

**Strengthening Texas Courts
for the
Safety, Permanency, and Well Being
of Children in Foster Care**

**Supreme Court Task Force on
Child Protection Case Management
and Reporting**

Report to the Supreme Court of Texas

October 31, 2006

Supreme Court Task Force on Child Protection Case Management and Reporting

Honorable John J. Specia
Chairman
Judge, 225th District Court
Bexar County

Honorable Harriet O’Neill
Liaison to the Task Force
Justice, Supreme Court of Texas

Catherine Babbitt
District Attorney’s Office
Bexar County

Carl Reynolds
Administrative Director
Office of Court Administration

Charles Bacarisse
District Clerk
Harris County

Carolyn Rodriguez
Casey Family Programs
Texas State Strategy

Honorable Jean Hudson Boyd
Judge, 323rd District Court
Tarrant County

Honorable Dean Rucker
Judge, 318th District Court
Midland County

Mike Bradford
Commissioner
Midland County

Jim Schwab, Ph. D.
University of Texas at Austin
School of Social Work

Cynthia Bryant
Clinical Professor
University of Texas School of Law

Honorable Bill Stoudt
County Judge
Gregg County

Honorable Camile Dubose
Associate Judge
Uvalde County

Linda Uecker
District Clerk
Kerr County

Honorable Toby Goodman
State Representative
District 93, Tarrant County

Terri Ware
Director of Operations
Department of Family & Protective Services

Honorable Margaret Keliher
County Judge
Dallas County

David Williams
County Attorney
San Saba County

Honorable Patricia A. Macias
Judge, 388th District Court
El Paso County

Diane O’Neal
Clerk
Third Court of Appeals

Task Force Staff

Kristi Taylor

Staff Attorney for
Children and Families
Supreme Court of Texas

María Elena Ramón (Mena)

Deputy General Counsel
Office of Court Administration

Bruce Hermes

Director of Information
Services Division
Office of Court Administration

Carl Reynolds

Administrative Director
Office of Court of Administration

Lisa Hobbs

General Counsel
Supreme Court of Texas

Ginny Woods

Program Attorney
Court Improvement Project
Texas Center for the Judiciary

Carole Hurley

Director of
Court Improvement Project
Texas Center for the Judiciary

Teri Moran

Grant Administrator
Court Improvement Project
Texas Center for the Judiciary

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Strengthening Texas Courts for the Safety, Permanency, and Well Being of Children in Foster Care

EXECUTIVE SUMMARY

Every two minutes, a child is reported abused or neglected in Texas.¹ Currently, the state serves as parent to over 32,000 foster children.² No child enters foster care or leaves it without a court order and judicial oversight of the family's progress in between. Demographics,³ combined with recent legislative action that has sharply increased the number of incident investigations,⁴ mean more children are entering an already overburdened child protection court system. Courts across the state are struggling to keep up. Judges must have the tools needed to timely and effectively manage increasing caseloads so that each child has the best opportunity for a safe, loving and permanent family.

Courts hearing child protection cases must be able to provide comprehensive and timely solutions to ensure the safety, permanency, and well being of abused and neglected children. Child protection courts and child welfare agencies can directly improve the lives of the children in their care by sharing appropriate information and effectively collaborating with one another. A uniform statewide case management system is essential to optimal permanency planning and improved outcomes for children and families.

The Supreme Court Task Force on Child Protection Case Management and Reporting (the "Task Force") was charged with: (1) developing a plan for immediate technology improvements and the long-term goal of establishing a uniform statewide case management and tracking system; (2) researching available funding; (3) recommending court best practices for the management and tracking of child protection cases; and (4) suggesting best practices for meaningful collaboration with other courts and family welfare agencies.

¹ Frances Deviney, *The State of Texas Children 2005: Texas KIDS COUNT Annual Data Book 27* (Center for Public Policy Priorities, 2005), available at <http://www.cppp.org/kidscount>.

² THE DEP'T OF FAMILY AND PROT. SERVICES, 2005 DATA BOOK, 71 (2005), available at https://www.dfps.state.tx.us/Documents/about/Data_Books_and_Annual_Reports/2005/databook/pdf/071.pdf.

³ Deviney, *supra* note 1 at 19 (indicating that Texas has the second highest live birth rate in the nation).

⁴ Senate Bill 6 of the 79th Legislative Session made dramatic changes in Child Protective Services programs to strengthen investigations. See TEX. FAM. CODE §261. For a summary of SB 6, see *Texans Care for Children, A Closer Look at the Issues: How Did Children Fare in the 79th Session? Outcome of Key Bills Affecting Texas Children*, available at http://www.texanscareforchildren.org/files/Final_Summary.pdf. See also General Appropriations Act, 79th Leg., R.S., ch. 1369, art. II-37, 2005 Tex. Gen. Laws 4465 (increasing Child Protective Services staff by 1,469 full-time equivalents, "FTEs").

The Task Force has prioritized the Court's charge and recommends the following strategies:

I. Foster Meaningful Collaboration

Continue to link multidisciplinary teams with resources and education – consider appointing a statewide commission for children and families to foster and oversee collaborative initiatives.

Such a commission should be permanent, statewide, and made up of high-level, multidisciplinary representatives, each with the authority to effectively move ideas and actions. The Pew Commission on Foster Care recommends that a permanent commission be formed to:

- Enhance accountability by implementing policies to identify and measure best court practices and inform resource allocation;
- Foster collaboration by encouraging information sharing and problem solving at a statewide level, as well as recommending models and providing incentives for countywide collaboration;
- Assert judicial leadership by promoting standards for child protection courts and recognizing outstanding practices of judges, attorneys, and court staff; and
- Provide an effective voice for parents and children by ensuring capable representation with the development of statewide curriculum for attorneys ad litem and judges.⁵

II. Enhance Judicial Leadership

Strengthen Texas courts that oversee child abuse and neglect cases.

- Raise awareness of the need for court resources in these oversight-intensive cases;
- Provide effective judicial training;
- Encourage timely and expeditious judicial decision making; and
- Model collaboration and best court practices, such as promoting active participation by judges, the Court Improvement Project and the Department of Family and Protective Services in the Child and Family Service Reviews⁶ and in Title IV-E Foster Care Eligibility Reviews.⁷

⁵ THE PEW COMM'N ON CHILDREN IN FOSTER CARE, FOSTERING THE FUTURE: SAFETY, PERMANENCE AND WELL-BEING FOR CHILDREN IN FOSTER CARE, 17-18 (2004), *available at* <http://pewfostercare.org/research/docs/FinalReport.pdf>.

⁶ *Id.* at 29 (stating that the CFSR is a federal review that assesses states' performance in child welfare cases by measuring outcomes related to safety, permanency, and well being. Congress required the CFSRs as part of the Social Security Amendments of 1994, Public Law 103-432). *See also* Mark Hardin, *Child and Family Services Reviews (CFSRs): How Judges, Court Administrators and Attorneys Should Be Involved*, (National Child Welfare Resource Center on Legal and Judicial Issues American Bar Association 2002).

⁷ Title IV-E of the Social Security Act [42 U.S.C. 675] is the largest source of federal funding for child welfare, *id.* at 19. It is a permanently authorized and open-ended entitlement program that guarantees federal reimbursement to states for a portion of the cost of maintaining a child in foster care. To determine

III. Develop and Implement Technology Solutions

Assess the current technology available to Texas courts and implement plans for short-term, intermediate, and long-term technology solutions consistent with ethical constraints on information sharing.

- Identify and concisely define meaningful data elements to be reported to the Office of Court Administration on a statewide basis;
- Develop a high-level functional requirements framework and identify the appropriate data elements for a model child protection case management system for Texas courts;
- Conduct judicial workload assessments;
- Modify existing Child Protection Court software to be shared with courts statewide;
- Modernize the Judicial Web Page; and
- Create a uniform statewide case management system.

IV. Explore Potential Funding Sources

Secure available funding and seek opportunities to create innovative reforms.

The Task Force has successfully secured federal funds of at least \$560,000 per year for five years to be used to implement technology solutions, with the initial year funded at \$608,000.

With the creation of a statewide commission for children and families, new partnerships can be established to inform the best allocation of resources.

Strengthening Texas Courts for the Safety, Permanency, and Well Being of Children in Foster Care

I. INTRODUCTION

As the gatekeepers for families in crisis, Texas courts are committed to improving court practices in child protection cases. The Supreme Court of Texas is assuming a leadership role and, in collaboration with other courts, child protection agencies and the many stakeholders, is studying and prioritizing issues integral to improving outcomes for families and children. The Court has determined that to ensure that our child protection courts can fulfill their responsibilities to children and families in a timely and effective manner, a top priority must be developing an integrated, statewide, case management and tracking system.

Delay is a major obstacle to achieving safety, permanency, and well being for children in the foster care system. While the law requires courts to make timely decisions on child placement,⁸ combating delay in child protection proceedings that encompass many stages and participants can be more difficult than in other types of cases. Courts must be able to track children's and parents' progress, identify children in need of attention, and recognize sources of delay in court proceedings and services.

When children are removed from their homes, the Department of Family and Protective Services ("DFPS") acts as the parent to these children. DFPS has the responsibilities of day-to-day decision making, as well as long term permanency planning, for each child in its care. The courts are obligated to oversee this relationship and balance the competing concerns for the children and families. Determinations of the best interest of children are complex and require careful attention. As these issues are being weighed, the children in foster care continue to grow up – their development does not wait for the adults in their lives to sort it all out. It is imperative that courts have the resources needed to timely and accurately assess family progress so that permanency plans may be fashioned to ensure that, when cases are closed, children are safe, well, and in a permanent home.

Effective caseload management is an essential component of successful and timely permanency planning. With the ability to accurately track and analyze workloads, courts are empowered to improve outcomes for abused and neglected children. Likewise, courts that implement effective caseload management and tracking systems are better able to demonstrate areas of need and pursue additional state and federal funding sources.

Currently, Texas has no statewide case management system for courts that hear child protection cases, nor do these courts have the ability to share court data with child-welfare agencies or other courts. Moreover, our state's size and geographic diversity, together with our system of decentralized funding authorities for trial courts, present considerable challenges. Essentially, each county develops and operates its own case

⁸ Mandated by the Texas Family Code Chapter 263, courts must hear cases at statutorily prescribed intervals and all cases must be concluded within twelve months unless a court authorizes a one-time six-month extension. *See* TEX. FAM. CODE §§ 263.001-263.100.

management system, and court clerks are not required to report child protection cases as a separate category from other family cases, making it difficult to accurately allocate and effectively access needed resources.

To address these concerns, the Supreme Court of Texas signed on March 22, 2006, an Order (see Exhibit “A”) appointing the Task Force on Child Protection Case Management and Reporting (the “Task Force”). In selecting Task Force members, the Court was mindful of the overlapping but sometimes divergent needs of urban and rural counties, and of the multiple levels of state and county government needed to create, implement, operate, and fund an integrated case management and tracking system. Task Force membership is thus diverse and interdisciplinary, including representatives from the judiciary, the legislature, DFPS, the Office of Court Administration (the “OCA”), district clerks, district and county attorneys, county judges and commissioners, the Casey Family Programs, and members of the academic community.

The Task Force held four well-attended meetings and furthered its work in committee, as reflected in the minutes of such meetings (see Exhibit “B”). The charge of the Supreme Court was to develop a plan for a uniform computerized data system, recommend data elements for tracking and analyzing court practices, explore potential funding sources, prepare a proposal for implementation, and draft a final report to the Court by October 31, 2006. Thereafter, the Task Force will oversee implementation efforts and continue in an advisory capacity to recommend improvements to the system.

II. SUMMARY OF CHALLENGES AND PROGRESS

A. Challenges

In Texas, we have inherent challenges to unified data collection, sharing and analysis. There are 231 judges who hear child protection cases in 254 counties, in district and county courts. The sheer number of these courts, the manner in which they are funded, and the large geographical size of the state present real challenges in improving data sharing. Task Force member Cynthia Bryant added: “Our very decentralized judicial system fits nicely with the independent streak in our Texas character. However, its consequences include duplication of effort across multiple jurisdictions and inconsistency in process and data, which cost both money and time.”

