

**Collaborative Council of the
Permanent Judicial Commission for Children, Youth and Families**

Meeting

July 24, 2009

The Crossings, Austin, TX

Collaborative Council Members present:

Conni Barker	Director/Government Affairs	DePelchin Children's Center
Susan Boone	Executive Director	Texas Council of Child Welfare Boards
Susan Craven Hopkins	Executive Director	Texas Association of Infant Mental Health
Barbara Elias-Perciful	President	Texas Lawyers for Children
Debra D. Emerson	CPS Director of Policy and Program	Texas Dept. of Family & Protective Svcs.
Mike Foster	Immediate Past President	Texas Association of Child Placing Agencies
Paul E. Furrh, Jr	Chief Executive Officer	Lone Star Legal Aid
Joe Gagen	Chief Executive Officer	Texas CASA, Inc.
Eileen Garcia-Matthews	Executive Director	Texans Care For Children
Donald Lee	Executive Director	Texas Conference on Urban Counties
F. Scott McCown	Executive Director	Center for Public Policy Priorities
Judy Powell	Communications Director	Parent Guidance Center
Johana Scott	Executive Director	Parent Guidance Center
Gloria Terry	Coalition President	Texas Council on Family Violence
Arabia Vargas	Chair	Bexar County Child Welfare Board

Guests present:

Audrey Deckinga	CPS Assistant Commissioner	Texas Department of Family & Protective Services
Jane Burstain	Senior Policy Analyst	Center for Public Policy Priorities
Irene Clements (Representing Roy Block)	President	Texas Foster Family Association
Tracy Harting	Staff Attorney	Travis County Office of Parental Representation
Leslie Hill	Managing Attorney	Travis County Office of Child Representation
Joy Hughes Rauls (Representing Cathy Crabtree)	Director of Community Relations	Children's Advocacy Centers of Texas
Madison Sloan (Representing Rebecca Lightsey)	Staff Attorney	Texas Appleseed
Kenneth Thompson	Fatherhood Program Specialist	Texas Dept. of Family & Protective Svcs.
Veronica Trevino	Program Manager	Texas Conference on Urban Counties
Gerry Williams	General Counsel	Texas Department of Family & Protective Services

Staff present:

Tina	Amberboy	Executive Director
David	Henry	Legal Intern
Teri	Moran	Support Services Officer
Tiffany	Roper	Assistant Director
John	Specia	Senior District Judge, ret., Jurist in Residence
Bryan	Wilson	Grant Manager

I. WELCOME AND BRIEF INTRODUCTIONS

Tina Amberboy welcomed the collaborative council members, who introduced themselves and briefly commented on current projects.

Senior District Judge John Specia, OCA Jurist in Residence, updated members on the two recent Commission-sponsored Round Table discussions. The next Round Table topic will be on data collection. The Commission is working on several projects providing judges access to data for evaluating and tracking cases.

Leslie Hill, Managing Attorney, Travis County Office of Child Representation, said the new office, which is based on a public defender model, is almost fully staffed now. Its goal is to provide comprehensive legal services to children in the system.

Maddie Sloan, Staff Attorney, Texas Appleseed (representing Rebecca Lightsey), reported on Appleseed's current study for the Commission regarding children in long-term foster care. Currently, Appleseed is interviewing people from 15 jurisdictions. The study supports DFPS data about who these kids are and how poorly they fare in permanency outcomes. The final report, which should be completed in the latter half of 2010, will make recommendations regarding improving outcomes for youth in long-term care.

Kenneth Thompson, Fatherhood Program Specialist, DFPS, discussed the recent CFSR, which rated Texas low in engaging fathers. Research shows kids do better when fathers engage in their case planning. Four states, including Texas, are participating in the Fatherhood Initiative that focuses on processes and practices to find ways to engage nonresident fathers. Mr. Thompson said part of his assignment is to influence agency culture, to increase awareness of the value of fathers, and to get caseworkers to hold fathers accountable.

Johanna Scot, Executive Director, Parent Guidance Center, described how she came to establish the Parent Guidance Center, beginning when she was as a CASA volunteer in 2004. Ms. Scot said she saw how parents didn't have a chance and that she believed there was a systemic lack of commitment to family reunification. Her research showed a lack of resources for parents, both state and nationally, so she started providing hard services in Montgomery county, offering parenting classes and offices with computers to help parents get through their service plans. Ms. Scot said that while parents need help navigating the system, their primary need is legal representation. In 2006,

she moved her organization to Austin to work at the state level where she hopes to influence the mindset of separating families to a mindset of prevention.

Judy Powell, Communications Director, Parent Guidance Center, introduced herself.

