



Children's Commission

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

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

**November 18, 2011
MEETING NOTEBOOK**

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

Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
201 West 14th Street
Supreme Court Courtroom
Austin, Texas
November 18, 2011
10:00 a.m. – 1:00 p.m.
Meeting Agenda

- 10:00 Commencement / Opening Remarks – The Honorable Eva Guzman
Commission Membership Changes, Tab 2
Collaborative Council Member Changes, Tab 2
Committee Membership Changes, Tab 2
- 10:15 Commissioner Updates
- 10:45 First order of business – The Honorable Eva Guzman
1. Adopt Minutes from August 11, 2011 Meeting, Tab 1
- 10:50 Presentation by Sr. Peacemaker Batisse, Peacemaking Court of the Alabama-Coushatta
Tribe, Livingston, Texas
- 11:10 Presentation by Child Advocacy Centers of Texas
Child-Friendly Courtrooms: Items for Judicial Consideration
- 11:20 Commission Report - Tina Amberboy/Commission Staff, Tab 3
- 11:35 Break
- 11:45 Basic Committee Report - Hon. Robin Sage, Tab 3 (page 2)
- 11:55 Training Committee Report - Hon Camile DuBose, Tab 3 (page 11)
- 12:05 Technology Committee Report - Hon. Karin Bonicoro, Tab 3 (page 15)
- 12:15 Education Committee Report - Hon. Patricia Macias, Tab 3 (page 17)
- 12:25 DFPS Update – Audrey Deckinga, Howard Baldwin
- 12:35 Jurist in Residence – John J. Specia
- 12:45 Comments from Collaborative Council (Madeline McClure, reports under Tab 6)
New Business

Next Meeting: February 10, 2012
2012 Meeting Date Schedule (2/10/12, 4/27/12, 8/03/12, 12/09/12)

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

**November 18, 2011
Meeting Notebook**

Table of Contents

Minutes from August 11, 2011 Commission Meeting.....	1
Commission, Committee and Collaborative Council Member List.....	2
November 18, 2011, Report to Commission.....	3
Education Committee Interim Report	3
October-November 2011 Committee Meeting Minutes	4
Basic Projects	
Training Projects	
Technology Projects	
Grant Projects	5
Collaborative Council Report	6

INSERT - TAB 1

PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

MINUTES OF MEETING

August 11, 2011
10:00 a.m. – 1:00 p.m.

Supreme Court of Texas Courtroom
Austin, Texas

ATTENDANCE

Members in attendance:

Chair, Hon. Eva Guzman, Justice, The Supreme Court of Texas, Austin
Judge Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels
Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family and Protective Services, Austin
Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde
Gabriela Fuentes, Office of the Governor
Joe Gagen, Chief Executive Officer, Texas CASA, Inc., Austin
Stewart Gagnon, Partner, Fulbright and Jaworski, LLP, Houston
Hon Helen Giddings, Texas Representative
Hon. Bonnie Hellums, Judge, 247th District Court, Houston
Joyce M. James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities
Dr. Octavio Martinez, Executive Director, The Hogg Foundation for Mental Health, UT Austin, Austin
Hon. Michael Massengale, Justice, 1st Court of Appeals
Hon. Dean Rucker, Presiding Judge, 7th Region, 318th District Court, Midland
Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin
Hon. Cheryl Lee Shannon, Judge, 305th District Court, Dallas
Hon. Judy Warne, District Judge, 257th Family Court, Houston

Members not in attendance:

Chair-Emeritus, Hon. Harriet O’Neill, Law Office of Harriet O’Neill, Austin
Vice-Chair, Hon. Darlene Byrne, Judge, 126th District Court, Austin
Bruce Esterline, Vice President for Grants, The Meadows Foundation, Dallas
Hon. Patricia A. Macias, Judge, 388th District Court, El Paso
Selina Mireles, Attorney At Law, Laredo
Carolyne Rodriguez, Dir. Of Texas Strategic Consulting, Casey Family Programs, Austin
Hon. Robin Sage, 307th Family District Court, Longview
G. Allan Van Fleet, Shareholder, Greenburg Traurig, LLP, Houston
Hon. Jeff Wentworth, Senator, Texas Senate, San Antonio

Staff in attendance:

Tina Amberboy, Executive Director, Children’s Commission
Simi Denson, Office of Court Administration
Katie Fillmore, Policy Attorney, Children’s Commission
Tim Kennedy, TexDECK Project Manager, Office of Court Administration
Teri Moran, Manager, Communications, Children’s Commission
Mena Ramon, Office of Court Administration

Carl Reynolds, Administrative Director, Office of Court Administration
Tiffany Roper, Assistant Director, Children's Commission
Kristi Taylor, Project Manager, Children's Commission
Mari Aaron, Executive Assistant, Children's Commission

Collaborative Council Members in attendance:

Roy Block, Executive Director, Texas Foster Family Association, San Antonio
Irene Clements, Vice President for Advocacy, Children and Family Services, Lutheran Social Services
William B. Connolly, Attorney, Connolly & Shireman, LLP, Houston
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, Dept. of Family and Protective Services, Austin
Barbara Elias-Perciful, President, Texas Loves Children, Dallas
Leslie Hill, Managing Attorney, Travis County Office of Child Representation, Austin
Shannon Ireland, Executive Director, Texas Council of Child Welfare Boards, New Braunfels
Richard Lavallo, Legal Director, Disability Rights Texas (formerly Advocacy, Inc.), Austin
Tracy Levins, Director, Admin. Svcs. And Community Relations, Texas Youth Commission, Austin
Rebecca Lightsey, Executive Director, Texas Appleseed, Austin
Kate McLagan, Executive Director, Texas Association of Workforce Boards, Austin
Diana Martinez, Director of Public Policy and Education for TexProtects, Austin
Chadwick Sapenter, CEO and Founder, Little Book of Words, former foster youth, Austin
Armin Steege, Vice President of Programs, Austin Children's Shelter, Austin
Leslie Strauch, Clinical Professor, University of Texas School of Law, Austin
Arabia Vargas, Chair, Bexar County Child Welfare Board, San Antonio
Aaron Williams, Social Services Director, Alabama-Coushatta Tribe of Texas

Collaborative Council Members not in attendance:

Emy Lou Baldrige, Co-Founder, Greater Texas Community Partners, Dallas
Elizabeth Cox, foster and adoptive parent, San Antonio
Kevin Cox, foster and adoptive parent, San Antonio
Debra Emerson, CPS Director of Permanency, Dept. of Family & Protective Services, Austin
Mike Foster, Executive Director, Neighbor to Family, Austin
Natalie Furdek, Women's Substance Abuse Services Coordinator, Dept. of State Health Services, Austin
Paul E. Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, Houston
Eileen Garcia, Executive Director, Texans Care for Children, Austin
David Halpern, Director, Promise Mentor Program, Seedling Foundation, Austin
Robert Hartman, Executive Vice President and COO, DePelchin Children's Center, Houston
Chris Hubner, Staff Attorney, Texas Juvenile Probation Commission
Lori Kennedy, Managing Attorney, Travis County Office of Parental Representation, Austin
Alicia Key, Deputy Attorney General for Child Support, Office of the Attorney General
Stephanie Ledesma, Attorney/CWLS, Round Rock
Madeline McClure, Executive Director, The Texas Association for the Protection of Children, Dallas
Hon. F. Scott McCown, Executive Director, Center for Public Policy Priorities, Austin

Dr. Sandeep Narang, Fellowship Director, Child Abuse and Neglect Division, Pediatrics Department, UT-San Antonio
Judy Powell, Communications Director, Parent Guidance Center, Austin
Johana Scot, Executive Director, Parent Guidance Center, Austin
Janet Sharkis, Executive Director, Texas Office of Developmental Disabilities, Austin

Gloria Terry, Coalition President, Texas Council on Family Violence, Austin
Kenneth Thompson, Fatherhood Program Specialist, Dept. of Family & Protective Services, Austin
Meghan Weller, Director of Public Affairs, Children's Advocacy Centers of Texas, Austin

CALL TO ORDER AND OPENING REMARKS, Justice Eva Guzman

Justice Guzman called the meeting to order at 10:06 a.m.

Commissioner Membership Changes

Justice Guzman noted that two commissioner terms expired in May 2011. Harper Estes has elected to discontinue his service on the Children's Commission. Terry Tottenham, past President of the State Bar of Texas will join the Commission. The order to appoint Mr. Tottenham will be submitted to the Supreme Court of Texas for approval later this summer. Judge Cheryl Shannon, Stewart Gagnon, and G. Allan Van Fleet will serve an additional 3-year term.

The Honorable Rick Perry, Governor, appointed Ms. Gabriela Fuentes as an ex-officio member of the Commission on July 1, 2011.

Collaborative Council Membership Changes

There are no changes to the Collaborative Council.

Committee Membership Changes

Mr. Joe Gagen has elected to step down from the Basic Grants Committee.

Staff Member Changes

There are no staff member changes to report at this time.

COMMISSION MEMBER UPDATES

Justice Guzman asked the Commission members to provide updates on their organizations and locales.

Justice Michael Massengale, Justice, 1st Court of Appeals, Houston, reported on the insight he obtained on the issues surrounding the family and juvenile courts at the NCJFCJ Conference in New York City. Work with stakeholders in Harris County continues to obtain input to address issues in the juvenile and family courts. Justice Massengale is a member of the Trial Skills Training Workgroup and will develop trial skills training for practitioners in CPS cases.

Hon. Dean Rucker, Regional Presiding Judge, 7th Administrative Judicial Region, and District Judge, 318th District Court, Midland, will hold his comments until later during the meeting.

Hon. Cheryl Shannon, Judge, 305th District Court, Dallas reported on work underway with the Education Committee and Sub-Committees. During the NCJFCJ Conference, the need for multi-system collaboration was acknowledged in moving forward efforts to improve education for foster children. Activity in Dallas County includes 'Knowing Who You Are' in partnership with CASA and CPS lawyers. Work is underway on a victims court, a girl's docket that focuses on runaways involved with prostitution. Although the focus is on the delinquency side of the case, it is recognized that the population is part of CPS as well and her court is looking at ways to work with these young girls as a special population and redirect them from life on the street.

Hon. Judy Warne, Judge, 257th District Family Court, Houston, reported that the Board on Child Advocacy in Harris County has agreed to authorize their volunteers to continue work with cases through the PMC stage. The pilot program will keep select volunteers on some of the cases and assess the budgetary feasibility. This will provide an objective child representative through PMC. Judge Warne noted her work with Judge Hellums to assemble the judges council to address CPS issues unique to Harris County.

Hon. Karin Bonicoro, Associate Judge, Child Protection Court of Central Texas, New Braunfels, provided updates on the mentoring programs underway with community partners representing Region 7 and 8 in her jurisdiction. The Core Systems Workgroup, with members from Texas State University, presented data at the last meeting indicating that 2% of the national foster youth population successfully complete college. Texas State reported that their college completion rate for foster youth in the mentoring program now equals that of the general population. Planning is underway for the third Adoption Day for the Child Protection Court of Central Texas. Judge Bonicoro has assembled a large group of participants for her Beyond The Bench team.

Gabriele Fuentes, Appointments Manager, Office of the Governor, expressed appreciation for the appointment to the Commission and looks forward to her service.

Joe Gagen, Chief Executive Officer, Texas CASA, Inc., reported that two years ago, the Texas CASA Board set the of having a CASA for every child in the Texas child protection system and sought resources from the legislature to accomplish this goal. The intent was to increase CASA volunteer totals by 30% from FY2009 to FY2011; he expects to reach the projected increase percentage. This year there are nearly 7,000 CASA volunteers who assist over 20,000 children. Texas CASA staff are actively engaged in the issue of disproportionality of African American and Hispanic children in the child welfare system. Eight 'Knowing Who You Are' seminars have been presented jointly with Child Protective Services. Recruitment and training of CASA volunteers is ongoing, supported by PSAs by Laura Bush, Mac Brown, and others that will run throughout the state this spring. There are now legislative advocacy teams consisting of CASA volunteers in place in nine different programs across the state.

Stewart Gagnon, Partner, Fulbright and Jaworski, Houston, noted that the Access to Justice Commission has presented three training events since 2009 for legal aid attorneys and this may be a good resource for the trial skills training workgroup. Mr. Gagnon reported on the projects he is working on that address the influx of self-represented litigants into the Texas legal system. He has noted a number of self-represented parents / kin on the CPS dockets in Harris County.

Hon. Camile DuBose, Judge, 38th Judicial District, Uvalde, reported on efforts underway in conjunction with Bexar County on annual ad litem training. Former CASA volunteers in her jurisdiction have created Helping Abused and Neglected Kids (HANG), an organization who conduct community fund raising, organizing to help provide additional services for children not covered under CPS due to budgetary constraints. Judge DuBose has seen an increase in community awareness of the foster child population and efforts made to help. Judge DuBose is awaiting news on the videoconferencing grant application submitted by her court. A criminal Drug Court will commence and will eventually expand to include CPS cases.

Dr. Octavio Martinez, The Hogg Foundation for Mental Health, UT Austin, Austin provided updates concerning technical assistance provided to SAMSHA on preparation of a guidebook for community members and organizations to use as a reference to access funds that will be made

available through the Affordable Care Act. The target date for completion of the guidebook is September 1. Dr. Martinez will provide information to Ms. Amberboy to share with the Commission. The Hogg Foundation continues the process of technical assistance grant awards to RTCs. The funds will be used to implement the trauma informed systems of care to reduce reliance on seclusion and restraints. In June, over 400 people attended the Young Minds Matter Conference in Houston. The focus of the conference was on trauma and the impact on truant youth and their families. The presentation can be accessed at www.hogg.utexas.edu. The foundation is working to develop the State of Mental Health report for Texas. The document will serve as a reference document for state legislators and policy makers and will provide insight on the state of mental health in Texas from infants to elderly. The Texas Mental Health Code Project is ongoing in partnership with Texas Appleseed. Hogg Foundation has partnered with St. Luke's Episcopal Health Charities in Houston to fund a children's mental health training program for adults and individuals who are not mental health providers. Funding has been awarded for advocacy initiatives underway to the Boys and Girls County of Houston, Inc., Catholic Charities of the Archdiocese of Galveston and Houston and others who partner with the Harris County Child Protective Services and Infant Toddler Court.

Fairy Davenport Rutland, Director, Appeals Div., Texas Health & Human Services Commission, Austin, reported on the activities at the Advanced Family Law course held in San Antonio last week. Current issues in child abuse and neglect were covered and included information on fetal alcohol syndrome. A highlight of the conference was the award for outstanding service to children and families. The award (The Fairy Davenport Rutland Award) was presented to Leora Olorunnisomo, an attorney ad litem in Judge Shannon's court. Ms. Olorunnisomo represents children in PMC of the Department. The Child Abuse and Neglect Committee of the State Bar will begin activities for the year in September. Ms. Carol Hurley is the new chair of the committee, succeeding Barbara Elias-Perciful. The fetal alcohol project will be a focus of the committee's work. Work is ongoing on the program for the Child Welfare and Law Conference that will be held in 2012.

Judge Rucker acknowledge the attendance at the Child Abuse and Neglect track in San Antonio last week, and Judge Specia noted that Assistant Commissioner Deckinga attended the full day, demonstrating a significant level of cooperation between the Department and family law practitioners in the state.

Audrey Deckinga, Assistant Commissioner for CPS, Dept. of Family & Protective Services, Austin, noted that the cross system collaborative efforts underway in Texas are unprecedented among the other states and has shown significant progress in the past five years, reflecting the impact of the Children's Commission. The Foster Care Redesign RFP has been released and the bidder's conference will take place tomorrow. The public-private partnership recommended that the RFP provide a choice of areas and not be limited to rural and urban. The intent of Foster Care Redesign is to implement procedures that will incentivize keeping kids closer to home, with siblings and in least restrictive settings when possible. Improved outcomes for children, youth and families, including decreased time to permanency, are a primary goal.

The Department is upgrading its website with the Texas Adoption Resource Exchange and with Family Tree. These technological improvements will augment efficiencies affecting adoptions and more readily identify family members who can provide placement options for children in the system. Issues with email encryption will be addressed and resolved.

The 82nd Legislature ultimately restored funding in significant areas, however the next two years will present significant challenges in the areas of caseload growth. Efforts in the upcoming fiscal year will

focus on reigning in the Department's budget and will include infrastructure cutbacks in both state and regional offices and prioritization of front line staff. A Round Table is scheduled this fall to address the resource and budget shortfall issues. Beginning on September 1, the Department will tighten up on day care expenditures and focus on eligibility criteria. Day care will be available only to children at the basic service level and only foster parents or kinship providers who work 40 hours outside the home each week will be eligible. Contracting for home studies will commence on September 1, but will be limited to kinship home studies. Foster and adoptive home studies will be performed internally.

A purchase of service guideline from the legislature addressed local match, which will impact some of the local providers. A 25% local match will be required of purchased adoption service providers and post-adopt services. The match can be in-kind. A 20% match will be required for some PAL services.

Bill Connolly suggested issues for the resource and budget shortfall Round Table include the cost loading to parents and the requirement in Harris County for parents to pay for services even though the parent has been determined to be indigent. Delay in the post-termination processing of adoptions should also be addressed. Determining a way to coordinate home studies done by CPS workers with those done by the adoption prep units would be a possible cost-saving option.

Joyce James, Associate Deputy Executive Commissioner, Center for the Elimination of Disproportionality and Disparities, Austin, reported that the CEDD will mark its one year anniversary in September. Over 2000 stakeholders both in Texas and other states have been involved in meetings during this time. The awareness of the issue of disproportionality and disparities for the members of the African American population involved in the child welfare, judicial and criminal justice systems is expanding at many levels. Ms. James highlighted a townhall meeting in Abilene, Texas during which over 110 people attended, including representatives from law enforcement, the judiciary, the president of Abilene Christian University, county commissioners, health services, the NAACP, pastors, and others. Judge Randy Shelton held an Undoing Racism workshop in Beaumont, Texas for systems leadership. Ms. James commended Texas for conducting the research efforts to address discipline and education.

SB501, passed during the 82nd Legislative Session, established the Center for the Elimination of Disproportionality and Disparities and created an Inter Agency Council that will be lead by the Center. Representatives from the cross-systems will be assembled to examine data in terms of disproportionality and disparate outcomes and work on arriving at solutions and recommendations to improve outcomes and create equity among the systems. The Inter Agency Council will consist of representatives from child welfare, juvenile justice, education, criminal justice, the Attorney General's office, the Governor's Office on Criminal Justice and all Health and Human Services agencies. A pre-meeting will be scheduled for the state agency leaders to review the legislation will take place.

The Center continues to facilitate the Undoing Racism workshops and will be in Houston in August. In addition, the Center, along with the office of Administration for Children and Families (ACF) is hosting an adoption renaissance in Texas conference. Planning for the conference includes the disproportionality specialists from CPS and will focus on elevating awareness in Texas about the need to do a better job in moving children through the system to final adoption. Additional information will be forthcoming.

Hon. Bonnie Hellums, Judge, 247th District Court, Houston, reported on the progress of the Infants and Toddlers Court. It has dovetailed with the Family Drug Court since most of the people appearing in the drug court are parents of children age 3 and younger. The collaboration with Harris County is

building. Eric Cadow is providing grant writing services to support the court. Judge Hellums noted that the court was successful in obtaining the OJJDP grant, a CIP grant and assistance from the Hogg Foundation. The court was formed to address the bonding and attachment disorders arising from removal of children age 3 and under. The funding received supports parent coaches as well as parent visitation opportunities. Judge Hellums commended the work of the CPS staff working in these courts. Judge Hellums provided information to the members on Fetal Alcohol Syndrome Disorder (FASD) day that will take place on September 9 at the Capitol. Ira Chasnoff will be a keynote speaker. Judge Bonicoro noted that the information Mr. Chasnoff provides is valuable in enhancing understanding of the symptomology of affected children and the (mis)diagnoses that can include prescribing of psychotropic medications. Judge Hellums noted that these cases need early childhood intervention (ECI) services in order to ameliorate future disabilities and issues of these affected children.

Judge Hellums commented on the legal orphans project within NCJFCJ that she, Judge Specia, Judge Macias and Ms. Amberboy are involved with.

Two Keeping Infants and Toddlers Safe (KITS) seminars have been presented and included presentations by various national experts. A collaboration with the Houston Council on Alcohol and Drugs Houston has enabled the presentation of these seminars to CPS workers, attorneys and other interested stakeholders.

Carl Reynolds, Administrative Director, Office of Court Administration, Austin, deferred his report.

Hon. John Specia, Jurist in Residence, Office of Court Administration, noted that he and Dr. James Rogers, Medical Director, DFPS recently made a presentation to the Texas Society of Child Psychiatrists to further efforts at building collaboration with the organization. As a member of the nominating committee of NCJFCJ, Judge Specia reported that Judge Peter Sakai, 225th District Court was elected to the NCJFCJ board. Many Texas judges are represented on the NCJFCJ committees that include the Legal Orphan and Curriculum Committee.

Hon. Helen Giddings, Texas Representative, District 109, deferred her comments.

ADOPTION OF APRIL 29, 2011 MEETING MINUTES

ACTION: Justice Guzman asked for a motion to adopt the meeting minutes of the April 29, 2011 meeting of the Supreme Court of Texas Judge Hellums seconded. The attending members approved the meeting minutes of the April 29, 2011 meeting.

BREAK - 11:24 a.m.

RECONVENE - 11:42 a.m.

MYFOCO PRESENTATION, Chadwick Sapenter, Austin

Justice Guzman introduced Mr. Sapenter who shared some information with the members on his background as a youth who aged out of the foster care system nearly ten years ago. Mr. Sapenter acknowledged the beneficial changes to policy and public perception that he has observed since that time. Mr. Sapenter's company has developed a website concept, MyFoco, to create an online social service that will aggregate resources and information to assist kids preparing to leave the foster care system. The product will connect aging out youth to a central location to access primary resources and

needs including education, housing, employment, relationships and goods and services. At present, partnerships are in place with McDonalds, Apple, and Walmart to provide in-kind and actual goods. Mr. Sapenter noted that with effective support systems in place, college graduation rates for aged out foster youth are likely to increase, employment rates increase and homelessness rates should decrease, with associated savings to state, local and county systems. Mr. Sapenter is actively developing strategies to address the sustainability issue for the platform. The anticipated date for the beta launch of the website is November 11, 2011. Efforts are ongoing to secure additional investors to fund software design, operations, marketing and legal costs.

DFPS DEMONSTRATION-FAMILY TREE AND TEXAS ADOPTION ASSISTANCE EXCHANGE (TARE), David Snider, Project Manager, Melissa Gonzales, and Jaime Johnson, Tim Cone and Drew Becket, Austin

The Commission members observed a presentation of the Family Tree system that will track, view and update relationships to expedite identification of relatives and fictive kin based on the selection of a single person in the IMPACT system. The functionality provides caseworkers with a visual resource reference for use in determining relationships in a case. The system is targeted for release at the end of August.

Ms. Johnson, Mr. Cone and Mr. Becket highlighted the system enhancement features to the TARE system and provided an overview on how the system has been improved to assist potential adoptive families with the matching process. The Commission members observed how the website dashboards will appear to the potential adoptive parent users, administrators and caseworkers. The system will enable improved matching on the national as well as local levels. Matching characteristics have been increased from 20-30 to 180. This will enable caseworkers to develop an understanding of what the adoptive families expectations are and assess whether or not the child will be a good match in terms of their behavioral, emotional and developmental needs. This will allow caseworkers to allocate their time responding to those potential adoptive parents most likely to be a good fit.

COMMITTEE REPORTS

Basic Committee

Tina Amberboy, Executive Director, Children's Commission on behalf of Hon. Robin Sage, Judge

In addition to the detailed project information contained in the meeting notebook Basic Report, Ms. Amberboy highlighted the Resource and Budget Shortfall Round Table upcoming this fall, and noted that the Legal Representation Workgroup has begun their work. Updates on their work will be maintained in the report to the Commission at the quarterly meetings, in addition to meeting minutes for the topic groups.

