see the Basic Committee portion of this report.**

The lead attorney has been hired to conduct the study with help from recently hired research assistant. The two have already created their survey and interview tools and conducted their first live interviews October 24<sup>th</sup>, 2009 at a DFPS-sponsored conference for foster youth. They will use an online commercial database to store, track, and evaluate data collected. Also, a group of state and national experts have been recruited to review the project.

## **BUDGET**

### **Basic Projects Budget (TAB 4)**

### **Technology Budget (TAB 4)**

### **Training Budget (TAB 4)**

## Addendum A



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

Justice Harriet O'Neill, Chair

Tina Amberboy, Executive Director

September 10, 2009

### National Adoption Day Awards

The Permanent Judicial Commission for Children Youth and Families voted on August 21, 2009 to allow the Executive Director of the Commission to award grants up to \$1,500 each to support National Adoption Day efforts with a combined budget of \$5,000. As Grants Manager I have received the following requests from community organizations to support local National Adoption Day efforts consistent with elements of the Court Improvement Program Guidelines. Please authorize the following applications and I will create the Statement of Grant Awards to each entity.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Wilson".

Bryan Wilson  
Grants Manager

Date Received	Organization	Brief Description of Activities	County	Amount Requested	Amount Recommended
08/06/09	Texarkana Young Lawyers Association	CLE Attorney Training, Advertising event, supplies, printing, copying, and activity book printing costs.	Bowie	\$2,600	\$1,500
09/08/09	Denton County Bar Association	CLE Attorney Training, Banners/Advertising/Supplies for printing, copying, and items relating to improving safety and permanency.	Denton	\$1,500	\$1,500
09/30/09	VOC Brazos Valley CASA	Attorney and GAL training	Brazos	\$850	\$850
10/08/09	CSA of Tarrant County	Training of volunteer attorneys and law students in finalization of adoptions; materials to support events	Tarrant	\$1,500	\$1,150
				\$6,450	\$5,000

The recommended amounts are approved:

A handwritten signature in black ink, appearing to read "Tina Amberboy".

Tina Amberboy  
Executive Director

10/8/09  
Date

**BASIC COMMITTEE RECOMMENDATIONS FOR FUNDING (Oct. 1, 2009 – Sept. 30, 2010)**

<b>Basic funds unspent from prior grant awards</b>		\$557,106.00
<b>2010 Basic Grant award</b>		\$592,035.00
<b>Subtotal</b>		\$1,149,141.00
<b>Administrative / Overhead</b>		
<b>Administrative / Overhead</b>		\$126,993.00
<b>Supreme Court Judicial Commission for Children, Youth, &amp; Families</b>	Commissioners' travel, support meetings, site studies, information gathering research.	\$40,000.00
<b>Texas CASA</b>	Costs of staff to enhance recruitment efforts and leadership training.	\$210,000.00
<b>Office of Court Administration – Judicial Support</b>	Supports travel and other administrative costs of the courts, and training	\$30,000.00
<b>Alamo Children's Advocacy Centers (ChildSafe)</b>	Staff to improve services to drug courts	\$60,000.00
<b>National Adoption Day</b>	Pay for court related training and adoptive / foster parent recruitment efforts.	\$5,000.00
<b>Texas Partnership for Family Recovery</b>	Pay for travel and activities to host events designed to improve courts' abilities to coordinate drug court issues across agencies.	\$0.00
<b>Tarrant County Challenge</b>	Grants or pay for staff and services in local drug courts.	\$100,000.00
<b>Texas Foster Youth Justice Project</b>	Pay for hotline and staff for legal representation of kids in PMC	\$80,000.00
<b>Texas Lawyers for Children Website</b>	Provide resources and information to attorneys and child welfare judges.	\$250,000.00
<b>Office of Parental Representation</b>	Pay for new model of representing primary custodial parents in child protection cases.	\$100,000.00
<b>Office of Child Representation</b>	Pay for new model of representing children in child protection cases.	\$100,000.00
<b>Bench Book</b>	Pay travel and contract time to judges and others developing best practices methodologies and literature. Pay Texas Center for Judiciary to load BB on website, manage ids and passwords, and maintain BB	\$30,000.00
<b>Children in Long-Term Care Study / Appleseed</b>	Pay travel, contract time, and printing costs to conduct research on court impacts on children in long term foster care.	\$0.00
<b>Study of DFPS and TYC Population</b>	Pay travel, contract time, and printing costs to conduct research on court impacts on children in DFPS system while detained or incarcerated (10K). Advocacy Inc Grant Application to provide legal representation to all dually managed children in CPS conservatorship and TYC custody (50K)	\$60,000.00
<b>Round Table Meetings</b>	Topics will include: Judicial use of child welfare data, AAL representation including dual role versus AAL and discussion of GAL, Legal representation of parties, Disproportionality	\$5,000.00
<b>Summit III</b>	Summit-III will also provide the opportunity to broaden the scope of collaboration beyond the leadership of the courts and child protection agencies to include state education and labor agency leaders.	\$50,000.00
<b>Ongoing Strategies</b>		0.00
<b>Total</b>		\$1,246,993.00
<b>Reserved for 2011 programs</b>		<\$97,852.00>
<b>Basic CIP will receive additional discretionary funding in March 2010 and the budget will be adjusted to reflect the additional amount received at that time.</b>		