1. Decentralized Funding

For the most part, Texas counties bear the costs of maintaining courts within their jurisdictions. In fact, Texas is one of eleven states classified as having the most decentralized funding of trial courts.⁹ With more county funding authorities than any other state, Texas may have the single most fragmented assemblage of trial courts in the U.S. In contrast to states with more centralized court funding and administrative authority structures, Texas must focus on consensus building and accommodating the unique jurisdictional circumstances in 254 counties. At the extremes, these counties lie as far as 830 miles apart and run the gamut with respect to available resources, court and agency practices, and community involvement.

2. Child Protection Court is Unique

Unlike criminal or other civil courts, the courts that handle child protection cases serve to protect children and to rehabilitate families. The nature of child protection cases calls for active involvement of the judiciary in fashioning creative solutions, often requiring multidisciplinary collaboration. Yet collaboration among courts, child welfare agencies, and community stakeholders is a change in paradigm for many courts, and often not embraced. The result is that courts are hindered in fulfilling their responsibilities to children in foster care. Ultimately, according to Miriam Krinsky, Executive Director of the Children’s Law Center of Los Angeles, “Without someone to coordinate disparate elements, children end up falling through the inevitable cracks and suffering in ways large and small.”¹⁰

⁹ Susan Byrnes, *State Funding of Trial Courts: Minnesota’s Transition Experience*, 54 (2004), available at http://www.ncsconline.org/D_ICM/ResearchPapers2004/Byrnes,Susan.pdf.

¹⁰ Cecilia Fiermonte and the Honorable Nancy Salyers, *Fostering Results: Improving Outcomes Together: Court and Child Welfare Collaboration* (2005). Fostering Results is a national, nonpartisan public education project to raise awareness of issues facing children in foster care. It is funded by a grant from The Pew Charitable Trusts to the Children and Family Research Center in the School of Social Work at the University of Illinois, Urbana-Champaign.

3. Transition to Privatization

The timing of this data sharing initiative is also especially challenging in Texas. Much of our state's child protective services energy is currently focused on transitioning to a privatized casework management system as a part of the sweeping reforms required by the passage of Senate Bill 6 during the 79th legislative session in 2005. A positive aspect of this focus on child protection reform is the increased opportunity for collaboration as change is implemented throughout the state.

4. Insufficient Resources

Texas also experiences the problems that are common to all states: insufficient resources and heavy caseloads. The child population in Texas continues to grow as the system struggles to catch up. One of every eleven children in the United States is a Texan¹¹ and Texas has the second highest live birth rate in the nation.¹² The same factors that strain the child welfare system make it difficult for courts to meet the demands of the overflowing dockets. Further, caseloads are anticipated to increase as a result of the additional investigative caseworkers provided for by Senate Bill 6. Inadequate resources to support increased caseloads means children and families often do not receive the services they need.

These many challenges are also the very reasons why Texas is ripe for change.

B. Progress

The Task Force has made progress in each of its critical objectives: (1) develop a plan for a uniform statewide computerized data system, (2) explore potential funding sources, and (3) create a plan and time line for immediate and long-term goals. To further discuss this progress, the objectives defined by the Supreme Court, and the subsequent findings and work of the Task Force are set forth below:

Task Force Objective I:

Develop a proposed plan for a uniform statewide computerized data system for managing and tracking child abuse and neglect cases, and recommend meaningful data elements to be tracked that will facilitate the adoption of court best-practice measures and inform decisions about allocating existing, and accessing additional, court resources.

1. Caseflow Management

Because virtually any reform focuses on the elimination of unnecessary delay, caseflow management (the process by which courts move cases from filing to closure) must be central to any court reform.

¹¹ Deviney, *supra* note 1 at 11.

¹² *Id.* at 19.

Justice is lost with the passage of time. . . . No matter how you look at it, whether it's a civil or a criminal matter, time destroys the purposes of courts. We study case management because [it] is the way we get rid of the waiting time, [by] which we control delay, [and by] which we enhance the purposes of courts.¹³

The National Association for Court Management emphasizes the importance of caseflow management — the process by which courts move cases from filing to closure — in their Caseflow Management Curriculum Guidelines:

Effective caseflow management makes justice possible not only in individual cases but also across judicial systems and courts, both trial and appellate. Effective caseflow helps ensure that every litigant receives procedural due process and equal protection. . . . Properly understood, caseflow management is the absolute heart of court management.¹⁴

2. Case Management in the Child Protection Cases

In the child protection context, courts must pursue optimal caseflow management, in order to meet tightening federal and state timelines for cases, and ultimately to achieve safe, permanent and loving homes for children. Unacceptable performance such as excessive delays, lack of adequate or timely notices, brief or inaccurate judicial findings, and suboptimum efficiency in general, can lead to irreparable damage in the life of a child. Adequately resourced caseflow management systems are essential to ensuring the safety, permanency, and well being of a child. Universal child protection caseflow management and data exchange are the ultimate goal, with highly qualified judicial and attorney performance supported through use of performance measurement, and judicial workload measurement.

Despite the challenges already described, Texas is fortunate to have a headstart in child protection case management. For a number of years, Texas has had a successful system of child protection courts (“CPC”) which share common leadership and common technology provided through a shared support organization, the OCA. These fifteen cluster courts (their original name, because they serve a cluster of counties) were established with Court Improvement Project (“CIP”) funds in 1997, and now cover roughly half the counties in the state, including some of the state’s most rural counties, and a number of moderately populous counties. The CPCs hear cases across geographically, socially, and economically diverse regions of the state. Judges and court staff travel daily, with the largest jurisdictions holding court at locations up to 200 miles apart, in areas of between three and 23 counties. Because the CPCs most closely represent a model child protection court in Texas, the CPCs have served as a springboard

¹³ Ernest C. Friesen, *The Delay Problem and the Purposes of Courts*, (quoted in *Caseflow Management—The Heart of Court Management in the New Millennium*, by Steelman et al., National Center for State Courts, xvi (2000)).

¹⁴ NACM Core Competency Curriculum Guidelines, available at http://www.nacmnet.org/CCCG/cccg_CoreCompetencies.html (quoted in Steelman et al., Appendix A).

for many of the Task Force’s recommendations for improving caseflow management for children and families.

Uniform case management remains unattainable without adequate resources and a sustained leadership initiative. As a result of the timely work of the Task Force, Texas has secured approximately \$608,000 for the first year of a five-year grant entitled the CIP Data Collection and Analysis Grant (“CIP Data Grant”). This grant will provide resources for the OCA to make available its CPC software, the in-house specialty docket court management system, for the other 216 judges hearing child protection cases in Texas. Texas Data-Enabled Courts for Kids (“TexDECK”), the five-year project outlined in the CIP Data Grant application (see Exhibit “C”), also includes plans to build a scalable model of the software application with the addition of “hooks” into other information sources such as the IMPACT system run by DFPS. This would provide greater performance capability for judges, but does not begin to address the even more ambitious data exchanges necessary for integrated justice, systems with common architecture that will provide rapid sharing of information across county lines while providing advanced management capabilities.

One concern is that implementing CPC software in courts where many types of cases are heard, creates the risk of carving out a technology “silo” separate from the mainstream of court case management. To ameliorate that risk, TexDECK calls for the publication of the functional requirements that are built into the CPC software, so that vendors can design enhanced functionality for child protection cases in established court case management systems. The Task Force recommends that best practice methods of data exchange be modeled and a data dictionary be adopted for child protection cases, a detailed and technical effort that will require resources for technical assistance

Given the complexity of creating a uniform statewide case management system, the Task Force recognized the need for (i) immediate, feasible short-term solutions; (ii) interim stop-gap measures and improvements, and (iii) far-reaching, long-term goals. To address each of those needs, the Task Force developed the following technology initiatives:

- Identify and concisely define meaningful data elements to be reported to the OCA on a statewide basis;
- Develop a high-level functional requirements framework and identify the appropriate data elements for a model child protection case management system for Texas courts;
- Conduct Judicial Workload Assessments;
- Modify existing CPC software to be shared with courts statewide;
- Modernize the Judicial Web Page; and
- Create a uniform statewide case management system.

Progress has been made in each of the identified technology goals:

Technology Goal #1:
Identify Meaningful Data Elements to be Reported to the OCA

The OCA is a judicial agency which provides information technology to the courts and is responsible for collecting information to assist in obtaining and allocating resources. Prior to the creation of the Task Force, the OCA did not collect any data tracking child protection cases (although a parallel effort is underway, through the Judicial Data Management Committee of the Judicial Council, to update all of the data that OCA collects). At the first meeting of the Task Force, the OCA finalized a request that counties with a population of 100,000 or more begin reporting certain core data elements as of September 1, 2006 (See Exhibits “D” and “E”). Combined with the counties served by child protection specialty courts, approximately 59% of all counties, comprising 91% of the state’s population, will be collecting and reporting (1) the number of cases filed, (2) hearings held, (3) final orders issued, (4) cases pending, (5) attorneys appointed, and (6) the length of time to final orders.

The Task Force has also developed a more extensive list of data elements for future reporting requirements (See Exhibit “F”). Careful consideration was given to the significance of information gained by each additional data element versus the difficulty of capturing and recording such data.

Technology Goal #2:
Develop Functional Requirements to be Shared Throughout the State

General functional requirements for case management software have been developed in Texas by the Judicial Committee on Information Technology (“JCIT”) and the OCA,¹⁵ and nationally by the National Center for State Courts. Several vendors provide sophisticated case management information systems for courts.

The Conference of Urban Counties (“CUC”) is an organization representing 34 counties and almost 80% of the population of Texas. The CUC “TechShare” project was started in 2004 to allow members to collaborate and share expenses on costly information technology projects. TechShare has developed the concept of a Common Integrated Justice System, a set of functional applications that will enable the effective and efficient administration of justice for the Urban Counties’ membership. It is based on a common architecture that will provide rapid sharing of justice information across county lines while providing each member county with advanced justice management capabilities.¹⁶ After an extensive evaluation process the Odyssey software product by Tyler Technologies was selected, and several counties have implemented or are moving to implement this comprehensive case management system.

¹⁵ See TEX. GOV. CODE §§ 77.001-77.010. The mission of JCIT’s Case Management Committee is to define the state’s trajectory toward a true court “system” in which courts utilize compatible and connected case management software. Trial Court Case Management Functional Requirements, *available at* http://www.courts.state.tx.us/oca/pdf/Trial_Court_Requirements_Review.pdf.

¹⁶ For participating jurisdictions in the Conference of Urban Counties, “Tech Share” also is developing a Juvenile Case Management System—integrated juvenile justice software based on a single source code, to provide for the common data collection, reporting and management needs of Texas juvenile probation departments as well as the flexibility to accommodate individualized requirements.

The Best Practices Committee of this Task Force plans to prepare a report that identifies the basic functions (*e.g.* schedule hearings, provide ticklers) that a model child protection case management system should perform and the data elements or fields (*e.g.* name, case type, level of care, conservatorship status) that are essential in a model child protection case management system for the courts in Texas.

This committee report will be the basis for the TexDECK project proposal to identify functional requirements by engaging consultants to visit a representative sample of courts handling child protection cases and seek input from all such courts interested in improving its case management. In this way, courts can participate in the development of these standards, thereby increasing consensus-building.

The findings of these onsite studies will demonstrate what a case management system needs to do to successfully support the tracking of child protection cases. The functional requirements could then be published on the Internet and given to court case management software vendors. Such functional requirements will also be meaningful in meeting the long-term goal of creating a unified system.

Technology Goal #3: Conduct Judicial Workload Assessments

Workload assessments objectively demonstrate courts' needs for resources and inform the Legislature as to the appropriate allocation of such resources. Weighted caseload studies translate raw case data into meaningful workload data that can be analyzed and compared to national recommended standards. For example, the number of cases heard in a certain court is less helpful than the information obtained by comparing the number of cases multiplied by recommended time allotments for each specific type of proceeding. In other words, a caseload study tells us how many cases are heard, but a weighted caseload study tells us about a court's workload. For cases involving child abuse and neglect, weighted caseload studies are especially critical because these cases are substantially different from other civil cases. Judges must spend time on many case-related out-of-court activities, such as reviewing case reports and preparing findings, and there are many necessary non-case-related activities, such as meeting with child welfare agency representatives and other service providers.