A joint meeting of the CIP Grant Committees was held on July 6, 2011, and included the members of the Basic, Training and Technology committees. The CIP grants expire on September 30, but a bill to reauthorize the CIP funding (HB 2883) was filed in the US House of Representatives by Representative Lloyd Doggett, TX and Representative Geoff Davis, KY. There is strong support for the reauthorization. The Children's Commission is awaiting Program Instructions on the application process for the grant. In response to this situation, we are funding our projects through the end of the fiscal year. The meeting notebook contains a summary list of the projects that will receive CIP funds beginning October 1. At the July 6 meeting, the Basic Committee members approved the project budget. Ms. Amberboy noted the corrections made to the budget following the July 6 meeting that will cover CIP spending obligations effective October 1.

ACTION: Justice Guzman asked for a motion to adopt the corrected version of the CIP Basic budget. Ms. Deckinga made the motion, Judge Rucker seconded and the attending members of the Children’s Commission approved the Basic budget by general consent.

Ms. Amberboy provided two items on the OCA budget. Information on the CPCMS budget reallocation in the amount of \$74,346, discussed at the July 6 committee meeting was provided to the members. The reallocation of funds to the contractual line item will support contracted services for maintenance and ‘bug’ fixes to the system and allow ongoing system enhancements.

ACTION: Justice Guzman asked for a vote to adopt the reallocation of funds to the contractual line item of the CIP Technology budget. The attending members of the Children’s Commission approved the reallocation by general consent.

Ms. Amberboy provided information concerning the second item on the OCA budget. The CIP grants are reimbursement grants, meaning that sub-grantees request reimbursement of funds throughout the grant year from the funds that are awarded at the start of the grant year. Funds that are unexpended by a certain date are swept back into the CIP master account and made available for reallocation. Due to some personnel changes and timing issues, OCA did not submit. Approximately \$50,000 in unexpended funds remained in the OCA account at the end of the grant year and these funds were swept back into the master CIP account. A supplemental award for FY2011 in the amount of \$32,451 is needed in order for OCA to pay a bill.

ACTION: Justice Guzman asked for a vote to adopt the supplemental award to OCA for FY2011 in the amount of \$32,451. The attending members of the Children’s Commission approved the supplemental award by general consent.

Training Committee

Hon. Camile Glasscock DuBose, Judge, 38th District Court, Uvalde, provided information to the members on the numerous trainings that will take place over the next year. Judge DuBose reviewed the conferences that took place in the spring and summer of 2011. Funding for attorney scholarships was provided by the training committee; 16 scholarships were provided for the NACC training, 60 scholarships for the American Bar Association Child and Parent Representation training and nearly 100 scholarships for the Advanced Family Law training. Beyond the Bench is scheduled for next week and 6 teams will attend. Judge DuBose commented that she participated in the Implicit Bias and Judicial Decision Making training held in June in Austin.

Technology Committee

Hon. Karin Bonicoro, Associate Judge

Judge Bonicoro asked Mr. Tim Kennedy to report to the members on the video conferencing project. The initial hearing utilizing the video conferencing equipment was held yesterday in Judge Hathaway’s Court in Travis County. The judge was pleased with how the technology performed and will continue testing. Judge Schneider’s Court in Harris County will test the equipment during five hearings upcoming in the next few weeks. Judge Bonicoro has four hearings in four separate counties scheduled in September. Mr. Kennedy will work with DFPS on analysis and assessment from the caseworker aspect of the project.

Education Committee

Tiffany Roper on behalf of Hon. Patricia Macias, Judge

Ms. Roper reported that between the beginning of 2011 and the end of this month, over 30 meetings of the full Education Committee and Sub-Committees and workgroups have taken place. The efforts are moving forward from a fact-finding stage into the recommendation development stage. Committee and Sub-Committee members are reviewing an interim report and will be distributed to the Commission by the end of August. The final report will be provided to the Commission by the end of March 2012 and will include recommendations on the topics discussed by the members. On September 16, a joint meeting of the full Education Committee and the four Sub-Committees will be held in Austin. In early November, a Texas state team will attend a meeting in Washington DC that is sponsored by the Administration for Children and Families (ACF) and the US Department of Education. Team members will represent the judiciary, the child protection system and the education system. Texas is well positioned from a national perspective owing to the involvement of the courts in the Education Committee.

Legislative Committee

Hon. Dean Rucker, Judge

Judge Rucker highlighted the work of his committee that is described more fully in the committee report in the meeting notebook. A topic list of issues for consideration during the interim was prepared in response to a request from members of the legislature. Judge Rucker reported on HB906 and noted that a taskforce, created by the Supreme Court, is working to address issues concerning prompt resolution of termination appeals. The taskforce, chaired by Judge Rucker, are focusing their efforts on meeting the tight timeline of the Supreme Court. The court must issue any rulings by March 1, 2012. Justice Guzman and Justice Lehrmann are serving on the taskforce as the court liaisons.

Judge Rucker commented that the work of the Legal Representation Study workgroup is underway. The workgroup will formulate recommendations on how to take the study findings and implement ways to improve practice in child abuse and neglect cases. Judge Rucker acknowledged the efforts of Ms. Amberboy and Ms. Fillmore in the ongoing work of the committee.

COLLABORATIVE COUNCIL REPORT

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

Texas Lawyers for Children, Barbara Elias-Perciful, President

Ms. Elias-Perciful expressed her appreciation to the Children's Commission for the four years of funding support to Texas Lawyers for Children. Ms. Elias-Perciful highlighted the project's accomplishments and communication tools, described in detail in the meeting notebook.

COMMENTS/NEW BUSINESS

NEXT MEETING

Justice Guzman noted that the next meeting of the Commission is scheduled on November 18, 2011. Members will receive the meeting schedule for 2012 within the next few weeks.

ADJOURNMENT

The meeting was adjourned at 12:59 p.m.

INSERT - TAB 2

CHILDREN'S COMMISSION MEMBERS

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

Joe Gagen
 Stewart W. Gagnon
 Hon. Helen Giddings
 Hon. Bonnie Crane Hellums
 Joyce M. James
 Hon. Patricia A. Macias
 Dr. Octavio Martinez
 Hon. Michael Massengale
 Selina Mireles

Carolyn Rodriguez
 Hon. Dean Rucker
 Fairy Davenport Rutland
 Hon. Robin Sage
 Hon. Cheryl Lee Shannon
 Terry Tottenham
 G. Allan Van Fleet
 Hon. Judy Warne
 Hon. Jeff Wentworth

COMMITTEE MEMBERS

EXECUTIVE

Hon. Eva Guzman,
Chair
 Hon. Harriett O'Neill,
Chair Emeritus
 Hon. Darlene Byrne
Vice Chair
 Judge Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Hon. Dean Rucker
 Hon. Patricia A. Macias
 Hon. Robin Sage

BASIC PROJECTS

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 Colleen McCall
 Hon. Mickey Pennington
 Carolyn Rodriguez
 Hon. Elma Salinas Ender
 Hon. Peter Sakai
 Judge Virginia Schnarr
 Hon. Cheryl Lee Shannon
 Hon. Olen Underwood
 Hon. Doug Warne
*Staff: Tina Amberboy
 Kristi Taylor*

TECHNOLOGY

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Chair
 Hon. Oscar Gabaldon
 Kevin Cox
 Jason Hassay
 Hon. Gilford Jones
 Casey Kennedy
 Tim Kennedy
 Elizabeth Kromrei
 Robert Nolen
 Carl Reynolds
 D.J. Tessier
 Linda Uecker
 G. Allan Van Fleet
 Bryan Wilson
Staff: Tina Amberboy

TRAINING

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Chair
 Cathy Cockerham
 Barbara Elias-Perciful
 Alice Emerson
 Debra Emerson
 Hon. Richard Garcia
 Tracy Harting
 Joyce M. James
 Hon. Lamar McCorkle
 Sandeep Narang
 Shaneka Odom
 Pam Parker
 Fairy Davenport Rutland
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 Hon. Ellen Smith
Staff: Tiffany Roper

EDUCATION

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 Claudia Canales
 Jim Crow
 Audrey Deckinga
 Lori Duke
 Joe Gagen
 Hon. Rob Hofmann
 Carolyn Rodriguez
 Estella Sanchez
 Robert Scott
 Johnny Veselka
Staff: Tiffany Roper

STRATEGIC PLANNING

To Be Designated (fmr H.
 Estes)
Chair
 Hon. Darlene Byrne
Vice Chair
 Hon. Karin Bonicoro
 Audrey Deckinga
 Hon. Camile G. DuBose
 Hon. Patricia A. Macias
 Hon. Dean Rucker
 Hon. Robin Sage

COLLABORATIVE COUNCIL MEMBERS

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

Natalie Furdek
 Paul E. Furrh, Jr.
 Eileen Garcia
 David Halpern
 Robert Hartman
 Leslie Hill
 Chris Hubner
 Shannon Ireland
 Lori Kennedy
 Alicia Key
 Richard Lavallo
 Stephanie Ledesma

Tracy Levins
 Rebecca Lightsey
 Madeline McClure
 Kate McLagan
 Hon. F. Scott McCown, ret.
 Diana Martinez
 Sandeep Narang
 Judy Powell
 Chadwick Sapenter
 Johana Scot
 Janet Sharkis
 Armin Steege

Leslie Strauch
 Gloria Terry
 Kenneth Thompson
 Arabia Vargas
 Meghan Weller
 Aaron Williams

Tina Amberboy, Executive Director
 Tiffany Roper, Assistant Director
 Kristi Taylor, Program Manager
 Katie Fillmore, Policy Attorney
 Teri Moran, Communications Manager
 Mari Aaron, Executive Assistant
 Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration
 Carl Reynolds, Administrative Director
Office of Court Administration

STAFF

INSERT - TAB 3



Children's Commission

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

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

**REPORT TO THE COMMISSION
November 18, 2011**

**201 W. 14th Street
Austin, Texas 78701**

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**Supreme Court of Texas
Permanent Judicial Commission for Children, Youth and Families
Report for November 18, 2011**

MINUTES – August 11, 2011 meeting (adoption pending), TAB 1

COMMISSION MEMBERSHIP CHANGES TAB 2

The Supreme Court added former State Bar President, Terry Tottenham, to the Commission effective November 14, 2011. Mr. Tottenham will serve a three-year term. Mr. Tottenham, is a partner at Fulbright & Jaworski L.L.P., where he heads the firm-wide pharmaceutical and medical device litigation practice group. He received his J.D. with honors from the University of Texas School of Law in 1970.

The Supreme Court reappointed Judge Cheryl Shannon, G. Allan Van Fleet and Stewart Gagnon for an additional (final) term.

COLLABORATIVE COUNCIL MEMBERSHIP CHANGES

New Members:

Please refer to the updated Collaborative Council list found at Tab 2.

COMMITTEE MEMBERSHIP CHANGES

STAFF CHANGES

No Staff Changes

COMMITTEE ACTIVITIES

Basic Grant Committee

Basic Grant Committee

The Basic Committee scheduled a conference call on 11/9/11, but did not have a quorum so the projects updates were sent via email

Update on Basic Projects

1. Child Protection Law Judicial Bench Book

The Bench Book was introduced at the 2010 CPS Judicial Conference and has been available to judges through the Texas Center for the Judiciary (TCJ) since November 2010. The Bench Book committee recently decided to move the bench book to the OCA server after confirming that OCA could provide password protected access to the Bench

Book. Staff is in the process of updating the Bench Book to add more topical content and incorporate legislative updates and changes.

There are still very few users. The Commission staff will re-market the bench book once it is moved to the OCA server and continue to monitor its use.

2. Volunteer Ad Litem Permanency Project (Texas Appleseed & AYL A)

Texas Appleseed completed its study of Texas children in PMC and published its final report last November. Since that time, Appleseed, DFPS, Casey Family Programs, CPPP, CASA, and the Children's Commission have been working on how best to implement the recommendations in the full report, which can be linked to here: http://www.texasappleseed.net/images/stories/reports/FosterCare-rev_press.pdf. An abbreviated version of the report also appeared in the October issue of the Bar Journal. The projects include an effort to establish a bench mark hearing that would incorporate some of the recommendations from the 2010 report. This process has included a cost analysis to determine the current cost of hearings in multiple jurisdictions in order to learn how expensive a bench mark hearing process might be and a survey of several courts to evaluate PMC hearing quality. The survey was conducted in partnership with Casey Family Programs and the NCJFCJ. Other projects include continuing to work with Harris County, as appropriate, to improve the administrative handling of CPS cases generally and improve the judicial practices used in PMC cases.

In response to the report by Texas Appleseed, the Austin Young Lawyers Association (AYLA) is planning to launch a project to recruit attorneys to volunteer for appointment to represent children in the PMC of the state. The Commission will work with AYLA to help AYLA develop the curriculum for the orientation training course for the Ad Litem project. The goal of the Ad Litem Project is to provide pro bono representation for the children in PMC and potentially change children's lives forever. Attorneys will advocate to find the children permanent families and to provide them what they need to have a good start in life. Attorneys will get court room experience at the hearings held once every four to six months.

3. Round Table Series

A Round Table to discuss the impact of budget cuts is scheduled for November 14, 2011 in Austin. This Round Table will focus on the impact budget cuts and constraints are having on DFPS' ability to provide services to families. It will provide an overview of the current budget for family services and what services are available. Participants will then discuss how to most effectively use the limited services and budget available to maximize a family's chance at reunification. Participants will also discuss how to leverage community resources to increase available services.

Update on Notice & Engagement

Judges were trained on these issues in July 2011 at the CPS Judicial Conference. DFPS needs to verify that caseworker training is adequate and offers the most recent and innovating education on practices that can improve notifying and engaging relatives. Legislation was enacted, and effective September 1, 2011, to ensure compliance with Fostering Connections to Success and Increasing Adoptions Act.

Now, under Texas law, notice shall be provided to each adult the department is able to identify and locate who is related to the child within the third degree by consanguinity as determined under Chapter 573, Government Code, or is an adult relative of the alleged father of the child who the department determines is most likely to be the child's biological father; is identified as a potential relative or designated caregiver, as defined by Section 264.751, on the proposed child placement resources form provided under Section 261.307. There is an exception if the department determines providing information is inappropriate because a relative has a criminal history or a history of family violence. Also, DFPS may in its discretion also provide information to each adult the department is able to identify and locate who has a long-standing and significant relationship with the child.

Also, DFPS will be providing relatives with a form letter stating the names of the children that have been removed and inviting the relative's participation. The department will provide relatives with a check box form to allow relatives to indicate their interest in providing support or maintaining a relationship with the child. Specifically, the relative will be able to indicate his or her interest having a child placed in their home, becoming a kinship caregiver, a foster parent, or adoption the child. If the relative cannot serve in any of these roles, they will have the option of supporting the child in another way.

Plans for a follow up Round Table or a workgroup to focus on changes to the Status Hearing statute will be examined in 2012 to determine whether changes should be made to allow judges to monitor compliance with the notice provisions and to ensure the statute allows plenty of opportunities for engagement.

4. Legal Representation Study (LRS)

The LRS Workgroup, formed by the Commission to develop plans for implementing the recommendations from the LRS Report, has continued to meet regularly. Judge Dean Rucker is serving as chair of the LRS workgroup. There are 30+ members which meet mostly by conference call and the work is broken down by Subcommittee (Practice, Policy/Legislation, Outreach) and by subtopic (Appointment Method, Compensation, Training, Standards, DFPS Representation). The Appointment Method group has been charged with examining those elements of the Commission's Legal Representation

Study dealing with various types of representation around the state and nation and is directed to consider which models will best serve children and parents (including individual court appointments, public-defender type offices, regional public defenders, private contract attorneys, or a state-wide model with a centralized management structure and budget authority). The Compensation workgroup has been charged with examining how Texas can structure a compensation system that optimizes attorney performance, provides quality legal representation, and at the same time provides adequate and fair compensation for attorneys. The Compensation group is considering a means for tracking attorney billing submissions through a statewide, internet-based system. Such a system would allow judges to quickly identify attorneys that are falling outside of the norm and will increase oversight and fairness in the billing process. The DFPS group is considering whether the state should restructure DFPS representation so that DFPS provides all representation throughout the state except in those counties that wish to keep it and whether Texas should continue the status quo of the DA/CA being in control of who represents DFPS, but changing the statute to prevent counties from being able to force DFPS to provide representation without any discussion, input, or approval prior to offloading the cases. In short, the consensus of the group so far is that the State should not restructure DFPS representation and that DFPS should not handle ALL representation. And, although there was no agreement on what changes needed to be made to Texas Family Code Section 264.009, there was general agreement that DFPS should not be in the position of having to take on a county's caseload without any advanced warning or say-so in the matter, which is allowed by the current statute. The Standards and Quality Assurance workgroup / work has been combined with the Training workgroup since those issue overlap. That work has focused on getting consensus on whether there should be a mandatory appointment of counsel plan for each county / jurisdiction; minimum qualifications and training requirements to be eligible for appointment to represent parents and children in CPS cases; a standardized application process for attorneys wishing to be on an appointment list; a standardized system for appointing attorneys from the list; a standardized method for evaluating performance of attorneys; training minimums and standards (subject to judge being able to waive). The entire report can be accessed on the Children's Commission website:

<http://www.supreme.courts.state.tx.us/children/pdf/LRS.pdf>

5. Jurist in Residence (JIR)

The Jurist in Residence project was created to foster judicial leadership and promote greater expertise among child protection judges. The Commission's JIR, Judge John Specia, has been instrumental in advancing judicial education and community collaboration across the state. OCA will add another JIR position to assist the Children's Commission for FY2012. The Children's Commission will continue to publish

JIR newsletters to assist judges hearing CPS cases with practical information and tools to help them do a better job.

6. National Adoption Day

Adoption Day is supported by the Children's Commission to help consummate adoptions from foster care, celebrate and honor all families who adopt, and raise awareness about foster care children still waiting for adoption.

7. Judicial Technical Assistance

CPPP will continue its partnership on technical assistance and will provide the Children's Commission with 30 permanency reports using 2010 data for 5 Large Urban (Bexar, Dallas, Harris, Travis, Tarrant) that will compare the large urban counties collectively to rest of state and that will compare each urban county to the other collective large urban numbers. 20 Reports that will compare all CPC's vs Non-Large Urban courts in the rest of state and the Large Urban courts as well as compare each CPC to the Overall CPC numbers. Also, CPC will produce reports on counties not included in CPC or Large Urban that have more than 500 kids in care (Denton, El Paso, Nueces and Williamson), which will compare each county to collective average of all 4 counties. The geographic areas covered by these reports include about 80% of all kids in CPS custody. CPPP will also create 2 – 4 ad hoc reports or provide assistance to Children's Commission staff with identifying what type of data must be collected to support a particular CIP funded activity to demonstrate the effectiveness of the intervention funded.

Update on Harris County TA

The Children's Commission continues to pursue efforts to provide technical assistance to Harris County as the judges examine how to reform the way cases are handled administratively and practically. The issues identified included case delays, accountability and preparation, service of citation and notice, low reunification rate, lack of permanency, Disproportionality, case management and docketing, legal fees for appointed attorneys, countywide oversight and cooperation. A conference call with the outgoing and new administrative family and juvenile judges was held on 11/9/11.

8. Judicial Disproportionality Workgroup (JDW)

Since the last Commission meeting, the JDW has been planning the Third Annual Implicit Bias conference for February 2012. The JDW will be expanding the conference to include judges who hear criminal cases, juvenile cases and other areas of the law which overlap with child protection cases. A wider audience will bring a richer discussion of how cultural and institutional racism contributes to the over-representation of African-American, Native-American and Hispanic youth and families

in CPS system. The group would also like to hear from experts regarding how racism within other systems affects the CPS system. The JDW is co-chaired by Joyce James, Associate Deputy Commissioner, HHSC Center for Elimination of Disproportionality & Disparities, and Carolyn Rodriguez, Senior Director, Texas Strategic Consulting, with Casey Family Programs, Associate Judge Meca Walker of Harris County, and Senior District Judge John Specia.

9. Tribal Initiatives

The Children's Commission is honored to host Senior Peacemaker Judge Joann Batisse of the Alabama-Coushatta Peacemaking Court at this Commission meeting. Sr. Peacemaker Batisse will speak to the Commission about peacemaker court; strengthening and enhancing the state-tribal relationship; and the Second Annual Alabama-Coushatta judicial symposium. Also, Commission staff recently attended a three-day workshop in El Paso at the reservation of the Ysleta del Sur Pueblo tribe, where representative of Texas' three federally-recognized tribes met with representatives of the state child welfare system and courts. The Alabama-Coushatta have invited the Children's Commission to co-sponsor the Second Annual Judicial Symposium at their reservation in Livingston, Texas. This is a first for Texas and will hopefully lead to a more collaborative relationship with all of the Texas tribes.

10. Psychoactive Medications

A workgroup led by Judge Diane Guariglia, Associate Judge of the 245th in Houston, and Dr. James Rogers, child psychiatrist and Medical Director of DFPS, met in October to develop ideas to further assist judges with using the Psychotropic Medication Utilization Parameters for Foster Children (Parameters). These best practices guidelines were written to ensure comprehensive evaluations and appropriate treatment of children prescribed psychoactive medications. The Parameters have been very successful, leading to a significant reduction (31%) in the overall use of psychotropic medications and decreases in the use of multiple medications for the same purpose. This workgroup is focusing on better educating judges and legal stakeholders on the Parameters as well as making recommendations for improvements and updates. An updated JIR

11. Restraint Group / Trauma Informed Services

This Workgroup began researching national best practices for the use of restraints and other emergency behavioral interventions in foster care and found that rethinking restraint policy is part of a bigger paradigm shift to Trauma-Informed Care. Bryan Samuels, Commissioner of the Administration for Children, Youth and Families, described this new narrative, "*Child welfare interventions will focus on the repair or establishment of protective, supportive, and emotionally responsive adult*

relationships.” Trauma-informed care focuses on de-escalation in crisis, rather than control and restraint. DFPS has recently hosted intensive planning sessions to implement Trauma-Informed Care into the many levels of CPS work. This Commission Workgroup will focus on communicating these best practices to the judges and lawyers.

12. NCJFCJ Legal Orphan Project

A new project started in FY2011 focuses on how courts and judicial practice can help stem the growing number of children who are aging out of foster care as legal orphans. Judge Michael Key, current president of the NCJFCJ, heads an ad hoc committee composed of a few states to examine the issue in order to present findings and recommendations to the Administration of Children and Families. Texas was selected as one of the states to participate in the project.

The Legal Orphan Project targets at youth who are at risk of aging out without biological ties to any parent. Courts terminate parental rights to free a child for adoption so that they can find a loving, permanent family. However, for some children in foster care, permanency plans fail and the child remains in the foster care system until the child turns 18 and “ages out” of the system. When the child becomes an adult, he or she leaves foster care without family connections or a support system. As a result, many of these legal orphans fall on hard times and end up in the criminal justice system. To reduce the number of children that “age out” of the system, the Legal Orphan Project focuses on those children that tend to have difficulty achieving permanency.

The deliverables for each participant state: to identify the number of children who are 12 and older with termination of parental rights regardless of whether their plan is adoption and who have been in foster care for at least one year; to produce a written report about the problem, propose solutions, and start a national dialogue among child welfare professionals and the judiciary; and to build a national curriculum around permanency counseling for children who identify as not interested in being adopted. Texas submitted a Technical Brief in October to the NCJFCJ that will be included in the materials published by this workgroup. The workgroup will also submit a resolution to the NCJFCJ Committee on Public Policy. A small Texas workgroup will probably be formed in January 2012.

14. HB 906 Task Force (Addressing Post-Trial Rules In Cases Involving Termination Of The Parental Relationship)

The Children’s Commission participated and helped facilitate meetings of the HB 906 Task Force, a group appointed by the Supreme Court to propose recommendations for post-trial and appellate procedures for appeals of cases involving parental termination

or conservatorship by DFPS.¹ The group was tasked with developing expedited procedures to minimize disruption and confusion in the lives of children and parents without precluding full consideration of the issues and their just and fair resolution. The Court appointed Hon. Dean Rucker (Midland) chair of the task force, along with the following task force members: Tina Amberboy (Austin), Hon. Debra H. Lehrmann (Austin), Jo Chris Lopez (San Antonio), Jack W. Marr (Victoria), Hon. Ann Crawford McClure (El Paso), Richard R. Orsinger (San Antonio), Georganna L. Simpson (Dallas), and Charles R. "Kin" Spain, Jr. (Houston). Hon. Eva Guzman will serve as the Supreme Court's liaison to the task force.