**TECHNOLOGY COMMITTEE RECOMMENDATIONS FOR FUNDING (Oct. 1, 2009 – Sept. 30, 2010)**

<b>Data Grant funds unspent from prior grant awards</b>		\$816,953.00
<b>2010 Data Grant award</b>		\$611,026.00
<b>Subtotal</b>		\$1,427,979.00
<hr/>		
<b>Administrative / Overhead</b>		\$126,993.00
<b>TexDECK Project</b>	Contract with OCA which includes Redesign of the Texas CPCMS, Project Management, FRS updates, promoting other data projects	\$236,742.00
<b>Legal Representation Study</b>	Conduct a study to examine the quality of legal representation and its impact in Texas	\$207,568.00
<b>Round Table</b>	Pay travel and expenses to promote collaboration and dialogue about the use of data in Texas.	\$5,000.00
<b>Software Development</b>	Grant to Tarrant County to develop software using the FRS	\$350,000.00
<b>Video Conferencing</b>	Provide Grants to Dallas County (\$50,000) and other locations to promote children attending court hearings.	\$150,000.00
<b>Software Development for Counties</b>	Grants to counties to implement local versions of CPCMS	\$100,000.00
<b>Ongoing Strategies</b>		0.00
<b>Total</b>		\$1,176,303.00
<b>Reserved for 2011 programs</b>		\$251,676.00

**TRAINING COMMITTEE RECOMMENDATIONS FOR FUNDING (Oct. 1, 2009 – Sept. 30, 2010)**

<b>Training funds unspent from prior grant awards</b>		\$957,736.32
<b>2010 Training Grant award</b>		\$593,920.00
<b>Subtotal</b>		\$1,551,656.32
<b>Administrative / Overhead</b>		
		\$126,992.90
<b>Texas Center for the Judiciary</b>		\$487,238.00
<i>a. Associate Judges Conference</i>	Annual conference for associate judges hearing child protection cases; includes IV-D judges.	
<i>b. CPS Judicial Conference</i>	Annual conference for judges hearing CPS cases	
<i>c. Beyond the Bench (Harris County)</i>	Annual conference bringing together various stakeholders in CPS system from a particular region for cross-disciplinary training	
<i>d. National Conferences</i>	Scholarships to attend trainings sponsored by national groups	
<b>Child Protection Court Annual Update (OCA)</b>	Training, equipment, supplies and technical assistance to CPC courts.	\$20,000 .00
<b>Attorney Training</b>		\$125,000.00
<i>a. scholarships to national conferences</i>	Scholarships for Texas attorneys who represent parties and children in child protection proceedings to attend national conferences	
<i>b. additional NACC trainings</i>	Continue attorney training in cities not reached during FY 2009	
<i>c. trial skills training</i>	Work with training organization to provide trial skill advocacy training.	
<b>Roundtable Series</b>	Issue specific collaborative meetings involving local and state-level stakeholders	\$5,000.00
<b>Child Welfare Law Conference</b>	NACC Annual conference scheduled for 10/2010. Funding will provide scholarships to Texas attorneys for to cover registration fees and for speaker travel.	\$100,000.00
<b>Child Welfare Law Certification</b>	To be held in Spring 2010 and again in 2011	\$20,000.00
<b>Specialized Training for Judges</b>	In May 2010, the Texas Center for the Judiciary, will conduct a judicial conference on implicit bias in judicial decision-making	\$33,734.00
<b>Ongoing Strategies</b>		0.00
<b>Total approved by committee</b>		\$917,964.90
<b>Additional 2010 funding</b>		\$21,197.00
<b>Reserved for FY 2011 projects</b>		\$633,691.42

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

**Basic Projects Committee Report – October 2, 2009**

The Basic Projects Committee met via teleconference on October 2, 2009. This report was prepared for the November 13, 2009 meeting of the Children's Commission.

**Update on Basic Projects**

Ms. Amberboy reported that contracts are in place for the grant applicants approved at the last Commission meeting. This committee will receive regular updates on staff-directed projects and at the end of the year when they are due, reports on grantee's projects.

***Bench Book***

The work is continuing and the goal is to roll out the bench book at the August 2010 CPS Judges Conference. At the workgroup's next meeting members will settle some formatting and resource issues. The project is on track.