Irene Clements, President, Texas Foster Family Association (representing Roy Block), said that because foster care has changed, the way the system approaches healing families must change. Ms. Clements reported on the many emails and calls she gets from around the state from foster parents describing their main issues of concern – lack of notification of hearings and not being allowed to have their voice heard in court.

Mike Foster, Immediate Past President, Texas Association of Child Placing Agencies, reported on a child placing agency called Neighbor to Family founded by Gordon Johnson, formerly the head of Illinois' child welfare agency. Mr. Johnson created a mentoring model that has produced good outcomes, and he was asked to replicate his success in Florida. Now, several other states are trying to do the same. In this model, agencies commit to keeping sibling groups together. Mr. Foster reported that in the two states that use the model, Florida and Georgia, they've been able to reunify families in four months. Mr. Foster commented that evidence-based practice is a higher standard than a best practices standard.

Paul Furrh, Jr., Chief Executive Officer, Lone Star Legal Aid, said his interest in this area started in child care years ago when he was in law school, where he saw a lot about human nature and how it varies. Mr. Furrh stated that best practices are usually based on experience, rather than evidence. Per Mr. Furrh, in Texas, there are many places where data is shaky, missing, or never put together. Mr. Furrh said that sometimes the hard problems get handled through the courts by a lawsuit. He said this commission seems like a good place for everyone to get together to work on these issues.

Conni Barker, Director/Government Affairs, DePelchin Children's Center, said a big concern is kids aging out and transition services provided to them. She described some collaborative projects DePelchin is involved in to help kids transition to adulthood to prevent the cycle from starting again. One pilot matches kids in residential treatment centers with a foster family, and tries to prevent multiple placements.

Debra Emerson, CPS Director of Policy and Program, DFPS, reported on the progress of her agency's workgroup on dually managed youth. DFPS and TYC have been working closely on identifying dual wards and DFPS caseworker's participation in key planning meetings involving the youth including discharge planning. TYC and DFPS exchange data twice a month and have regional staff identified to facilitate communication and services for youth.

Susan Hopkins Craven, Executive Director, Texas Association of Infant Mental Health, spoke about the importance of having persons involved in CPS cases with infants who are knowledgeable about infant mental health, which is one effort of her organization.

Susan Boone, Executive Director, Texas Council of Child Welfare Boards, reported on her organization's mission, which involves supporting the 2,000 volunteers around the state who work

on child welfare boards. As an arm of a county's commissioner's court, child welfare boards take on the responsibility of ensuring the needs of kids in CPS care are met by encouraging local residents to support various CPS programs through volunteering or monetary means. TCCWB also now offers a license plate that says "stop child abuse" as part of its fundraising efforts.

Barbara Elias-Perciful, President, Texas Lawyers for Children, described her organization as more than a website, but a way to connect attorneys and to connect judges. One of TLC's new projects is to recruit pro bono attorneys and create an appointment list for judges. Tina Amberboy told the group that Ms. Elias-Perciful will receive the Child Advocate of 2009 Award from the American Bar Association's Young Lawyer Division. The award honors lawyers for distinguished service on behalf of children.

Eileen Garcia-Matthews, Executive Director, Texans Care for Children, described her organization as one that promotes policy change to improve child well being. Membership includes a variety of stakeholders, including public/private partnerships, who hold monthly meetings that have created a more collaborative environment. TCFC projects include conducting advocacy trainings for nonprofits and for youth, creating a pilot project for former foster youth, and providing direct services such as the 471,000 parenting guides distributed recently.

Joy Hughes Rauls, Director of Community Relations, Children's Advocacy Centers of Texas (representing Cathy Crabtree), described how CAC's get involved in CPS cases that have a criminal component and how their organization helps kids get through the court system. While CPS cases take about a year to complete, it may take a criminal case four or five years before going to trial. CAC's help educate victims and families. One new CAC project is using therapy dogs during forensic interviews, which helps calm and slow children's heart rates. Some judges have allowed them into court as well. CAC's served some 40,000 children last year, and cases have increased steadily by about 3,000 cases per year. More cases are being seen where children are witnesses to other crimes.

Donald Lee, Executive Director, Texas Conference on Urban Counties, spoke about his organization's role to promote counties and help make governments more accountable, efficient and effective. Comprised of 36 urban counties, TCUC communicates county concerns to the legislature, provides education programs to counties and services such as software development and procurement. He cited an example where 13 counties have joined together to share an enterprise license for a case management system, which saved millions of dollars. In another, three large counties are building a juvenile probation case management system. Mr. Lee said it's exciting when counties and caseworkers come together, adding that his organization is working on ways to tie in with the education system in addition to CPS. Mr. Lee introduced his associate, Veronica Trevino, Program Manager, who will be working with the Collaborative Council.