The OCA has successfully secured CIP grant funds and other funding for the development of judicial workload assessments. With the appropriate funding and the data collected by the new reporting requests, a weighted caseload study of child protection cases will be possible.

The OCA has published a request for proposal, with a response date of September 27, 2006, for a weighted caseload study. Phase I of this project will include preliminary case weighting to determine district court workloads and measure the amount of time judges currently spend on handling different types of cases.

At the June 9, 2006, meeting of the Task Force, the OCA demonstrated the CPC software. Although the enthusiastic response to the case management system for the fifteen cluster courts was gratifying, the Task Force and the OCA understand that many other courts may have additional requirements unique to their jurisdictions and to

general-jurisdiction courts. Therefore, the TexDECK project proposes to conduct a broad review of functional and nonfunctional requirements for child protection case management. Though the OCA cannot visit every court in this effort, it will design a means to visit a representative sampling and request comments from all.

TexDECK will have a long-term goal of publishing the CPC software functional requirements on the Internet and alerting case management software vendors to their existence. This goal will come to fruition during later years of the grant, building on the activities performed during the first year.

Work on software functional requirements is a strategic investment. This investment addresses the work of child protection courts at a systems level that will lead later to creation of a comprehensive case management system that provides numerous tools to judges to improve several areas of performance reflected in the Child and Family Service Review (“CFSR”). Software tools that will later be the “grandchildren” of this work will enable judges to have full case process data that will be integrated with other courthouse systems – even those designed to make parties aware of their need to appear – all resulting in well-informed judges performing their judicial duties on schedule and in a manner that gives children the protection they need.

Technology Goal #4: Release CPC Software for Statewide Use

The CPC software must first be evaluated to determine how useful it will be to courts statewide. The TexDECK project will conduct a fit-gap analysis to compare the CPC software to the new set of child protection functional requirements.

The fit-gap analysis should include the following review areas:

- Functional requirements analysis for fit to a variety of child protection courts;
- Scalability to needs of large jurisdictions;
- Technologies that are supportable in most jurisdictions; and
- Adaptability for implementation of data interchange standards.

The current CPC software may be a candidate for adaptation to certain standard data interchanges. The project team will reassess the CPC software to determine its suitability as a functional model or base set of code for child protection case management throughout the rest of the courts where it is not currently implemented.

Assuming the fit-gap analysis shows that the CPC software already is a good—but not perfect—fit to the general need, the TexDECK project will survey stakeholder courts to verify interest in the OCA modifying the CPC software to meet the model functional requirements (or at least those requirements generally deemed most important). If interest in modification to the CPC software remains, the TexDECK project will set up written agreements with interested courts, obliging the OCA to provide maintenance and support for a limited period of years.

Regardless of the results of the above analysis, the TexDECK project will continue to communicate with private sector software providers to share technical standards and to maximize the availability and competitiveness of case management software for child

protection courts. Though TexDECK will release a case management software application to courts at no cost, Texas intends to leave the market open to one or more commercial software providers to provide alternative products with other advantages. CPC software will also be a model for courts and vendors to develop successor systems using processes and paradigms developed in this program. The OCA will provide open briefings on its design and innovative features for both public and private entities wishing to build upon its successes.

Technology Goal #5:
Modernize the Judicial Web Page

Since 1998, DFPS and CIP have provided selected child protection case information lookup capability through the Judicial Web Page, a number of secure pages connected to a database application for online case lookup. The intent of this web application is to make it possible for the courts to monitor more closely the progress of their child protection cases through the court system, and thus to allow the courts to make the best possible decisions concerning the disposition of those cases. This is an important part of the collaborative endeavor which makes a significant impact on the way cases are handled, and on the well being of abused and neglected children in our state. Currently, approximately one-third of judges handling child protection cases use the Judicial Web Page.

Availability of such information to Texas judges helps them be more knowledgeable about each case and, thus, able to identify areas of concern, better tailor court orders to each family's needs, and move cases to more timely resolution.

As a part of the privatization process mandated by the 79th Legislature, DFPS will be required to outsource the hosting of its computer systems during 2007. This outsourcing will result in additional charges in real dollars to the agency, in part because of its use of obsolete technology. Consequently, DFPS will no longer have funding to provide the Judicial Web Page to the judiciary.

The Task Force recommends thorough research of best practices regarding web-based information sharing, considering ex parte concerns. With those limitations in mind, the TexDECK project proposes to replatform the Judicial Web Page from DFPS in the executive branch of Texas government to the OCA, which functions within the judicial branch, and therefore has an exemption from the outsourcing effort. During the replatforming, the OCA proposes to refactor the system to phase out the obsolescing and marginalized technologies now in use. This refactoring will base the Judicial Web Page on current, more economical and sustainable technologies, thus enhancing the long-term sustainability of the system. The continued operation of the Judicial Web Page will help Texas maintain and improve timeliness outcomes.

Technology Goal #6: Create a Uniform, Statewide Case Management System

As mentioned above, there is nothing resembling a uniform statewide case management system for courts in general. However, there is movement toward uniformity through the Conference of Urban Counties and its contract with Tyler Technologies for Odyssey case management software. The Task Force recognizes that this effort is already being monitored by the JCIT, and would recommend continued focus on the development of data interchanges so that sole-source uniformity of case management systems is not the only hope for improvement.

There is a national, but not mandatory, movement toward the exchange of justice data using agreed-upon standards, sometimes referred to as “integrated justice.” In the public safety/criminal justice/homeland security arena, this movement has coalesced around the work of the volunteer members of a Department of Justice sponsored group called Global Justice Information Sharing Initiative Advisory Committee (“Global”), a “group of groups” representing independent organizations across the justice spectrum.¹⁷ The Global Justice XML Data Model (“JXDM”) is the centerpiece of this effort. Extensible Markup Language (“XML”) is a structured language for describing information being sent electronically by one entity to another; it acts as a universal translator for voice and data exchange and interoperability. An “XML Schema” defines the rules and constraints for the characteristics of the data. “Information Exchange Package Documentations” (“IEDP’s”) define reference information exchanges, and are intended as models for information exchanges that meet specific business needs. There are currently IEDPs developed for an arrest warrant, a sentencing order, a traffic warrant, and most relevant to child protection cases and civil justice in general, an adult protective order.¹⁸

Global also adopted a report that recommends “service oriented architecture” (“SOA”) as the framework for justice information sharing. Conceptually, SOA is a distributed software model in which small pieces of application functionality are published, consumed, and combined with other applications, over a network, and on demand. The “owner” of the data retains control over the information, but any member of the justice community can access the information they need to do their job, at the time they need it. SOA tolerates diversity and allows for dynamic “many-to-many” information exchanges that justice, public safety, and homeland security agencies require.

Global JXDM gathers approximately 16,000 data elements from 35 data dictionaries comprised of federal agencies as well as various local and state government sources. The developers removed the redundancies and duplications and resolved semantic differences. Currently, Global JXDM consists of a well-defined and organized vocabulary of 2,754 reusable data components that facilitate the exchange and reuse of information from multiple sources and multiple applications. The Global JXDM has an effective governance mechanism and widespread recognition and is rich, flexible, extensible, and used by local and state agencies.

¹⁷ See <http://www.it.ojp.gov/index.jsp>.

¹⁸ See http://www.ncsconline.org/d_tech/gjxdm/.

In the policy area of child abuse and neglect, there is a similar, but disconnected effort, entitled the Child Welfare Extensible Markup Language work group, or “CW XML.” It consists of industry and state representatives working together to define and develop an XML schema in their data systems. Their mission is “to develop and promote the adoption and use of national non-proprietary Child Welfare XML-based vocabularies and schemas for representing and exchanging child welfare data across heterogeneous systems and organizations delivering vital services to children and families.”¹⁹

The Task Force recommends that Texas build on these efforts to achieve data exchange in the context of courts hearing child protection cases.

Task Force Objective II:

Explore Potential Funding Sources to Aid Implementation of the Proposed Plan

Texas has secured two new CIP grants, one of which is approximately \$608,000 in the first of five years for judicial data collection and analysis. In Public Law 109-171, Congress appropriated funding in Fiscal Years 2006 through 2010 to support improved case management and reporting in child abuse and neglect cases.²⁰ Each state’s share of the funds is determined by the number of children in foster care. For Fiscal Year 2006, Texas received more funding than anticipated due to some states’ failure to apply for these grants. The timely work of this Task Force ensured that Texas was a leader in bringing significant funding into our state coffers.

From its onset, the Task Force has aggressively sought funding for its initiatives. The Task Force was created March 22, 2006 and promptly held its first meeting on April 20, 2006. By the June 9th meeting, the Task Force was learning about case management software, XML data interchange, and statewide case reporting requirements.

In preparation for the June meeting, core members of the Task Force consulted with national experts, Mark Hardin and Jennifer Renne of the American Bar Association regarding the two new CIP grants. Texas participants included the Texas Center for the Judiciary (“Texas Center”), CIP, the OCA, and DFPS. Two days later, a meeting at the Texas Center resulted in a skeletal outline that broadly addressed key areas where the funds were needed.

During its June meeting, the Task Force created a proposal-writing subcommittee to develop a grant. Judge Specia appointed the following individuals to the subcommittee:

- The Honorable Kim Brown, Associate Judge, Tarrant County District Court
- Cynthia Bryant, Clinical Professor, University of Texas Law School
- Bruce Hermes, Information Services Director, OCA
- Carole Hurley, Director, CIP

¹⁹ Further information (though, not very up-to-date) is available on CW XML’s website at, http://www.nrcwdt.org/xml/fact_sheet.html.

²⁰ 42 U.S.C. § 1396 (p), Pub. L. No. 109-171, 120 Stat. 4 (2006).

- Charlie Yates, Systems Analyst, OCA
- Kristi Taylor, Supreme Court Staff Attorney for Children and Families

Several of the projects that are included in the CIP Data Grant application were proposed in this meeting. These include the replatforming of the Judicial Web Page, the general release of the CPC software, and the Judicial Workload Study. Additionally, while compiling work plans for the grant proposal, Mr. Hermes contacted several stakeholders who are members of the Task Force, and several of their suggestions influenced the content of the proposal.

The CIP Data Grant application centered around the TexDECK project:

The TexDECK Project strives to integrate information for the child protective agency, the court, and related government entities in order to help courts and DFPS work quickly and correctly to protect children. TexDECK will establish data interchange standards and provide software tools to facilitate the work of judges and DFPS as they collaborate to improve safety, permanence and well being of the children of Texas.

Task Force Objective III:

Draft an implementation plan and time line that allows immediate gathering of relevant data and reporting and establishes long-term goals for a uniform statewide case management and tracking system

The Task Force was involved in preparation of the TexDECK plan, and the five year strategic plan as outlined therein. Key staff for the Task Force, representing the Supreme Court, THE OCA, CIP, and DFPS, will attend the national Court Improvement Project Training Conference, November 15-16, 2006, to further develop the State's strategic plan. The final strategic plan will be developed through committees and work groups that include DFPS and the judiciary. The following is a summary of the current plan as provided in the CIP Data Grant application with supplementary information added:

Year One (FY 2006) Objectives

- Compile information on child protection cases collected by Texas court clerks
- Finalize Judicial Council reporting forms for all case types
- Initiate contract with the National Center for State Courts for Phase One of a weighted caseload study of Texas district courts
- Select and install project manager
- Re-platform Judicial Web Page Query System
- Conduct initial stages of Functional Requirements Study
 - Review national context
 - ❖ Identify established or draft national standards
 - ❖ Identify efforts in other states
 - Complete Site Visits for collecting functional requirements
 - Document functional requirements for each site visited

Year Two (FY 2007) Objectives

- Continue and finish weighted caseload study Phase One
- Continue Functional Requirements Study
 - Collate and analyze requirements
 - Stakeholder reviews and comments
- Prepare CPC software for distribution

Year Three (FY 2008) Objectives

- Weighted caseload study Phase Two
- Data Interchange Studies, Phase One
- Direct partners
- Upgrade CPC software
- For emerging business requirements
- For stability releases

Year Four (FY 2009) Objectives

- Perform Upgrade of CPC software
 - For emerging business requirements
 - For emerging data interchange standards
 - For Stability releases
- Data Interchange Studies, Phase Two
 - Technical standards development
 - ❖ Study direct partner interchanges
 - ❖ Study interpartner interchanges
 - ❖ Share work nationally

Year Five (FY 2010) Objectives

- Data Interchange Studies, Phase Three
 - Technical standards development
 - ❖ Study interpartner data interchanges
 - ❖ Share work nationally

III. SUGGESTIONS FOR COURT BEST PRACTICES

A. Best Practices for Measuring Court Performance

When studying best practices for measuring court performance, the Task Force examined *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (“Guide”), the result of a four-year collaboration between the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges. (See Exhibit “G”) A companion Toolkit is scheduled to be released in November 2006 to provide accompanying instruments for technical assistance in the implementation of the measurement activities suggested in the Guide.