***Appleseed Project***

Appleseed has conducted more than 100 interviews and spent months examining DFPS data looking for trends or practices that could create barriers to permanency for children who are in permanent managing conservatorship (PMC). With the interview stage nearly complete, Appleseed will soon form an multidisciplinary advisory board to develop 8 to 10 recommendations. Study results have reinforced the existence of known and suspected problem such as youth not having a voice in court. The study covers a broad range of issues and some that have been identified include whether kids should attend court hearings, whether TPR should be granted for older youth in care, whether attorneys appointed to represent PMC youth are doing an adequate job advocating. The advisory committee intends to take recommendations to the legislature next session.

***TYC/CPS Dually Managed Youth Project***

At the committee's last meeting in January 2009, the committee discussed a project that would focus on legal representation of kids in long term care and placed in TYC facilities and State Schools. As a result, Advocacy Inc., applied for a grant from the ReesJones Foundation for a three year project to provide attorney ad litem representation to all youth who have disabilities, are in long-term foster care, and placed in either TYC or State Schools. ReesJones awarded Advocacy Inc 75,000 for the project in October 2009, and the Commission award 50,000 in August 2009.

As proposed, the project will employ two full time staff attorneys – one focused on youth in the TYC System and one focused on youth placed in one of the state schools. The attorneys will travel two days a week, visiting youth they represent in each facility at least once per month. Richard Lavalla, Senior Attorney at Advocacy Inc., reported that two attorneys on staff who are experienced in representing this population of 60 TYC/CYP youth, and 30 to 40 youth in State Schools. Mr. Lavalla has worked closely with the department to identify these youth, who are spread out all over the state, and has begun contacting their attorneys and caseworkers to offer their services as either ad litem or co-council, which will cost the counties nothing. Ideally, the service could be provided for at-risk youth as well, in addition to those already incarcerated.

Ms. Amberboy has prepared a letter about the project to courts, and DFPS staff will work toward getting the word out to supervisors statewide. Judge Sage offered to send a message through the TLC email list. Mr. Lavallo will prepare a Q&A to include with the letter. This project ties in well with one where DFPS has contracted with an organization called "Every Child" to try to recruit foster homes for medically fragile children. Judge Sakai recommended adding disability specialists at state schools to the list of those who need to be informed.

### ***Round Tables***

The goal of the Round Table Series is to advance ideas that result in sound executive agency policy, carefully planned legislation, and improved judicial handling of child protection cases. A third Round Table is being planned for late 2009 / early 2010 to discuss the use of data by the judiciary to help inform judicial practices and to identify problem areas. Judicial ethics questions such as the propriety of using data to influence judicial decision making, and whether judicial access to DFPS data violates due process. Other Round Table topics planned include: reducing the number of children in PMC without TPR, improving notice to parties, and prosecuting CPS cases.

### ***Summit***

Ms. Amberboy described the October 15-17, National Judicial Leadership Summit on the Protection of Children as a huge success. Texas team members developed a state action plan that includes some issues on which the Commission has already begun working with DFPS, such as PMC without TPR. Other action plan items include improving education outcomes for kids in care, and trying to place foster children closer to their homes. The last two action items relate to reducing disproportionality in the system, and a judicial training conference to be put on by TCJ has already been scheduled for May 2010.

### ***Legal Representation Study***

Two new Commission staff, attorney Amy Fitzgerald, assisted by Jessica Lynch, have begun the study, which is overseen by a Commission workgroup. Their study plan is good, Ms. Amberboy said, and the two have already begun conducting interviews. Judge Sage asked that Smith County be included in the interview process.

### ***CFSR / PIP & Technical Assistance***

Commission staff is working with DFPS on the Program Improvement Plan (PIP), focusing primarily on addressing permanency outcomes for children in the long-term conservatorship of the state. The Executive Director is a member of the CPS PIP team. Proposed PIP strategies include the use of Commission Round Tables which are responsive to permanency outcomes strategies, including mediation (held in June 2009), PMC without termination of parental rights (TPR), and providing appropriate notice to parties for the opportunity to be heard (to be scheduled in 2010). The PIP was recently updated to include a new strategy that would help judges use data specific to their district, county or region to identify agency or judicial practices that may contribute to the over-use of PMC without TPR.

New PIP Strategy: (Included under PIP Theme # 2: Remove barriers to permanency -- especially the practice of Permanent Managing Conservatorship without termination of parental rights)

DFPS has asked for the Commission's assistance to implement the new strategy by providing technical assistance (TA) regarding judicial orders of permanent managing conservatorship

without termination of parental rights (PMC w/o TPR) to specific court jurisdictions at the court's request or where statewide data shows the greatest percentages of PMC w/o TPR orders. The TA would address the findings of the March 2008 federal CFSR, federal ASFA and Texas Family Code assumptions, timeliness, best interests of the child, data, statutory basis for judicial decision-making, leadership beyond the Bench, and development of specific judicial tools.