The Task Force held its first meeting by teleconference on August 10, 2011. Additional teleconferences were held on August 12, September 15, and September 28, and a formal meeting was held in Austin on October 7, 2011. The focus of the first two teleconferences was to advise the Supreme Court, by August 15, 2011, what rules or rules amendments, if any, should be adopted before September 1, 2011. The Task Force determined that the only rules amendments that needed to be proposed on an exigent basis for implementation on September 1, 2011, were amendments to Rule 20.1, Texas Rules of Appellate Procedure, governing the process for establishing indigence in a suit filed by a governmental entity in which termination of the parent-child relationship or managing conservatorship is requested for purposes of entitling an appellant to a clerk's record and reporter's record on appeal, without advance payment of costs. That recommendation is the subject of an interim report submitted to the Supreme Court of Texas on August 15, 2011. Members of the Task Force presented the interim report to the Supreme Court Advisory Committee on September 27, 2011. The Supreme Court of Texas thereafter promulgated its Order Adopting Amended Texas Rules of Appellate Procedure 20.1 and 25.1 on August 31, 2011.

The Task Force held additional telephone conferences on September 15 and September 28, 2011, and an in-person meeting on October 7, 2011. These meetings involved discussions about possible changes to various other Rules of Civil Procedure and Rules of Appellate Procedure which were presented at the Supreme Court Advisory Committee on October 21st and 22nd. The Supreme Court has taken those recommendations under advisement and plans to adopt rules by March 1, 2012.

¹ See Tex. Fam. Code § 263.405; HB 906, 82nd Reg. Sess. (Tex. 2011).

Training Grant Committee

The Training Committee met by conference call on October 17, 2011. The details of this report include the history and ongoing progress of training committee projects. For minutes regarding the full discussion at the October 17 meeting, please see the minutes in this meeting notebook under Tab 4.

Update on FY2011 and FY 2012 Projects

1. Attorney Education

Attorney Practitioner Manual – The Attorney Manual (“The Abuse and Neglect Case: A Practitioner’s Guide”) was written in Spring 2009 as part of the grant with the National Association of Counsel for Children (NACC). The manual is available online on the Commission’s website and was made available in print form to attorneys that attended the 2009 NACC trainings in Texas. The manual has been praised by attorneys and judges as a comprehensive guide to the practice. Commission staff is currently in the process of updating the manual and making improvements to enhance its usefulness to practitioners. The updated manual will contain a substantive overview of the law, as well as practical and trial advocacy tips and material included in the curriculum of attorney training developed as part of court improvement projects.

Attorney Appointment Eligibility Training –Commission staff is helping to develop two training courses on representing parents and children in CPS cases. The courses are designed to satisfy the statutorily required minimum three hours of continuing legal education (CLE) training to be eligible for appointment as an attorney ad litem in CPS cases. While the statutory training requirement has existed for children’s attorneys for some time, the requirement for parents’ attorneys was just added during the 2011 Legislative Session. The course developed for parents’ attorneys, in partnership with the State Bar of Texas, will be the first of its kind.

The parent’s attorney course was filmed at the State Bar’s studio on November 3, 2011 and will be available online in the next few days. The course is titled “Representing Texas Parents in Abuse and Neglect Cases (for Parent Attorney Ad Litem Certification).” The presenters included Rob Galvin, Tricia Heil Davis, Marisa Secco, and Martha Newton.

The child’s attorney course will be filmed in the upcoming months. Both courses will be available online through the Texas Bar CLE website, and attorneys seeking appointments will be able to take the course free of charge.

Permanency Ad Litem Training—In partnership with the Austin Young Lawyers Association and supported by funding from the Texas Young Lawyers Association, Commission staff will also be working on a CLE/orientation course for pro bono

attorneys volunteering to take appointments for children in the permanent managing conservatorship (PMC) of DFPS. In some areas of the state, the child's attorney ad litem that served during the beginning of the case is relieved of his or her duties after a final order appointing DFPS, with or without termination of parental rights, is entered. In those instances, the children are in need of advocacy to help achieve permanency goals and have their voices heard. The volunteers will be attorneys from all areas of practice, so the training will be designed to start from the basics and equip the attorneys with the skills and knowledge to advocate for children in the PMC of DFPS.

Attorney Scholarships – In July 2011, the Training Committee approved use of \$50,000 in FY 2012 grant funding for attorney scholarships to attend conferences related to representation of DFPS, children, and parents in child abuse and neglect cases. Although the conferences for which attorneys scholarships will be available in FY 2012 have not been wholly identified, in FY 2011, attorney scholarships were provided to the following conferences:

- **NACC Child Welfare Law Conference** – The NACC annual conference, which offered nationally known expert speakers on multi-disciplinary topics related to legal representation in child abuse and neglect cases, was held August 30-September 1, 2011 in San Diego, CA. Five attorneys attended the conference on a scholarship from Training Grant funds. A Children's Commission member, a Collaborative Council member, and several staff members attended the conference, too.
- **Scholarships for Child Abuse and Neglect Track at Advanced Family Law (AFL)** – Eighty-one attorneys received a training grant funded scholarship to attend the day-long Child Abuse and Neglect Track at the State Bar of Texas Annual Advanced Family Law Conference in August, 2011.
- **American Bar Association (ABA) Parent Attorney and Children and the Law Conferences in FY 2011** – At the January, 2011 meeting, the committee approved funding of \$60,000 to work with the ABA to send Texas attorneys to two ABA conferences in July, 2011. Training grant funding covered conference registration, a percentage of lodging expenses, and administrative costs of the ABA. Attorneys covered travel and other expenses. Twenty-six Texas attorneys attended the Parent Attorney Conference held July 13-14, 2011 and thirty-eight attended the Children and the Law Conference held July 15-16, 2011, both in Washington, D.C.

Trial Skills Training –The Training Committee approved FY 2012 funding for this project at the July 2011 joint committee meeting. A workgroup, led by Justice Michael Massengale of the 1st Court of Appeals in Houston, began meeting in August 2011. The workgroup identified the need to develop curriculum for trial skills training as well as to identify and develop trial skills related resources, including a trial notebook for

attorneys who represent parents and children. The workgroup will hold periodic meetings during FY 2012, with a plan to disseminate any trial skills resource materials and curriculum developed by the workgroup in FY 2013.

SBOT CAN Committee Multi-disciplinary Training in FY 2011 – The State Bar of Texas Child Abuse and Neglect Committee will hold its multi-disciplinary conference in FY 2012. Funding for this project was included in the FY 2012 budget approved by the committee.

2. Judicial Education

The Texas for the Judiciary (TCJ) – At the July committee meeting, FY 2012 funding was approved by the committee for TCJ to continue its CIP projects, including the following:

- ***Judicial Scholarships to Attend the NCJFCJ National Conference on Juvenile and Family Law and Annual Conference*** – In 2011, the NCJFCJ National Conference on Juvenile and Family Law was held in March in Reno and approximately 30 attendees came from Texas. In 2012, the National Conference on Juvenile and Family Law will be held March 21-24 in Las Vegas. The Annual Conference of the NCJFCJ was held July 25-27 in New York City and 43 judges attended. Judges who attended the July conference were required to also attend the CPS Judges Conference. The next NCJFCJ annual conference will be held July 15-18, 2012 in New Orleans, LA.
- ***Beyond the Bench Conference*** – A Beyond the Bench Conference occurred August 24-26, 2011 and included five court teams from the Central Texas area: 1) Travis County; 2) McLennan County; 3) the Child Protection Court of Central Texas; 4) the Child Protection Court of the Hill Country; and 5) the Child Protection Court of South Texas. The Beyond the Bench conference brings together a comprehensive list of stakeholders in the child-protection system from a particular region for a two-day multi-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. TCJ will get planning underway in FY 2012 for a state-wide Beyond the Bench Conference.
- ***Implicit Bias in Judicial Decision-Making Conference*** – The second annual Implicit Bias Conference was presented by the Children's Commission and the Texas Center for the Judiciary on June 6 & 7, 2011. The goal of the conference was to educate judges about the effect of cultural biases on decision

making and how these biases have contributed to disparate outcomes for African American, Native American and Hispanic youth and families involved in the judicial system. Some of the nation's pre-eminent experts presented on race and racism, including its history in the United States, the effects of unintentional biases, current research, and tools judges can use to effect change in their courtrooms, such as the National Council of Juvenile and Family Court Judges (NCJFCJ) Court Catalyzing Change Bench Card. The Implicit Bias Conference received some of the highest ratings of any conference sponsored by the Texas Center for the Judiciary in FY2011. Twenty-eight judges attended and the conference received great evaluations. The next Implicit Bias Conference will be held February 6-7, 2012, and will be expanded to include judges who hear criminal cases, juvenile cases and other areas of the law which overlap with child protection cases. A wider audience will bring a richer discussion of how cultural and institutional racism contributes to the over-representation of African-American, Native-American and Hispanic youth and families in CPS system. The group would also like to hear from experts regarding how racism within other systems affects the CPS system.

- ***CPS/Associate Judges Conference*** – This annual conference was held July 6-8, 2011 in Austin and 136 judges attended. Historically, the conference was designed specifically for district and other judges who hear child-protection cases and focuses on best practices and cross-disciplinary issues. This year, commission staff worked with the Texas Center for the Judiciary regarding curriculum for this conference and combined content traditionally presented at what was known as the Associate Judges Conference. The conference is being re-named and the Children's Commission staff will work with the Texas Center for the Judiciary to develop the agenda and curriculum for the 2012 Child Welfare Judges Conference.
- ***Other Judicial Conferences*** -- TCJ broadened the scope of the language in its grant application to include conferences held by national organizations other than the NCJFCJ, which was approved by the committee in July 2011.
- ***Judicial Technical Assistance*** –The committee approved funding for the Texas Center for the Judiciary to work with experts who may provide judicial technical assistance to improve moving children to permanency. In past fiscal years, judicial technical assistance primarily funded analysis of county-level data, particularly looking at permanency outcomes. At the July committee meeting, the committee approved funds requested by TCJ to continue providing judicial technical assistance in FY 2012.
- ***Funding for Local Training*** –Beginning FY 2011, as part of its grant award activities, if commission staff approves a grant application of a court for local training, TCJ will handle reimbursement of approved costs incurred for the

training. Funding for local training is included in the award given to TCJ. The committee approved the use of training grant funding for this project in FY 2012.

Office of Court Administration (OCA) Judicial Education – The Office of Court Administration's training is usually scheduled in October. The CIP Training Grant funds an annual two-day workshop for CPC judges to cover current multi-disciplinary topics. During the last conference, which occurred on March 7-8, 2011, 15 judges and 16 court coordinators attended the conference and heard national speakers on educational outcomes of foster youth and judicial leadership. The next OCA annual training is scheduled for March. The committee approved FY 2012 funding for OCA judicial education at the meeting in July.

Children and the Courtroom Project – On April 6, 2011 the Training Committee approved funding \$25,000 for a proposal of the Children's Advocacy Centers of Texas (CACTX) to produce a guide of best practices regarding child testimony in civil and criminal child abuse and neglect proceedings. CACTX recently completed the guide and soon will disseminate it to courts across Texas. There is no FY 2012 funding attached to this project.

Drug Court Education – Late 2012, there will be another statewide conference on family treatment drug courts. This will be a follow up to the Family Drug Court Roundtable held in November 2010, and will serve both newly formed drug courts and established courts. Judges Camille DuBose and Ellen Smith are heading a planning group for this conference.

Technology Committee Report

The Technology Committee met via conference call on October 27, 2011. For minutes regarding the full discussion of that meeting, please see the committee minutes in this meeting notebook under Tab 4.

1. Child Protection Case Management System (CPCMS)

After a demonstration of CPCMS in Harris County, county officials asked for a copy of the software system and a software agreement between OCA and Harris County was sent in September. Harris County is evaluating how to use the software – whether to use it as is, tweak it, or rework it. Ms. Amberboy suggested connecting Harris County with the TechShare project as well. Additional CPCMS enhancements will be launched in two weeks, adding that they are the most significant set implemented since CPCMS was launched.

2. National Information Exchange Model (NIEM)

No new activities at this time.

3. Judicial Connectivity Support

OCA conducted on-site surveys of 105 county courts where field tests on internet speed were conducted using cellular data air cards as well as available broadband internet. Based on those tests it was determined that in 6 specialty court jurisdictions the courts would be better served by changing their air card service provider to Verizon, which will improve internet access in 31 county court sites. The field tests identified the network resources for 68 county court sites. OCA will develop a survey to the judges of the 105 counties asking them to evaluate their improved connectivity, whether they have found it useful and how they're using it. Judge Jones will review the survey before it's sent. A topic regarding basic internet training to encourage more usage by judges who are currently low-level users of internet and email has been submitted to the Texas Center for the Judiciary for inclusion on the June 2012 CPS Judges Conference agenda.

4. Data Interface(s) for data sharing with TechShare Program – Juvenile Case Management System (JCMS)

The initial phase of this project was aimed at developing and implementing a Child and Protective Services (CPS) court management component of the JCMS Court Module to be initially piloted by the 304th and 305th Family District Courts in Dallas County, the 323rd Family District Court in Tarrant County, and to be evaluated for future use by the 289th, 386th and 436th Family District Courts in Bexar County. The initial project identify system specifications required to integrate elements of the FRS.V2 or interface

with CPCMS into the business and technical requirements and specifications defined for the JCMS Court Module. The Phase I product was completed by 9/30/11 and is intended to demonstrate how, if the Feature Definition of the project is realized and installed in the JCMS, an integrated court module will be available to all counties in Texas, allowing Judges and Officers of the Court to integrate critical information about the child, youth and family to improve planning and case oversight, which will provide more complete information regarding the conditions surrounding the child, youth and family.

The initial goal of the project was to leverage the work that completed by the Office of Court Administration on the CPCMS Web Site and software program. As part of the technical analysis, four alternatives for software development were identified. Because of the requirement to integrate the court module with other external systems, the Urban Counties is recommending a different approach for developing the software program and web site, while employing some of the concepts realized in the CPCMS Web Site and software program. The Children's Commission and OCA will meet with Urban Counties to discuss future funding and whether to move forward with the design and development of the JCMS Administration software module and web site.

5. CPCMS Staff Assistance – Region 2

In this project, CIP funds were used to hire persons to enter data into the CPCMS system at some CPC courts. Mr. Tim Kennedy reported that FY11 activities have been completed, but that there is money left in the budget to hire data entry help for two courts that are still behind in entering court data into the CPCMS system – Rio Rio Grande Valley West and Centex. OCA will get a commitment from those courts to maintain data entry before spending the money to get them caught up. Four courts in the Second Region who were similarly caught up have successfully maintained data entry since completion of the staff assistance project.

6. Video Conferencing

OCA conducted a pilot in two urban district courts and one Child Protection Court. The results were mixed. In Judge Hathaway's Travis County Court, three hearings were successfully conducted in chambers using the court's equipment and high-bandwidth internet connection. In Judge Schneider's 315th District Court in Harris, the judge successfully conducted five consecutive hearings in his chambers using his personal Macintosh equipment and a type of internet service that is similar to an air card. He remotely connected to five different sites that all were within 35 miles. Judge Bonicoro's experienced poor results because of poor internet speed in the tests conducted during four hearings at four different courtrooms in four different counties using a Verizon air card.

Because of the poor results in rural areas with inadequate internet service, project efforts for now will focus on urban counties with broadband access (or extremely good cellular coverage). Urban counties have the majority of the state's foster population. Also, tests will be limited to RTCs or group homes that have good internet connectivity. The project will be expanded to working with courts in Bexar, Tarrant, and Dallas counties that already have good internet connectivity and/or videoconferencing equipment in their courts. OCA will continue working with the courts and DFPS on their business process. Some rural counties are in the process of updating their courts' equipment.

7. Grant Application for Interpreter Program

OCA will begin conducting a pilot project that would provide a certified Spanish interpreter to certain rural child protection courts that either do not have one available or that must postpone hearings when one is not readily available. The \$34k project to hire a part-time interpreter will piggyback on the infrastructure of a similar OCA project involving domestic violence cases that has been running successfully for a year. Child Protection Courts involved in the project could schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. The interpreter would interpret the hearing remotely, using a speaker phone or videoconferencing. The initial usage will be about 17 hearings a month. After four months, the project will be evaluated and possibly expanded to counties where DFPS has 500 or fewer children in care, we might approach those counties. A survey will be sent to participants – for example CASA, attorneys, caseworkers – and a separate one will be sent to judges.

Education Committee Report

On May 20, 2010, the Supreme Court of Texas signed the *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth and Families*. The idea of this special committee arose during the October 2009 National Judicial Summit when the Texas team developed and adopted a state action plan that included the goals of improving education outcomes for kids in care and keeping foster children closer to their homes. The Education Committee membership includes high level decision-makers from the child protection and education systems. Unlike other collaborations between child protection and education around the country, the Texas committee is unique because it is judicially created and led. To help carry out its charge, the Education Committee created four sub-committees: 1) School Readiness; 2) School Stability and Transitions; 3) School Experience, Supports, and Advocacy, which includes the school discipline, school services and supports, and education decision-making and advocacy workgroups; and 4) Post-secondary Education.

The Education Committee has met five times – September 30-October 1, 2010 (in-person), January 7, 2011 (in-person), April 8, 2011 (teleconference), June 24, 2011 (in-person), and September 16, 2011 (in-person). The meeting on September 16th represented a major milestone in the this initiative because it brought together the Education Committee and all of the sub-committees in person for the first time and it marked the transition from fact finding to the development of recommendations for the final report of the Education Committee, which will be completed in March 2012.

The sub-committees and workgroups have held almost 50 meetings between February and November 2011.

Education Committee and sub-committee members have worked to raise awareness of the charge to the committee by giving presentations at legal, education and child protection stakeholder events and conferences and producing articles on the subject in trade publications. Additionally, by bringing together the courts and education and child protection stakeholders at committee and sub-committee meetings, a new sense of collaboration and purpose has been developed.

Texas is receiving significant national recognition about this initiative. The emphasis on collaboration and cross-system responsibility for foster youth is guiding the work. Judge Macias and/or commission staff have made presentations to national audiences about the work of the Education Committee at the following events:

- *Building Partnerships. Implementing Change. Educational Stability for Students in Foster Care*, hosted by the Annie E. Casey Foundation, the National Education Association, and Casey Family Programs, June 2, 2011, Washington D.C.

- *The American Bar Association 14th National Conference on Children and the Law*, July 15-16, 2011, Washington, D.C.
- *The National Convocation of Commissions on Children*, hosted by the National Center for State Courts, September 21-23, 2011, Salt Lake City
- *Child Welfare, Education, and the Courts: A Collaboration to Strengthen Educational Successes of Children and Youth in Foster Care*, November 3-4, 2011, Washington, D.C.

In October 2011, Texas received a grant from the U.S. Administration on Children, Youth and Families to support further collaboration between the courts, education, and child welfare. The lead partner and grant agent is the Texas Education Agency, which will work with DFPS, the Children's Commission, and the Houston Independent School District to develop materials and training and to identify best practices for child protection and education stakeholders and the courts to use to improve educational outcomes of children and youth in care across Texas. Members of the Texas core grant team will travel to Washington, D.C. in early December to work on implementation of the grant.

A Texas team comprised of Judge Macias, Judge Hofmann, and education and child welfare decision-makers participated in the Child Welfare, Education, and the Courts Summit: A Collaboration to Strengthen Educational Successes of Children and Youth in Foster Care, a meeting jointly held November 3-4, 2011 by the U.S. Departments of Health and Human Services Administration on Children, Youth, and Families. Teams from all 50 states, Washington, D.C., and Puerto Rico attended and created state action plans to collaboratively work on improving educational outcomes of children and youth in care.

In December, 2011, the Education Committee will meet in El Paso to discuss the recommendations submitted by the sub-committees and workgroups and to develop a long-term plan to continue the education, child protection, and court collaboration beyond the issuance of the Education Committee Final Report.

Please see Tab 3 for the Education Committee Interim Report

Strategic Planning Committee

The Children's Commission staff continues to work on the new strategic plan, but will withhold scheduling another meeting until 2012 after the Court Improvement Program strategic plan is approved by the federal government in accordance with new Program Instructions issued in October 2011.

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

**INTERIM REPORT
OF THE EDUCATION COMMITTEE**

TO

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

AUGUST 31, 2011

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SUBMITTED BY:

Education Committee

The Honorable Patricia Macias, Chair

The Honorable Cheryl Shannon, Co-Chair

Joy Baskin, Chair of the State Bar of Texas School Law Section

Claudia Canales, Attorney at Law

Jim Crow, Executive Director of the Texas Association of School Boards

Lori Duke, Clinical Professor of the Children's Rights Clinic at the University of Texas School of Law

Joe Gagen, Chief Executive Officer of Texas CASA

Anne Heiligenstein, Commissioner of the Texas Department of Family and Protective Services

The Honorable Rob Hofmann, Child Protection Court of the Hill Country

Carolyne Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs

Estella Sanchez

Robert Scott, Commissioner of the Texas Education Agency

Dr. Johnny Veselka, Executive Director of the Texas Association of School Administrators

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Education Committee Sub-Committee Co-Chairs¹

SCHOOL READINESS

**Judge Bonnie Hellums
Judge Ron Pope
Jenny Hinson**

**Houston
Fort Bend
DFPS/Austin**

SCHOOL STABILITY AND TRANSITIONS

**Judge Karin Bonicoro
Judge Phil Vanderpool
Colleen McCall
Joy Baskin*
Montgomery Meitler**

**New Braunfels
Pampa
DFPS/Austin
TASB/Austin
TEA/Austin**

SCHOOL EXPERIENCE, SUPPORTS, AND ADVOCACY

**Judge Angela Ellis
Judge Rob Hofmann*
Judge Richard Garcia
Judge Virginia Schnarr
Denise Brady
Julie Wayman**

**Houston
Mason
San Antonio
Daingerfield
DFPS/Austin
TEA/Austin**

POST-SECONDARY EDUCATION

**Judge Kim Brown
Judge Alyce Bondurant
Judge Kevin Hart
Lori Duke*
Shannon Ramsey
Jan Lindsey**

**Fort Worth
Wichita Falls
Lubbock
Austin
DFPS/Austin
TEA/Austin**

***also member of Education Committee**

¹ Please see Appendix for complete list of sub-committee members.

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

**INTERIM REPORT OF THE EDUCATION COMMITTEE
TO THE PERMANENT JUDICIAL COMMISSION
FOR CHILDREN, YOUTH AND FAMILIES**

August 31, 2011

Introduction

According to national studies, youth in foster care often have poor educational outcomes, especially in comparison with the general child population. Although educational challenges are not unique to foster children and youth, they face additional hurdles when trying to succeed academically, including multiple placement and school changes, therapeutic or other needs that must be addressed during school hours, missing school to visit with parents or siblings, and a chaotic educational history prior to entering foster care in the first place. On top of this, foster children and youth who are of school age find themselves lost in and between the child protection and education systems – two systems with some overlap but minimal ongoing and effective communication. Courts and stakeholders informally report that school changes and the subsequent loss of records, credits, services, and support systems greatly hinder the academic success of school-age foster children.

According to data collected by the Texas Education Agency (TEA) and shared with the Texas Department of Family and Protective Services (DFPS),

educational outcomes of Texas foster youth reflect what is happening nationally.² Texas foster youth are less likely to graduate and more likely to drop out than the general school age population. They have lower high school achievement and are more likely to be in special education and less likely to be in the gifted and talented program.³

I. Background

In 2008, Congress passed the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, the most sweeping child welfare law in a decade. The act includes important provisions regarding the educational stability of foster youth, including a requirement that Child Protective Services (CPS), the child protection arm of DFPS, must consider a child's education when creating the child's service plan or choosing the child's placement. Ideally, once CPS seeks to remove a child from his caretaker, the child should remain in his current school, if at all possible. If the child must change schools, he is entitled to immediate and appropriate enrollment and transfer of school records. The Fostering Connections Act also increases the amount of federal funding that may be used to cover education-related transportation costs for children in foster care and requires CPS to work with local education agencies in efforts to ensure educational stability. Passage of this act highlights the importance of improving educational outcomes of foster children and youth across the nation.

