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

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## PROCEDURAL GUIDE

2016

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## **I. Permanent Judicial Commission for Children, Youth and Families**

The Permanent Judicial Commission for Children, Youth and Families (the Children’s Commission) was created to improve the child welfare system by increasing public awareness of challenges facing children and families involved in the child welfare system and bringing attention to this issue through judicial leadership, reforming judicial practice, and informing state policy affecting child welfare. To access the Supreme Court Order establishing the Children’s Commission or appointing members, visit [www.texaschildrenscommission.gov](http://www.texaschildrenscommission.gov). The Children’s Commission has no authority over state agencies or their operational details and does not discuss or consider non-administrative aspects of specific, active cases. The Children’s Commission seeks information about systemic improvement through various methods, including soliciting information from the Commission’s Collaborative Council and other interested parties as well as incorporating principles of continuous quality improvement into projects supported and funded by the Children’s Commission.

### **I.I Commission Responsibilities**

The Children’s Commission was created to develop, implement, and coordinate policy initiatives designed to improve courts and court practices for children, youth, and families in the child protection system.

Per the Supreme Court Order establishing the Children’s Commission in 2007, the Children’s Commission will:

- develop a strategic plan for strengthening courts and court practice in the child protection system;
- identify and assess current and future needs for the courts to be more effective in achieving child-welfare outcomes of safety, permanency, well-being, fairness and due process;
- promote best practices and programs that are data-driven, evidence-based, and outcome-focused;
- improve collaboration and communication among courts, the Department of Family and Protective Services, attorneys, and partners in the child-protection community;

- endeavor to increase resources and funding needed for improvement, and maximize the wise and efficient use of available resources;
- promote adequate and appropriate training for all participants in the child protection system;
- institutionalize a collaborative model that will continue systemic improvement beyond the tenure of individual Children’s Commission members;
- oversee the administration of designated funds, including the Court Improvement Program grants; and
- provide an annual progress report to the Court.

The Children’s Commission also administers the federal Court Improvement Program (CIP) Grant, which is awarded by the Administration of Children and Families of the U.S. Department of Health and Human Services to the highest court of each state in the nation to strengthen courts and improve outcomes of safety, permanency and well-being of abused and neglected children. The Supreme Court of Texas has been the recipient of CIP funds since the program’s inception in 1994, but the Supreme Court does not directly manage the grant funds or direct how and under what circumstances grant funds are made available to fund certain projects. The CIP Grant is administered by Supreme Court staff who work directly for the Executive Director of the Children’s Commission. The Executive Director updates the Supreme Court on Commission activities through the Supreme Court Justice who serves as the Chair of the Children’s Commission. Recommendations for funding are first made by Children’s Commission staff to one of four standing committees for approval prior to being submitted to the Children’s Commission. Grant recommendations are then presented directly to the Children’s Commission at a regularly scheduled Children’s Commission meeting.

## **I.2 Commission Structure**

By court order, the Children’s Commission consists of no less than fourteen (14) members who are appointed by the Supreme Court, and a Chair, who is a justice of the Supreme Court. Commission members serve a three-year term and may serve a consecutive three year term upon expiration of the first. Regardless of the date of the appointment order, Children’s Commission membership expires on the last day of November during the last year of the member’s term unless the term is extended by Supreme Court order. Except for the Chair and the Assistant Commissioner of Child Protective Services, who are standing members of the Children’s Commission, a member may not be appointed

to serve more than two successive full terms. A member who has served two successive full terms is not eligible for reappointment until the first anniversary of the date that the member's last full term on the Children's Commission expired. A vacancy may occur when any member of the Children's Commission fails to attend three commission meetings.

### **I.3 Membership Composition**

Children's Commission members include members of the judiciary, members of the child protection system and community, representatives of the business and legal communities, representatives of foundations or organizations with a substantial interest in child welfare issues, and other state leaders who have demonstrated a commitment to the children, youth and families of Texas. The Children's Commission's membership also reflects the diverse ethnic, gender, legal, and geographic communities in Texas.

### **I.4 Ex Officio Members**

The Governor may designate a person to serve as an ex-officio member of the Children's Commission. The Lieutenant Governor and the Speaker of the House may also designate a member of that presiding officer's chamber to serve as an ex-officio member of the Children's Commission. A member appointed by the Governor, Lieutenant Governor or Speaker serves at the pleasure of the appointing officer, and is a voting member of the Children's Commission.