Judicial tools may include:

1. Keep DFPS working toward permanency outcome: develop new Texas Family Code (TFC) section 263.502(c) (7) Placement Review Report and new TFC section 263.503(a)(6) & (7) Placement Review Judicial Finding;
2. Tool to re-engage parents: develop new TFC section 263.503(b) Placement Review Judicial Action to order DFPS to provide services to parent for not more than six months;
3. Tool to review old grounds of PMC w/o TPR under TFC section 161.004; and
4. Tool to review new grounds for TPR after PMC w/o TPR under new culpability in TFC section 161.001 (F) child support and 161.001 (N) visitation and best interest.

**Grant Applications**

***Harris County***

Harris County submitted a grant application for \$100,000 to create an innovative problem-solving court docket CPS cases infants and toddlers aged 0 – 3. This program would create an integrated team of stakeholders and utilize a collaborative approach to effect satisfactory completion of case plan goals, as well as to add value to the child welfare system through relatively higher outcome scores on established Court performance measures for abused and neglected infants. Other objectives include 1) increasing the knowledge and awareness of child abuse issues among stakeholders; 2) strengthening the continuum of care for parents and their children for social, medical and mental health services through identification of key service provision gaps; and 3) identifying strategies for project sustainability through the joint efforts of stakeholders.

Unfortunately, Ms. Amberboy reported, CIP grant funds are already obligated and we cannot fund the program. Judge Sage said that the committee's recommendation to the Commission will be to carry the application forward and reconsider the if funds become available.

**Annual Reports due by 12/31/09**

***CIP Annual Report***

***Commission/Supreme Court Annual Report***

Ms. Amberboy reported that the CIP Grant Annual Report to ACF is due December 31, 2009. The Commission's annual report to the Supreme Court will be completed and disseminated at the first Commission meeting in 2010.

**Next meeting date**

Ms. Amberboy recommended that this committee set its 2010 meeting dates all at once after the Commission sets its 2010 meeting calendar at the November 13 meeting. Judge Sage asked Ms. Amberboy to pick a Tuesday or Wednesday date one week before each Commission meeting and send to members.

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

**Technology Committee Report – October 22, 2009**

The Technology Committee met via teleconference on October 22, 2009, and did not have quorum. This report was prepared for the November 13, 2009 meeting of the Children's Commission.

**Update on roundtable “Using CPS Data in Texas Child Protection Courts”**

A roundtable discussion on the use of CPS data by CP Courts was to be held in October. At the planning session in September, some questions arose about the best way to have the roundtable. There were discussions on appropriate use of CPS data in courts as well as ethical concerns about how data could potentially influence judicial decisions. Because of these concerns and a tight schedule with heavy workloads brought on by the October 15-17, 2009, National Judicial Leadership Summit, the data roundtable schedule in October was postponed. The planning committee will meet again November 19, and work toward conducting the roundtable early next year.

**Report on Texas Data Enabled Courts for Kids (TexDECK)**

***Update of Child Protection Case Management System (CPCMS)/ SDCMS***

The new CPCMS system successfully launched one Sept. 21, with very few defects reported. In the next three to six weeks, staff will work toward implementing user requested changes, such as improving navigation, data entry input, and a few functionality upgrades. Within three to six weeks, work on those requests should be complete. Work to speed the response time of users who access the internet via wireless air cards is also being performed.

***Functional Requirements Version 2 status***

Mr. Kennedy proposed updating the current Functional Requirements version 1.0 to 2.0, adding elements such as a case study component, an item showing the business logic behind data fields, and outcome measures. The CPCMS system already incorporates 20 of the 30 federal data measures used in the CFSR. Other additions include expanding data capture. A medication chart allows for the capture of a child's prescribed medicines that the software evaluates using the child's age and weight and will send red flags for possible over-medication.

Mr. Wilson advised Mr. Kennedy to proceed with the changes and the committee will review them at the next meeting.

**Update on Tarrant County Enhancements to Juvenile Court Management (Implementation of FRS)**

After Tarrant County submitted a \$350k grant request to incorporate CPCMS into its existing juvenile case management system, its \$350k in matching state funds did not come through. To meet the federal match requirement, Tarrant County teamed up with Dallas and Bexar Counties to come up with \$150k cash, plus another \$150k in in-kind match. After the software is developed, the Conference of Urban Counties will make it available to other counties. Staff believes the changes are still within scope and parameters of the Commissions award. The amount of cash is still larger than the minimum required match. Members discussed usage rights and copyrights of products developed with federal money.