Two types of measurements are essential to improved case management:

- (1) Performance measurements to encourage accountability and identify excellent practices, ultimately improving timeliness, permanency, safety, and well being of children in foster care; and
- (2) Judicial workload measurements to track resources courts need and inform resource allocation.

The scope of this Task Force’s work will provide for judicial workload measurements and performance measurements of the timeliness of child protection courts in Texas. To address the broader goals of measuring and improving court performance in permanency, safety, and well being of foster care children, the Task Force recommends that another task force or commission be appointed.

B. Best Practices for Improving Court Performance in the Permanency, Safety, and Well Being of Children in Foster Care

In September 2005, Texas executive branch leaders and judicial branch leaders, including Chief Justice Wallace B. Jefferson and Justice Harriet O’Neill, liaison to the Supreme Court Task Force on Foster Care (the “TFFC”) attended the first-ever National Judicial Leadership Summit on the Protection of Children. At this national summit, Texas was charged with developing an action plan to specifically address structural issues in the judicial system that limit the ability of courts to fulfill their obligation to protect children and move children safely and appropriately through the system (See Exhibit “H”).

As a result of that action plan, the Supreme Court has implemented many reforms including (i) enacting Supreme Court policies to expedite parental termination appeals; (ii) creating a new position, Staff Attorney for Children and Families, to be solely dedicated to these initiatives; and (iii) appointing the Task Force for Child Protection Case Management and Reporting to address one of the critical first steps of the Pew Commission recommendations: developing a uniform computerized data system that will accurately track and analyze child protection cases.

To tackle the broader goals of ensuring safety, well being, and permanency of children in foster care, the Supreme Court is considering the creation of a statewide commission for children and families to act as an umbrella organization for the judiciary, child welfare agencies, and community stakeholders. (See Exhibit “I”) This model has been successful in New York and is strongly endorsed by the Pew Commission.

A commission for children and families would be permanent and statewide, made up of high-level, multidisciplinary representatives with the authority to effectively move ideas and actions. Such a commission would set its own goals, benefiting from the experience of established commissions and national studies. For example, the Pew Commission identified the following key strategies for strengthening courts to ensure the safety, well being and permanency of children in foster care:

- (1) Enhance accountability by implementing policies to identify and measure best court practices and inform resource allocation;
- (2) Foster collaboration by encouraging information-sharing and problem-solving at a statewide level, as well as recommending models and providing incentives for county-wide collaboration;
- (3) Assert judicial leadership by promoting standards for child protection courts and recognizing outstanding practices of judges, attorneys and court staff; and
- (4) Provide an effective voice for parents and children by ensuring capable representation with the development of a statewide curriculum for attorneys ad litem and judges.

C. Best Practices for Ensuring Meaningful Collaboration

Collaboration between courts, child welfare agencies and community stakeholders is crucial to protect children and promote their best interests in child protection court proceedings. Michigan Supreme Court Chief Justice and Pew Commission member Maura Corrigan states:

Courts are charged with determining whether a child should be returned home with services or placed in foster care. Courts terminate parental rights; they finalize adoptions . . . (yet) courts are awash in child protection cases; attorneys who practice in this area are often overworked, inadequately trained, and underpaid. Those who work in the justice system are often unsure how to deal with these difficult cases because we lack uniform practice standards. Too, although we share responsibility for these children with executive branch agencies, courts and agencies often don’t do a good job of communicating or working together. Birth parents and other interested parties often don’t get the chance to communicate with the courts. The combined result: children

languish in the court system instead of advancing towards permanency.²¹

Texas should focus its attention to implement the Pew Commission recommendation that “courts and public agencies should be required to demonstrate effective collaboration on behalf of children.”²² Texas has a history of consistently engaging in many activities that demonstrate meaningful and ongoing collaboration. These activities include: (1) maintaining an established statewide multidisciplinary task force; (2) holding regular meetings between the courts and child welfare agencies; (3) promoting active participation by judges, the CIP Director, and DFPS in the Child and Family Service Reviews and in Title IV-E Foster Care Eligibility Reviews (“IV-E Reviews”); (4) ensuring the joint involvement of representatives from the Supreme Court and Child Protective Services; and (5) jointly planning and implementing the CIP Data Grant activities.

Collaboration Goal #1:

Maintain an Established Statewide Multidisciplinary Task Force

The TFFC, a statewide multidisciplinary task force, has been the advisory and oversight body to CIP since 1996. Together the members of the TFFC work to develop and institutionalize the collaboration necessary to identify and address barriers to safety, permanency, and child and family well being both at the state and local level. The TFFC membership itself embodies the spirit of collaboration among the key stakeholders in child welfare. The current membership will continue to support and facilitate collaboration, and membership will be expanded to include representatives of Native American tribes and community experts on issues such as immigration, substance abuse, domestic violence, pediatric health care, and mental health.

Collaboration Goal #2:

Hold Regular Meetings Between Courts and Child Welfare Agencies

Since its inception in 1996, the TFFC has included, among others, representatives from both the judiciary and DFPS. The TFFC meets quarterly to review policy and procedures, explore opportunities to sponsor joint training activities, and share data and case analysis information. The TFFC has created a standing place on its agenda for DFPS to provide training and information regarding the CFSR, IV-E Reviews and Program Improvement Plans (“PIPs”).²³ The TFFC is dedicated to building agency, court, and community partnerships to achieve lasting, systemic improvement in the child welfare system.

²¹ Fiermonte and Salyers, *supra* note 10.

²² THE PEW COMM’N ON CHILDREN IN FOSTER CARE, *supra* note 5 at 17.

²³ Following the statewide assessment and onsite review of the CFSR, states who have not met substantial conformance in all the required areas must develop a program improvement plan that addresses the areas of non-conformance. The PIP may last up to two years, at which time the federal government will reevaluate the state and may impose monetary penalties if the state has failed to meet the goals of the PIP. *Id.* at 38 -39. Texas’s current PIP is available at http://www.dfps.state.tx.us/About/State_Plan/2005-2009_Plan/22.asp.

Collaboration Goal #3:
Promote Active Participation by Judges, the CIP Coordinator, and DFPS
in the Child and Family Services Reviews and Title IV-E Foster Care
Eligibility Reviews

Judges from across the state participated in the first CFSR. Following the review the CIP director and judges participated in the exit conference, as well as in development of the PIP. A Task Force member was engaged to write a white paper in support of the position of the judiciary regarding an area of concern identified in the review. The TFFC meetings provide the ideal forum in which to plan and promote active participation in the CFSR process, and DFPS periodically provides updates to the TFFC members.

The TFFC will continue to be proactive regarding the CFSR. Presentations on the review have a standing slot on the TFFC agenda at each quarterly meeting. In February 2006, a Memorandum of Understanding between DFPS and the courts was developed, and was executed in August 2006. This MOU ensures the courts will continue to actively participate in all phases of the CFSR and the TFFC will explore ways to recruit more active judicial participation across the state.

Following implementation of the Adoption and Safe Families Act, Texas judges recognized their new role as gatekeeper of our children in foster care. They received training, and gained a new understanding of the importance of the orders handed down, and the necessity to provide case and child specific language in their orders. In Texas, orders are drafted by attorneys representing DFPS (county, district, or agency lawyers), DFPS legal liaisons, legal assistants, and sometimes even the judges themselves. To ensure that orders used across the state contained required findings and language, a customized software tool with interactive templates was developed and distributed statewide, with funding from the Texas Children's Justice Act Project, to those responsible for drafting orders. Training was provided to the software users and to judges regarding statutorily required language, as well as best practices such as child and case specificity.

With the most recent IV-E Review in May 2006, it is apparent that Texas court orders meet all compliance requirements, a vast improvement in such a large state. However, it is also clear that further training could result in wider use of such specialized orders, a recognized best practice. The TFFC will exercise strong judicial leadership in improving this area. Three of Texas's nine Regional Administrative Judges also sit on the TFFC. They are ardent child advocates, and influential among the judiciary. They are a valuable asset CIP will use to improve court orders across the state.

During Texas's recent review, the CIP director participated with DFPS in planning for the statewide assessment. She was present for the first day of the on-site review, and was available as a resource for the reviewers for the remainder of the review process. The TFFC will be a source to aid implementation of improvements identified through the review process. Judges and other stakeholders will be encouraged to participate fully in the planning, process, and implementation of future IV-E Reviews.

Collaboration Goal #4:
**Ensure the Joint Involvement of Representatives of the Supreme Court
and Child Protective Services**

The Task Force benefits from the leadership and knowledge of the Honorable Harriet O’Neill, Justice for the Supreme Court of Texas, and Joyce James, Assistant Commissioner of Child Protective Services (“CPS”). Justice O’Neill and Chief Justice Wallace Jefferson both actively participated in “Changing Lives by Changing Systems: National Judicial Leadership Summit for the Protection of Children,” a three-day summit in Minneapolis hosted by the Pew Commission. A delegation also traveled to New York to visit the Permanent Judicial Commission on Justice for Children to explore the feasibility of a similar effort in Texas. This Task Force was appointed to further explore solutions to improve outcomes for children and families.

Before her current position, Assistant Commissioner Joyce James championed collaborative processes, such as Family Group Decision Making, as a regional director for CPS. Family Group Decision Making began in Texas as a project of the Children’s Justice Act, and with the leadership of Assistant Commissioner James, has been rolled out across the state by DFPS. Assistant Commissioner James has also been a strong and vocal supporter of the Family Treatment Drug Court concept, which the TFFC has identified as an important tool for healing families wounded by issues of substance abuse.

Justice O’Neill and Assistant Commissioner James, through their participation on the TFFC, should play an active role in convening, leading, and developing court and agency activities to improve outcomes for children and families.

Collaboration Goal #5:
Jointly Plan and Implement the CIP Data Grant Activities

The OCA will be the front-line manager for implementation of this grant, but all activities will include full collaboration with all partners. The OCA has close ties with entities in the judiciary which are already engaged in the work of this project. These bodies include:

- Associate Judges for Child Protection Cluster Courts
- Presiding Judges of the state’s nine administrative judicial regions
- Supreme Court Task Force on Child Protection Case Management and Reporting
- Supreme Court Task Force on Foster Care

The OCA, through its associate judge staff, also has close contact with case workers from DFPS. Whenever TexDeck needs information and ideas, participants in committees, or survey respondents, both judicial and state agency experts are on notice and will be ready to provide input.

Additionally, because of the preexisting work of the Task Force, the OCA has become closely engaged with high level information technology staff members of DFPS:

- Terri Ware, Director, Management Support Division
- Donna Marler, IMPACT Project Manager
- John Parchman, Director of Application Development and Maintenance

Because of his long-term activism in child protection, District Judge John Specia of Bexar County (San Antonio) has brought his team of information technologists into close contact with THE OCA on matters that this grant touches upon. These individuals include and are led by:

- Jeannette Kriewald, Application Development Manager;
- David Morgan, Information Services Director.

During development of the CIP Data Grant proposal, individuals named above and selected individuals from the bodies mentioned above were sent substantially-complete drafts of the grant proposal or were consulted by telephone. Again, as the proposal neared finalization, these parties were again sent the near-final document, with a request for commitments to advisory committees for the various major task areas of the grant activities.

The TexDECK project members believe that activities are best monitored by a set of advisory committees, one of which is general in purview, and others which are specialized. The TexDECK project leads will seek to set these up through a visible and credible authority and populate the committees with interested and knowledgeable members from the Texas child protection community. Every committee will be appointed with members from both the judiciary and from DFPS as well as other entities (such as tribal representatives) as appropriate.