### **I.5 Children's Commission Meetings**

Children's Commission meetings are conducted three times per year. Committee reports, an agenda, and other relevant materials are made available to the Children's Commission Members, Committee Members, Collaborative Council and other interested parties in advance of each Children's Commission meeting. Meeting dates are posted on the Children's Commission website at [www.texaschildrenscommission.gov](http://www.texaschildrenscommission.gov). The Chair of the Children's Commission conducts the meetings. The Vice Chair or the Jurist in Residence conducts Children's Commission meetings in the Chair's absence. Committee activity is memorialized in the Report to the Commission issued prior to each Commission meeting, and may be presented verbally at the Children's Commission meetings. The Executive Director of the Children's Commission also makes a report at each Children's Commission meeting.

## **2. Committees and Workgroups**

There is an Executive Committee, and four standing committees: Basic Projects, Training, Data/Technology, and Foster Care and Education. The Children’s Commission also may form ad hoc committees and workgroups. Each committee, subcommittee and workgroup is staffed by an employee of the Supreme Court of Texas assigned to the Children’s Commission and is chaired by at least one member of the Texas Judiciary handling child abuse and neglect cases, a member of the Children’s Commission or one of its committees, or another person with expertise in the subject matter area. Workgroups and subcommittees are formed based on the need, the outcome expected as a result of the work, whether there are measureable objectives or anticipated outputs from the effort, and whether there is any data that can be collected to provide evidence of the project or workgroup’s usefulness. The same process is used periodically to assess whether workgroups and subcommittees should continue to exist. Chairs of existing workgroups being reviewed are included in the review process.

### **2.1 Executive Committee**

The Executive Committee is composed of the Children’s Commission Chair, the Vice Chair, the Chairs of the Basic, Technology, Data/Training, and Foster Care and Education Committees, and the CPS Assistant Commissioner. The Executive Committee has the authority to consider issues that occur in the interim between the Children’s Commission’s quarterly meetings. The Executive Committee does not have regularly scheduled meetings, but rather meets on an “as needed” basis.

### **2.2 Committee Responsibilities**

Each Committee shall participate in the execution of strategies adopted in accordance with the federal CIP requirements, and the Children’s Commission’s Strategic Plan.

### **2.3 Committee Membership**

Committee Chairs may add or remove members at their discretion. Attendance by committee members at Children’s Commission meetings is not required, but is greatly encouraged.

### **2.4 Committee Meetings**

Each standing committee shall conduct at least one meeting in the interim between Children’s Commission meetings approximately two to three weeks before each Children’s Commission meeting. Ad hoc Committee meetings will be scheduled by the Chair, as needed. Committee meetings may be conducted in person, webinar, or by conference call. Committee members will

receive notice of meeting dates via email invitation to the most current contact information provided to the Commission; members will receive meeting materials in advance.

## **2.5 Commission Reports**

The Children's Commission staff produces a report summarizing each project and progress to-date prior to each Commission meeting. Each Commission Report is provided in advance of each commission meeting to all commission members, committee members, collaborative council members, and interested parties, and posted on the Commission website at [www.texaschildrenscommission.gov](http://www.texaschildrenscommission.gov).

## **3. Collaborative Council**

The Collaborative Council assists the Children's Commission by informing commission members of local and statewide activities, events and issues that affect judicial and court practices in CPS cases, and to help facilitate participation in Children's Commission activities and grant funded projects.

### **3.1 Composition**

The Collaborative Council is composed of child welfare stakeholders and advocates, and child and parent advocates who seek participation and formal input into the activities, projects and strategies undertaken by the Children's Commission.

### **3.2 Membership**

General Collaborative Council members serve at the discretion of the Children's Commission for no set term. Vacancies on the Collaborative Council may occur at any time during the year as a result of resignation or removal due to inactivity. Three consecutive absences from Children's Commission meetings or non-participation by the Collaborative Council member on assigned committees may result in removal from the Collaborative Council.

### **3.3 Collaborative Council Input**

Collaborative Council members who attend Commission meetings are provided the opportunity at the end of each Commission meeting to provide comments, ask questions, or provide information of interest to commissioners and others. Collaborative Council members can also contact the Children's Commission directly to submit comments, information, and announcements.

## **4. Interested Parties**

Any interested party or member of the public wishing to be apprised of Children’s Commission activities and meetings must notify Children’s Commission staff at [children@txcourts.gov](mailto:children@txcourts.gov). Interested persons may provide input to the Children’s Commission by submitting the issue in writing to [children@txcourts.gov](mailto:children@txcourts.gov). The Children’s Commission does not discuss or consider specific, active cases.