**Update on Legal Representation Study**

The lead attorney, Amy Fitzgerald, has been hired to conduct the study with help from recently hired research assistant, Jessica Lynch. The two have already created their survey and interview tools and will conduct their first live interviews this weekend of foster youth at a DFPS-sponsored conference for foster youth. They will use an online commercial database to store, track, and evaluate data collected. Also, a group of state and national experts have been recruited to review the project.

**Future Meetings**

Because the next Commission meeting date after November 13th has not been chosen, members agreed not to set a date for the next meeting until after the Commission sets next year's meeting calendar.

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

**Training Committee Report – October 2, 2009**

The Training Committee met via teleconference on October 2, 2009. This report was prepared for the November 13, 2009 meeting of the Children's Commission.

**Committee membership changes**

The new committee members are:

Shaneka Odem, Youth Specialist, Texas Dept. of Family & Protective Services, replaces Chadwick Sapenter as former foster youth representative.

Alice Emerson, Assistant County Attorney, Williamson County.

Cathy Cockerham, Program Operations Director, Texas Casa, Inc.

Tracy Harting, Attorney VI, Travis County Office of Parental Representation.

**Grant and funding update**

Commission staff submitted the Training Grant application on Aug 31, 2009, and it is still pending at the Administration of Children and Families. Because the Training and Data grants were appropriated for just five years, funding for 2011 and beyond is up in the air. The amount of funds available has not changed since the last meeting in July.

**NACC attorney training**

Ten trainings have been held. There have been more than 500 registrants and evaluations have for the most part been favorable or very favorable. NACC has also commenced red book training, which is a more advanced course to help attorneys prepare for the certification exam.

**Trial Skills Training**

While putting together the NACC training, local focus groups said they believed there was a need not only for more training on law, but also trial skills training. With a budget of \$50,000 to \$75,000, the committee is researching options such as contracting with NACC, or the National Institute of Trial Advocacy (NITA), or maybe sending attorneys to existing trainings at the Rocky Mountain Child Advocacy Training Institute.

**NACC Child Welfare Law Conference**

The conference will be held in Austin October 20-23, 2010. The deadline for abstracts is April 1, 2010. There will be Texas members of the planning workgroup. The Commission approved \$100,000 in January 2009 to work with NACC on the conference.

**Attorney Scholarships**

About \$30,000 was used this year to send Texas attorneys to an ABA training on parental representation in CPS cases, and according to participants, it was a very worthwhile conference. About \$25,000 has been set aside to send attorneys again next year.

Other upcoming conferences for which scholarships may be available include:

- ABA Child Welfare Conference in May 2010
- NCJFCJ Annual Conference in July 2010

**Other grant-funded training**

**TCJ conferences:**

- Beyond the Bench, September 14-15, Galveston
- 2010 conferences:
  - Disproportionality, May 10-11, Bastrop
  - Associate Judges, July 5-7, Austin
  - NCJFCJ Annual Conference, July 18-21, San Diego
  - CPS Judges, August 4-6, San Antonio
  - Harris County Beyond the Bench, possibly August or September

**CPC Judges Conference**

Office of Court Administration's training scheduled for October 5-6 in Austin

**Child Welfare Law Certification**

Fifteen attorneys have submitted their applications. If approved, they will sit for the exam in Spring 2010.

**Third National Judicial Leadership Summit on the Protection of  
Children  
Texas Team Work  
Oct. 28, 2009**

**National Perspective**

Teams representing 48 states gathered Oct. 15 – 17 in Austin for the Third National Judicial Leadership Summit for the Protection of Children, co-hosted by the National Center for State Courts, the Supreme Court of Texas and the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families. Teams consisted of state court judges and justices, legislators, court administrators, representatives of Departments of Health and Human Services and others.

Among the more than 330 registrants were 33 state Supreme Court and appellate court justices and judges including 16 Chief Justices; 44 leaders of state Departments of Human Services and state Children and Family Services Agencies; 28 leaders of state Departments of Education; 28 State Court Administrators; 73 trial judges; a state Attorney General; 6 state legislators and legislative staff; 9 county or trial court officials, 8 child or parent advocates; and representatives of the U.S. Department of Health and Human Services, Casey Family Programs, the National Council of Juvenile and Family Court Judges, the National Governors Association, the American Bar Association Center for Children and Law, and the National Center for State Courts.

The Summit's central topics included:

- Expanding the circle of collaboration to include the education community in order to improve the services provided to children in care;
- Addressing the disproportionate representation of children of color in the child protection system; and
- Reducing the number of children in foster care.

As a result of the Summit, every state in attendance is developing collaborative plans to better address education and racial disproportionality within their foster care systems. NCSC will prepare a summary of the Summit sessions and a comparative analysis of the team priorities and action plans by the end of the year.