The proposed Grant Advisory Committees are:

- General Grant Advisory Committee
- Functional Requirements Project Advisory Committee
- Judicial Workload Study Advisory Committee
- CPC Software Release Advisory Committee
- Data Interchanges Project Advisory Committee
- Judicial Web Page Project Advisory Committee.

For projects that reach early completion, the advisory committee will cease conducting business after completion of a post-project report. Likewise, certain committees would not come into activity until activity is more imminent. Management of the Texas CIP program and the OCA would collaborate to determine how advisory committees would be appointed.

Three times a year, the OCA will distribute a grant activity newsletter to all Grant Advisory Committee members and to ACF. At least twice each year, OCA management and the project manager will conduct teleconferences to actively solicit input from the several Grant Advisory Committees.

D. Best Practices for Implementing the CIP Data Grant

As recommended by the Pew Commission, Texas will use the CIP Data Grant funds so that the courts and agencies can collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information, leading to better decisions and outcomes for children.²⁴

Texas will also focus its attention and efforts on issues identified through the Texas CIP reassessment,²⁵ Title IV-E Reviews, and strategies discussed in the 2005-2009 Title IV-B Child and Family Services State Plan, and the Texas CFSR Program Improvement Plan.²⁶

- Promote judicial leadership during the reorganization of DFPS and outsourcing of foster care, including the shift of resources to investigations, rather than conservatorship (ongoing casework after DFPS becomes legally involved with a family) and the unfolding contract administrator approach to DFPS;
- Balance timely decisions for children with realistic timeframes for parents with substance abuse problems to satisfy their service plans;
- Provide timely and effective notice and service to incarcerated parents;
- Provide timely access to services such as drug treatment and mental health programs;
- Address the cost to counties of attorneys ad litem for indigent parents in opposition to termination proceedings; and
- Use court orders specific to child protection cases.

²⁴ THE PEW COMM'N ON CHILDREN IN FOSTER CARE, *supra* note 5.

²⁵ Sue Desai Williams, Texas Court Improvement Project Reassessment Report (Nov. 2006) (unpublished report, on file with the Texas Center).

²⁶ Available at http://www.dfps.state.tx.us/About/State_Plan/2005-2009_Plan/22.asp.

IV. CONCLUSION

During the seven months since its inception, the Task Force has successfully met its goals by (i) developing and implementing relevant data elements for reporting purposes, (ii) creating project TexDECK, including a detailed five-year plan outlining the proposed steps to accomplish a uniform statewide case management system, (iii) securing \$608,000 of federal funding for these initiatives, and (iv) recommending best practices for measuring and improving court performance, and encouraging collaboration between the judiciary, DFPS, and community partners.

Although we recognize that systemic reform is challenging, we are proud of the collaborative initiative Texas is undertaking to improve outcomes for children and families in crisis. By fostering strategic partnerships, we hope to improve court practices to positively impact the lives of Texas children who have been abused or neglected.

EXHIBIT A

Misc. Docket No. 06-_____

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 06-_____

ORDER APPOINTING TASK FORCE ON CHILD-PROTECTION CASE MANAGEMENT AND REPORTING

1. At both the state and national level, child welfare reform efforts are underway to improve outcomes for children who have been abused or neglected. As a gatekeeper for families in crisis, the judiciary plays an essential role in improving court practice in child-protection cases.

2. With recent federal foster care reform legislation and revisions to Texas laws, our state courts are taking a more active decision-making role in child abuse and neglect cases. Courts are expected to help ensure that every child secures a safe, permanent, and stable home. It is critical that Texas' child-protection courts have the tools and information needed to fulfill their responsibilities to children and families in a timely and effective manner.

3. Delay is a major obstacle to achieving permanency for abused and neglected children, and the uncertainties that result can exacerbate childhood anxiety and cause long-term effects. While the law requires courts to make timely decisions on child placement, combating delay in proceedings that encompass many stages and participants can be more difficult than in other types of cases. Courts must be able to track children's progress, identify children in need of attention, and identify sources of delay in court proceedings.

4. Effective case-flow management is an essential component of successful and timely permanency planning. With the ability to accurately track and analyze caseloads, courts are empowered to improve outcomes for abused and neglected children. Likewise, courts that implement effective case-flow management and tracking systems are better able to demonstrate areas of need and pursue additional state and federal funding sources.

5. Texas child-protection courts do not have access to a uniform statewide case-management system, nor do they have the ability to share court data with child welfare agencies or other courts. While court clerks are required to report a number of data elements concerning

civil, criminal, juvenile, and family court cases, child-protection cases are not reported as a separate category, making it difficult to accurately allocate, and effectively access, needed resources.

6. Child-protection courts should be equipped with computerized data systems that can effectively manage specific and detailed timetables for the different stages of litigation, spot cases that have been delayed, measure court progress in case-flow management, and identify best practices. Because Texas has a highly mobile population, an integrated tracking system is needed to ensure that courts may properly maintain their oversight role when children and families relocate.

7. In September, 2005, Texas judicial and executive branch leaders attended the National Summit on the Protection of Children. The delegation recommended that the Supreme Court of Texas appoint a Task Force to develop a uniform case-management and tracking system for child-protection cases under the Office of Court Administration, in conjunction with the Texas Judicial Council and the Judicial Committee on Information Technology, and to aid child-protection courts in improving data analysis and collection.

The Court agrees that a uniform statewide case-management and tracking system is essential to optimal permanency planning and improved outcomes for children and families. Accordingly, the Court **HEREBY ORDERS**

The appointment and creation of a Supreme Court Task Force on Child-Protection Case Management and Reporting. The Task Force shall serve as a Subcommittee of the Supreme Court Task Force on Foster Care, which will provide staff and administrative support. The Task Force will:

1. develop a proposed plan for a uniform statewide computerized data system for managing and tracking child-protection cases;
2. recommend meaningful data elements to be tracked that will facilitate the adoption of court best-practice measures and inform decisions about allocating existing, and accessing additional, court resources;
3. explore potential federal and national funding sources to aid implementation of the proposed plan;
4. draft an implementation plan and time line that allows immediate gathering of relevant data and reporting, and establishes long-term goals for a uniform statewide case-management and tracking system; and
5. draft a final report to the Court due no later than October 31, 2006. The report should include:

- a. a summary of progress and challenges the Task Force faced;
- b. a plan for implementation that identifies potential federal and national funding sources;
- c. minutes from each Task Force meeting; and
- d. suggestions of court best practices to improve management and tracking of child-protection cases, including recommendations for collaboration with other courts and child and family welfare agencies.

The following members are hereby appointed:

Catherine Babbitt, Bexar County District Attorneys Office
 Charles Bacarrise, District Clerk, Harris County
 Honorable Jean Hudson Boyd, 323rd District Court
 Mike Bradford, Midland County Commissioner
 Cynthia Bryant, Clinical Professor, University of Texas School of Law
 Honorable Camile Dubose, Associate Judge
 Representative Toby Goodman, Arlington
 Margaret Keliher, Dallas County Judge
 Honorable Patricia A. Macias, 388th District Court
 Diane O'Neal, Clerk, Third Court of Appeals
 Carl Reynolds, Administrative Director, Office of Court Administration
 Carolyn Rodriguez, Casey Family Foundation
 Honorable Dean Rucker, 318th District Court
 Jim Schwab, Ph.D., University of Texas at Austin, School of Social Work
 Honorable John J. Specia, Jr., 225th District Court
 Bill Stoudt, Gregg County Judge
 Linda Uecker, District Clerk, Kerr County
 Terri Ware, Director of Operations, Department of Family & Protective Services
 David Williams, County Attorney, San Saba

The Honorable John J. Specia, Jr., 225th District Court, is designated Chair of the Task Force.

The Honorable Harriet O'Neill, Supreme Court of Texas, is designated as the Court's liaison to the Task Force.

BY THE COURT, IN CHAMBERS, this _____ day of March, 2006.

Wallace B. Jefferson, Chief Justice

Nathan L. Hecht, Justice

Harriet O'Neill, Justice

J. Dale Wainwright, Justice

Scott Brister, Justice

David M. Medina, Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

EXHIBIT B
Minutes of Task Force Meetings

Supreme Court Task Force
On
Child Protection Case Management and Reporting

Minutes of Meeting

10 a.m., April 20, 2006
Texas Center for the Judiciary
1210 San Antonio, Suite 800
Austin, Texas 78701

I. COMMENCEMENT OF MEETING

Judge John Specia called the meeting of the Supreme Court Task Force on Child Protection Case Management and Reporting (the “Task Force”) to order at 10:15 a.m. on Thursday, April 20, 2006 at the Texas Center for the Judiciary.

II. ATTENDANCE OF MEMBERS

The following members of the Task Force were present:

John J. Specia, Jr., Judge, 225th District Court
Catherine Babbit, Bexar County District Attorney’s Office
Mike Bradford, Commissioner, Midland County
Cynthia Bryant, Clinical Professor, University of Texas School of Law
Camile DuBose, Associate Judge
Margaret Keliher, County Judge, Dallas County
Patricia A. Macias, Judge, 388th District Court
Diane O’Neal, Clerk, Third Court of Appeals
Carl Reynolds, Administrative Director, OCA
Carolyne Rodriguez, Casey Family Foundation
Dean Rucker, Presiding Judge, 7th Admin. Judicial Region; Judge, 318th District Court
Jim Schwab, Ph.D., University of Texas at Austin, School of Social Work
Bill Stoudt, County Judge, Gregg County
Terri Ware, Director of Operations, DFPS
David Williams, County Attorney, San Saba County

The following members did not attend:

Toby Goodman, State Representative; Linda Uecker, Kerr County District Clerk; Charles Bacarisse, Harris County District Clerk and Jean Hudson Boyd, 323rd District Court Judge.

Also present were: Justice Harriet O'Neill; Christine Goodman representing Representative Toby Goodman; Navarro County District Clerk Marilyn Greer representing Linda Uecker; Robert Nolen representing Charles Bacarisse; Lisa Hobbs; Andrew Weber; Carole Hurley; Donna Marler; Beth Page; Peter Vogel; Jeannette Kriewald; Dr. David Morgan; Charles Grey; Amy White; Connie Barker; Margaret Bennett; Bruce Hermes and María Elena Ramón.

III. WELCOME AND INTRODUCTIONS

The members of the Task Force introduced themselves and briefly discussed their connection to child protection cases and their experience with data collection regarding these cases.

Judge Specia told the Board that when the Supreme Court Task Force on Foster Care needed to provide statewide data regarding child abuse and neglect cases to the federal government in 1995, a consulting firm had to be hired to collect the necessary data because it was not uniformly collected throughout the State. The number of child abuse and neglect cases has tripled since 1995 and uniform data collection is still not available in Texas. Judge Specia said the purpose of the Task Force on Child Protection Case Management and Reporting is to determine what type of information needs to be collected statewide regarding child protection cases and how it can be reliably reported electronically.

IV. SUPREME COURT VIEW

Justice O'Neill emphasized the importance of the Task Force's charge and hoped that this group would be the first step in seeking cooperation from all levels of state government in addressing child abuse and neglect issues in Texas. To this end, she mentioned the possibility of the Supreme Court creating a multi-disciplinary Commission on Children and Families to serve as an umbrella organization to better equip Texas to approach child abuse and neglect issues from a statewide perspective. She also mentioned that the entire Court strongly supports her efforts in this area of the law as evidenced by the Court's intent to hire an attorney to work exclusively on these projects.

V. EXISTING CONTEXT: JUDICIAL COUNCIL AND JCIT

Carl Reynolds explained that the information on child protection cases collected and published by OCA in its annual report is included in the "other family" category of the clerks' monthly report and the information specific to these cases cannot be extracted. He provided a list of six proposed reporting data elements that OCA plans to send to the clerks of the 20 most populous counties asking them to begin voluntarily collecting this information on child abuse and neglect cases by September 1, 2006. OCA will be able to provide the requested data for the counties that are currently served by OCA's child protection courts. Marilyn Greer said the data could be collected by the clerks but that it would be a burden, especially in counties with heavy caseloads. She agreed that using court staff such as court coordinators to assist with the collection of the data would be very helpful. Robert Nolen said that with minor programming modifications to its case management system Harris County could also comply.