In October 2009, the National Center for State Courts held its third National Judicial Leadership Summit on the Protection of Children in Austin, which was attended by Supreme Court justices, court administrators, and child welfare and education leaders from around the country. During the summit, the Texas team developed and adopted a state action plan that included the goals of improving education outcomes for children and youth in care and keeping these children closer to their homes. The members of the Texas team envisioned that a special committee, comprised of state child protection and education decision-makers, collaboratively would address this important issue.

The Permanent Judicial Commission for Children, Youth and Families (Children's Commission), a multi-disciplinary, high-level organization that leads efforts to improve judicial handling of child welfare cases, was the perfect vehicle for launching this initiative.

Creation of the Education Committee

On May 20, 2010, the Supreme Court of Texas signed the *Order Establishing Education Committee of Permanent Judicial Commission for Children, Youth*

² For a compilation of national data and studies, please see: *Fact Sheet – Educational Outcomes of Children and Youth in Foster and Out-of-Home Care* (December 2008), National Working Group on Foster Care and Education at http://www.abanet.org/child/education/National_EdFactSheet_2008.pdf

³ Source: 2008-2009 PEIMS data.

and Families. In its order creating the committee, the Supreme Court of Texas named the Honorable Patricia Macias, Commissioner and presiding judge of the 388th District Court in El Paso, as the chair of the committee. The membership of the Education Committee reflects the diverse ethnic, gender, legal, and geographic communities in Texas and includes:

- The Honorable Patricia Macias, Chair, El Paso
- The Honorable Cheryl Shannon, Co-Chair, Dallas
- Joy Baskin, former Chair of the State Bar of Texas School Law Section, Austin
- Claudia Canales, Attorney at Law, Houston
- Jim Crow, Executive Director of the Texas Association of School Boards, Austin
- Lori Duke, Clinical Professor of the Children’s Rights Clinic at the University of Texas School of Law, Austin
- Joe Gagen, Chief Executive Officer of Texas CASA, Austin
- Anne Heiligenstein, Commissioner of the Texas Department of Family and Protective Services, Austin
- The Honorable Rob Hofmann, Child Protection Court of the Hill Country, Mason
- Carolyne Rodriguez, Director of Texas Strategic Consulting, Casey Family Programs, Austin
- Estella Sanchez, San Antonio
- Robert Scott, Commissioner of the Texas Education Agency, Austin
- Dr. Johnny Veselka, Executive Director of the Texas Association of School Administrators, Austin

In its order, the Supreme Court charged the committee to:

- Identify and assess challenges to educational success of children and youth in the Texas foster care system;
- Identify and recommend judicial practices to help achieve better educational outcomes for children and youth in foster care;
- Seek to improve collaboration, communication, and court practice through partnerships with the Department of Family and Protective Services, the Texas education system, and stakeholders in the education and child protection community;
- Identify training needs regarding educational outcomes for the judiciary and for attorneys who represent DFPS, children, and parents in child protection cases;
- Seek to develop a collaborative model that will continue systemic improvement of educational outcomes;
- Make recommendations regarding the exchange and sharing of education-related data; and
- Provide the following to the Children’s Commission:

- 1) Preliminary report regarding the first meeting of the committee and the committee's structural organization and goals by no later than December 31, 2010;
- 2) Interim report by no later than August 31, 2011 regarding the progress of the committee; and,
- 3) Final report by no later than March 31, 2012 regarding the progress of the committee and specific recommendations for further progress.⁴

The creation of this committee is unprecedented in Texas and only a handful of other states have attempted to collaborate, with judicial leadership, at such a high level to improve educational outcomes of foster children and youth.

Since its creation, the Education Committee has held four meetings:

September 30-October 1, 2010	In-person
January 7, 2011	In-person
April 8, 2011	Conference call
June 24, 2011	In-person

II. Framework of Education Committee

Guiding Principles

The work of the Education Committee is based upon Guiding Principles it created at its inaugural meeting. The committee's Guiding Principles are based on the *Blueprint for Change – Education Success for Children in Foster Care*, a guide produced by Casey Family Programs and the American Bar Association Legal Center for Foster Care and Education,⁵ which has eight goals with benchmarks for each to indicate progress toward achieving education success:

- School stability
- School transitions
- School readiness for young children
- Access to and participation in school activities and services
- School supports to prevent drop-out and truancy and to provide individualized disciplinary actions
- Foster youth involvement in education planning and decisions
- Adult awareness and involvement in the child's educational experience
- Support to ensure entry and completion of post-secondary education

⁴To view the order in its entirety, see:

<http://www.supreme.courts.state.tx.us/miscdocket/10/10907900.PDF>)

⁵ [Blueprint for Change: Education Success for Children in Foster Care](#)

At the initial meeting, the committee recognized the challenge of improving outcomes in a state as diverse and large as Texas and wanted the committee to leverage current strengths in Texas to develop a blueprint specific to the state. The committee began to define its vision by reviewing the eight high-level areas of the national blueprint and tweaking them to fit the needs of Texas:

Guiding Principle # 1: Children and youth in care are entitled to remain in the same school when feasible

Guiding Principle # 2: Children and youth in care experience seamless transitions between schools

Guiding Principle # 3: Young children in care receive services and interventions to be ready to learn

Guiding Principle # 4: Children and youth in care have the opportunity and support to fully participate in all developmentally appropriate activities and all aspects of the education experience

Guiding Principle # 5: Children and youth in care have supports to prevent school dropout, truancy, and disciplinary actions and reengage in the education experience

Guiding Principle # 6: Children and youth in care are involved and empowered and prepared to self-advocate in all aspects of their education

Guiding Principle # 7: Children and youth in care have consistent adult support to advocate for and make education decisions

Guiding Principle # 8: Children and youth in care have support to enter into and complete postsecondary education

The Guiding Principles served to determine the structure of the education sub-committees, as seen below.

Sub-Committees

In order to accomplish the Texas blueprint goals, substantive work of the Education Committee, including development of draft recommendations, will be done by four multi-disciplinary sub-committees comprised of persons with expertise in the issues addressed by the individual sub-committee. Each sub-

committee is co-chaired by representatives from the court, education and child protection systems.⁶ The sub-committees include:

1. School readiness
2. School stability and transitions
3. School experience, supports, and advocacy
4. Post-secondary education

Charge to Sub-Committees

1. Review federal and state statutes related to the education of foster children specifically directed to the sub-committee focus.
2. Utilize the Supreme Court's charge to the Education Committee as the sub-committee's framework.
3. Use the guiding principles established by the Education Committee to create and prioritize recommendations.
4. Assess challenges related to meeting the guiding principle(s) applicable to the sub-committee.
5. Remain cognizant of the correlation and inter-relationships between the other sub-committees' work.
6. Identify existing resources which support the sub-committee's guiding principles.
7. Prioritize issues identified by each sub-committee during assessment of challenges and resources.
8. Create short and long-term goals for each sub-committee plan of action based on the guiding principle(s) applicable to the sub-committee.
9. Develop written and oral reports regarding work plan and actions taken pursuant to the work plan for sub-committee co-chairs to communicate to other sub-committee co-chairs and to committee.
10. Develop recommendations to be provided to committee for further progress at conclusion of work period.

Sub-Committee Meetings

The sub-committees began meeting on February 4, 2011 with a joint meeting to discuss the creation of the Children's Commission, its purpose, the charge to the sub-committees, and the timeline for sub-committee work. After this initial meeting, all sub-committees began meeting monthly, with meetings occurring on the following dates:

School Readiness: March 1, April 5, May 3, June 7, July 5, and August 1, 2011

⁶ For a complete list of sub-committee members, please see Appendix.

School Stability: February 24, March 31, April 28, June 8 (joint meeting with School Experience Sub-Committee), June 30, July 28, and August 25, 2011

School Experience: March 9, April 13, May 11, June 8 (joint meeting with School Stability Sub-Committee), July 13, and August 17, 2011

School Experience Workgroup Meetings:⁷

- School Discipline: May 24, June 21, and July 19
- Education Decision-Making and Advocacy: June 13 and August 23
- School Services and Supports: May 27, June 10, July 22, and August 19

Post-Secondary Education: February 25, March 25, April 29, May 27, June 23, July 29, and August 26, 2011

The sub-committees devoted the first series of meetings to fact-finding about the issues identified in the Education Committee's charge: challenges, resources, law, policy and practice, data and information sharing, multi-disciplinary training, judicial practices, and a future collaborative model. Each sub-committee also developed an action plan based on the charge given to them by the Education Committee.

Benchmark dates for all sub-committees:

1 st Meeting (held via webinar)	no later than February 11, 2011
Sub-committees meet telephonically, electronically, and via email to establish action plans	February-March, 2011
Sub-committee co-chairs report to committee about action plan	April 2011
Sub-committees work on action plans	April-June 2011
Sub-committee co-chairs report to committee	June 2011
Interim report drafted by commission staff and distributed for review	July 2011

⁷ In order to adequately address the many issues related to school experience, advocacy, and services, the School Experience, Services, and Advocacy Sub-Committee elected to create workgroups to develop recommendations regarding specific issues: school discipline, school services and supports, and education decision-making and advocacy.

Interim report submitted to Commission	August 31, 2011
Sub-committees work on action plans	June-September 2011
Sub-committee co-chairs report to committee	September 2011
Sub-committees work on action plans	September-December 2011
Sub-committee co-chairs report to committee	December 2011
Sub-committees finalize work on action plans	December 2011-January 2012
Sub-committee co-chairs report to committee about further recommendations	February 2012
Final report drafted by commission staff and distributed to committee for review	February 2012
Final report with recommendations for further progress submitted to Commission	March 31, 2012

Technical Assistance

The Education Committee is receiving invaluable technical assistance from Kathleen McNaught and Debbie Staub. Ms. McNaught, J.D., is the Assistant Director for Child Welfare at the American Bar Association Center on Children and the Law as well as the Project Director for the Legal Center for Foster Care and Education, a national technical assistance resource and information clearinghouse on legal and policy matters affecting the education of children in the foster care system. Dr. Staub, Ph.D., is an Education Advisor for Casey Family Programs, a national operating foundation located in Seattle, Washington, that serves children, youth, and families in the child welfare system. In this role she works collaboratively with others on systems improvement efforts to address the educational needs of children and youth in foster care nationally, statewide and locally. A former special education teacher, Dr. Staub has been an advocate for educational success for all youth for the past 25 years.

III. Progress of Education Committee and Sub-Committees

Because of the multi-disciplinary composition of the Education Committee and Sub-Committees, discussions regarding educational outcomes of foster children and youth reflect the perspective of the judiciary, education, and child welfare. The meetings allow for exchange of information and the creation of greater awareness of the challenges each system faces in meeting the educational needs of children and youth in foster care.

So far, the Education Sub-Committees have engaged in fact finding about: 1) challenges to educational success of foster children; 2) existing resources that may be used to face those challenges; 3) current federal and state law, policy, and practice; 4) data and information sharing; 5) multi-disciplinary training; and 5) judicial practices.⁸

A. Applicable Federal and State Law, Policy, and Practice

Currently, no extensive written materials are available regarding the intersection between federal and Texas school and child protection law. The sub-committees discussed law applicable to their respective charges during a monthly call dedicated to the topic and continue to do so during other ongoing meetings. It is anticipated that more extensive written materials regarding the overlap between these areas of law will be made available by the time the Education Committee issues its Final Report. The following are highlights of law and policy addressed by the sub-committees.

School Readiness

- The Adoption and Safe Families Act (AFSA) highlighted the importance of the health and safety of children in foster children and it strengthened the court's role and oversight.
- The Affordable Care Act authorized creation of home visitation programs. Among priority populations -- "eligible families that have a history of child abuse or neglect or have had interactions with child welfare services."
- The Texas Family Code requires DFPS, upon removal of a child, to use services to assess the child.
- The Texas Health Step Assessment, which is the Texas implementation of the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) provisions of Medicaid, must be done within 30 days of the removal of a child from the child's home. For a child under 36 months, as with any age youth, subsequent exams are done according to the Texas Health Steps Periodicity Schedule.
- The Texas Family Code requires that DFPS shall place a child under the age of two with a person who will provide a safe and emotionally stable environment for the child and to give priority to a person who will be able to provide care for the child without disruption.
- In Texas, the Department of Assistive and Rehabilitative Services (DARS) administers the early intervention program (in Texas, called Early Child Intervention or ECI) as required by Part C of the Individuals with Disabilities Education Act (IDEA).
- DFPS and DARS have a current Memorandum of Understanding (MOU) that addresses the referral of children involved with CPS to ECI.

⁸ Several sub-committees will not address judicial practices until after the drafting of this interim report. Thus, further information regarding these discussions will be included in the Education Committee Final Report.

- Head Start and Early Head Start are administered by the federal Administration for Children and Families (ACF). Foster children are categorically eligible, regardless of biological or foster family income. However, local Head Start programs establish priorities for enrollment, so children in CPS conservatorship are not guaranteed slots in all Head Start programs.
- Kids who are at least age three and are or have been in the legal custody of DFPS are eligible for public pre-K in Texas.
- The Texas Family Code requires DFPS to maintain an education passport (portfolio) as long as a child remains in foster care.

School Stability and Transitions

- Children “awaiting placement” fall within the definition of homeless youth pursuant to the federal McKinney-Vento Act; this is typically construed to include children in shelters awaiting foster care placement. The McKinney-Vento Act requires that: 1) each school district have a liaison for homeless children; 2) homeless children should be immediately enrolled in school; 3) when homeless children change schools, their records should follow in a timely manner; and 4) transportation is to be provided to homeless children who remain enrolled in their school of origin.
- The federal Fostering Connections Act includes educational provisions: 1) a school stability plan, which requires consideration of proximity to current school and appropriateness of that school plus collaboration to ensure the child remains in the same school; and 2) immediate enrollment if a child transfers schools.
- Under the Texas Education Code, if a student is placed in foster care while enrolled in high school and is moved to a residence outside the school district, the child is entitled to complete his coursework at the high school where he was at the time of placement in foster care.
- The Texas Family Code requires DFPS to return a child to school within three days of obtaining custody of that child. Also, residential child care providers, in their contracts, are required to enroll the child in an accredited public school within three days of placement and to provide verification of school enrollment within five days to the child’s caseworker. Failure to do so is a contract violation.
- There is a “laundry list” in the Texas Education Code of situations that determine in which school or district a child can enroll.
- Enrollment requirements include the child’s birth certificate, records from the previous school, and immunization records. The Texas Education Code gives an exception to foster children to allow immediate enrollment, even when the required records are not available, as long as these records are provided by CPS within 30 days of enrollment. But, per a Texas Attorney General opinion from April 2004, even though the Texas Education Code allows this exception, the Texas Department of State Health Services (DSHS, formerly known as the Texas Department of Health, TDH), not the Texas Education Agency (TEA), is the entity that

determines which categories of children are exempt from the requirement of having immunization records at the time of enrollment. DSHS does not appear to exempt foster children. The extent to which the DSHS immunization requirement has adversely impacted the enrollment of students who are in foster care is unknown.

- CPS is required under the Texas Family Code to have an education passport (also known as the education portfolio) that travels with the child. The passport is currently in paper form.

School Experience, Supports, and Advocacy

- The Texas Education Code contains provisions addressing award of credits earned, student eligibility for extracurricular programs, and special education services, among others.
- Often, court orders appointing DFPS as Temporary Managing Conservator (TMC) generally list rights and duties of the managing conservator pursuant to Texas Family Code §153.371, but don't specifically refer to education decision-making rights.
- The federal Individuals with Disabilities Education Act (IDEA) governs the provision of special education services, including those services for foster children.
- Texas has law establishing the rights and duties of surrogate parents appointed for children who receive special education services.
- In 2004, a provision giving the court authority to appoint surrogate parent was added during the federal reauthorization of IDEA.
- A CASA volunteer can serve as surrogate when: 1) the child is in the TMC of DFPS; 2) the CASA volunteer is the child's guardian ad litem; and 3) the foster parent is not acting as the child's parent pursuant to the Texas Education Code.
- TEA states no durational residence requirement for participation in extracurricular activities/UII activities. There is a 1979 Attorney General opinion on the right of foster children to participate in extracurricular activities upon enrollment in a new school.

Post-Secondary Education

- The Federal Foster Care Independence Act of 1999 increased federal allocation for independent living programs, created the John H. Chafee Foster Care Independence Program, and authorized states to extend Medicaid to former foster youth up to age 21.
- The Promoting Safe and Stable Families Amendments of 2001 created educational and training vouchers for youth aging out of foster care and authorized a voucher program under the Chafee Foster Care Independence Program to provide for education and training, including postsecondary training and education for aged-out foster youth. The federal Education and Training Voucher (ETV) Program provides up to \$5,000 per year to

- eligible youth for education related expenses and can include rent, utilities, childcare, computers, books, transportation and personal expenses if the youth is enrolled in college or specialized post-secondary vocational program; ETV also covers tuition and fees for educational endeavors (e.g., lab fees).
- Revision of the Code of Federal Regulations, effective July 1, 2011, regarding Qualification for Federal Student Aid requires that the student maintain satisfactory academic progress. If the student fails to do so, the post-secondary education institution can place student on academic probation or implement an appeals process and the student is at risk of losing federal financial aid.
 - Under state law, former foster youth have Medicaid eligibility until age 23 if enrolled in an institution of higher education and the youth meets other qualifications.
 - The Fostering Connections Act requires a 90-day transition from foster care plan, which includes education planning.
 - The Texas Family Code requires DFPS to provide necessary documentation to foster youth at age 16 and additional documentation 30 days before the youth ages out of foster care.
 - The Texas Family Code requires the Texas Workforce Commission, DFPS and local workforce development boards to enter cooperative agreements, ensure services are targeted and prioritized to meet the needs of current and former foster care youth, and when feasible, make referrals for short-term stays for youth needing housing.
 - Texas Education Code §54.211 authorizes tuition and fee waivers for qualifying former foster students.
 - Texas Education Code §51.976 authorizes housing assistance for qualifying former foster students who attend post-secondary institutions.

B. Challenges to Educational Success of Foster Children

The Fostering Connections Act Offers Roadmap to Educational Improvement but Implementation of Education Provisions Problematic Without Close Education Agency Involvement

The federal Fostering Connections Act contains important provisions regarding the educational stability of foster youth, including a requirement that CPS must consider a child's education when creating the child's service plan or choosing the child's placement. If the child must change schools, he is entitled to immediate and appropriate enrollment and transfer of school records. The act also allows federal dollars to be used to reimburse states for some of the costs of education-related transportation costs for children in foster care and requires CPS to work with local education agencies to ensure school stability.

DFPS has made strides in implementation of the act's education provisions, particularly in addressing educational needs in children's service plans and

placement decisions. Additionally, as courts play a significant role in monitoring the implementation of the Act, efforts have been made to educate the court system about it. The Fostering Connections Act, however, lacks any specific directives or requirements of education agencies other than cooperating with the child welfare agency. Without more prompting, education systems, lacking in resources and occupied in meeting the needs of a much larger general student population, often lack the incentive, means or capacity to work cooperatively with the child welfare agency to implement these provisions.

Texas Has Large School Age Child Population and Large and Diverse Geographic Area with Numerous School Districts

There are 4,824,778 million school age children enrolled in public education in Texas. There are 1,030 independent school districts and 207 charter school districts in the state's 254 counties. Within those districts, Texas children are enrolled in 9,366 public K-12 schools.

Significant Budget Cuts to Education on State and Local Levels

Public education in Texas sustained a 4 billion dollar state budget reduction for the 2012-2013 biennium. As a result, public school districts planned corresponding reductions in human resources that will inevitably impact local education infrastructure. In 2011, TEA completed a reduction in force and is now operating with one-third fewer employees to execute critical support for the state's public schools, highlighting the need for the education system to craft innovative strategies and develop new resources for cross-system collaboration to accomplish its mission of increasing graduation rates and preparing youth for post secondary success.

No Standard Protocols for Provision of Educational Services for Children and Foster Youth on Local Level

Local school districts across Texas need guidance and resources to assist in meeting the needs of students in foster care and to collaborate with state and local youth-serving agencies. Often school districts do not have effective systems or policies to identify, serve, and track students in foster care who are enrolled in public schools. CPS staff responsible for children and youth is at times notably cautious in maintaining the child and youth's confidentiality, especially as many children and youth do not want to be identified or labeled as foster children, especially in the school environment. Streamlined procedures and technical assistance is needed to assist schools in supporting students in foster care.

Texas Foster Children Change Placements Frequently and Unexpectedly

Texas foster children move frequently during their foster care stays. In FY 2010, based on the way a child exited foster care, children who were reunified with a

parent or who left state care to live permanently with a relative had 2.1 placements; children who were adopted had 3.5 placements; and youth who emancipated moved on average nine times.⁹ Because of insufficient foster care capacity in some regions that need it, foster children often are placed out of the county of the court's jurisdiction and the child's school of origin, which usually results in a change of school.

Sub-Committees Identify Additional Challenges Specific to Their Charge

School Readiness

- Lack of MOU between the state and local Head Start programs and DFPS.
- Lack of protocols among local Head Start programs regarding enrollment eligibility.
- Confusion about categorical eligibility of foster children for Head Start and Pre-Kindergarten (Pre-K) programs, including the use of foster or biological parent income as criteria.
- The importance of school readiness and exposing children to literacy and books is sometimes not adequately relayed to caretakers.
- Confusion about the provision of comprehensive assessments for infants and the role of ECI, CPS and others in the assessment of young children, including the point at which children should be referred to ECI.
- Lack of funding is an overriding factor and magnifies the need for developing cross-system collaboration.
- Attorneys, CASAs, and caretakers, including foster parents, need on-going training regarding school readiness issues and available resources.
- CPS recently added policy requiring that children ages 3, 4, and 5 years who are in foster care be enrolled in a Pre-K program offered through the local public school or an early child education program offered through Head Start, if appropriate, in the best interest of the child, and available in the local community. Children in foster care are categorically eligible for Head Start and Early Head Start. Caregivers do not have to submit proof of family income for the child in foster care to qualify for enrollment in Head Start. However, any child may be put on a waiting list because of enrollment capacity. This policy needs to be disseminated to Head Start, Early Head Start, and Pre-K providers.

School Stability and Transitions

- Removal from the home often results in a change in education setting.
- Children often do not stay in their schools of origin upon entry into foster care.

⁹ Source: DFPS Data Book 2010, pp. 60-61: [DFPS Data Book 2010](#)

- Transportation to schools of origin is problematic, especially with out of school district placements.
- Children and youth in foster care often experience incomplete or delayed transfer of school records.
- There are gaps in the Education Passport/Portfolio.
- A lack of emphasis on education is seen among child protection stakeholders such as attorneys and guardians ad litem, foster parents, and caretakers.
- There is a constant struggle for child protection stakeholders to meet the child's educational needs and still maintain court appointments and therapy sessions. School disruptions for court hearings, court-ordered visits, and attendance at therapeutic and other appointments pose a significant challenge in maintaining school continuity.
- Students in foster care face loss of coursework credit, especially for electives, following transfer to a new school.
- There is no list of available foster homes broken down by school district for CPS to consult when making placement decisions.

School Experience, Supports, and Advocacy

- Children and youth in foster care find it difficult to “fit-in” and participate in extracurricular activities, particularly in high school.
- Students from foster care sometimes find themselves unable to participate in extracurricular activities upon transfer to new school. Anecdotally, some school districts refuse to allow foster youth to participate in extracurricular activities and interscholastic league activities due to student residency requirements. Texas Education Code §21.031 addresses residency requirements and eligibility of children in foster care to participate in activities. Texas Attorney General Opinion MW-43 supports foster children's eligibility to participate in interscholastic league activities.
- There is a lack of education advocacy in charter schools affiliated with residential treatment centers (RTC).
- A lack of designation of special education status or continuity of education services immediately upon enrollment in new school occurs because of incomplete academic records.
- Confusion exists about education decision-making rights and duties.
- Because of numerous education placements occurring prior to and after entering care, a number of children and youth in foster care have significant education gaps.
- School-based personnel need professional development about issues related to foster children, including how to deal with behaviors exhibited by these children.
- Minority foster youth are overrepresented in special education and disciplinary actions.
- Foster care providers and caseworkers have difficulty maintaining and utilizing the Education Passport/Portfolio. For example, some foster

caregivers report that the Education Portfolios fail to arrive at the new placement with the student or contain inadequate to no education records or enrollment documentation. Foster caregivers and caseworkers experience difficulty in obtaining important school documents to keep the Education Portfolio up to date.