**Texas Team**

Tina Amberboy, Kristi Taylor, Teri Moran and Bryan Wilson of the Children's Commission; Justice O'Neill and Sylvia Griego; Judges John Specia, Dean Rucker, Patricia Macias, Darlene Byrne, Robin Sage, Camile DuBose and Karen Bonicoro; Texas Center for the Judiciary staff Anissa Vila and Ginny Woods; Carlyne Rodriguez of Casey; Carl Reynolds, Office of Court Administration; and Health & Human Services Commission/ Department of Family & Protective Services leadership Anne Heiligenstein, Joyce James, Audrey Deckinga, and Fairy Rutland.

## **Texas Action Plan**

### **Goal 1:**

Safely Reduce PMC Population

#### **Action:**

- Establish a workgroup
- Set a meeting
- Identify data required
- Develop a strategy
  - Preliminary rules: -- achieve a 25% reduction of PMC kids within 12 months of the project start date
  - - 100% of children placed in PMC after the start date of the project achieve true permanency within 1 year of PMC order date

### **Goal 2:**

Improve Education Outcomes with Greater Collaboration

#### **Action:**

- Establish an education subcommittee of the Commission
- Identify state level education partner such as Sen. Shapiro, Sen. Nelson, Texas Assoc of School Boards
- Build relationships with identified party
- Legislative initiative to deal with transportation issue
- Roundtable on education with small group to f/up with a larger Roundtable

### **Goal 3:**

Improve Education Outcomes by Keeping Kids Closer to Home

#### **Action:**

- Develop electronic passports
- Identify appropriate school
- Promote use of judicial checklist
- Identify relatives prior to 2011 funds and begin training them to become licensed foster parents
- Education judges of Fostering Connections Act
- look at implementing contract with relatives being licensed in preparation for Fostering Connections Act \$\$
- Special court order to allocate more rights for family preparing for guardianship (PMC)

**Goal 4:**

Reduce Disproportionality Through at Least One Judicial Conference

**Action:**

-Develop conference agenda through subcommittee that has been established through TCJ in prep for conference being held on 5/10 – 5/11/2010

- Phase I will include focus on an introduction to the issue, data supporting it, and what's happening in each region
- Training on the issue and strategies having impact
- Assign a task to each participant to take back to their jurisdiction (e.g., brownbag CLE on dispro issues, UR training in county or region for court teams, meet with regional dispro specialist)
- Evaluation: how many judges will be trained in the year
- Target audience
  - Judges serving on the –Commission (est 7 or 8)
  - Child Protection Court Judges (est 15+)
  - Urban District Court Judges (8 – 10)
  - TCJ Curriculum Committee (?)

**Goal 5:**

Reduce Disproportionality by Training on Implicit Bias in New Judges School

**Action**

- Meet with TCJ Curriculum committee
- Establish whether judicial ethics is available for the curriculum

## **COLLABORATIVE COUNCIL REPORT – NOVEMBER 13, 2009, MEETING**

### **I. Update on Texas Lawyers for Children**

Texas Lawyers for Children (“TLC”) provides training for judges, attorneys, and child welfare professionals on child abuse issues and created and operates an online resource center (the “Online Center”) for Texas judges and attorneys handling child abuse cases. The Online Center, which receives funding from the Commission, includes a wealth of legal, medical, and psychological materials covering more than 800 topics and also provides private, secure communication tools for judges and attorneys, respectively, to discuss pertinent issues and share their expertise with each other.

#### **Data on the Online Center’s Results**

- Over 1,400 judges and attorneys are now registered to use TLC’s Online Center. In the two years of Commission funding, the user base has almost tripled.
- These judges/attorneys handle cases in 245 of Texas’ 254 counties.
- These judges/attorneys estimate that they handle cases of almost 57,000 children annually. (It is possible that this number includes some overlap, since a judge and an attorney, both using TLC’s services, may be reporting the same child from a case they both handle.)
- TLC’s Online Center averages over 70,000 hits per month. In the two years of Commission funding, the usage rate has more than doubled.
- In surveys of these judges and attorneys conducted in 2008 and 2009, both groups reported that the Online Center is “invaluable” to their work in handling child abuse cases and provided evidence that the Online Center is improving outcomes for children.
- The 2009 survey of judges/attorneys using the Online Center included the following results:
  - On the question of whether TLC's Online Center helps them achieve the best interest of the children involved in their cases, 92.3% of the judges who answered and 97.56% of the attorneys said “yes”.
  - On whether using TLC's Online Center saves them time in their work, 100% of the judges who answered and 89.47% of the attorneys said “yes”.

#### **National Recognition**

TLC’s Online Center is receiving significant national attention. The Online Center has been replicated in California, and TLC’s Director was recently honored with the American Bar Association’s 2009 Child Advocacy Award, given by the Young Lawyers Division.