Mr. Reynolds also provided a more detailed list of reporting requirements for the Task Force to consider when developing recommendations for data collection in these cases.

Next, Peter Vogel gave a brief history of the Judicial Committee on Information Technology. JCIT has assisted the appellate courts in developing a standardized case management system and the committee's goal for the next legislative session is to develop a plan to have the state adopt a uniform case management system for the courts.

Charles Gray of the Conference of Urban Counties made a presentation about the TechShare program, a collaboration between member counties' to procure a case management system. Odyssey Court Management System from Tyler Technologies is the software that was selected but it can only be purchased by member counties at this time. The CUC is negotiating with Tyler Technologies to make the software available to non-member counties. Mr. Gray said that Tyler Technologies has agreed to update the Odyssey Court Management System to integrate any state standards that are implemented as well as the Task Force's recommendations.

Beth Page and Donna Marler of the DFPS discussed the data management system used by DFPS. Beth Page said two of the essential data management items for DFPS are the dismissal date and the management of child support issues in these cases. Donna Marler informed the Task Force that the system used by DFPS is called IMPACT (Information Management Protecting Adults and Children). It is a statewide web-based system that was upgraded in 2003. The upgrade was primarily funded by the U.S. Department of Health and Human Services Administration for Children and Families (HHSACF). The HHSACF encourages states to implement systems that allow entities involved in a case, such as law enforcement and contract service providers, to share data with each other. Teri Ware said she will provide the Task Force members a list of the child abuse and neglect case data elements that are available on DFPS's website.

Donna Marler also explained that DFPS exports 30 data elements to a web based system that was funded by the Court Improvement Project and can be accessed by judicial personnel. Judge Specia explained that having aggregate statistical data is very helpful to the judges and that he would like for this system to be expanded.

VI. DISCUSSION OF THE ORDER

The Task Force next discussed the order creating the Supreme Court Task Force on Child Protection Case Management and Reporting. The members agreed that the primary focus of the Task Force is to recommend meaningful uniform data elements and definitions, develop criteria for a case management system that can be used by a court to collect information on child protection cases and assist them in managing their cases, and establish uniform reporting requirements. The members also agreed that the order does not require the Task Force to develop a plan that requires all counties or courts to use one system; the goal is for all entities to be able to collect and report the same information. They also agreed that the system should also be able to capture additional information that would be helpful to a court and address a child's well-being, such as how many schools the child has attended, if the child is enrolled in school, how many medications have been prescribed, and other information related to the child's placement.

Judge Macias mentioned that the publication “Building a Better Court” that is published by the National Conference of Juvenile and Family Court Judges, the American Bar Association and the National Center for State Courts will be very helpful in identifying data elements and reports. It recommends fundamental elements that courts can use to assess their performance in child abuse and neglect cases and discusses best practices. The document can be found on the NCJFCJ’s website at www.ncjfcj.org/images/stories/dept/ppcd/pdf/buildingabettercourt.pdf.

Terri Ware said if the courts were to use a common data element to identify children, then DFPS could interface with and receive information from the courts rather than relying exclusively on case workers. Examples of information that could be shared are the outcome of the hearing and the next hearing date.

The members also discussed the section of the order requiring the Task Force to explore potential federal and national funding sources to aid in implementation of a proposed plan. Ms. Bryant suggested that the Task Force explore methods to provide financial assistance to the smaller counties that do not have software to track this information. Carole Hurley indicated that there are federal funds available to the state Court Improvement Projects specifically for this type of project. She anticipates that Texas will receive approximately \$600,000 per year for the next 3 or 4 years.

Judge Specia designated Mr. Reynolds the lead person on the first two charges of the order dealing with the data elements recommendation and case management system development and Ms. Hurley as the lead on the third charge regarding the identification of funding resources.

In concluding the meeting, Judge Specia said the Task Force members will be provided additional information regarding data elements, case management systems, and performance reporting in child abuse and neglect cases. He also asked Mr. Reynolds and Ms. Hobbs to assist with drafting the report of the Task Force that is due on October 31, 2006 and confirmed that Mr. Reynolds will be sending a letter to the district clerks of the 20 most populous counties requesting that they begin voluntarily collecting information on the data elements presented earlier in the meeting and reporting them to OCA effective September 1, 2006.

VII. NEXT MEETING

The next two meetings of the Task Force were scheduled for June 9, 2006 and August 17, 2006.

ADJOURNMENT

The meeting was adjourned at 1:35 p.m.

**Supreme Court Task Force
On
Child Protection Case Management and Reporting**

Minutes of Meeting

**10 a.m., June 9, 2006
Texas Center for the Judiciary
1210 San Antonio, Suite 800
Austin, Texas 78701**

I. COMMENCEMENT OF MEETING

Judge John Specia called the meeting of the Supreme Court Task Force on Child Protection Case Management and Reporting (the “Task Force”) to order at 10:10 a.m. on Friday, June 9, 2006 at the Texas Center for the Judiciary.

II. ATTENDANCE OF MEMBERS

The following members of the Task Force were present:

John J. Specia, Jr., Judge, 225th District Court
Catherine Babbit, Bexar County District Attorney’s Office
Charles Bacarisse, Harris County District Clerk
Cynthia Bryant, Clinical Professor, University of Texas School of Law
Camile DuBose, Associate Judge
Margaret Keliher, County Judge, Dallas County
Carl Reynolds, Administrative Director, Office of Court Administration
Jim Schwab, Ph.D., University of Texas at Austin, School of Social Work
Bill Stoudt, County Judge, Gregg County
Linda Uecker, Kerr County District Clerk

The following members did not attend:

Jean Hudson Boyd, 323rd District Court Judge; Mike Bradford, Commissioner, Midland County; Toby Goodman, State Representative; Patricia A. Macias, Judge, 388th District Court; Diane O’Neal, Clerk, Third Court of Appeals; Carolyne Rodriguez, Casey Family Foundation; Dean Rucker, Presiding Judge, 7th Admin. Judicial Region; Judge, 318th District Court; Terri Ware, Director of Operations, Department of Family and Protective Services; and David Williams, County Attorney, San Saba County.

Also present were: Justice Harriet O’Neill; Christine Goodman representing Representative Toby Goodman; Judge Kim Brown representing Judge Jean Boyd; Donna Marler and Beth Page representing Terri Ware; Robert Nolen; Barry Brooks; Jeannette Kriewald; Jody Smith; Tiffany Roper; Lisa Hobbs; Carole Hurley; Ginny Wood; Margaret Bennett; Bruce Hermes; Mary Cowherd; Angela Garcia; Charlie Yates; Pamela Kopfer; and María Elena Ramón.

IV. WELCOME AND INTRODUCTIONS

The Task Force members briefly introduced themselves and Judge Specia summarized the issues discussed at the April 20, 2006 meeting of the Task Force.

V. APPROVAL OF MINTUES

Judge Specia asked the Task Force members to review the minutes of the April 20 meeting for approval at the conclusion of the meeting.

V. REPORT ON FUNDING

Carole Hurley informed the Task Force that the U. S. Department of Health and Human Services Administration for Children and Families (ACF) has funds available for two additional Court Improvement Project grants for fiscal years 2006 through 2010. The two new grants are for: 1) data collection and analysis, to help ensure that foster children's needs for safety, permanency and well-being are met in a timely and complete manner; and 2) training judges, attorneys, and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors. Although the grant instructions have not been released, the ACF anticipates that the grant deadline will be August 1, 2006. If awarded the grants, Texas will be eligible to receive approximately \$560,500 for each grant in fiscal year 2006 for a total of \$1,121,000.

The Task Force briefly discussed some of the projects that could be developed with this funding and the need to avoid duplication of work completed or currently being developed by other states. The Task Force also agreed that a committee should be appointed to assist Ms. Hurley with drafting a grant proposal.

VI. REPORT ON CASE INFORMATION REPORTING

Special Request to District Clerks

Angela Garcia reported to the Task Force that OCA has sent a letter to the district clerks of the 20 most populous counties in the state requesting that they voluntarily report certain data regarding the child protection cases pending in their counties. The letter and the reporting data elements were reviewed by the Task Force at its last meeting.

Ms. Garcia reminded the Task Force that OCA will report the data for the 125 counties that are served by an OCA child protection court. The reports for these counties will be generated by OCA's Specialty Docket Case Management System (SDCMS). She also said that 8 of the 20 most populous counties are served by a child protection court so the district clerks in those counties will not have to provide this information.

Ms. Garcia noted that only 117 counties with a combined population of 3,695,597 (16.4% of the state's population) would not be represented in the reporting. Ms. Lisa Hobbs pointed out that if the 12 counties with a population of 100,000 or more are requested to participate, only approximately 9% of the state's population will not be represented in the report. Mr. Reynolds said that OCA would request the district clerks of the 12 identified counties to participate in the voluntary reporting.

Judicial Council Committee on Judicial Data Management/OCA Judicial Data Workgroup

Mary Cowherd informed the Task Force members that the OCA Civil District Court Data Sub-Workgroup is currently reviewing the civil data elements reported in the District Court Monthly Report to determine whether any data elements should be added, modified or eliminated. The recommendations of this sub-workgroup will be presented to the Judicial Council Committee on Judicial Data Management for its consideration and possible adoption. She provided the Task Force with the 2004 Review of Criminal Data Elements: Texas District Courts report completed by the OCA Criminal District Court Data Sub-Workgroup. She said that the Civil District Court Data Sub-Workgroup plans to complete a similar report. The Task Force members discussed the need for the Task Force to coordinate with the Civil District Court Data Sub-Workgroup to ensure that the data elements identified for child protection case reporting are consistent with the Task Force's recommendations and that a duplicate reporting scheme is avoided.

Future Reporting Proposal

Ms. Garcia provided the Task Force with a reporting document she developed that lists and defines 19 data elements that can be used for future reporting of information regarding child protection cases. The data elements and definitions were originally provided to the Task Force at its April 20 meeting. The current version incorporates suggestions made to Ms. Garcia by Task Force members.

The Task Force briefly discussed the document and agreed that a committee should be appointed to review the draft and provide a final recommendation to the Task Force.

VII. REPORT ON CHILD PROTECTION COURT CASE MANAGEMENT

Charlie Yates provided a brief overview of the design requirements and functionality of the SDCMS developed by OCA and used by its specialty courts. Judge Camile DuBose described how her court uses the SDCMS. She also provided screen shots of the various screens provided in the SDCMS and explained how the data fields are used and the various options that are available to the user.

Several of the Task Force members asked if it was possible for the SDCMS to be used by non-OCA staff. Bruce Hermes, OCA's Director of IT, explained that the software had not been designed to be used as a stand alone system and that even if it could be redesigned to do this, he was not certain if the software design was adequate for that purpose.

After a brief discussion, it was decided that representatives from Dallas, Harris and Bexar counties would review the SDCMS and report to the Task Force their initial impressions and discuss the need for establishing a workgroup to determine whether it is feasible to use the system on a statewide basis.

VII. INTERSECTION BETWEEN CHILD SUPPORT AND CHILD PROTECTION CASES

Barry Brooks of the Office of the Attorney General informed the Task Force that there are approximately 10,500 child support cases in which the DFPS or "foster care" is designated as the payee. He discussed the issues that arise when parties involved in child protection cases also have pending child support cases or have established child support orders. Examples of some of these issues are: identifying the court of continuing jurisdiction; determining disposition of arrears payments when the child support order is modified by the judge hearing the child protection case; ensuring that the employer indicates the new child support order on its withholding payment so that proper credit and payment is given; ensuring that modified orders are clear so that the OAG can determine the amount each parent owes; ensuring that when the child protection case is concluded a final order is issued as opposed to a dismissal order which can have the effect of also dismissing the child support order.

The Task Force members discussed the need for judges to have access to OAG data in order to confirm the existence of a child support order or pending child support case. They also agreed that the OAG should continue to be included in the Task Force's discussions.