- Foster parents, caretakers, and attorneys and guardians ad litem need training about education advocacy, including what supports are available within the schools.
- Often assessments and home studies do not address the abilities of family members to meet or support the educational needs of children and youth placed in their care.
- It is unclear as to the extent and why foster children and youth are subject of more disciplinary actions than children in general student population.¹⁰
- No official process exists to inform a school that foster child is enrolled.
- Some children who live in RTCs are required to attend the charter school affiliated with the RTC rather than a local public school; these children lack choice in education placement.
- Confusion exists between general education decision-making rights and those school-related decisions for children with disabilities.
- Additional training in student advocacy and expectations is needed for surrogate parents representing children and youth in foster care. Schools often appoint former staff members or potential staff employees to act as surrogate parent for multiple children in foster care. Surrogate parents are not afforded the opportunity to know the child/youth and his/her school needs.
- Sometimes schools fail to invite caseworkers to school meetings or send notices to Admission, Review, and Dismissal (ARD) meetings.

Post-Secondary Education

- Confusion continues about education training vouchers and tuition fee waivers.
- There is a lack of education advocacy and encouragement to youth about attending post-secondary education.
- Post-secondary education benefits are time restricted but not all youth formerly in care are ready to attend post-secondary education soon after transitioning from care.
- Youth often are not academically or psychologically prepared to attend institutions of post-secondary education, particularly youth who age out of care while living at residential treatment centers or facilities.
- Not all youth want or need to achieve a 2- or 4-year degree, but may not have the resources or information to pursue technical school options.

¹⁰ For more on school discipline generally, please see study recently completed by the Justice Center at the Council on State Governments at: <http://justicecenter.csg.org/resources/juveniles>

- Educators, school counselors, caretakers, and court stakeholders lack knowledge about resources available to former foster youth to attend post-secondary education institutions.
- Former foster youth lack academic and other supports when attending post-secondary education institutions.
- Many attorneys ad litem are not trained on issues facing foster youth aging out of care, including available resources.
- Children and youth in care do not receive the message early and often that post-secondary education is an option.
- Foster parents sometimes lack knowledge of college readiness process.
- Middle and high school counselors often lack knowledge of post-secondary benefits available for qualifying former foster youth.

C. Despite Challenges, Texas Has Great Resources to Address Many of the Issues

Foster Care Redesign

In 2011, the Texas Legislature passed Senate Bill 218, which authorizes DFPS to overhaul the way it contracts and pays for foster care placements.¹¹ Called *Foster Care Redesign*, the goal is to create appropriate foster care resources in areas with the most need so foster children and youth may stay closer to home and, if possible, attend their schools of origin. This also means that, when in the best interest of the child, biological parents or caretakers may remain more involved in education decision-making and may contribute to children achieving permanency more quickly. Finally, when implemented, the redesign will result in children staying in their home communities and maintaining sibling and other family ties. *Foster Care Redesign* will begin its rollout via a Request for Proposals (RFP) in at least two geographic catchment areas (one metro and one non-metro area) and, if successful, will be expanded incrementally to statewide coverage.

Education and Child Welfare Systems Support Exchange of Important Data

Supported by state legislation, the Texas education and child welfare systems have been sharing aggregate statewide data regularly since 2010. Pursuant to an MOU signed by DFPS and TEA, data regarding student academic achievement, such as student assessment scores and participation in Gifted and Talented programs, graduation rates, dropout rates, school attendance, disciplinary actions, receipt of special education services, and other measures identified by the two agencies has been exchanged at least annually. With this unprecedented sharing of data between the Texas Statewide Automated Child Welfare Information System (SACWIS), known as IMPACT, and data from the TEA Public Education Information Management System (PEIMS) system, comes the

¹¹ Texas Senate Bill 218: [Senate Bill 218](#)

opportunity for DFPS and TEA to collaboratively meet, analyze the data together, and identify areas where improvements are needed.

Education Specialists Created due to Legislatively Supported CPS Reform Effort are Great Asset

As a result of state legislation passed in 2005, the Texas child welfare system began reform efforts to strengthen educational outcomes for youth. Thus, DFPS established Regional Education Specialists in each of its 11 regions and a CPS Education Specialist within its state office.

Each Regional Education Specialist serves as the "go to" person for caseworkers challenged in the navigation of the school systems as they advocate for specialized needs of children and youth in DFPS care. Among other things, each education specialist:

- 1) Provides information and referral services regarding developmental disability or education-related resources;
- 2) Identifies educational services or resources in the region;
- 3) Helps identify resources for caregivers in order to meet the child's educational needs;
- 4) Assists with case planning to identify specific educational needs and services through individual case staffings and attending permanency planning meetings, as needed;
- 5) Attends Admission, Review, and Dismissal (ARD) meetings, when possible, and the caseworker is unable to attend;
- 6) Develops training curriculum and training for CPS staff and foster parents;
- 7) Works with regional DFPS staff to ensure that children in the conservatorship of DFPS receive appropriate educational services and that each child's case record includes a copy of the necessary education records; and,
- 8) Helps Preparation for Adult Living (PAL) coordinators develop transition plans for youth who are aging out of DFPS conservatorship.¹²

A state CPS Education Specialist serves as a leader for this team and functions as a liaison with TEA, the independent school districts, and other program specialists with the DFPS state office. The CPS Education Specialist is responsible for the development of CPS education policy and statewide efforts to improve education outcomes. The state level Education Specialist, as well as regional Education Specialists, help caseworkers resolve education issues with schools and school districts and facilitate communication between the child welfare and education systems.

¹² From DFPS *CPS Policy Handbook*. Please see: [4120 The Role of the Education Specialist in Educating Children](#)

Education Passport/Portfolio Developed to Assist Transfer of School Records between Placements

As a result of Senate Bill 6, passed by the 79th Session of the Texas Legislature, DFPS specifically identified and initiated multi-faceted programs to strengthen education outcomes for children in foster care, including the introduction of the Education Passport/Portfolio. The Education Portfolio follows a child through changes in placement and contains school-related information such as copies of the child's birth certificate, Social Security card, educational assessments, including academic and psychological assessments, school transcripts, immunization records, and recent report cards, and indication of special services needed for each child, including notes from ARD meetings and the Individualized Education Program (IEP).

The Education Portfolio is reviewed by DFPS Residential Child Care Licensing (RCCL) staff during monitoring visits. Education Specialists receive monthly RCCL monitoring forms to review and direct caseworkers to update information. The Texas Education Agency's Residential Monitoring Team also reviews children's Education Portfolios during their routine and special monitoring reviews to residential facilities. In addition, IMPACT, the DFPS case management system, produces monthly reports on Education Portfolio use by region, unit, and specific caseworker to Regional Education Specialists to review and direct updates. Statewide use of the Education Portfolio, as reported in IMPACT, is at 90 percent. There are reported instances which hint that the Education Portfolio is not totally effective as an education tracking tool for children and youth because caregivers and caseworkers fail to include updated school information or the Education Portfolio itself did not travel with the child or youth to his/her next placement. Currently, regional Education Specialists provide ongoing training through regional unit meetings to caseworkers and presentations to stakeholders on developing and maintaining an Education Portfolio. Additional training of caregivers and caseworkers and further methods of collecting and retaining individual children's education records may be needed.

Texas was recognized during the most recent federal Children and Family Services Review (CFSR) completed in 2008 as having met its well-being outcome regarding education. Substantial conformity was achieved for Well-Being Outcome 2 in 97 percent of the cases reviewed. This outcome is associated specifically with how effective Texas is in addressing the education needs of children involved in CPS conservatorship cases. Federal reviewers noted that the education area reflected steadfastness to the well-being of children in foster care through the development of Education Portfolios.

DFPS and TEA MOU about Records Transfer

In addition to the MOU entered between DFPS and TEA for the exchange of agency level data, a second MOU was signed by TEA and DFPS in 2011.

Mandated by Senate Bill 2248 in 2009, the MOU requires the exchange of information to facilitate the transition of students in substitute care from one school to another and includes provisions aimed at easing the disruption caused by educational placement moves by children in substitute care.

TEA uses the Texas Record Exchange (TREx), an electronic student records system, to transfer education records from school to school. The MOU sets up protocols for DFPS and TEA to use when issues of school records transfer arise, including an annual report using a data set of children in foster care provided by DFPS in order to match PEIMS data to determine the frequency with which the records of children in substitute care are transferred from one educational setting to another.

Legislatively Mandated Foster Care Liaisons within School Districts

During the most recent legislative session in 2011, the Texas Legislature passed House Bill (HB) 826, requiring each school district to appoint an employee as a liaison to facilitate the enrollment in schools and transfer of records of children in the legal custody of DFPS when changing schools. The liaisons are to be designated by December 1, 2011.¹³ Although school districts have had liaisons for homeless youth for some time as required by the federal *McKinney-Vento Act*, this is a new role and set of responsibilities for school districts. The policies and procedures developed for and by McKinney-Vento liaisons will serve as a model for effective implementation of HB 826.

TEA, with DFPS, Children's Commission and Houston Independent School District Partner to Apply for Federal Collaboration Grant

On July 26, 2011, TEA applied for a 17-month federal grant opportunity through the Administration of Children and Families. The purpose of this grant is to support collaboration between the education and child protection systems and the courts to improve education outcomes of foster children and youth age 10-17. The grant awards will likely be made in early September 2011 and if TEA receives a grant award, the funding will support the creation of expertise about education issues of foster youth within the agency. In addition, grant funding will facilitate collaboration in Houston that models the structure and purpose of the Education Committee. At the end of the grant period, guidelines for child welfare and education stakeholders will be developed.

Education Committee and Sub-Committee Work Supported by Judicial Resources

The Education Committee and its sub-committees will build on existing judicial resources available in its efforts to identify judicial best practices that impact educational outcomes of foster youth. Primarily, the Education Committee and

¹³ Texas House Bill 826: [House Bill 826](#)

Sub-Committees are supported by the federal Court Improvement Program Grant, which is administered by the Children's Commission. The National Council of Juvenile and Family Court Judges (NCJFCJ), in conjunction with Casey Family Programs, released a Technical Assistance Bulletin in 2008 entitled *Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care*.¹⁴ This bulletin offers a primer for judges to impact educational outcomes, particularly asking specific questions from the bench during court hearings. Additionally, the ABA Center on Children and the Law and NCJFCJ have recently release a Judicial Guide on Implementation of the Fostering Connections Act.

Sub-Committees Identified Key Resources Specific to their Charge

School Readiness

- The MOU between ECI and DFPS offers a model for a MOU between DFPS and Head Start.
- Head Start offers valuable, no-cost online resources which include literacy activities for small children.
- Many school districts provide comprehensive lists of parent resources that may be utilized by parents, caretakers, and foster parents.
- Federal program instructions issued by the Administration of Children and Families emphasize need for collaboration between early childhood education programs and child welfare.
- The Texas Foster Family Association publishes a newsletter and holds an annual conference that can incorporate information on early childhood development and school readiness.

School Stability and Transitions

- Foster Care Redesign is underway.
- Established body of work done to help mobile population of children of parents in the military, including the Military Child Education Coalition website.
- Mc-Kinney Vento practices already in place in districts may serve as model for this population also.

School Experience, Supports, and Advocacy

- Many vocational and support programs already in existence, although a comprehensive list is needed.
- Special education resources are available on-line from many stakeholders, including the Texas Education Agency, Education Service Centers, Disability Rights, Texas, and Casey Family Foundation.

¹⁴ [NCJFCJ Technical Assistance Bulletin \(December 2008\)](#)

Post-Secondary Education

- Texas REACH Conference, an annual conference held to bring together child welfare and higher education decision makers and program developers from across the state to share information and best practices in an effort to increase the number of youth formerly in foster care entering and succeeding in college.
- Dedicated programs to support former foster youth have been established at several community and four-year institutions, including Austin Community College, Sam Houston State University, and the University of Texas at San Antonio.
- ETV program is available year round.
- Extended foster care program will cover housing through supervised independent living.
- DFPS has list of resources for foster youth in transitional living (Texas Youth Connection website).
- College and career readiness programs work with at risk youth, including youth in care.
- Some state and community colleges work with youth formerly in care to help with deadline extensions, such as tuition deposits and textbooks.
- DFPS Preparation for Adult Living (PAL) staff have an extensive knowledgeable of the higher education benefits and resources available to older youth and verify eligibility for both the ETV program and the state tuition and fee waiver.
- The PAL program may provide a transitional living allowance and funds for aftercare room and board for youth that transition from foster care and that are attending higher education.
- HB 452 (passed 82nd legislative session) requires institutions of higher education to assist full-time students who were formerly in DFPS foster care locate temporary housing between academic terms (including summer), effective September 1, 2011.

D. Data and Information Sharing

Each sub-committee discussed data and information sharing on two levels: 1) between state agencies to inform policy and performance measurement; and 2) child specific between case-level stakeholders to improve outcomes of children and youth. The following are highlights of issues and information raised during each sub-committee discussion.

School Readiness

- Agreements for data and information sharing regarding educational issues of younger foster children are not as formalized as for school age children.

- Work continues with regard to individual child data sharing between ECI and DFPS.
- Need to identify what, if any, early education records should be part of DFPS education portfolio.
- TEA can identify in PEIMS the number of Pre-K children who are or have ever been in DFPS conservatorship. Categorical eligibility for Pre-K program enrollment is also tracked. TEA does not collect data other than that required by statute or rule/grant application requirements and it is difficult to establish new data elements. Besides the above-mentioned, Pre-K data collection generally is not required, so data collection is not as robust for the lower grades.
- A feasibility study regarding data sharing is being pursued to look at data exchange between agencies about early education.
- Courts benefit from data but run into issues pertaining to data sharing.
- Information that would be beneficial to teachers would be historical information on the child, such as reasons for developmental and emotional delays. Some concern exists about releasing too much child specific information because of confidentiality laws and possible pigeonholing of children due to their foster care status.

School Stability and Transitions and School Experience, Supports, and Advocacy¹⁵

- Need to focus on two-way transfer of child specific information – CPS to schools and schools to CPS.
- Must balance the privacy interests versus school and CPS need to know information in order to adequately serve child.
- Federal and state law regulates release of data from education and child protection agencies.
- TEA and DFPS SB 939 MOU governs agency level data exchange.
- TEA and DFPS SB 2248 MOU governs child-level information exchange.
- Need to develop guidelines for child protection caseworkers and stakeholders about information that can never be exchanged, can sometimes be exchanged, and can always be exchanged.
- Need to determine whether TEA/DFPS data exchange enables drilling down to school district level.

Post-Secondary Education

- National Youth in Transition Database (NYTD) collects case level data to look at outcomes of transitioning youth.
- Data collection for the ETV Program is reported by the DFPS contractor, Baptist Child and Family Services and submitted to state office for data

¹⁵ Because these two sub-committees are reviewing issues related to the same age group of children, the sub-committees met jointly to discuss data and information sharing issues.

entry. Data entry tracks how youth received an ETV service, which expenses ETV is paying for and is used for NYTD purposes.

- The College Tuition & Fee letter issued by DFPS verifies tuition waiver eligibility and is tracked by the Texas Higher Education Coordinating Board (THECB). Each state supported college and university reports (per academic year) the number of waivers accepted for both foster and adopted youth. DFPS receives a report from the THCEB to support the required match for the ETV program.
- Data does not show the youth's educational level, how many times that a youth used the waiver per academic year, and whether the users are new youth or existing youth.
- The best way for a community college or university to capture data regarding CPS youth in higher education is by tracking information regarding the tuition fee waiver since youth have to submit that information to financial aid offices. At Sam Houston State University, a list is obtained from the bursar's office of students who turn in waiver. A second way to obtain this information is from the Free Application for Federal Student Aid (FASFA).
- ETV is only known if PAL workers inform the college or if the youth reports it as a source of financial aid. This goes back to privacy issues and whether the youth wants such information disclosed and for what purpose.

E. Multi-Disciplinary Training

Aspects of multi-disciplinary training are addressed on an ongoing basis, but each sub-committee dedicated a monthly call to the issue and members were asked the following questions:

- What issues should training address?
- Who needs to be trained?
- Who should be responsible for making sure these individuals are trained?
- What organizations can facilitate training?
- What training opportunities already exist that can add training on these issues?

These discussions will be captured as part of the multi-disciplinary training recommendations given to the Education Committee by each sub-committee.

IV. Continuing the Momentum

The next Education Committee scheduled for September 16, 2011 represents the close of the fact-finding phase of this initiative. At the September meeting, the Education Committee will give direction to the sub-committees as they move forward with the development of draft recommendations. On December 9, 2011, the Education Committee will review the recommendations of the sub-

committees and work will start on the Final Report, due to the Children's Commission on March 31, 2012.

Appendix

Interim Report of The Education Committee

to

The Permanent Judicial Commission For Children, Youth and Families

EDUCATION SUB-COMMITTEE # 1 – SCHOOL READINESS (AGE 0-5)

Education Committee Chair:	Judge Patricia Macias	El Paso
Co-chair:	Judge Bonnie Hellums	Houston
Co-chair:	Judge Ron Pope	Fort Bend
Co-chair:	Jenny Hinson	DFPS/Austin
Co-chair:	<i>Designation Pending</i>	TEA/Austin
DFPS:	Kristine Mohajer	Austin
	Norma Eaves	Arlington
	Rosa Masilang	El Paso
CASA:	Kathy Eyring	Fort Bend
TECEC:	Kara Johnson	Austin
Foster parent:	Beth Feger	Austin
	Rhonda Loth	Fredericksburg
	Maude Wright	Tyler
	Melissa Leopold	Hallettsville
Head Start:	Wanda Smith	Dallas
	LaShonda Brown	Houston
ECl:	Kim Wedel	Austin
	Kay Lambert (alternate)	Austin
Child/Parent attorney:	Arabia Vargas	San Antonio
Former foster youth:	Shaneka Odem	Beaumont
Developmental disability expert:	Nigel Pierce	Austin
HHSC:	Sheila Craig	Austin

EDUCATION SUB-COMMITTEE # 2 – SCHOOL STABILITY AND TRANSITIONS (AGE 5-17)

Education Committee Vice-Chair:	Judge Cheryl Shannon	Dallas
Co-chair:	Judge Karin Bonicoro	New Braunfels
Co-chair:	Judge Phil Vanderpool	Pampa
Co-chair:	Colleen McCall	DFPS/Austin
Co-chair:	Joy Baskin	TASB/Austin
Co-chair:	Montgomery Meitler	TEA/Austin
Casey:	Sarah Abrahams	Austin
DFPS:	Kristine Mohajer	Austin
	Beverly Nelson	Arlington
	Virginia Lamb	Dallas
	Debra Welborn	Knox City
Children’s Shelter:	Armin Steege	Austin
THEO:	Jeanne Stamp	Austin
Child/Parent Attorney:	Leora Olorunnisomo	Dallas
Local ISD rep:	Ellen House	Midland
Foster parent:	Irene Clements	Austin
CASA:	Helen Betti Robinson Cathy Cockerham	Belton Austin
Former foster youth:	April McWilliams Zophelia Conley	El Paso Dallas
Meadow Center:	Sharon Jackson	Austin
UT Law:	Helen Gaebler	Austin

EDUCATION SUB-COMMITTEE # 3 – SCHOOL EXPERIENCE, SUPPORTS, AND ADVOCACY (5-17)

Education Committee Chair:	Judge Patricia Macias	El Paso
Co-chair:	Judge Angela Ellis	Houston
Co-chair:	Judge Rob Hofmann	Mason
Co-chair:	Judge Richard Garcia	San Antonio
Co-chair:	Judge Virginia Schnarr	Daingerfield
Co-chair:	Denise Brady	DFPS/Austin
Co-chair:	Julie Wayman	TEA/Austin
Drop-out Prevention:	Chris Caesar	Houston
DFPS:	Kristine Mohajer	Austin
	James Vardy (former employee)	Lubbock
	Sherry Lynn	Quitman (Region 4)
	Adrienne Nichols	Lubbock (Region 1)
	Patricia Howard	Odessa
	Patricia Salinas	Austin
	Katara Butler	Austin
	Sheryl Russell	
TASB:	Carolyn Counce	Austin
TASA:	Susan Holley	Austin
Special Education Director:	Vicki Thornton	Longview
Disability Rights Texas (formerly Advocacy, Inc):	Richard Lavallo	Austin
Education attorney:	Jim Walsh	Austin
Charter school:	Sam Greer	Austin
Foster parent:	Christina Garrett	Houston
	Nancy Palencia	El Paso
Special education teacher:	Kathy Goodwin	Houston

ISD representative:	Charles Stafford	Denton
Parent/Child Attorney:	Andrea Frye	Dallas
	Celia Villasenor	El Paso
CASA:	Carolyn Landstrom	Kingsland
Appleseed:	Deborah Fowler	Austin
TJPC:	Linda Brooke	Austin
Former foster youth:	Cheronda Tillman	San Antonio
Child Placing Agency:	Mike Foster	Austin
	Leon Smith	
Foster Youth Justice Hotline:	Mary Christine Reed	Austin
HHSC:	Sheila Craig	Austin
Child Services:	Russell Smith	Austin

EDUCATION SUB-COMMITTEE #4 – POST-SECONDARY EDUCATION (OLDER YOUTH)

Education Committee Vice-Chair:	Judge Cheryl Shannon	Dallas
Co-chair:	Judge Kim Brown	Fort Worth
Co-chair:	Judge Alyce Bondurant	Wichita Falls
Co-chair:	Judge Kevin Hart	Lubbock
Co-chair:	Lori Duke	Austin
Co-chair:	Shannon Ramsey	DFPS/Austin
Co-chair:	Jan Lindsey	TEA/Austin
DFPS:	Kristine Mohajer	Austin
	Ophelia Jaushlin	Austin
	Leisa Stewart	Beaumont
School counselor:	Arturo Escajeda	El Paso
	Karen Gordon	Fort Worth
	Nedra Simmons	
AVID:	Wendell Brown	Dallas
ISD:	Dr. Daniel King	Pharr
College:	Dr. Keri L. Rogers	Huntsville
	Mary Knight	Austin
	Dr. Harriet Romo	San Antonio
	Judith Burns	Austin
Casey:	Elaine Carter	Austin
OCA:	Casey Kennedy	Austin
CASA:	Graciela Gonzales	Alice
	Juanita (Rosi) Rosario Barrera	San Jose
THECB:	Dewy Brooks	Austin

Foster parent:	Elizabeth Cox	San Antonio
	Roy Block	San Antonio
	Dwight (Sparky) Steiner	McAllen
	Kellie Pittman	Tyler
Former foster youth:	Daniela Ontiveroz	Midland
	Gaby Valladares	Houston
Child's Attorney:	Katrina (Nina) Morris	Fredericksburg/Burnet
TNOYS:	Theresa Tod	Austin
TAWB:	Kate McLagan	Austin
TSTC:	Verna LaStrapes	Waco

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

**Basic Committee Meeting Minutes
November 9, 2011
Location: Children’s Commission Conference Room
401’N’
Austin, TX 78701**

ATTENDANCE OF MEMBERS-BASIC

Members Attending

Members Not Attending

Name	Name
The Honorable Robin Sage, Chair The Honorable Elma Salinas Ender, Member* The Honorable Peter Sakai, Member* The Honorable Virginia Schnarr, Member	The Honorable Bonnie Hellums, Member Ms. Colleen McCall, Member The Honorable Mickey Pennington, Member The Honorable Cheryl Lee Shannon, Member Ms. Carolyn Rodriguez, Member The Honorable Doug Warne, Member The Honorable Olen Underwood, Member
*A quorum was not present at the November 9 meeting of the Basic Committee	
Staff	
Ms. Kristi Taylor	
Ms. Mari Aaron, Notetaker	

I. Call to Order

This meeting was held at 12:00 noon on November 9, 2011, at 201 West 14th Street – Fourth Floor Children’s Commission conference room, Austin, Texas. Dial in instructions: 1-866-633-3380; *1278673* Ms. Taylor called the meeting to order at 12:01 p.m.