Joe Gagen, Chief Executive Officer, Texas Casa, Inc., was happy to report on the new funds the Texas Legislature appropriated to Texas Casa this past session, and how it will help provide more CASA volunteers. Fewer than half of the children in the system have a CASA volunteer, and they're

committed to seeing, long term, a CASA for every child. Texas CASA's annual conference, which is the primary method of training for volunteers and staff, will be held in October. Mr. Gagen reported that CASA is proud to partner with CPS on dealing with race in the system by implementing a training called "Knowing Who You Are," to 20 CASA programs. Next year, they hope to provide it to all CASA programs in Texas. Mr. Gagen described other activities such as a pilot that follows kids who leave foster care for the juvenile justice system and then return to foster care.

Gloria Terry, Coalition President, Texas Council on Family Violence, described how her organization believes family violence affects all levels of society. TCFV hosted a statewide summit last year that included community leaders and representatives of sports and entertainment groups that are not normally involved with family violence issues. The summit's report described the kinds of bold steps that community leaders could take to address family violence. The CDC Foundation recently chose TCFV to create a primary prevention model. Other projects include hosting a national meeting of groups that include responsible fatherhood, domestic violence, and marriage groups to look for ways to align to impact families. TCFV recently formed a victims' services coalition to bring together state level victim services providers to look for ways to better serve victims. Almost 80,000 people asked for services last year in Texas, and 2/3rds of that number were children.

Audrey Deckinga, Assistant Commissioner, Child Protective Services, DFPS, described the recent federal Child and Family Services Review (CFSR). No state passed, and all states must come up with a Program Improvement Plan (PIP). CPS has submitted its second draft PIP to ACF that focuses on workforce, capacity building, youth in long-term care, and family-based services. Our state's capacity problem lies in the beds not being available where the children are removed. For instance, kids in Dallas who need residential treatment must be moved to Houston due to lack of residential treatment facilities in Dallas. Permanency projects are high on the department's list of priorities and several are ongoing.

Gerry Williams, General Council, Texas DFPS, introduced himself.

II. PURPOSE OF MEETING AND ROLE OF COLLABORATIVE COUNCIL

Ms. Amberboy described the meeting's purpose – to say thank you for serving, attending Commission meetings, and providing input to help direct Commission projects. The Supreme Court order establishing the Commission recognizes that participation by a broad spectrum of persons involved in the child-welfare system is critical to the Commission's success. Accordingly, the Commission appointed a multi-disciplinary Collaborative Council whose members serve on committees, attend Commission meetings and keep the Commission informed of events in their local community or within their organization. The Commission tries to include representatives from all disciplines, including foster youth and youth advocates, parents and parent advocate groups, attorneys ad litem, community volunteers, child-welfare policy experts, adoption and placement service providers, educators, treatment professionals, and local government.

Commission, committee, and collaborative council membership terms end in November. Ms. Amberboy said some new Collaborative Council members were being considered, and that she hopes those members who have not been able to participate will recommend replacements, so the council will include active members.

III. REVIEW COMMISSION'S STRATEGIC PLAN, AND STATE AND NATIONAL TRENDS/PERSPECTIVES

Ms. Amberboy provided the following review of the Commission's goals:

Goal 1: Promote judicial leadership to improve the administration of justice in child protection cases. Examples: The Commission, our Partnership Grant with TCJ implementing judicial education; CPS Judges Bench Book, our support of model courts in Texas. Nationally, judicial conferences in this area are becoming more multi-disciplinary and are combining child welfare, family violence and juvenile justice issues into the same conference due to the intersection of these issues. At the National Judicial Summit on Child Protection, scheduled for October, these issues and the educational needs of children in care will be examined.

Goal 2: Identify and promote best practices to improve outcomes affecting safety, permanency, and well-being in child protection cases. Examples: Supporting CASA, educating judges and attorneys about safety, permanency and well-being outcomes, incorporating best practices into the CPS Judges Bench Book, funding and participating in Beyond the Bench conferences, sponsoring and participating in Appleseed's study on kids growing up in foster care, and supporting the work of the Commission's CPS/TYC workgroup. Nationally, there are efforts to improve judicial practices to address disproportionality and dually managed and cross-over youth, to re-write the NCJFCJ Resource Guidelines, and to update of the Zero to Three best practice checklist.