## **5. Public Comment at Children’s Commission Meetings**

The Children’s Commission is a Judicial Commission as defined by the Judicial Rules of Administration and is not subject to the Texas Open Meetings Act, Govt Code, Section 552. As such, it is not required to post meeting notices in accordance with the Act. Children’s Commission and Committee Meeting notices are posted on the Children’s Commission website, which can be linked to at <http://texaschildrenscommission.gov/> Children’s Commission meetings are open to the public. Any interested person or member of the public may attend in person without advance notice. Participation by phone is not available. When available, Children’s Commission meetings are typically webcast by the State Bar of Texas and can be accessed here: <http://www.texasbarcle.com/CLE/TSCSearch2.asp>. Any interested party or member of the public may submit written comments about any Children’s Commission matter or Committee matter to the Children’s Commission at [children@txcourts.gov](mailto:children@txcourts.gov) or may contact the Executive Director.

## **6. Court Improvement Program Grants**

The Court Improvement Program is a federal program intended to improve court processes that will result in improved outcomes of safety, permanency and well-being for children involved in the child welfare system. The Children’s Commission is guided in its use of CIP funds by the Children’s Commission’s Strategic Plan, which incorporates strategic objectives relevant to each CIP grant received.

### **6.I Grant Applications**

Decisions to fund grant requests are within the discretion of the Children’s Commission and all funding from the commission is subject to the availability of federal or state funds. The Children’s Commission or its designees will render decisions on applications for funding through grant review conducted at the staff level and then at the committee level to determine how well the proposal meets the Children’s Commission and CIP Strategic Plans. The receipt of an application for grant funding does not obligate the Children’s Commission to fund the grant. The Children’s Commission makes no commitment that a grant, once funded, will receive subsequent funding.

*Children's Commission Conflict of Interest Policy:* Children's Commissioners and Committee members who serve in an official advisory capacity or on the board of directors for any organization applying for a grant from the Children's Commission shall abstain from voting on any matter concerning the organization that is presented to the Children's Commission or one of its committees for approval.

## **6.2 How to Apply**

The Children's Commission does not make grants to individuals. Organizations may apply for grants by contacting the Executive Director at 512-463-9352 or via email at [children@txcourts.gov](mailto:children@txcourts.gov). The CIP grant year runs from October 1<sup>st</sup> to September 30<sup>th</sup> of the following year, but applications are accepted year-round. Please see the Grants page on the Children's Commission website for the most up-to-date Guidelines and Instructions found here: <http://texaschildrenscommission.gov/grants.aspx>

## **6.3 Grant Review Process**

Once received, an evaluation of the grant application is conducted by the Children's Commission staff. The Children's Commission provides feedback and suggested edits to the grant applicant prior to forwarding the application to the appropriate grant committee. Grant applications are evaluated on their potential to meet or implement a strategy of the CIP and Children's Commission strategic plan, as well as whether it is replicable on a small or large scale, and has the potential to bring about or inform systemic changes to local or statewide judicial and child welfare practice. The Children's Commission staff may include subject matter experts, the Office of Court Administration (OCA) staff, or collaborative council members as deemed appropriate to assist in the review process.

## **6.4 Approval Process**

Once staff review is completed, the application is submitted to the appropriate committee for consideration at the next committee meeting. If the application is approved by the committee, the application is placed on the Children's Commission's agenda for funding approval. The committee chair may call for an interim meeting if time is of the essence for a project requesting funding. The Executive Director may submit funding requests and recommendations to the Children's Commission or Executive Committee as necessary.

## **6.5 Electronic Voting**

Any action required or permitted to be taken at any meeting of the Children’s Commission may be taken without a meeting if consent to do so is in writing (including in electronic form), sets forth the action to be so taken, and is signed or evidenced by email consent or other electronic means such as voting via an electronic voting instrument.

## **6.6 Grant Awards**

Grant awards are made after the Children’s Commission votes to fund the project at one of its quarterly meetings. Urgent requests can also be awarded in the interim at the Executive Committee level and later ratified by the Children’s Commission at its next scheduled quarterly meeting. Award statements ordinarily cover a funding period of October 1 through September 30 of the federal fiscal year. All grants, regardless of the starting month, end on September 30 of the federal fiscal year in which the grant is issued. Any unexpended balance of the sum granted will revert back to the Children’s Commission. Extensions of time to complete a grant project may be requested. The extension of time must be approved by the Commission. All sub-grantees are required to provide the Children’s Commission a report after the conclusion of the grant period by no later than November 15<sup>th</sup>. All reports must be written in accordance with report requirements provided by the Children’s Commission to sub-grantees.