II. Minutes from the July 2011 Committee Meetings

A quorum was not present at the November 9 meeting of the Basic Committee. The meeting minutes for the joint meeting of the Basic, Training and Technology Committees were reported to the Commission at the August 11, 2011 meeting. Members of the Basic Committee will be asked to adopt and ratify the minutes by email.

III. Review of Current Projects

Ms. Taylor provided a brief update of FY2012 projects.

OCA Judicial Support

This grant provides wireless capability in rural Child Protection Courts, which allows synchronization with OCA’s case management system.

Disability Rights Texas (formerly Advocacy, Inc.)

This project provides legal representation to dually managed youth who are in CPS Custody, but placed in Texas Youth Commission or State Supported Living Center facilities. It has been so successful that a third attorney has been added to divide Texas into thirds rather than halves and hopefully lessen the travel for the young, dedicated attorneys doing this work.

BCFS Health & Human Services / Lubbock Transition Center

Provides partial funding to support judicial hearings for older / transitioning youth at the Transition Center rather than at the courthouse.

Webb County FDTC

Judge Paul Gallego has begun the first Family Treatment Drug Court led by a Child Protection Court. The court meets once a week in Laredo with the goal of reuniting more families affected by addiction. The FTDC is in the process of acquiring some office equipment and supplies, as well as hiring a court coordinator to help the program grow and track its findings.

Texas CASA (new request)

There is a request before the committee to approve a replacement application for Texas CASA. In August, the Commission approved reallocation of some of CASA's contractual funds (\$77,190.00) for CASA to substitute a multidisciplinary case study video and a youth permanency toolkit for two other programs that were not going to come to fruition in 2011. The Commission also approved CASA's FY2012 Interim Grant Application in the amount of \$153,879.00.

CASA completed the youth permanency toolkit in September, but did not accomplish all the steps required to spend any 2011 money on the video.

As of 9/30/11, CASA had approximately \$38,000.00 in unspent 2011 funds and requested that the Commission deposit (rollover) some of the unspent 2011 funds into its 2012 account to complete the video project. The video will be used by Texas Center for the Judiciary for Beyond the Bench.

The rollover amount requested is \$36,300.00

Also, since August, President Obama signed the Child and Family Service Improvement and Innovation Act which reauthorized the CIP for five years. Funds should be distributed to states by March 2012.

At the Children's Commission's request, CASA has submitted a new (replacement) application for 2012 in the amount of \$246,300.00, which covers the originally proposed projects (\$210,000.00) plus the video (\$36,300.00).

The CC Staff is requesting that the Basic Committee and Commission approve CASA's FY2012 replacement application in the amount of \$246,300.00

Update on Active Projects

Round Table Series

- Budget Round Table is scheduled for 11/14/11 in Austin. This Round Table will focus on the impact budget cuts and constraints are having on DFPS' ability to provide services to families. It will provide an overview of the current budget for family services and what services are available. Participants will then discuss how to most effectively use the limited services and budget available to maximize a family's chance at reunification. Participants will also discuss how to leverage community resources to increase available services.

Legal Representation Study (LRS)

- The Children's Commission approved the formation of a workgroup to study how to implement the LRS recommendations. Judge Dean Rucker is serving as chair of the LRS workgroup. There are 30+ members which meet mostly by conference call and the work is broken down by Subcommittee (Practice, Policy/Legislation, Outreach) and by subtopic (Appointment Method, Compensation, Training, Standards, DFPS Representation).

Judicial Technical Assistance

Harris County Judicial Outreach

- An April 2010 judicial "Beyond the Bench" conference and the Appleseed Report on children in long-term foster care, helped shed light on key issues affecting Harris County. State and county judicial leaders expressed interest in finding workable solutions to improve court practices re: case delays, accountability and preparation, service of citation and notice, low reunification rate, lack of permanency, disproportionality, case management and docketing, legal fees for appointed attorneys, countywide oversight and cooperation. A conference call will be held on 11/9/11 and an update will be provided in the next report.
- **See also reference to CPPP grant application**

Judicial Disproportionality Workgroup

- Since the last Basic Committee meeting, the JDW has been planning the next Implicit Bias conference for February 2012. The JDW will be expanding the conference to include judges who hear criminal cases, juvenile cases and other areas of the law which overlap with child protection cases. A wider audience will bring a richer discussion of how cultural and institutional racism contributes to the over-representation of African-American, Native-American and Hispanic youth and families in CPS system. The group would also like to hear from experts regarding how racism within other systems affects the CPS system.

Psychoactive Medications

- A workgroup led by Judge Diane Guariglia, Associate Judge of the 245th in Houston, and Dr. James Rogers, child psychiatrist and Medical Director of DFPS, met in October to develop ideas to further assist judges with using the best practice "Parameters" to reduce the over-reliance on psychotropic drugs in the foster care system. There has been a significant (31%) decrease in utilization of psychotropic medications since the inception of the Parameters in 2005. This

workgroup is focusing on educating more judges and legal stakeholders on the Parameters as well as making recommendations for improvements and updates.

Restraint Group/ Trauma-informed Services

- This Workgroup began looking at how national best practices for emergency behavioral interventions including restraints are used in RTCs and found that Restraint Reform is part of a bigger transition to Trauma-Informed Care. DFPS has recently hosted intensive planning sessions to implement Trauma-Informed Care into the many levels of CPS work. This Commission Workgroup will focus on communicating these best practices to the judges and lawyers.

Tribal Initiatives

- Senior Peacemaker Joann Batisse of the Alabama Coushatta Peacemaking Court will attend the November Commission meeting and make a brief presentation to the Commission. The A-C have invited the Children's Commission to co-sponsor the Second Annual Judicial Symposium at their reservation in Livingston, Texas. This is a first for Texas and will hopefully lead to a more collaborative relationship with all of the Texas tribes

NCJFCJ Legal Orphan Project

- Focuses on how courts and judicial practice can help stem the growing number of children who are aging out of foster care as legal orphans. The Legal Orphan Project targets at youth who are at risk of aging out without biological ties to any parent. Legal orphans cannot inherit, benefit from being added to a parent's insurance, cannot get any SSI or military benefits that might be passed through from a parent or even a grandparent. The deliverables for each participant state: to identify the number of children who are 12 and older with termination of parental rights regardless of whether their plan is adoption and who have been in foster care for at least one year; to produce a written report about the problem, propose solutions, and start a national dialogue among child welfare professionals and the judiciary; to build a national curriculum around permanency counseling for children who identify as not interested in being adopted. Texas submitted a Technical Brief in October to the NCJFCJ that will be included in the materials published by this workgroup. The workgroup will also submit a resolution to the NCJFCJ Committee on Public Policy. A small Texas workgroup will probably be formed in January 2012.

Notice and Engagement Initiatives

- In December 2010, the Children's Commission, DFPS, Casey Family Programs, and CPPPco-hosted a round table discussion on notice and engagement of parties and stakeholders in Child Protective Services (CPS) cases. The round table brought together various stakeholders, including judges from across the state, representatives of DFPS, prosecutors, attorneys, former foster youth, parents and relatives who were involved in CPS cases, and foster parents. The round table discussion revealed that DFPS is not consistently or timely providing service of citation or notice as required by the rules. It was also unclear whether DFPS was successful in notifying adult relatives within 30 days of the removal, as is required by federal law and DFPS policy. The RT also revealed that DFPS does not consistently comply with the requirements for notice relating to permanency and placement review hearings. Also, most participants felt that DFPS could improve its engagement efforts because individuals who might be able to assist in the case are not being engaged, and even when they receive notice and attempt to participate, they do not feel welcome by the judges or are discouraged from participating.

Judges were trained on these issues in July 2011 at the CPS Judicial Conference. DFPS needs to verify that caseworker training is adequate and offers the most recent and innovating education on practices that can improve notifying and engaging relatives. Legislation was enacted, and

effective September 1, 2011, to ensure compliance with Fostering Connections to Success and Increasing Adoptions Act. Plans for a follow up Round Table or a workgroup to focus on changes to the Status Hearing statute will be examined in 2012 to determine whether changes should be made to allow judges to monitor compliance with the notice provisions and to ensure the statute allows plenty of opportunities for engagement.

New Business

Office of Court Administration

- OCA will host the first Texas Judicial Council convening of local leaders in justice administration, to share promising practices, plan collaborative local strategies, analyze data and identify opportunities, and chart a collaborative and economical course for Texas courts. The summit will host twenty local teams of 4-6 participants who are involved in the court system or process that the team will discuss and plan to improve. Most teams represent counties and the district and county courts; some will represent cities and municipal courts. There will be five county teams who will convene to discuss child protection issues (Anderson, Atascosa, Hopkins, Tom Green, and Williamson). OCA has requested CIP funds to cover travel for the court teams from these five counties. Travel is estimated to between \$4,000.00 and \$5,000.00. **OCA has submitted a request for \$5,000.00**

Center for Public Policy Priorities (CPPP) (new request)

CPPP will submit a grant application for \$20,000.00 to provide 30 permanency reports using 2010 data for 5 Large Urban (Bexar, Dallas, Harris, Travis, Tarrant) that will compare the large urban counties collectively to rest of state and that will compare each urban county to the other collective large urban numbers. 20 Reports that will compare all CPC's vs Non-Large Urban courts in the rest of state and the Large Urban courts as well as compare each CPC to the Overall CPC numbers. Also, CPC will produce reports on counties not included in CPC or Large Urban that have more than 500 kids in care (Denton, El Paso, Nueces and Williamson), which will compare each county to collective average of all 4 counties. The geographic areas covered by these reports include about 80% of all kids in CPS custody. CPPP will also create 2 - 4 ad hoc reports or provide assistance to Children's Commission staff with identifying what type of data must be collected to support a particular CIP funded activity to demonstrate the effectiveness of the intervention funded.

A quorum was not present at the November 9 meeting of the Basic Committee; Judge Sage proposed that Ms. Taylor provide a report on the Basic projects to the Basic Committee members and canvas the members on the three new items (noted below) and report on the input from the members at the November 18 Commission meeting.

- 1) CASA - a replacement grant application for 2012 in the amount of **\$246,300.00**, which covers the originally proposed projects (210,000.00) plus the video (36,300.00)
- 2) OCA - grant application for Travel for **\$5,000.00** for the first Texas Judicial Council convening of local leaders in justice administration
- 3) CPPP will submit a grant application for **\$20,000.00** to provide 30 permanency reports using 2010 data for 5 Large Urban (Bexar, Dallas, Harris, Travis, Tarrant)

IV. Adjourn

The meeting adjourned at 12:12 p.m.

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

Training Committee Meeting Minutes

October 17, 2011

ATTENDANCE OF MEMBERS

Members Present

Members Absent

Name		Name
Judge Camile DuBose, Chair	Teleconference	Ms. Cathy Cockerham, Member
Ms. Barbara Elias-Perciful, Member	Teleconference	Ms. Alice Emerson, Member
Judge Richard Garcia, Member	Teleconference	Ms. Debra Emerson, Member
Ms. Tracy Harting, Member	Teleconference	Ms. Joyce James, Member
Dr. Sandeep Narang, Member	Teleconference	Judge Lamar McCorkle, Member
Ms. Shaneka Odom, Member	Teleconference	
Ms. Pam Parker, Member	Teleconference	
Judge Ellen Smith, Member	Teleconference	
Ms. Shaneka Odom, Member	Teleconference	
Ms. Pam Parker, Member	Teleconference	
Ms. Fairy Davenport Rutland, Member	Teleconference	
Judge Ellen Smith, Member	Teleconference	
Ms. Tiffany Roper, Staff	In Person	
Ms. Mari Aaron, Staff	In Person	

The Committee had a quorum present for this meeting.

I. Call to Order

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

II. Adoption of Minutes

ACTION: Judge DuBose asked for a motion to ratify the approval of the July 6, 2011 minutes of the joint meeting of the Basic, Training and Technology Committees. Judge Smith made a motion, Ms. Pam Parker seconded and the minutes were ratified.

III. Changes to Committee Membership

Training Committee members whose terms will expire during 2011 are Judge Richard Garcia and Ms. Shaneka Odom. The members should confirm their interest and availability to serve an additional three-year term of the committee.

IV. Update on Training Grant Funding

The CIP grant was recently reauthorized and draft program instructions have been released. The grant applications will be due in January 2012. There may be less funding awarded than in previous years.

V. Update on training projects

a. Attorney Practitioner Manual

Commission staff is updating the attorney manual written in 2009 to include new legislative changes.

b. Attorney Appointment Eligibility Training

In partnership with the State Bar and practicing attorneys, commission staff is developing 2 training courses on representing parents and children in CPS cases to meet the statutorily required minimum 3 hours of CLE training. The CLE will be available on-line and commission staff is working with the State Bar to explore making it free of charge to attorneys seeking appointments.

c. Child Abuse and Neglect Track at Advanced Family Law

On a Children's Commission scholarship, 81 attorneys attended the track at Advanced Family Law in August. Commission staff will likely propose a similar funding opportunity in FY 2012 once know more about CIP funding dollars.

d. TCJ in 2011

- CPS Judges Conference -- In 2011, joint conference held July 6-8 in Austin. TCJ developed agenda and folded in AJ and IV-D tracks. 139 attendees. Rebranding this year as Child Welfare Law Conference to avoid confusion (some DJs thought it was only for AJs).
- Beyond the Bench – Held August 24-26 in Austin for central Texas courts. Five judicial teams with 58 participants. Discussing statewide beyond the bench ideas with TCJ, which is tentatively scheduled for October 2012. Mr. Sarosdy noted that the evaluations for the conference were highly favorable.
- Implicit Bias in Judicial Decision-Making – Held June 6-7, 2011 in Austin and had 34 attendees. Scheduled for Feb. 6-7, 2012.
- National conferences – National Conference on Juvenile and Family Law (NCJFCJ) Reno (March 2011) at end of March – around 30 Texas judges attended. NCJFCJ Annual Conference NYC (July 2011) had 49 attendees.

e. OCA Child Protection Court Judges Conference

Held March 7-8, 2011 and attended by 15 judges and 16 court coordinators. Next one scheduled for March 2012.

f. Trial Skills Training

Workgroup headed by Justice Michael Massengale from 1st COA in Houston has held two meetings so far. Two smaller workgroups will work on curriculum development and a trial notebook and other resources. Want to create replicable training that can be conducted around state by trained facilitators.

Discussion:

Curriculum development is ongoing and projected project completion is Sept 30, 2012. Intent is to take the training product statewide and fund with FY2013 funds. Ms. Rutland commented that an issue was identified at the most recent meeting of the State Bar of Texas Child Abuse and Neglect Committee meeting - due to current economic pressures, unexperienced attorneys are seeking CPS appointments. There is a need in rural regions for attorney training. Commission staff will ask Beth Page to update the State Bar Committee on the workgroup progress to avoid duplication of efforts.

g. Child Welfare Law Certification

21 TX attorneys have applied for the certification.

h. Local Jurisdiction Disproportionality Training now Judicial Disproportionality Workgroup

Because this workgroup has broadened its mission beyond training and it is managed by Ms. Taylor, this workgroup will be moved to the Basic Committee. If training dollars are requested, the Training Committee will be updated.

i. Mediation Project

Next step is formation of small advisory group – OCA, UT Law, LBJ, judges, DFPS (program/attorney), mediator, AAL, parent’s attorney, TX CASA, state’s attorney; possibly a couple of others.

j. SBOT CAN committee multi-disciplinary training in FY 2011

Grant award of \$25,000 approved by commission at November 12 meeting. Conference scheduled to be held in FY 2012.

k. ABA Parent Attorney and Child Attorney Conferences

The ABA held two conferences in July – the Parents’ Attorney Conference, July 13-14, 2011 and the Child’s Attorney Conference, July 15-16, 2011. Sixty-four attorneys attended on a scholarship funding by training grant dollars. Several attorneys mentioned their inability to attend but for the scholarship.

l. Children’s Advocacy Centers of Texas

CACTX is wrapping up the handbook and will have it printed soon for dissemination.

m. NACC 2011 Annual Conference

Training grant dollars supported 6 registration scholarships to the NACC annual conference held August 29-September 1, 2011 in San Diego.

VI. New Business

Ms. Elias-Perciful reported that the online center now has capability to do online training, including showing previously recorded programs. Members are invited to submit content to the library and, as funding allows, a videographer is available to record live presentations/training.

VII. Next Meeting Schedule

Judge DuBose proposed a date in early January or January 12, 2012 as options for the next Training Committee meeting. Members will submit their preference and the dates with the most votes will be the next meeting date; Ms. Roper will inform members once the input is finalized.

VIII. ADJOURN

The meeting adjourned at 12:30 p.m.

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

Technology Committee Meeting Minutes

October 27, 2011

Location: Office of Court Administration

7th Floor Conference Room

12:00 noon – 1:00 p.m.

Austin, TX 78701

ATTENDANCE OF MEMBERS-TECHNOLOGY

Members Attending

Members Not Attending

Name	Name
The Honorable Karin Bonicoro, Chair The Honorable Gilford Jones, Member (teleconference) Mr. Casey Kennedy, Member Mr. Tim Kennedy, Member Mr. Robert Nolen, Member, (teleconference) Mr. Carl Reynolds, Member Ms. D.J. Tessier, Member,(teleconference)	The Honorable Oscar Gabaldon, Member Mr. Kevin Cox, Member Mr. Jason Hassay, Member Ms. Linda Uecker, Member Mr. G. Allan Van Fleet, Member Ms. Elizabeth Kromrei, Member Mr. Bryan Wilson, Member Staff Attending Tina Amberboy Teri Moran Simi Denson Guests Attending: Ms. Mary Cowherd Ms. Mena Ramon Marco Hanson, certified court interpreter
<p><i>Note: A quorum of members of the Technology Committee was not present; voting issues will be deferred until the next meeting of the Children’s Commission.</i></p>	

I. Call to Order

Judge Bonicoro called the meeting to order at 12:03 p.m.

II. July 6, 2011 Minutes

The July 6, 2011 meeting minutes of the Technology Committee were reported to the Children’s Commission at its August 11, 2011 meeting.

III. Completed FY 2011 Projects

a. Judicial Connectivity Support

Mr. Tim Kennedy reported on the site surveys of 105 county courts where field tests on internet speed were conducted using cellular data air cards as well as available

broadband internet. Based on those tests it was determined that in 6specialty court jurisdictions the courts would be better served by changing their air card service provider to Verizon, which will improve internet access in 31 county court sites. The field tests identified the county network resources (i.e., LAN or Wi-Fi) for 68 county court sites.

ACTION: Mr. Casey Kennedy will develop and send a survey to the judges of the 105 counties asking them to evaluate their improved connectivity, whether they have found it useful and how they're using it. Judge Jones will review the survey before it's sent.

Judge Jones also recommended that the committee consider implementing some kind of basic internet training to encourage more usage by judges who are currently low-level users of internet and email. Recently, the Texas Association of District Judges tried to implement a collaborative internet site and out of couple hundred judges, the usage was minimal, Judge Jones said.

ACTION: Ms. Amberboy will suggest basic internet and email training to the Texas Center for the Judiciary's Curriculum Committee and report back to this committee.

b. CPC Staff Assistance

In this project, CIP funds were used to hire persons to enter data into the CPCMS system at some CPC courts. Mr. Tim Kennedy reported that FY11 activities have been completed, but that there is money left in the budget to hire data entry help for two courts that are still behind in entering court data into the CPCMS system – CPC Rio Grande Valley West and Centex.

Judge Bonicoro stressed the need for getting a commitment from those courts to maintain data entry before spending the money to get them caught up. Mr. Tim Kennedy said that follow-up commitments will be gained prior to hiring data entry persons for those two courts from the courts' district or presiding judge. Four courts in the Second Region who were similarly caught up have successfully maintained data entry since, Ms. Denson said.

c. TechShare Project

Ms. Amberboy's meeting with Charles Gray to discuss this project had to be rescheduled for November 1. She anticipates they'll ask for more money and she will report back to committee after her Nov. 1 meeting with Charles Gray.

d. Child Protection Case Management System (CPCMS)

After a demonstration of CPCMS in Harris County, county officials asked for a copy of the software system and a software agreement between OCA and Harris County was finalized in September. Harris County is evaluating how to use the software – whether to use it as is, tweak it, or use it as a base design and substantially modify it.

ACTION: Mr. Tim Kennedy will send Mr. Robert Nolen the contact information for the person in Harris County's IT department to whom he sent CPCMS.

Ms. Amberboy suggested connecting Harris County with the TechShare project as well.

CPCMS Enhancements:Mr. Tim Kennedy reported that the new enhancements will be launched in two weeks, adding that they are the most significant set of enhancements to be implemented since CPCMS was launched. He thanked Judge Bonicoro for her assistance in reviewing the enhancements.

e. National Information Exchange Model (NIEM)

There is nothing new to report on this ongoing project since Judge Rob Hoffman traveled to a national meeting last year other than that funds have been set aside to participate in the project.

f. Video Conferencing

Mr. Tim Kennedy reported on the mixed results from the video conferencing project. In Judge Hathaway's Travis County Court, three hearings were successfully conducted in chambers using the court's equipment and high-bandwidth internet connection.

In Judge Schneider's 315th District Court in Harris, the judge successfully conducted five consecutive hearings in his chambers using his personal Macintosh equipment and a type of internet service that is similar to an air card. He remotely connected to five different sites that all were within 35 miles.

Judge Bonicoro's Child Protection Court experienced poor results because of poor internet speed in the tests conducted during four hearings at four different courtrooms in three different counties using a Verizon air card.

Because of the poor results in rural areas with inadequate internet service, project efforts for now will focus on urban counties with broadband access (or extremely good cellular coverage). Urban counties have the majority of the state's foster population.

Also, the round of field tests will be limited to RTCs or group homes that have good internet connectivity.

The project will be expanded to working with courts in Bexar, Tarrant, and Dallas counties that already have good internet connectivity and/or videoconferencing equipment in their courts. Mr. Casey Kennedy said his team has developed good relationships in the test courts and they are working with the courts and DFPS on their business process.

Some rural counties are in the process of updating their courts' equipment.

ACTION: Mr. Kennedy's team will compile a list of counties that identifies their connectivity status and report back to this committee.

IV. New Business

a. Grant application for interpreter program

Ms. Mena Ramon reported on submitting a grant application to conduct a pilot project that would provide a certified Spanish interpreter to certain rural child protection courts that either do not have one available or that must postpone hearings when one is not readily available. The \$34k project to hire a part-time interpreter will piggyback on the infrastructure of a similar OCA project involving domestic violence cases that has been running successfully for a year. Child Protection Courts involved in the project could schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. The interpreter would interpret the hearing remotely, using a speaker phone or videoconferencing. The results of a survey Ms. Denson sent to OCA's CPC court indicate that initial usage would be about a minimum of 17 hearings a month. After four months, the project will be evaluated and possibly expanded to counties where DFPS has 500 or fewer children in care, we might approach those counties. A survey will be sent to participants – for example CASA, attorneys, caseworkers – and a separate one will be sent to judges.

ACTION: The project will add a component to track requests to determine the level of demand.

b. County Data Dashboard

Committee members agreed to table this item temporarily and to perhaps consider a project for tracking legal representation. Ms. Amberboy reported that the new federal CIP grant guidelines include higher standards for measuring court performance specifically in timeliness, quality of hearings, and legal representation. Ms. Amberboy will bring some ideas to the next meeting.

c. 2012 Meeting Schedule

Because the Children's Commission 2012 meeting schedule has been changed, some changes may be made to this committee's schedule. Ms. Amberboy will email members.