IX. REPORT ON DATA SHARING

Mr. Reynolds reported that he and OCA staff had met with DFPS to discuss possible methods for exchange of data between OCA and DFPS. He also said that in the next 18 to 24 months DFPS plans to discontinue hosting the Judicial Web Page. The Judicial Web Page was created with CIP funds and contains approximately 30 data elements that are transferred from the DFPS IMPACT system to the web page twice a week and can be accessed by the judiciary. It has not been decided who will maintain the Judicial Web Page in the future.

Judge Specia requested that DFPS provide a demonstration of its IMPACT system at the Task Force's next meeting.

Mr. Reynolds provided the members a brief summary of various national projects involving data exchange and extensible markup language (XML). Some of the initiatives he mentioned are the Global Justice XML Data Model, National Information Exchange Model and the Child Welfare XML Data Workgroup. The Task Force discussed the challenges of data exchange and the need to have a common understanding of what each data element or "tag" means. Developing the definitions is the most challenging aspect of XML. The Task Force members agreed that their recommendations and final report need to be drafted so as not to impede or discourage the use of XML for data exchange in the future.

VIII. ASSIGNMENTS AND NEXT STEPS

The Task Force appointed the following individuals to assist Carole Hurley in preparing the application for the CIP technology grant: Bruce Hermes, María Elena Ramón, Cynthia Bryant and Judge Kim Brown.

Judge Specia also asked Jeannette Kriewald to review and evaluate the OCA SDCMS and report on how it compares to the software applications already implemented or in the process of being developed in the larger counties. Judge Keliher asked that OCA present the SDCMS to her staff in Dallas County. Judge Brown said that she would attend the meeting in Dallas.

Judge Specia appointed the following individuals to serve on a committee to identify and define the child protection case data to be reported by the district clerks: Linda Uecker, Donna Marler, Catherine Babbit, Charles Bacarisse, Camille DuBose, Charlie Yates and María Elena Ramón. Ms. Ramón was named the chair and the committee was instructed to define the committee's charge prior to the next meeting of the Task Force.

The Task Force members discussed the distinction between data elements for reporting and data elements for data sharing and court case management. The members agreed that the child protection case data committee needs to coordinate with the OCA Civil District Court Data Sub-Workgroup.

Judge Specia agreed to work with Mr. Reynolds with the preparation of the Task Force's final report. Justice O'Neill, Judge Specia and Carole Hurley also agreed to help Mr. Reynolds contact other states to determine what child protection case management or data sharing initiatives have been developed in other states.

Justice O'Neill suggested a workgroup be created to look into the child support issues raised by Barry Brooks. Ms. Bryant noted that the OAG and DFPS meet occasionally to discuss child support issues that need to be resolved. It was agreed that Beth Page and Barry Brooks would report to the data reporting committee issues that they agree may be helpful to consider when defining data elements or developing system software requirements. Mr. Reynolds also suggested that some of the issues they identify should also be considered for judicial training topics.

XI. NEXT MEETING

The next meeting of the Task Force will be held from 2 p.m. to 6 p.m. on August 17, 2006. It will be held at the Marriot Rivercenter in San Antonio, Texas.

XII. ADJOURNMENT

The meeting was adjourned at 1:40 p.m.

**Supreme Court Task Force
On
Child Protection Case Management and Reporting**

Minutes of Meeting

**2 p.m., August 17, 2006
Marriott Rivercenter
San Antonio, Texas**

I. COMMENCEMENT OF MEETING

Judge John Specia called the meeting of the Supreme Court Task Force on Child Protection Case Management and Reporting (the “Task Force”) to order at 2:05 p.m. on Thursday, August 17, 2006 at the Marriott Rivercenter in San Antonio, Texas.

II. ATTENDANCE OF MEMBERS

The following members of the Task Force were present:

John J. Specia, Jr., Judge, 225th District Court
Jean Hudson Boyd, 323rd District Court Judge
Camile DuBose, Associate Judge
Patricia A. Macias, Judge, 388th District Court
Carl Reynolds, Administrative Director, Office of Court Administration
Dean Rucker, Presiding Judge, 7th Admin. Judicial Region; Judge, 318th District Court
Jim Schwab, Ph.D., University of Texas at Austin, School of Social Work
Linda Uecker, Kerr County District Clerk
Terri Ware, Director of Operations, Department of Family and Protective Services
David Williams, County Attorney, San Saba County

The following members did not attend:

Catherine Babbit, Bexar County District Attorney’s Office; Charles Bacarisse, Harris County District Clerk; Mike Bradford, Commissioner, Midland County; Cynthia Bryant, Clinical Professor, University of Texas School of Law; Toby Goodman, State Representative; Margaret Keliher, County Judge, Dallas County; Diane O’Neal, Clerk, Third Court of Appeals; Carolyne Rodriguez, Casey Family Foundation and Bill Stoudt, County Judge, Gregg County.

Also present were: Justice Harriet O’Neill; Kristi Taylor; Robert Nolen representing Charles Bacarisse; Barry Brooks; Jeannette Kriewald; Melody Ackerman; Ginny Wood; Terri Moran; Associate Judge Karin Bonicoro; Associate Judge Andy Hathcock; Constance Barker; Margaret Bennett; Bruce Hermes; Charlie Yates; Tina Holmes and María Elena Ramón.

VI. WELCOME AND INTRODUCTIONS

The Task Force members briefly introduced themselves.

VII. APPROVAL OF MINTUES

On motion made by David Williams, seconded by Judge Macias, the minutes of the April 20 and June 9 meetings of the Task Force were approved.

V. REPORT ON DATA MANAGEMENT GRANT PROPOSAL

Bruce Hermes of the Office of Court Administration (OCA) reviewed the Data Collection and Analysis Grant Application prepared by Bruce Hermes and submitted by the Court Improvement Program (CIP) to the U. S. Department of Health and Human Services Administration for Children and Families. Cynthia Bryant, Judge Kim Brown, Carole Hurley and María Elena Ramón assisted Mr. Hermes in preparing the grant application. The grant application requests \$560,400 for the first year of the proposed grant project.

The goal of the data project, named TexDECK (Texas Data Enabled Courts for Kids), is to integrate information for the courts, Child Protective Services and related government entities in order to help the courts and agencies work efficiently and effectively. Although the initial grant application is for one year of funding, the TexDECK project is a five-year project that consists of selecting a project manager, re-platforming the Judicial Web Page Query System, developing functional requirements for a docket management system for judges who hear child protection cases, conducting data interchange studies, and upgrading the OCA's Specialty Docket Case Management System (SDCMS).

Mr. Hermes also informed the Task Force that he had presented the grant application to the Judicial Committee on Information Technology (JCIT). He said that some of the JCIT members were concerned about OCA pursuing the development of a case management system. The Task Force members clarified that they want to help the courts by providing a product that the judges can use to monitor their caseload. The TexDECK project is not intended to provide a case management system that will be used by the district clerks.

VI. REPORT ON SPECIALTY DOCKET CASE MANAGEMENT SYSTEM

Jeannette Kriewald informed the members that she had conducted a fit gap analysis that evaluated the ability of Odyssey System developed by Tyler, CourtView developed by Maximus and the SDCMS developed by OCA to meet Bexar County's business needs for civil case management.

Bexar County's conclusion is that CourtView meets 95% of the county's needs. The SDCMS only meets 20% of the county's needs. The OCA system was specifically created to provide basic functions. It does not include advanced functions such as electronic filing and signatures. Because of the narrow scope of the SDCMS functions, Bexar County will not be able to utilize the SDCMS as its civil courts case management system.

VII. REPORT FROM COMMITTEE ON BEST PRACTICES IN REPORTING AND CASE MANAGEMENT

María Elena Ramón presented the committee charge developed by the Committee on Best Practices in Reporting and Case Management. The primary task of the committee is to identify and concisely define child protection case data elements to be reported to OCA on a statewide basis. The charge also tasks the committee with developing a high-level functional requirements framework and data elements for a model child protection system and to identify data suitable for information exchange between the courts and DFPS.

Ms. Ramón reported that the committee recommends that the proposed reporting form provided to the Task Force at its last meeting be amended by omitting Number 8 “Dismissed by court after evidentiary hearing.” Because dismissals without evidentiary hearings are rare, the committee felt that a general “dismissal” category was sufficient. The Task Force agreed.

After a discussion regarding the problems clerks may encounter in reporting hearing information, the Task Force agreed that Number 15 “Mandatory hearings conducted within statutory timeframes” should be removed from the reporting form. Ms. Ramón reminded the members that the voluntary reporting that OCA has requested counties with populations of 100,000 or more to provide includes hearing information. She recommended that the Task Force wait to make a final decision on eliminating Number 15 until after OCA has evaluated the information that the counties will be voluntarily reporting.

Robert Nolen reported that Harris County had run a preliminary report on the six data elements requested on the voluntary report. Although their system does not track hearings either, they were able to complete the report by assuming that if an order date had been entered, the hearing had occurred on that date.

The Task Force also agreed that the report should not include Numbers 16 and 17 that require the clerks to report averages and will have limited value for statewide reporting purposes. Instead the committee suggested that two additional reporting elements be added: one to capture the number of extensions granted during the reporting period and another to capture the number of dispositions that had occurred within 6, 12, 18 and 18 or more months from date of filing. The members also asked Ms. Ramón to include a data element that will capture the number of cases that remain on a judge’s docket after a final order has been entered that require placement review hearings.

Linda Uecker said that she and Charles Bacarisse will ask to speak at one of the County and District Clerks Association conferences to inform the clerks about the Task Force’s mission and the necessity of reporting information on child abuse and neglect cases. Kristi Taylor and Ms. Ramón agreed to prepare language that can be included on the reporting form that will also explain why the information is necessary.

IX. MEASURING COURT PERFORMANCE

Ginny Woods of the Court Improvement Project drafted an executive summary of the Building a Better Court report for the Task Force members. Kristi Taylor reviewed the main points of the report. It is designed to help courts improve performance by measuring court performance and judicial workload needs and uses the goals from the federal requirements of the Child and Family Service Reviews in assessing court performance. Ms. Taylor explained that the guide addresses focuses on judicial workload and four categories of court performance measures: safety, permanency, due process and timeliness. The Task Force has focused on the timeliness aspect of court performance, but Ms. Taylor stated that the other issues also need to be addressed. The Task Force members agreed that the October 31 report should state that the other aspects of court performance still need to be addressed and may require the input of additional committees.

Ms. Taylor discussed the possibility of using a survey to collect information that addresses the other court performance measures. She said that the National Children's Law Network of Philadelphia requires its attorneys who handle these cases to complete a questionnaire about topics that would not ordinarily be known by the clerk, such as barriers to service, CASA representation, etc. The Task Force discussed reviewing the questionnaire to determine if a similar survey could be utilized in Texas.

Ms. Taylor provided a summary of the Toolkit, a product intended to be used in conjunction with the guide to assess court performance in child abuse and neglect cases. She said that Dr. Gatowski of the National Conference of Juvenile and Family Court Judges has worked on the Toolkit and that The Task Force has invited her speak to the Task Force regarding the Toolkit at one of its future meetings.

Ms. Taylor also mentioned that the National Evaluation of the CIP and the CIP Reassessment both evaluate the courts' performance in child abuse and neglect cases and will provide valuable information.

X. CHILD SUPPORT COLLECTIONS ON DFPS CASES

Barry Brooks of the Office of the Attorney General (OAG) clarified the information he provided at the June 9 meeting of the Task Force regarding the distribution of child support payments in cases in which a child is in the conservatorship of the Department of Family and Protective Services (DFPS) and is also the subject of a child support order. There are three types of foster care: Type 08 – federally funded foster care, Type 10 – state paid foster care and Type 09 – relative care foster care. In Type 08 cases 60% of the support collected by the OAG goes to the federal government, 20% stays with the OAG and 20% goes to DFPS for distribution to the foster care provider. In Type 10 cases 50% of the support collected stays with the OAG and 50% goes to DFPS for distribution to the foster care provider. In Type 09 cases 100% goes to DFPS for further distribution to the foster care provider. The OAG makes a monthly distribution at the end of the month regardless of when the money is received. It is essential that DFPS provide the correct information to the OAG in order to ensure that the correct distribution is made.