Goal 3: Strengthen courts to meet the needs of children, youth and families. Examples: Round Table Discussions that range from judicial opinions that influence DFPS policy, use of mediation in CPS cases, use of data by judges to help inform their judicial practices, and in 2010, family engagement in permanency planning, notification of parties entitled to notice. Commission staff also participates on the Statewide Task Force on Disproportionality in Foster Care, the federal Child and Family Services Review, and collaborative calls.

Goal 4: Improve the quality of legal representation. Examples: Grant to Travis County to establish two public defender-type offices for legal representation of parents and children; development of a Practitioner Manual to accompany statewide attorney training, Attorney Scholarships to attend national conferences; legal representation study; TRLA hotline, and Trial Advocacy Skills Training.

Goal 5: Promote accountability for improvements in courts that administer justice in child protection cases. Examples: Funding the creation of a Functional Requirements Tool to be used by software vendors or local governments to develop a case management program for CPS cases, and the development of the child protection case management system for the child protection specialty courts, which includes most of the 31 tool kit measures. Work with DFPS ,to develop a set of nine court measures specific to Texas to help judges track whether kids on their docket are safe while they are in care, achieve permanency in a timely manner, and what type of permanency they are achieving, broken down by age and ethnicity.

IV. REVIEW COMMISSION POLICIES AND PROCEDURES, INCLUDING INFO FLOW TO COMMISSION THROUGH COMMITTEES.

Ms. Amberboy reviewed how the Commission operates under a structure that seeks input at the committee level. The Executive Director of the Children's Commission attempts to send an email notice to the collaborative council soliciting issues and concerns 30 - 45 days prior to each Commission

Meeting. Issues are forwarded to the appropriate Committee Chair for consideration and inclusion on the Committee's quarterly meeting agenda.

V. MEMBERS SHARE WHAT IS GOING ON IN THEIR LOCAL COMMUNITY OR WITHIN THEIR ORGANIZATION

This agenda item was completed as part of the introductions.

VI. PRESENTATIONS

1. *Gates* decision, The Honorable F. Scott McCown, Executive Director, Center for Public Policy Priorities

The *Gates* decision, handed down by the 5th circuit in 2008, is about the investigation stage of a CPS case. In *Gates*, the court held that the 4th amendment of the U.S. Constitution applies to CPS cases. Over time, CPS developed the practice of conducting more investigations and emergency removals based on exigent circumstances without seeking a court. Post-Gates, the number of removals dropped significantly, arguably as a result of a DFPS policy memo. The rate of emergency removal is beginning to return to pre-Gates levels.

Ms. Deckinga commented that, based on conversations with other child welfare agency administrators; many states are seeing a similar trend. The number of removals decreased significantly as a result of efforts to keep children with families. The number has now leveled off, and most believe the number of removals will begin increasing again, partly as a result of the economic downturn.

2. Fostering Connections Act, Jane Burstain, Senior Policy Analyst, Center for Public Policy Priorities

Ms. Burstain summarized the federal act designed to better connect foster children with their relatives, promote permanent families through relative guardianship, and improve education and health care for foster children.

The law provides:

- . Subsidized guardianship to enable children in the care of grandparents and other relatives to exit foster care into permanency
- . Kinship navigator programs to help link relative caregivers to a broad range of services and supports that will help meet their needs and the needs of the children in their care
- . Notices to adult relatives of a child placed into foster care
- . Options for states to waive non safety related licensing standards for relative foster parents

It also offers federal reimbursement to states for support provided to foster youth up to age 21, and requires increased efforts to keep siblings together when placed in foster care.

3. New Travis County Office of Parental Representation, Tracy Harting, Staff Attorney

Ms. Harting briefly summarized the new office's mission.

4. Presentation on the new Travis County Office of Child Representation, Leslie Hill, Managing Attorney

Ms. Hill briefly summarized the new office's mission.

5. Presentation on Fatherhood Initiative, Kenneth Thompson, Fatherhood Program Specialist, DFPS

Mr. Thompson previously gave his presentation as part of the introductions.

VII. SURVEY RESULTS

Ms. Amberboy led a discussion of the results of an online survey that some of the Collaborative Council members completed. Some ideas discussed included:

- . Holding a meeting such as this Collaborative Council retreat, outside of commission meetings, at least annually.
- . A Collaborative Council Report be submitted to the Commission periodically. Interested Council members could submit a few paragraphs each discussing projects that fit under the Commission's strategic plan.
- . Collaborative Council members were encouraged to serve on Commission Committees.
- . A blog or facebook page could be created for the Collaborative Council.

VIII. MEMBERSHIP ISSUES – ROTATIONS, TIMELINES, NEW MEMBERS

This item was previously discussed in section I.

IX. ADJOURN

The meeting adjourned at 3 p.m.