V. Judge Bonicoro adjourned the meeting at 12:57p.m.

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**FY2012 Court Improvement Project
Replacement Application for FY2012 Funds**

Grantee Name: Texas CASA
Program Title: Enhancing CASA Volunteer Advocacy Services to Children in Courts
Grant Period: October 1, 2011 – September 30, 2012
FY2012 Amount: \$246,300.00
Grant: Court Improvement Project Program
Requests for Reimbursement: Due no later than 90 days after expense incurred

Program Issue

The appointment of well-trained CASA volunteers to represent the best interests of children in CPS custody helps to achieve the Court Improvement's Goal of better outcomes for children, including timely permanency:

- **Children served by CASA volunteers are less likely to spend time in long-term foster care.** Of the all children who left the Texas foster care system in 2009, 17% had been in foster care for 3 or more years, compared with only 10% of those children served by CASA.ⁱ
- **Children served by CASA are less likely to reenter foster care once they leave.**ⁱⁱ In a systemic review of 20 studies of CASA effectiveness, it was found that children served by CASA reenter the foster care system at only HALF the rate of children not represented by CASA.ⁱⁱⁱ
- **CASA helps judges make better decisions for children.** 97 percent of Texas judges responding to a 2008 survey reported that the information CASA provides is beneficial to their decision making, and 94 percent said CASA volunteers provided an opportunity to for better, more positive outcomes for children.
- **Children with a CASA receive more services on their cases than children without a CASA.** Ability to provide services to address specific needs of children and needs of family members to make changes to address safety and risk provides a greater likelihood of reunification and permanency.^{iv}

Therefore, Texas CASA is requesting that the CIP fund the following projects that **improve the training and retention of CASA volunteers, and thus improve permanency for children.** Texas CASA is also requesting funding for specific training projects to **improve the knowledge and skills of CASA program staff and volunteers, as well as other child protection system**

stakeholders, on addressing child well-being and improving permanency outcomes for all children.

Activities and Deliverables

- 1. Training of Facilitators** - Two (2) workshops designed to train CASA staff to effectively facilitate pre-service training for new volunteers. The training incorporates adult-learning methods, new technology and instruction on screening of volunteers during training.

Approximately 32 CASA staff will attend this training. National CASA staff will assist Texas CASA staff in the facilitation of this training. Texas CASA staff: Program Operations Director, Director of Public Policy and Outreach, Program Operations Manager, Program Training Specialist, Program Operations Specialist, and Meeting and Events Planner.

Measurable Goals and Outcomes: Quality volunteer training and volunteer retention during and after training.

Data collected/reported: Survey of training participants demonstrating knowledge gained from the training on how to assist volunteers in better understanding of permanency for children. Graduates of this TOF will agree to provide an assessment or evaluation instrument to all volunteers to determine level of understanding regarding permanency needs and issues for children.

Impact to local courts and communities: Well-trained volunteer advocates with enhanced understanding of permanency needs and issues available to be court appointed (as guardian ad litem or volunteer advocate) to represent the best interest of children.

Describe any ongoing collaboration that will occur as part of the project:

This training will encourage local CASA programs to invite judges, attorneys ad litem, CPS staff, attorneys for parents, service providers and other stakeholders in the child protection system to participate in pre-service training for volunteers. This provides additional opportunities for collaboration with these stakeholders and systems.

- 2. Core Advocacy Skills Training (CAST)**– One sixteen (16) -hour workshop and one eight (8)-hour workshop paired with a and a six (6)- hour interactive online e-learning module. The online e-learning training will provide a “blended learning” approach where some of the learning is independently done through on-line modules with accompanying training manual. Some of the training more group and process oriented will continue to take place at an in-person session with the training manual bridging the two learning methods. This will greatly increase the capacity of individuals that can participate in this training, especially in rural, multi-county CASA programs. It will provide opportunity for training more often, more

timely and will be a platform upon which in the future to develop regional local program staff trainers for the in-person portions of the training.

This training is designed to train CASA programs on:

- a. The Child Protection System - systems advocacy (CPS, role of the GAL, education, mental health, foster care, legal and court systems) focused on timely permanency; preventing children from staying in long term foster care (PMC); assisting older youth in successful transition; and addressing child well-being
- b. Volunteer Advocacy - volunteer management to effectively empower and retain volunteers to promote the highest quality child advocacy

The e-learning modules developed around the child protective system in Texas would have multiple training purposes with other stakeholders such as foster parents, service providers, educators, attorneys. An outline of the learning objectives for the Child Protective System (on-line learning) is attached (See Attachment A). An outline of the scope of work (SOW) provided to contracted professionals is attached (See Attachment B).

Texas CASA staff: Program Operations Director, Director of Public Policy and Outreach, Program Operations Manager, Program Training Specialist, Program Operations Specialist, and Meeting and Events Planner.

Measurable Goals and Outcomes: Staff with increased knowledge and skills in achieving timely permanency and promoting volunteer advocacy. CASA volunteers with increased knowledge and skills in achieving timely permanency and ensuring child wellbeing. Stakeholders with increased knowledge and skills in the child protection system and the needs and issues of child victims.

Data collected/reported:

Each in-person training session will have an over-all evaluation with questions for all trainees regarding what they have learned and how this will help them achieve more timely permanency for children. Anecdotal case outcomes and information from CAST graduates that demonstrates successful assistance with reunification efforts, adoption efforts so that children are no longer in PMC, permanency efforts with children in PMC with TPR so that these children have legal permanency options, and child well-being efforts that demonstrate positive change in a child's situation.

The different modules of the on-line learning will have tracking indicators for each individual participant including questions and quizzes to indicate coursework completion and demonstration of knowledge and understanding. Texas CASA will have "reports" regarding the number of on-line learning participants.

Impact to local courts and communities: Focused advocacy by CASA volunteers that result in improved permanency outcomes for children. Stronger and more comprehensive

permanency recommendations and explanations supporting these recommendations in CASA court reports to assist judges with better decision making for children. Improved collaboration between CASA, CPS, AAL and parent attorneys due to greater systems understanding.

Describe any ongoing collaboration that will occur as part of the project:

This project will provide opportunity to collaborate and share system information and “flesh-out” misperceptions during the development of the on-line coursework, and in the “sharing” of access to this on-line course work, resulting in enhanced opportunity to have consistent training information and messages across disciplines. Greater likelihood of case collaboration with enhanced understanding of child protection system by CASA volunteers to share information, concerns and strategies for achieving timely permanency and addressing child well-being (better placements, more services, appropriate services, and an increased likelihood of the child’s participation in court review hearings/youth court reports).

3. Advanced Advocacy Skills Training A series of monthly webinars for local CASA program staff and volunteers and their stakeholders in the child protection system (judges, attorneys, foster parents and others) focused on improving CASA advocacy re: permanency, timeliness, placement stability and well-being of children in foster care.

1. Advocating for permanency during a CPS case
2. Identifying and facilitating temporary and permanent placement with relatives and/or healthy connections with relatives
3. Advocating for Transitioning Youth
4. Mental Health Advocacy for Children, including medications reviews
5. New laws and how they can improve outcomes for children
6. Educational Advocacy
7. Prenatal Alcohol Exposure and its Implications
8. Impact of Trauma from Adverse Childhood Experiences
9. Improving CASA court reports

These webinars will be recorded and archived on the secure portion of the Texas CASA website. Local programs will be able to download these at their convenience to provide ongoing training to local volunteers, CPS caseworkers, attorneys and other stakeholders. This will provide opportunity for guided discussion with stakeholders on these topics.

Texas CASA staff: Program Operations Director, Director of Public Policy and Outreach, Program Operations Manager, Program Training Specialist, Program Operations Specialist, and Meeting and Events Planner.

Measurable Goals and Outcomes: Improved knowledge and skills of CASA staff, volunteers and stakeholders in specific topic areas.

Data collected/reported: Following each webinar, participants will be asked complete a survey to indicate new skills or knowledge gained.

Impact to local courts and communities: Improved advocacy and enhanced understanding.

Describe any ongoing collaboration that will occur as part of the project: Texas CASA will provide access to these webinars to the Children’s Commission and other statewide stakeholders, including Foster Family Association, and CPS. Texas CASA will encourage local CASA programs to invite their stakeholders to participate in the webinars and/or view the archive of the webinar and participate in guided discussion and workgroups on the topics presented.

- 4. Executive and Program Director Training** – A full day training in February for local CASA executive and program directors leveraging the work started with Casey Family Programs on Permanency Values. This training will be designed to instill a sense of urgency regarding the achievement of permanency for **all** children in care. On July 21, 2011 Casey Family Programs provided a full day training on permanency values and intensive case staffing model for this project. Project specifics are being further developed following this training.

Texas CASA staff: Program Operations Director, Director of Public Policy and Outreach, Program Operations Manager, Program Training Specialist, Program Operations Specialist, and Meeting and Events Planner.

Measurable Goals and Outcomes: Improved knowledge, skills, and commitment of local CASA program leadership re: timely permanency for **all** children in care (i.e. no long term PMC, no children under age 6 in PMC without TPR).

Data collected/reported: Evaluations by participants showing pre-training and post-training attitudes toward permanency. Commitment forms from programs showing what they hope to improve in their local jurisdictions to achieve timely permanency for children and post-training reports on the progress made.

Impact to local courts and communities: Reduction in children in long term PMC, more children finding a safe, permanency home through adoption, kinship care or family reunification.

Describe any ongoing collaboration that will occur as part of the project: This training will leverage the work Texas CASA is doing with Casey Family Programs on Permanency Values and will result in more CASA programs working with their stakeholders to improve their local jurisdiction’s achievement of permanency for children in CPS care.

- 5. Multidisciplinary Case Study Video and Materials**

In 2001, Texas CASA with a grant from the State Bar produced a training video for CASA volunteers. This video covered the investigation of abuse and the 14-day show cause hearing, status, hearing, initial permanency hearing, and second permanency hearing. Each video segment had corresponding resources – legal resources and Texas Family Code sections specific to each hearing; CPS structure, practice, and terminology, and CASA role and responsibility information. The video has been widely used throughout the CASA network in pre-service volunteer training. It has also been used in all of the Beyond the Bench trainings.

This project will provide a new video story or stories. It is planned to cover more segments as outlined below:

- a. Investigation and Removal
- b. 14-day Adversary Hearing
- c. Status Hearing
- d. Initial Permanency Hearing
- e. Second Permanency Hearing
- f. Trial: Hearing on the Merits
- g. Review Hearing
- h. Transition from Care and option to remain in care after age 18

Although the primary audience and intended use of the video is to assist in the training and preparation of CASA volunteers to advocate for children, the new video will be structured for use with other stakeholders including CPS caseworkers, attorneys, service providers, educators, and judges.

The number of “stories” – children and families – will be determined based upon total funding secured for the project. At a minimum a video story of a family with 3 children will be produced. Bids from four local companies have been secured. These companies were given some minimal parameters, but asked to bid based upon one family with 3 children, two families – one with three children and one with two, or three families – same as 2 with an additional family of one child - so a total of 3 families and 6 children.

Texas CASA plans to move forward with this project during FY 2011 securing a part time contract coordinator, and the assistance of a multi-disciplinary team to guide script development and priority of special issue areas. Gathering perspectives in this multi-disciplinary team development approach from foster youth, parents, CPS, attorneys that represent children and parents and foster care providers should assist in providing a video story that appeals to a wide audience. Texas CASA is finalizing review of the script along with a defined video story focus, learning objectives and expected outcomes. . Actors for the

video story will be a combination of professional paid actors and donated time of professionals - CASA volunteer, staff, CPS caseworker, attorney, judge, foster parent, etc.

We are asking CIP to fund \$86,300 of this project, which is anticipated to cost about \$110,000. Texas CASA will secure additional grants and funds to ensure a quality product, one that has cross system value, and one that will have online related resources that will be kept current to maximize the value of the video story.

Texas CASA staff: Program Operations Director, Director of Public Policy and Outreach, Program Operations Manager, Program Training Specialist, Program Operations Specialist, and Meeting and Events Planner.

Measurable Goals and Outcomes: Greater collaboration among stakeholders along with improved knowledge related to needs and issues of children in the foster care system. Hopefully this collaboration and shared understanding and discussion possible through viewing the video and having facilitated discussion will bring better outcomes and more timely permanency for all children.

Data collected/reported: Surveys of local programs regarding the usefulness of the video. Surveys of stakeholders regarding the usefulness of the video. Pre-service training evaluations by local programs regarding the usefulness of the video to CASA volunteers in understanding and discussion of their work and understanding of permanency for children. The number of other “events” at which the video is used.

Impact to local courts and communities: This video and its accompanying materials will be useful to train courts and all the stakeholders in the child protection system and will be used to in multidisciplinary discussions about ways to improve court systems.

Describe any ongoing collaboration that will occur as part of the project: Texas CASA will develop the video with significant input from other stakeholders. This beginning collaboration should be carried forth in the endorsement and use of the video. We will be inviting the Children’s Commission staff to participate in the development and decision making process regarding emphasis areas of this video story and with the video resource materials. We will share the video with stakeholders to use in trainings across the state.

Budget Narrative (describes in narrative form how the money will be spent)

Personnel/Fringe

Salary and fringe costs of the CIP Grant are allocated to the activities listed above, according to time spent on each activity.

Travel

Travel and lodging for the Program Operations Director, the Director of Public Policy and Outreach, the Program Operations Manager, the Program Operations and Training Specialist, the Program Operations Specialist and the Event Planner for trainings and video production, allocated by participation at each activity.

Supplies

Supplies include supporting materials, printing and handouts for all training events.

Contractual

Contractual expenses include the following:

- meeting and space fees, and lodging for participants at the following trainings: Volunteer Education Training, Advocacy and Volunteer Management Training, and Executive and Program Director Training
- speaker fees and their related charges: Executive and Program Director Training, Advanced Advocacy Skills Training, and meeting room charges
- video company to produce Multidisciplinary Case Study Video
- part-time project manager to assist Texas CASA staff with video project management

- A. Personnel (applicant must submit a job description for each person who will be paid with CIP funds and time keeping records must be submitted for reimbursement)
- B. Fringe (includes payroll taxes, retirement and health benefits)
- C. Travel (all travel receipts will be required for reimbursement)
- D. Equipment (all receipts for equipment will be required for reimbursement)
- E. Supplies (all receipts for supplies will be required for reimbursement)
- F. Contractual (evidence of contracts, rates paid to speakers and other contracts may be required for reimbursement)
- G. Construction (not applicable)
- H. Other

Budget detail for full FY2012 Grant

Texas CIP Grant		Requested			
		Total Program	Amount of CIP Funds Requested	Cash Match	In-Kind Match
A	Personnel	\$99,800	\$ 74,850	\$ 24,950	
B	Fringe Benefits	23,962	17,972	5,991	
C	Travel	55,188	41,391	13,797	
D	Equipment	0	0	0	
E	Supplies	1,550	1,163	388	
F	Contractual	147,896	110,925	36,971	
G	Construction	0	0	0	
H	Other	0	0	0	
I	Total Direct Charges (sum a-h)	328,399	\$246,300	\$82,099	
J	Indirect Charges				
K	Totals	\$328,399	\$246,300	\$82,099	

ⁱ According to 2009 DFPS statistics and local CASA program responses to National CASA’s Local Program Survey.

ⁱⁱ David Youngclarke, Kathleen Dyer Ramos, and Lorraine Granger-Merkle. 2004. A Systemic Review of the Impact of Court Appointed Special Advocates. *Journal for the Center of Families, Children and the Courts*, p. 109-126.

ⁱⁱⁱ *Id.*

^{IV} David Youngclarke, Kathleen Dyer Ramos, and Lorraine Granger-Merkle. 2004. A Systemic Review of the Impact of Court Appointed Special Advocates. *Journal for the Center of Families, Children and the Courts*, p. 118 - 119.

In August, the Commission approved reallocation of some of CASA’s contractual funds (77,190.00) for CASA to substitute a multidisciplinary case study video and a youth permanency toolkit for two other programs that were not going to come to fruition in 2011.

CASA completed the youth permanency toolkit in September, but did not accomplish all the steps required to spend any 2011 money on the video.

As of 9/30/11, CASA had \$47,900.01 in unspent funds and requested that the Commission deposit (rollover) some of the unspent 2011 funds into its 2012 account to complete the video project. The video will be used for Beyond the Bench among other multidisciplinary training and planning purposes.

The rollover amount requested is \$36,300.00, which makes up \$36,300 of the video project as described above.

Also, since August, the President signed the Child and Family Service Improvement and Innovation Act which reauthorized the CIP for five years. Funds should be distributed to states by March 2012.

CASA has submitted a new application for 2012 in the amount of 246,300.00, which covers the originally proposed projects (210,000.00) plus the video (36,300.00).

PAGE DIVIDER

There is a request before the committee to approve a replacement application for Texas CASA. In August, the Commission approved reallocation of some of CASA's contractual funds (\$77,190.00) for CASA to substitute a multidisciplinary case study video and a youth permanency toolkit for two other programs that were not going to come to fruition in 2011. The Commission also approved CASA's FY2012 Interim Grant Application in the amount of \$153,879.00.

CASA completed the youth permanency toolkit in September, but did not accomplish all the steps required to spend any 2011 money on the video.

As of 9/30/11, CASA had \$47,900.01 in unspent 2011 funds and requested that the Commission deposit (rollover) some of the unspent 2011 funds into its 2012 account to complete the video project. The video will be used by Texas Center for the Judiciary for Beyond the Bench.

The rollover amount requested is \$36,300.00

Also, since August, President Obama signed the Child and Family Service Improvement and Innovation Act which reauthorized the CIP for five years. Funds should be distributed to states by March 2012.

At the Children's Commission's request, CASA has submitted a new (replacement) application for 2012 in the amount of \$246,300.00, which covers the originally proposed projects (\$210,000.00) plus the video (\$36,300.00).

The Children's Commission staff is requesting that the Basic Committee and Commission approve CASA's FY2012 replacement application in the amount of \$246,300.00.

PAGE DIVIDER



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

Justice Eva Guzman, Chair

Tina Amberboy, Executive Director

COURT IMPROVEMENT PROGRAM FY2012 Grant Program Instructions (Short Form)

The Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families (Commission) is currently accepting proposals for projects related to the goals of the State Court Improvement Program (CIP).

Background and Purpose

The CIP is a federally funded initiative administered by the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) to assist state courts in improving safety, permanency, and well-being outcomes for abused and neglected children in the child welfare system. The Commission applies for funding from the CIP program and then administers those funds in accordance with federal and state guidelines. As part of this effort, the Commission awards grant money to help fund projects that will help accomplish the goals in Texas's CIP strategic plan. CIP projects must demonstrate a commitment to meaningful and ongoing collaboration with other court and community partners to accomplish those goals and improve outcomes.

Specifically, Texas CIP funds are to be used to address the most crucial court reform issues that will improve the safety, well-being and permanency of children in foster care, and strengthen the legal and judicial system. Examples include:

- Improving judicial knowledge and skills regarding dependency issues;
- Limiting workloads to enable courts to effectively manage their caseloads;
- Developing automated information systems to track cases and measure performances;
- Encouraging cross-system trainings of court, agency personnel, all child welfare stakeholders and court appointed representatives of parents and children;
- Improving the amount and quality of legal representation for children, parents and agencies; and
- Providing fair treatment, notice and consideration to all parties before the court.

For additional project ideas, review the following:

- Child Welfare Gateway, Court improvement/court reform,
<http://www.childwelfare.gov/systemwide/courts/reform/index.cfm>

FY2012 Grant Application
COURT IMPROVEMENT PROGRAM

Grant Fund Category Requested: New Continued

Applicant			
Authorized Official Name:	Carl Reynolds		
Title:	Director		
Organization:	Office of Court Administration		
Address:	P.O. Box 12066		
	Austin, TX 78711-2066		
Phone:	512.463.1626		
Fax:	512.463.1648		
E-mail:	creynolds@txcourts.gov		
Financial Officer Name	Glenna Bowman	Financial Officer Title	Chief Financial Officer
Program Director Name	Carl Reynolds	Program Director Title	Director

Requestor is designated as a(n):

- State Agency Non-Profit Organization
 Unit of Local Government Educational Institution
 Other (describe): _____

Program Type Requested: Basic Program Data Training

Program Title: Shared Solutions Summit

- Program Issue or Problem:** The program is designed for county and city court teams to assemble in Austin for education on case management and other topics of broad interest, and then to focus as teams on strategies for court improvement in four topic areas, one of which is child protection cases. Up to four county teams will focus on child protection.
- Program Objective:** Each team will develop a brief strategic plan for creating court system improvements; for purposes of this request, up to four teams will focus on child protection court improvements.
- Activities:** The summit agenda calls for a morning of presentations that will motivate the attendees, provide background on court case management and the application of data to

solving court improvement problems. In the afternoon, teams will meet in breakout sessions and learn more about, in this case, the application of data to child welfare in their local area, and strategize improvements. Then there are additional plenary sessions on the use of videoteleconferencing, and the use of a collaboration tool that OCA is developing for team usage. It will include more resources on child welfare improvement, data, and strategic planning templates for the teams to use.

4. **Method of Evaluation:** Teams will have benchmark data from CPPP for their locality, which can be used to measure the impact of system changes that they plan to initiate.
5. **Future Funding:** This event is tentatively planned for every two years, so we may be back with future requests of similar magnitude.
6. **Budget Narrative** (Include information on match): The funding requested is to provide for the presence of a facilitator from NCJFCJ and to provide for travel to Austin by the teams who are working on child protection issues.

Budget

Texas CIP Grant		Requested			
		Total Program	Amount of CIP Funds Requested	Cash Match	In-Kind Match
a	Personnel				
b	Fringe Benefits				
c	Travel		\$5000		\$1666
d	Equipment				
e	Supplies				
f.	Contractual				
g	Construction				
h	Other				
i	Total Direct Charges (sum a-h)		\$5000		\$6666
j	Indirect Charges				
k	Totals		\$5000		

Requested Grant Period: The Grant becomes effective Nov. 1, 2011, and ends March 1, 2012 unless terminated or otherwise modified.

Amount Requested: \$5,000.00

Applicant must initial each of the following:

_____ Applicant understands that CIP grants awarded to a governmental entity are governed by OMB Circular A-87 and that CIP grants awarded to a non profit organization are governed by OMB Circular A-110.

_____ Applicant understands that CIP funds expended must be reasonable and necessary to carry out the objectives of the program for which funding is sought.

_____ Applicant understands that CIP funds are paid on a reimbursement basis and must be supported by appropriate documentation.

_____ Applicant understands that funding is subject to approval by the Supreme Court Permanent Judicial Commission for Children, Youth and Families.

_____ Applicant understands that funding must involve meaningful and on-going collaboration of local or statewide stakeholders.

PAGE DIVIDER

OCA will host the first Texas Judicial Council convening of local leaders in justice administration, to share promising practices, plan collaborative local strategies, analyze data and identify opportunities, and chart a collaborative and economical course for Texas courts. The summit will host twenty local teams of 4-6 participants who are involved in the court system or process that the team will discuss and plan to improve. Most teams represent counties and the district and county courts; some will represent cities and municipal courts. There will be five county teams who will convene to discuss child protection issues (Anderson, Atascosa, Hopkins, Tom Green, and Williamson). OCA has requested CIP funds to cover travel for the court teams from these five counties. Travel is estimated to between \$4,000.00 and \$5,000.00. OCA has submitted a request for \$5,000.00

PAGE DIVIDER

They must adhere to written standards of ethics and practice and can be disciplined for violations of these standards. Use of a licensed court interpreter is always preferable to reliance on an ad hoc interpreter.

The proposed project will provide interpretation services by telecommunications (video-conferencing, voice over internet protocol, or by speaker-phone) with interpreters located at an office at the OCA. On-line scheduling programs will be used to automate the scheduling process. The use of telecommunications technology (videoconferencing, voice over internet protocol, or duplex speaker telephone) allows the court to communicate with a licensed court interpreter with minimal expense and effort. The court administrator can view the interpreter's schedule on-line and schedule services using the on-line program. Because the interpreter does not have to spend time traveling to the court or waiting for the case to be called, the interpreter can provide more of the highest quality interpretation service at minimal cost. This project will help reduce costs and improve access to courts for children, litigants, and witnesses in child protection cases.

Implementation:

Based on an informal survey of the child protection courts, we anticipate that the court interpreter will be scheduled to translate approximately 17 hearings per month. Once the courts become familiar with the scheduling system and with the use of the equipment, we expect that the number of hearings will increase. At the end of the first four months of the project, we will evaluate the volume of hearings being scheduled by the child protection courts. In the event that the child protection courts are not fully utilizing the services of the court interpreter at that time, we will make the court interpreter's services available to courts who hear child protection cases in counties with 500 or fewer children in the legal responsibility of the Department of Family and Protective Services (DFPS).

Activities: The project would fund:

1. Hiring a licensed Spanish court interpreter who would work 20 hours per week;
2. Purchasing necessary equipment (webcam, headset, etc.);
3. Purchasing necessary services (videoconferencing, telephone line, scheduling program);
4. Training of the interpreter in child protection issues; and
5. Travel related to providing technical assistance to the participating courts.