#### **Expansion of Use of Communication Tools**

TLC’s communication services were chosen by the Texas Association of Child Protection Judges, which was formed last fall, as their method for communicating among themselves to share ideas to improve the handling of child abuse cases and to exchange expertise. Since then, judges have sent almost three hundred messages to each other via TLC’s secure, private email network. Many new judges and those who preside over general jurisdiction courts, hearing children’s cases only occasionally, have thanked TLC for this conduit to judges with extensive experience and expertise. TLC’s communication services have also been expanded to serve judges presiding over family drug treatment courts and judges interested in starting such courts, as well as serving the members of the State Bar’s Committee on Child Abuse and Neglect.

#### **Expansion of Pro Bono Network**

The Texas Young Lawyers Association and the State Bar Committee on Child Abuse and Neglect have teamed with TLC to recruit pro bono attorneys to serve as mentors for court- appointed attorneys on areas outside their expertise, such as immigration law and appellate issues, and also to represent the 14,000 children/youth growing up in foster care. The *Texas Bar Journal* published an article about this joint effort in its October 2009 issue.

## II. Update on TexProtects

### Child Protection Roundtable

In early 2008, TexProtects initiated The Child Protection Roundtable (RT) to bring together research experts, advocates and program providers in the field of child protection in order to develop a legislative priority agenda and to advocate for child protection with one voice statewide. The goal of the RT is to generate consensus public policy items and to promote and assist in the implementation of these items. Thirty-three roundtable members reached a consensus on nine legislative priorities through subgroups, full RT member discussion and vote prior to the 81st legislative session. We were successful in passing legislation and/or facilitating funding for 70% of the priorities.

A list of the organization members follow, with representation from Houston, Dallas, Ft.Worth, Austin, Arlington and statewide organizations. The invited-only membership will also include the Blue Ribbon Task force to provide input from San Antonio and we are now including the rural county perspective from the Texas Council of Child Welfare Boards rural issues committee. We would like to have the Supreme Court Task force review and provide feedback on legislative items of interest, while we acknowledge the limited advocacy capacity of the task force.

Please see the timeline of goals and schedule below. For more information, contact: Madeline McClure, *LCSW, Executive Director, TexProtects, The Texas Association for the Protection of Children*

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[madeline@texprotects.org](mailto:madeline@texprotects.org)

### Child Protection Roundtable Meeting Dates & Goals: 2009-2011

November 11, 2009 Guidelines Vote and Sub-Group Formation	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 1st Floor, Austin, TX
November, 2009-February, 2010 Sub Group Committees Research	Time and Place TBD by Sub Groups	TBD by Sub Groups
February 3, 2010 Sub-Group Preliminary Proposals	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
March 7, 2010 Final Presentations and Vote	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
April 7,(TBD) 2010 Budget Presentation to HHSC and TDFPS Commissioners	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
April-May Sub Group Legislative Proposal Development	Time and Place TBD by Sub Groups	TBD by Sub Groups
May 5, 2010 Sub Group Legislative Proposals/ Vote and Legislator Visit Schedule	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX

May-July Legislative Visits		
July 7, 2010 Conf Call/ Meeting Report Legislative feedback / Make Adjustments	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
July – September Media Contact / Stakeholder Contact		
September 8, 2010 Media / Stakeholder/ Legislative Feedback	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
October 6, 2010 September-January Finalize Bill Authors / Work Members/Sponsors	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
November 3, 2010 Press Conferences and Early Bill Filing	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
December 1, 2010 Session Strategy Organization	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX
January 5, 2011 TBD	10:30 – 12:00pm	Texas Medical Association, May Owen Room 401 W. 15th St., 10th Floor, Austin, TX

***Child Protection Roundtable, 81<sup>st</sup> Legislative Session  
Legislative Priorities Endorsers***

Austin Children’s Center, *Austin*  
Caring Family Network, *Austin*  
Casey Family Programs, *Austin*  
Center for Public Policy Priorities, *Austin*  
Child Abuse Prevention Center, *Dallas*  
Children at Risk, *Houston*  
Dallas Association for Parent Education,  
*Dallas*  
Dallas County Child Welfare Board, *Dallas*  
Dallas Children's Advocacy Center, *Dallas*  
DePelchin Children’s Center, *Houston*  
Greater Texas Community Partners, *Dallas*  
Healthy Family Initiatives, *Houston*  
Lutheran Social Services of the South, *Austin*  
Medical Director, Pediatrics, Baylor College of  
Medicine, *Houston*  
National Association of Social Workers  
(NASW)-TX, *Austin*  
Nurse-Family Partnership, *Statewide*  
Prevent Child Abuse Texas, *Austin*  
Relief Nursery of North Texas, *Plano*