## **6.7 Award Notice**

Notice of the Commission’s decision to fund a project will be sent to the authorized official identified on the grant application. The Award Statement will outline the project detailed in the grant application, any data collection requirements, the approved budget by category and award amount.

## **6.8 Reimbursement Process**

The Requests for Reimbursement (RFR) spreadsheet and instructions are attached to the Award Statement. The grantee should complete each applicable tab in the RFR spreadsheet and submit it to the Grant Administrator via email at [patrick.passmore@txcourts.gov](mailto:patrick.passmore@txcourts.gov) within 30 days of the calendar month in which the grant-related expenses are incurred. The Grant Administrator will review the expenses for compliance with 2 CFR 200 (Code of Federal Regulations), and the grant terms outlined in the Award Statement. The grantee will be required to provide additional expense supporting documentation and/or explanation for the expense upon request by the Grant Administrator. The final RFR is due no later than November 15 of the grant period. Reimbursements will be processed within 30 days of the date the RFR is received unless further

review of expenses is warranted. Payments will be made utilizing ACH/Direct Deposit unless otherwise specified.

## **6.9 Contract Terms**

The Children's Commission's staff has the authority to negotiate specific terms and conditions for all sub-grantees so that the activities funded best reflect the strategic initiatives of the Children's Commission and meet all state and federal fiscal and program reporting requirements.

## **6.10 Discontinuance of Grant Projects**

The Children's Commission staff will monitor all grant activities and fiscally audit sub-grantee activities and expenditures. The Children's Commission reserves the right to cancel, modify, or rescind any grant award that is deemed not in compliance with CIP regulations. Children's Commission staff may, but is not required to, seek approval from the full Commission to rescind or discontinue a grant project. Each sub-grantee must expend funds in a reasonable manner and expenditures must be necessary to carry out the objectives of the program. All expenditures must be supported by appropriate documentation. All sub-grantees must maintain records related to the funded activity for at least three years after the end of the grant period.

## **6.11 CIP Projects Performed by Children's Commission Staff**

The Children's Commission staff may also perform tasks to support various projects and programs using CIP funds. The tasks and support may include funding for salaries, fringe, travel, equipment, and supplies. Projects may include conference planning, research projects, training sessions, data collection and analysis, judicial and child welfare practice surveys, facilitation of meetings, production of reports or analysis of projects, and miscellaneous tasks aimed at improving courts and court outcomes for children and families. Staff may develop and implement these projects through interagency agreements with other agencies or quasi-judicial entities, through contracts, or only using Children's Commission staff. The Executive Director will submit project plans and funding requests that support staff projects when appropriate.

## **7. Required Federal Grant Reporting**

The Children's Commission is required to submit financial reports to the Administration for Children and Families detailing both the cash transactions made using CIP funds and separate reports detailing the expenditures made with the same funds. All CIP fiscal and cash transaction

reports are kept on file by the Children's Commission for at least three years from the date of submission to the Administration of Children and Families.

#### **8. Contracts for Goods and Services**

The Children's Commission may also contract for goods and services. Payments for contracted goods and services are processed through the Children's Commission's Grants and Finance Specialist under the State of Texas procedures established by the Supreme Court of Texas and the Texas Comptroller for purchasing and procurement.

#### **9. Supreme Court Support and Services**

The Court Improvement Program grant is awarded to the Supreme Court of Texas to enable courts to conduct assessments of their foster care and adoption laws and judicial processes and to develop and implement plans for system improvement. In November 2007, the Supreme Court formed the Children's Commission to administer the CIP program and to manage the CIP funds. The Supreme Court provides support for the CIP such as office space, furniture, renovation, major office equipment, human resources, personnel support services, legal counsel, payment of salaries, fringe, staff travel reimbursements, office supplies, cell phones and service, copying and fax service. Other services include processing grant reimbursement requests from grant recipients, travel reimbursements from Commission stakeholders traveling or presenting on behalf of the Commission, and processing payments for memberships and conference fees.

To reduce the amount of time and resources spent generating invoices, payments, and reimbursements, and to offset the cost of certain indirect services, the Children's Commission transfers an annual payment at the beginning of the new fiscal year to cover all indirect services to include accounting, human resources, personnel, legal counsel, and other expenses associated with operating and maintaining the Children's Commission staff and staff functions such as office supplies, cell phones and service, and copies. Salaries, fringe, staff travel, and significant equipment purchases are paid from CIP grant funds directly with assistance from Supreme Court accounting.

The Children's Commission Executive Director will authorize a lump sum payable on October 1<sup>st</sup> of each year an amount equal to 1% of the projected fiscal year distribution from the Administration of Children and Families.

#### **10. Staff Contact Information**

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