Method of Evaluation: The project will be evaluated by:

1. Collecting data on usage for hearings (dates of service, length of session);
2. Evaluating sub-projects that provide benefits to the courts outside the hearing or proceeding (e.g. compilation of an on-line Spanish-English glossary for child protection cases);
3. Determining the cost per service and utilization rates;
4. Tracking the disposition rates for periods before and after the project starts to determine how reliable access to an interpreter affects the timely resolution of a case;
5. Developing and implementing a survey to be distributed to DFPS caseworkers, the attorney(s) representing DFPS, the parents in the case and their counsel and CASA volunteers assigned to the case. The survey will be provided in hard copy from the bench and also be available on-line. It will be designed to gather information regarding the respondents' perceptions about the

development of the evidence and information provided at the hearing with the use of the certified interpreter versus hearings in which they have participated where a certified interpreter was not provided; and

6. Developing and implementing a survey to be distributed to the judges who use the service to gather information regarding the judges' perception of the quality and development of the evidence and information provided at the hearing when a certified court interpreter is used versus when one is not, the judges' overall impression of the effect of the certified interpreter's services on the quality and length of the hearing and whether the availability of a certified court interpreter funded through this project made it possible for the judge to schedule the hearing more promptly than if the interpreter had not been available.

Data tracking can be done with a combination of online programs (that is, the videoconferencing and online scheduling services can capture some of the information) and the existing CPCMS (that is, having the judges or their staff enter data into the system when an interpreter is used).

Budget Narrative:

A. Personnel

Position	Number of FTEs	Computation	Cost
Interpreter II	.5	\$4,666 x 10 months x .5 FTE	\$23,330.00
Total Personnel Cost:			\$23,330.00

One part-time interpreter will perform Spanish-English interpretation, over the phone or internet, for parties in child protection cases. The interpreter must be a Licensed Court Interpreter with the State of Texas.

B. Fringe Benefits

Position	Computation	Cost
Interpreter II	\$23,330 (personnel cost) x 28%	\$6,532.40
Total Fringe Benefits:		\$6,532.40

The additional personnel costs associated with the part-time Interpreter II position is 28 percent of the salary for fringe benefits.

C. Travel

Purpose of Travel	Location	Item	Cost
Training and technical assistance	TBD	Tuition + Airfare + Car + Rental + Per Diem	\$1,500.00
Total Travel Cost:			\$1,500.00

Over the grant period the interpreter will be sent to one approved training program concerning child protection issues. The training will increase the interpreter’s knowledge about child protection issues and may help fulfill continuing education requirements for licensure of interpreters. The interpreter may also visit child protection courts that need technical assistance regarding the use and implementation of the remote interpreter services for the court. We anticipate up to 3 trips to the child protection courts during the grant period.

D. Equipment

Item	Computation	Cost
Webcam	\$100 x 1	\$100.00
Computer with monitor and peripherals	\$1800 x 1	\$1800.00
Speakerphone attachment	(\$108 attachment + \$481.14 machine +\$149 microphone)	\$738.14
Hands free ear piece	\$227.37 bundle x 1	\$227.37
Acoustic paneling (fabric) with hangers	\$400	\$400.00
Equipment Cost:		\$3,265.51 x .50 = \$1,632.75

OCA’s TRIP currently has excess capacity in equipment and space. Funds provided under this grant will reimburse half of the cost of the equipment (webcam, computer, monitor, speakerphone attachment, hands free ear piece and acoustic paneling) purchased for the TRIP project.

E. Contracts

Item	Computation	Cost
Phone service	\$20.00 per month x 10 months	\$200.00
Online calendar system	\$49 per month x 10 months	\$490.00
Online videoconferencing service	\$100 per 10 months	\$1,000.00
Total Contracts:		\$1,690.00 x .50=\$845.00

The interpreter will require one phone line. The online scheduling and online videoconferencing services will allow efficient and secure services with minimal administrative costs.

OCA’s TRIP has excess capacity in phone service, calendaring system and videoconferencing services. Funds provided under this grant will pay for half of the costs of these services that are currently being

paid for with OCA's TRIP funds.

In-Kind match will be accrued by OCA headquarters and Child Protection Courts Program staff as they participate (i.e., plan, test, supervise, account, and report) in the project. Timesheets documenting the In-Kind effort will be collected during the course of the project.

F. Budget

	Texas CIP Grant	Requested			
		Total Program	Amount of CIP Funds Requested	Cash Match	In-Kind Match
a	Personnel	\$23,330.00	\$23,330.00		
b	Fringe Benefits	\$6,532.40	\$6,532.40		
c	Travel	\$1,500.00	\$1,500.00		
d	Equipment	\$1,632.75	\$1,632.75		
e	Supplies	0	0		
f	Contractual	\$845.00	\$845.00		
g	Construction	0	0		
h	Other	0	0		
i	Total Direct Charges (sum a-h)	\$33,840.15	\$33,840.15		
j	Indirect Charges	0	0		
k	Totals	\$45,120.20	\$33,840.15		\$11,280.05

Requested Grant Period: The requested grant period is from December 1, 2011 through September 30, 2012 unless terminated, extended or otherwise modified.

Amount Requested: \$33,840.15

Method of Payment:

Request for Reimbursement

The OCA shall submit requests for reimbursement within 30 days of the calendar month in which the costs for the performance of its obligations pursuant to this Agreement are incurred. The CIP may decline to reimburse allowable costs which are submitted for reimbursement more than ninety (90) days after the calendar month for which such costs are incurred. The OCA shall only request reimbursement

for costs that are eligible for federal reimbursement, in compliance with OMB Circular A-87 (Cost Principles for State, Local, and Tribal Governments), federal regulations 45 CFR Part 304 (Federal Financial Participation), and federal regulations 45 CFR Part 92 (Uniform Administrative Requirements).

Should the OCA experience insufficient cash flow as a result of monthly federal funds transfer reimbursement, OCA may request a cash advance from the CIP. The OCA shall furnish the CIP with an itemized statement of the estimated allowable costs for the remaining portion of the fiscal year for which OCA requires a cash advance. The CIP shall transfer the estimated amount to the OCA as a cash advance for payment of allowable expenditures. The CIP will make all reasonable efforts to complete this transfer within two weeks of receipt of a properly submitted and approved cash advance request.. After the subsequent receipt by the OCA of the necessary appropriation authority, but no later than 30 calendar days after the end of the State fiscal year, the CIP will process a voucher to reverse any advance payments.

Each request for reimbursement invoice must provide invoice information as prescribed by the CIP. The OCA shall also provide any additional information reasonably requested by the CIP about expenditures submitted for reimbursement.

PAGE DIVIDER

OCA will begin conducting a pilot project that would provide a certified Spanish interpreter to certain rural child protection courts that either do not have one available or that must postpone hearings when one is not readily available. The \$34k project to hire a part-time interpreter will piggyback on the infrastructure of a similar OCA project involving domestic violence cases that has been running successfully for a year. Child Protection Courts involved in the project could schedule an interpreter using a web-based calendaring system on a first-come, first-served basis. The interpreter would interpret the hearing remotely, using a speaker phone or videoconferencing. The initial usage will be about 17 hearings a month. After four months, the project will be evaluated and possibly expanded to counties where DFPS has 500 or fewer children in care, we might approach those counties. A survey will be sent to participants – for example CASA, attorneys, caseworkers – and a separate one will be sent to judges.

INSERT - TAB 6



BACKGROUND DOCUMENT

THE CO-OCCURENCE OF FAMILY VIOLENCE, CHILD MALTREATMENT AND CHILD WITNESSING OF FAMILY VIOLENCE

Understanding the Issues

The Texas Council on Family Violence offers the following document in order to help inform the efforts of the SB434 Task Force.

Family violence, child maltreatment and child witnessing of family violence occurs with significant frequency in Texas communities.

- In 2010, HHSC-funded family violence programs across Texas sheltered 26,907 individuals. Over half (14,915) of those sheltered were children.ⁱ
- In 2010, law enforcement reported 193,505 cases of family violence to DPS.ⁱⁱ
- 142 women were killed by their current or former male partners. 39 children witnessed their mothers' murders.ⁱⁱⁱ
- According to the Texas Department of Family and Protective Services, almost one-third of CPS investigations in 2010 indicated an incidence of domestic violence.

An estimated 7 to 10 million of American children are exposed to adult family violence every year.^{iv} Children who have experienced profound emotional distress or trauma from witnessing family violence rely largely for their recovery on the quality of their relationship with their caretaking parent.^v Assisting battered mothers and their children to heal their relationships represents one of the most important aspects of promoting recovery.^{vi}

Continuing Efforts in Response

For well over a decade, stakeholders including service providers, policy advocates and governmental agencies have worked in a variety of manners in Texas and at the national level to address intersection of these too often co-occurring issues. In Texas, ongoing efforts have created statewide task forces, model projects addressing these issues at the community level, ongoing cross trainings, a network of regional liaisons, and a memorandum of understanding and best practice guide for Department of Family and Protective Services regional offices and family violence programs.

Nationally, groups such as Futures Without Violence^{vii} and the National Council on Juvenile and Family Court Judges' (NCJFCJ), which convened stakeholders to create, *Effective Interventions in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice*, also known as the Greenbook Initiative,^{viii} have developed model protocols and policies, demonstration sites, training curricula and collaborations for addressing this co-occurrence. In addition, the American Bar Association created *Child Safety: A Guide for Judges and Attorneys*, addressing child safety issues in the court system.

State agencies including DFPS and CPS in particular have struggled to meet the needs of children and victims of domestic violence, with significant challenges in funding and turn-over of personnel. CPS continues to work diligently everyday in pursuit of its charge. Despite these efforts, domestic violence, children witnessing domestic violence, and child abuse / neglect persist. The complexity involved with developing and implementing an effective response to the co-occurrence of these issues requires ongoing partnerships, policy development, and creative and safe options and resources for families.

The Senate Bill 434 Task Force

Impetus: Under current law, policy and practice, non-abusing parents who are/have been victimized by their current or former partners are too often labeled as perpetrators of child abuse and/or neglect in the CPS system based solely on the fact that they were victimized. This continuing underlying reality strongly informed the crafting of Senate Bill 434 and the resulting Task Force. This application of “neglectful supervision” or “failure to protect” findings to non-abusing parents leads to a variety of negative outcomes including deterring battered women from disclosing abuse and seeking protection and services due to a fear of involvement with CPS and that their children may be taken away. This practice perpetuates misinformation around the dynamics of family violence, including a victim’s ability to control the batterer’s behavior, victim blaming and the complex nature of safety planning. The challenge CPS faces remains making sure that children stay safe, have a chance at permanency while at the same time making sure to use resources, information and approaches in a manner cognizant of the dynamics of batterer’s use of power and control.

Process: A working group that came together prior to the 82nd Legislative Session acknowledged that fairly and completely addressing this particular problem would require a diverse group of members to come together to share their perspective and expertise, examine best practices throughout the state and country and explore solutions. This group of stakeholders worked with Senator Nelson’s leadership and the Texas Legislature to pass SB 434.

Outcome: SB 434 creates an 18 member taskforce to foster the enhanced inter-agency collaboration of key stakeholders needed to generate more comprehensive understanding and guidance for effective interventions that enhance safety and permanent, stable solutions for children and families.

Goals of the Taskforce: How do we promote long term safety of the family and trust with systems?

The taskforce is “established to examine the relationship between family violence and child abuse and neglect, develop policy recommendations, if needed, to address the issues and effects resulting from that relationship” and to report these recommendations back to the Legislature by September 2012.^{ix} To this end, the SB434 Task Force will develop policy and practice recommendations that promote greater consistency and efficacy in response, taking into account key questions, such as:

- What do victims of family violence and their children who have witnessed family violence need both inside the CPS system and outside the system? How can stakeholders and policy makers help DFPS with the resources to provide necessary services to serve these families?
- How does the systemic approach hold abusive partners in family violence cases accountable for violence in the home?
- What can family violence programs do to better assist victims involved in the CPS system in terms of promoting, enhancing, and highlighting their efforts as protective parents?

Through the leadership and dedication of this taskforce, more avenues for safety and support for victims of family violence and their children will be created throughout all stages of the CPS system.

ⁱ Texas Health and Human Services Commission, Family Violence Program, 2010. Significantly, family violence shelters and resource centers served a total of 80,869 people, 31,378 of whom were children. *Id.*

ⁱⁱ Texas Department of Public Safety, 2009.

ⁱⁱⁱ *Honoring Texas Victims: Domestic Violence Fatalities in 2010*, Texas Council on Family Violence.

^{iv} Carlson, B. E. (2000). *Children exposed to intimate partner violence: Research findings and implications for intervention*. Trauma, Violence, and Abuse, 1(4), pp. 321 to 340.

^v Jaffe, P., & Geffner, R. (1998). *Child custody disputes and domestic violence: Critical issues for mental health, social service, and legal professionals*. In G. Holden, R. Geffner, & E. Jouriles (Eds.), *Children exposed to marital violence: Theory, research, and applied issues* (pp. 371-408). Washington, DC: American Psychological Association; Heller, S., Larriue, J., D’Imperio, R., & Boris, N. (1998). *Research on resilience to child maltreatment: Empirical considerations*. Child Abuse and Neglect, 23(4), 321-338; Graham-Bermann, S. (1998). *The impact of woman abuse on children’s social development: Research and theoretical perspectives*. In G. Holden, R. Geffner, & E. Jouriles (Eds.), *Children exposed to marital violence: Theory, research, and applied issues* (pp. 21-54). Washington, DC: American Psychological Association.

^{vi} Erickson, J., & Henderson, A. (1998). *Diverging realities: Abused women and their children*. J. Campbell (Ed.), *Empowering survivors of abuse: Health care for battered women and their children* (pp. 138-155), Thousand Oaks, CA: Sage.

^{vii} For more information about the Futures Without Violence projects, go to: <http://www.futureswithoutviolence.org/content/features/detail/781/>.

^{viii} NCJFCJ formed a diverse collaboration producing the *Greenbook* and demonstration sites: <http://www.thegreenbook.info/>.

^{ix} SB 434: Texas Government Code, Section 531.952 (b).

PAGE DIVIDER



82nd Legislative Session TexProtects and the Child Protection Roundtable Scorecard

This scorecard contains funding initiatives and bills that the Child Protection Roundtable (CPRT) and TexProtects (TP) developed and endorsed for the 82nd Legislative Session. TexProtects (TP) is the founding organization of the CPRT.

The section on TP funding priorities lists: initial appropriated amount; final appropriation; and comments on the change in funding. **The Bill section is as follows:** 1) First column depicts the bill number and an abbreviated purpose of the bill. It also denotes if the bill was a TP bill and/or a CPRT bill; 2) Second column notes the bill's legislative author and legislative sponsor in the non-originating chamber; 3) Next column denotes the CPRT subgroup where the legislation was developed and the organization that initiated the idea; 4) Procedural process column describes how far along the RT team and lead facilitator worked the bill through the legislative process; and 5) Last column describes the final status of the legislation and bottom row provides a brief description of the legislation.

TP Top Funding Priorities	Appropriation/Level	HB 1 as Filed	Final Reduction/Impact
Nurse-Family Partnership	\$17.78 million	Proposed reduction of 50%	Fully Restored
CPS caseworker caseloads and workloads	Funded 513.3 FTEs to replace lost ARRA funding.	Proposed reduction of 749.5 FTEs	FTE reduction of 236.2. Due to hiring freeze CPS began hiring on 9/1/11. No RIFFs.
PEI division of DFPS	\$61,995,401 million	Proposed reduction of 50%	PEI funding cut by 30%

Bill	Authors / Sponsors	Subgroup / RT Sponsor	Procedural Process	Final Status
SB 218 - Removal of the Perpetrator TP and CPRT Bill	Senator Nelson Representative Dukes	CPS Improvements / TexProtects	Passed both chambers. Signed by the Governor.	<i>Law</i> <i>Effective 9/1/11</i>
	This legislation enhances the removal of the perpetrator provision contained in Chapter 262 of the Family Code in order to strengthen the provision and increase its usage. The legislation also contains authorization for foster care redesign which was a TP priority.			
SB 219 - Expanded Trauma-Informed Care TP and CPRT Bill	Senator Nelson Representative Gonzalez	Prevention / TexProtects	Passed both chambers. Signed by the Governor.	<i>Law</i> <i>Effective 9/1/11</i>
	This legislation expands the statute on trauma-informed care to mandate additional training for CPS caseworkers and supervisors, requires the department to assist with trauma-informed programs for CASA, CACs, domestic violence shelters, and mental health centers (to the extent resources are available), and it requires the STAR Health Program provide trauma informed care training to all providers. The legislation also contains a TP initiated section that encourages training for medical professionals in the STAR Health Network on the overlapping diagnostic criteria of complex PTSD vs. ADHD training.			
SB 434 - Domestic Violence and Child Abuse Task Force TP and CPRT Bill	Senator Nelson Representative Raymond	CPS Improvements / TexProtects	Passed both chambers. Signed by the Governor.	<i>Law</i> <i>Effective 6/17/11</i>
	This legislation creates a task force that will examine the intersection of domestic violence and child abuse. TexProtects served on the informal task force that has formed prior to the legislative session and has been appointed to the SB 434 Task Force. Diana Martinez has been selected to co-chair the policy subcommittee which will draft legislative recommendations as provided by the legislation.			

Bill	Authors / Sponsors	Subgroup / RT Sponsor	Procedural Process	Final Status
SB 471 - Child Abuse Prevention Training for Teachers and Child Care Personnel	Senator West Representative Parker (Companion - HB 1114)	Prevention / TexProtects	Passed both chambers. Signed by the Governor.	Law Effective 6/17/11
TP and CPRT Bill	This legislation requires each school district to expand their current policy addressing sexual abuse of children to all types of child abuse. It also requires training of all new professional staff. Charter schools and child care facilities are also required to adopt and implement a policy and to train personnel.			
SB 993 - Guidelines for “Voluntarily” Relative Placements	Senator Uresti Representative Rodriguez (Companion – HB 1854)	CPS Improvements / CPPP	Passed both chambers. Signed by the Governor.	Law Effective 9/1/11
TP and CPRT Bill	This legislation establishes statutory guidelines for what a Parental Child Safety Placement Plan must contain (fka Voluntary Placements) so that children are placed in safe relative placements.			
SB 1154 - Continuation of the Blue Ribbon Task Force	Senator Uresti Representative McClendon	TP initiated legislation	Passed both chambers. Signed by the Governor.	Law Effective 6/17/11
TP Bill	This legislation continues the Blue Ribbon Task Force, created by SB 2080 81(R). The BRTF is developing a strategic plan to combat child abuse. TexProtects Executive Director, Madeline McClure, serves on the BRTF.			
HB 753 - Hiring Social Workers	Representative Raymond Senator Zaffirini	CPS Improvements / NASW	Passed both chambers. Signed by the Governor.	Law Effective 6/17/11
CPRT Bill	This legislation requires CPS to give favorable consideration to applicants who are applying for entry level Investigation, Conservatorship and Family Based Safety Services caseworker positions with a masters’ degree or a bachelor’s degree in social work, when other skills are comparable.			
HB 1709 - Matched Savings Accounts for Foster Youth	Representative Dukes Senator Zaffirini (Companion SB 63)	Substitute Care Improvements / CPPP	HB 1709 – Left pending in Calendars. SB 63 – Engrossed. Left pending in Calendars.	Failed to Pass
CPRT Bill	This legislation would have enacted Individual Development Accounts (matched savings accounts for foster youth).			
HB 2170 - Identity Theft Protection for Foster Youth	Representative Raymond Senator Davis (Companion SB1637)	Substitute Care Improvements / TNOYS	Passed both chambers. Signed by the Governor.	Law Effective 9/1/11
CPRT Bill	This legislation will require DFPS to assist foster youth in obtaining a free credit report before they age out of foster care.			
HB 2324 - Uniform Child Abuse Reporting Policy in Schools and Day Cares	Representative Raymond	Substitute Care Improvements / TexProtects	Left pending in Public Education	Failed to Pass
TP and CPRT Bill	This legislation would have required schools and child care facilities to adopt and implement written policies consistent with the state mandatory reporting law, ensuring that professionals suspecting abuse or neglect make a direct report to DFPS.			

PAGE DIVIDER

Update on Texas Lawyers for Children -- November 2011

Texas Lawyers for Children (“TLC”) created and operates an online legal resource and communication center (the “Online Center”) for Texas judges and attorneys handling child abuse and neglect cases. The Online Center includes a wealth of legal, medical, and psychological materials covering more than 1300 topics and also provides private, secure communication tools for judges and attorneys, respectively, to discuss pertinent issues and share their expertise.

Replication of the Online Center Project at the Request of Other States

TLC is pleased to announce that, in addition to the Online Center that it implemented for California’s Administrative Office of the Courts in 2008, TLC has been asked to replicate its Online Center to aid judges and attorneys handling abused children’s court cases in **Alabama** and in **Florida**. Former Alabama Supreme Court Chief Justice Sue Bell Cobb was instrumental in inspiring interest in the project in Alabama. It is tremendously exciting to think that this project, developed here in Texas, is beginning to be replicated across the United States.

New Services and Features Completed in the 2010-2011 Grant Year

As in past grant years, TLC received funding from the Commission (ending September 2011) to continue operating the Online Center and to enhance its services. In the 2010-2011 grant year, TLC added five significant new services to the Online Center for Texas judges and attorneys handling child abuse and neglect court cases:

- **Addition of the Ability to View Online CLE Programs and Other DVD or Video Programs:** TLC added the capability that allows online viewing of continuing legal education programs. In the current economy, funds for travel to legal training conferences are extremely limited. Having a way to view child abuse training programs online ensures that legal professionals in the child abuse field have more affordable access to training and opens the doors for many new training opportunities for those who can no longer afford to travel to live training programs. Making training accessible is of paramount importance in the child abuse field, where budgets were already tight even before the economic downturn.
- **Creation of Email Networks for Multidisciplinary Groups:** TLC has created email networks that can be used by multidisciplinary groups that help abused children. Doing so facilitates greater collaboration among all professionals involved in the child protection system and enables a larger pool of professionals working to protect children to provide input and share ideas on court improvement. It also enables those in the child protection system to create new approaches and solutions by giving them the opportunity to brainstorm with each other to solve problems. For example, TLC launched email networks, a discussion board, and a document vault for the CPS Collaborative Law pilot, a Region 3 pilot where attorneys who specialize in handling family law cases collaboratively are working with families routed to them by CPS, in an effort to ensure that the family creates a healthy, safe home for the child(ren) as an alternative to a CPS court case. The pilot has already shown promise for safely reducing the number of children who are placed in foster care. What is particularly exciting about TLC’s involvement in the pilot is that not only will it assist the attorneys in sharing information and coordinating efforts throughout the project, but it will also aid in rolling out the program to other interested counties after the pilot ends.
- **Memorialize Key Questions and Answers:** TLC has captured many of the most pertinent discussions from its past attorney email network exchanges and has made them available to help others using the Online Center. TLC’s attorneys reviewed past discussions and selected those that would be particularly helpful to all, redacted the names and contact information of each conversation’s participants, and integrated the conversations into the topical search

system, so that the information would then be pulled up when searching by topic. This increases access to this key information and will provide practical expertise when researching related topics. For example, noted family law specialist Charles Childress answers some of the more difficult questions that arise in the email network, and TLC can now ensure that his expertise is available to more judges and attorneys.

- **Addition of Communication Tools for Attorneys Handling Juvenile Delinquency Cases:** TLC created an email network, document vault, and discussion board in the Online Center for attorneys handling juvenile delinquency cases. This enables attorneys who represent abused children/youth who are also involved in the juvenile justice system to share their ideas and strategies on how to best meet the needs of these vulnerable youth. The State Bar's Juvenile Law Section is publicizing the availability of these services to its members statewide. TLC also invited attorneys with special expertise in this area, such as the attorneys from Disability Rights, Inc., who are working on the Commission's project of representing youth who are dually managed in both systems, to share their expertise and insights with others in the field, and thereby bring their knowledge and special skill to attorneys throughout the state.
- **Updated the Look of the Online Center:** TLC has updated the look of its Online Center, creating a more contemporary, professional look. TLC has received numerous positive comments regarding this change from the judges and attorneys who use TLC's services.