TCU Institute of Child Development, *Fort  
Worth*  
Texans Care for Children, *Austin*  
Texas Alliance of Child & Family Services,  
*Austin*  
Texas Association of Family and Conciliation  
Courts, *Arlington*  
Texas CASA (Court Appointed Special  
Advocates), *Statewide*  
Texas Council of Child Welfare Boards,  
*Statewide*  
Texas Foster Family Association, *Austin*  
Texas Home Visitation Consortium, *Houston*  
Texas Loves Children, *Dallas*  
Texas Network of Youth Services, *Austin*  
TexProtects, Texas Association for the  
Protection of Children, *Dallas*  
Transition Resource Action Center, *Dallas*  
United Ways of Texas, *Austin*  
YWCA of Major Metropolitan Dallas, *Dallas*

## List of Obligations for CIP Grant Funds for 2009 – 2010

<b>Texas Center for the Judiciary</b>		\$487,238.00
<i>a. Associate Judges Conference</i>	Annual conference for associate judges hearing child protection cases; includes IV-D judges.	
<i>b. CPS Judicial Conference</i>	Annual conference for judges hearing CPS cases	
<i>c. Beyond the Bench (Harris County)</i>	Annual conference bringing together various stakeholders in CPS system from a particular region for cross-disciplinary training	
<i>d. National Conferences</i>	Scholarships to attend trainings sponsored by national groups	
<b>Child Protection Court Annual Update (OCA)</b>	Training, equipment, supplies and technical assistance to CPC courts.	\$20,000 .00
<b>Attorney Training</b>		\$125,000.00
<i>a. scholarships to national conferences</i>	Scholarships for Texas attorneys who represent parties and children in child protection proceedings to attend national conferences	
<i>b. additional NACC trainings</i>	Continue attorney training in cities not reached during FY 2009	
<i>c. trial skills training</i>	Work with training organization to provide trial skill advocacy training.	
<b>Child Welfare Law Conference</b>	NACC Annual conference scheduled for 10/2010. Funding will provide scholarships to Texas attorneys for registration fees and speaker travel.	\$100,000.00
<b>Child Welfare Law Certification</b>	To be held in Spring 2010 and again in 2011	\$20,000.00
<b>Specialized Training for Judges</b>	Judicial conference on implicit bias in judicial decision-making	\$33,734.00
<b>TexDECK Project</b>	Contract with OCA which includes Redesign of the Texas CPCMS, Project Management, FRS updates, promoting other data projects	\$236,742.00
<b>Legal Representation Study</b>	Conduct a study to examine the quality of legal representation and its impact in Texas	\$207,568.00
<b>Software Development</b>	Grant to Tarrant County to develop software using the FRS	\$350,000.00
<b>Video Conferencing</b>	Provide Grants to Dallas County (\$50,000) and other locations to promote children attending court hearings.	\$150,000.00
<b>Software Development for Counties</b>	Grants to counties to implement local versions of CPCMS	\$100,000.00
<b>Supreme Court Judicial Commission for Children, Youth, &amp; Families</b>	Commissioners' travel, support meetings, site studies, information gathering research.	\$40,000.00
<b>Commission Round Table Series</b>	Issue specific collaborative meetings involving local and state-level stakeholders	\$15,000.00
<b>Texas CASA</b>	Costs of staff to enhance recruitment efforts and leadership training.	\$210,000.00
<b>Office of Court Administration – Judicial Support</b>	Supports travel and other administrative costs of the courts, and training	\$30,000.00
<b>Alamo Children's Advocacy Centers (ChildSafe)</b>	Staff to improve services to drug courts	\$60,000.00
<b>National Adoption Day</b>	Pay for court related training and adoptive / foster parent recruitment efforts.	\$5,000.00
<b>Tarrant County Challenge</b>	Grants or pay for staff and services in local drug courts.	\$100,000.00
<b>Texas Foster Youth Justice Project</b>	Pay for hotline and staff for legal representation of kids in PMC	\$80,000.00
<b>Texas Lawyers for Children Website</b>	Provide resources and information to attorneys and child welfare judges.	\$250,000.00
<b>Office of Parental Representation</b>	Pay for new model of representing primary custodial parents in child protection cases.	\$100,000.00

<b>Office of Child Representation</b>	Pay for new model of representing children in child protection cases.	\$100,000.00
<b>Bench Book</b>	Committee meeting expense. TCJ fees to load BB onto website, manage ids & passwords and maintain.	\$30,000.00
<b>Study of DFPS and TYC Population</b>	Committee meeting expense, and AAL representation project.	\$60,000.00
<b>Summit III</b>	Collaboration beyond the leadership of the courts and child protection agencies to include state education and labor agency leaders.	\$50,000.00