All transfers of child support between the OAG and DFPS are made pursuant to a memorandum of understanding between the two agencies. Mr. Brooks said that if a court wants support to be paid to a temporary possessory conservator, the order should say that it is payable to DFPS and that DFPS will forward payment to the temporary conservator. He said a committee of OAG and DFPS staff has drafted model orders to address this issue but that not all attorneys or judges who work on these cases are familiar with them.

Mr. Brooks also told the Task Force that information indicating whether a father has already signed an Acknowledgement of Paternity can be accessed by a new faxware number and email address (aopinfo@cs.oag.state.tx.us) that the OAG has established to provide this information. This will cut down on unnecessary genetic testing in cases where an Acknowledgement of Paternity already exists. He also said that he is working on providing judges who hear child protection cases access to the OAG data mark internet based portal access system. This will enable judges to determine whether the children involved in a CPS case are the subject of an existing child support order or active child support case.

XI. TASK FORCE REPORT DRAFT/ASSIGNMENTS AND NEXT STEPS

Carl Reynolds told the members of the Task Force that he and Ms. Taylor will have a draft report prepared by the next meeting.

Judge Specia said he would like to have Dr. Gatowski make a presentation to the Task Force. She has been working on the Toolkit and has agreed to provide technical assistance to the Task Force. If she is not able to attend the next meeting, a separate meeting will be scheduled for her to make a presentation on the Toolkit and the Task Force members who can attend will be welcome.

XII. NEXT MEETING

The next meeting is scheduled for September 29, 2006. Mr. Reynolds indicated he will not be able to attend on that date. Judge Specia asked Ms. Ramón to poll the members and determine if the meeting can be held on another day. The next meeting will be held in late September or early October in Austin, Texas.

XIII. ADJOURNMENT

The meeting was adjourned at 5:15 p.m.

(DRAFT)
Supreme Court Task Force
On
Child Protection Case Management and Reporting

Minutes of Meeting

10 a.m., September 26, 2006
Texas Law Center
Austin, Texas

I. COMMENCEMENT OF MEETING

Judge John Specia called the meeting of the Supreme Court Task Force on Child Protection Case Management and Reporting (the “Task Force”) to order at 10:20 a.m. on Tuesday, September 26, 2006 at the Texas Law Center in Austin, Texas.

II. ATTENDANCE OF MEMBERS

The following members of the Task Force were present:

John J. Specia, Jr., Judge, 225th District Court
Catherine Babbit, Bexar County District Attorney’s Office
Mike Bradford, Commissioner, Midland County
Cynthia Bryant, Clinical Professor, University of Texas School of Law
Camile DuBose, Associate Judge
Diane O’Neal, Clerk, Third Court of Appeals
Carl Reynolds, Administrative Director, Office of Court Administration
Jim Schwab, Ph.D., University of Texas at Austin, School of Social Work
Linda Uecker, Kerr County District Clerk

The following members did not attend:

Charles Bacarisse, Harris County District Clerk; Jean Hudson Boyd, 323rd District Court Judge; Toby Goodman, State Representative; Margaret Keliher, County Judge, Dallas County; Patricia A. Macias, Judge, 388th District Court; Carolyne Rodriguez, Casey Family Foundation; Dean Rucker, Presiding Judge, 7th Administrative Judicial Region, Judge, 318th District Court; Bill Stoudt, County Judge, Gregg County; Terri Ware, Director of Operations, Department of Family and Protective Services and David Williams, County Attorney, San Saba County.

Also present were: Justice Harriet O’Neill; Kristi Taylor; Associate Judge Kim Brown representing Judge Jean Hudson Boyd; Robert Nolen representing Charles Bacarisse; Donna Marler representing Terri Ware; Tina Amberboy; Carole Hurley; Ginny Wood; Terri Moran; Margaret Bennett; Bruce Hermes; and María Elena Ramón.

VIII. WELCOME AND INTRODUCTIONS

The Task Force members briefly introduced themselves. Carl Reynolds told the members that he will be attending a meeting of the Conference of State Court Administrators in November. One of the agenda items is a discussion of the state's projects that will be funded with the Court Improvement Project (CIP) grants for data collection and training. He said some of the states may want to collaborate on the projects they plan to undertake.

IX. APPROVAL OF MINTUES

On motion made by Cynthia Bryant, seconded by Judge Camile Dubose, the minutes of the August 17, 2006 meeting of the Task Force were approved.

V. REPORT ON GRANT FUNDING

Carole Hurley announced that CIP was awarded \$609,000 for the TexDECK (Texas Data Enabled Courts for Kids) project grant proposal that CIP submitted in August. The grant was awarded to CIP by the U.S. Department of Health and Human Services, Administration for Children and Families (ACF). CIP has two years to expend the funds.

The Task Force discussed the need to install a project manager for the TexDECK project as soon as possible to begin coordinating the planned activities. Mr. Reynolds also mentioned that the National Center for State Courts (NCSC) is hosting a training/strategic planning session that will address the implementation of projects with the new training and data collection and analysis grant funds.

VI. DEMONSTRATION OF DFPS'S IMPACT SYSTEM

Donna Marler of the Department of Family and Protective Services (DFPS) demonstrated the IMPACT (Information Management Protecting Adults and Children in Texas) system, DFPS's data management system. The IMPACT system is a state-wide, web based system that DPFS workers use to enter information on pending DFPS cases. The members discussed possible data elements that can be shared between the courts and the IMPACT system. One of the concerns with the information captured in IMPACT is the amount of time that elapses from the time the information is available to the time it is entered into the system by case workers in the field. Ms. Marler said that DFPS is providing caseworkers with tablet PCs so that they can make notes as the information is made available and then immediately relay the information to the IMPACT system. This should increase the timeliness of data reporting.

VII. PEW SUMMIT ACTION PLAN

Kristi Taylor briefed the Task Force on the action plan that Texas developed after Chief Justice Jefferson, Justice O'Neill, Judge Specia, Carl Reynolds and other Texas representatives attended the Pew Commission National Judicial Leadership Summit held in September 2005. Texas' action plan will be included as an exhibit to the Task Force's final report. In an attempt to keep the states' action plans active, the NCSC regularly surveys state court administrators regarding the states' progress on their action plans. The Task Force agreed that it is an important tool to

document the progress made in this area and the members agreed to provide relevant project information to keep the action plan current.

XII. FUTURE REPORTING RECOMMENDATIONS

Ms. Ramón reviewed the changes that were made to the proposed child protection data report based on the recommendations made by the Task Force at its last meeting. She provided the Task Force a revised form that includes the following: 1) a new data reporting element that captures the number of dispositions that occur within 6, 12, 18 and 18 or more months from date of filing, 2) the number of cases that are pending that are subject to a placement review hearing, and 3) the number of extensions granted every month.

Ms. Ramón also indicated that the revised form no longer contains the following items: 1) “Dismissed by court after evidentiary hearing,” 2) “Mandatory hearing conducted within statutory timeframes,” 3) Average time from filing of original petition to adjudication,” and 4) Average time from filing of original petition to issuance of final order.”

Kristi Taylor circulated a general statement that could be added to the report. The members also discussed the need to add information on the definitions page discussing the need for the various data elements.

XIII. OCTOBER 31 REPORT DRAFT

Ms. Taylor presented a draft final report to the Task Force members. Various members made suggestions for additions to the document. The members agreed to provide additional comments by Friday September 29. A revised draft will be circulated among the members the following week.

X. ASSIGNMENTS AND NEXT STEPS

The Task Force discussed future work to be conducted by the committee. It was recommended that a committee be appointed to serve as an oversight or steering committee for the data grant work.

XI. NEXT MEETING

The members discussed possibly having a meeting in December to discuss the following items: 1) review voluntary data reporting being submitted to OCA by the district clerks; 2) review additional directives provided by the Supreme Court in response to the Task Force’s final report; 3) discuss any other feedback regarding the report; 4) information gathered at the NCSC strategic planning/training session for the CIP grants; and 5) report on data grant implementation progress.

XII. ADJOURNMENT

| The meeting was adjourned at 1:50 p.m.

EXHIBIT C
CIP Data Collection and Analysis Grant Application

Background

Texas has received the basic CIP grant since the inception of the federal CIP grant program. The Supreme Court of Texas, the state's highest court, appointed the Supreme Court Task Force on Foster Care to serve as an advisory body to the project, and to provide oversight. The grant is administered by the Texas Center for the Judiciary pursuant to an agreement with the Supreme Court of Texas.

The Texas Center for the Judiciary (Texas Center), a 501(c)(3) organization, is primary provider of specialized judicial education and training opportunities for Texas appellate, district, and county court at law judges. The mission of the Texas Center, *Judicial Excellence Through Education*, is exemplified by strong staff leadership in education and training so that a qualified and knowledgeable judiciary and staff may administer justice with fairness, efficiency and integrity. In the case of the Data Collection and Analysis Grant, the Texas Center is partnering with the Texas Office of Court Administration, a judicial agency which has a long history of providing information technology applications, networking, and information to the Texas judiciary, including targeted services for child protection courts. The synergy created by combining CIP Data Collection and Analysis Grant funds with the experienced and dedicated staff of OCA and the Texas Center will enable Texas to achieve statewide meaningful collaboration among all stakeholders in the child welfare system.

Description of the Data Collection and Analysis

The Texas Project:

“Texas Data-Enabled Courts for Kids”

TexDECK

The TexDECK Project strives to integrate information for the child protective agency, the court, and related government entities in order to help courts and DFPS work quickly and correctly to protect children. TexDECK will establish data interchange standards and provide software tools to facilitate the work of judges and DFPS as they collaborate to improve safety, permanence and well-being of the children of Texas.

In 2006, the Texas Supreme Court, recognizing the need to create a unified system of data collection and analysis in child protection cases, created the Texas Supreme Court Task Force on Child Protection Case Management and Reporting. This Task Force supports the application of the Texas OCA for this five-year grant, in hopes that improved data collection, analysis, and sharing in Texas in turn improves outcomes for our foster care youth.

In Texas, there are 231 judges who hear child protection cases in 254 counties, in district and county courts. The sheer number of child protection courts, the manner in which these courts are funded, and the large geographical size of the state present real challenges in improving data sharing.

For the most part, Texas counties bear the costs of maintaining courts within their jurisdictions. In fact, Texas is one of eleven states classified as having the most decentralized funding of trial courts²⁷. And having more county funding authorities than any other state, Texas may have the single most fragmented assemblage of trial courts in the U.S.

In contrast to states with more centralized court funding and administrative authority structures, Texas must develop a working data sharing and analysis model based on inclusive efforts at consensus-building and understanding how to accommodate the unique jurisdictional circumstances in 254 counties, which at the extremes, lie as far as 830 miles apart.

Although the Texas Constitution and the state's geography create singular barriers to unified data collection, sharing, and analysis, Texas experiences the same issues with child welfare as other states do. The Texas Department of Family and Protective Services reports, for example, that there were 265,349 Texas children in investigations during state fiscal year of 2005.²⁸

In spite of the challenges already described, Texas is fortunate to have members of the judiciary and child welfare professionals dedicated to improving its child welfare system, and in fact has a head-start in child protection courts in place now. For a number of years, Texas has had a successful system of child-protection "specialty courts" which share common leadership and common technology provided through a shared support organization. These fifteen "cluster courts" (their original name, because they serve a cluster of counties) were established with Court Improvement Project funds in 1997, and now cover roughly half the counties in the state, including some of the state's most rural counties, as well as a number of moderately populous counties. The specialty courts hear cases across geographically, socially, and economically diverse regions of the state. Judges and court staff travel daily, with the largest jurisdictions holding court at locations up to 200 miles apart, in areas of between three and 23 counties.

These Child Protection Specialty Courts use data collection and analysis software provided by the Texas Office of Court Administration (OCA), a state judicial agency with offices in Austin. The software, known as the Specialty Docket Case Management System (SDCMS), is installed on laptops carried by the specialty court associate judges as they travel their circuits.

The Child Protection Specialty Courts held 20,998 hearings in state fiscal year 2005, and rendered 3,744 final orders, with the case data entered into SDCMS. The fifteen SDCMS installations periodically migrate case data to the OCA office during the evenings, enabling a single repository for statewide reporting and a live backup site.

²⁷ Byrnes, Susan. State Funding of Trial Courts: Minnesota's Transition Experience. 2004. Pg 54. Available at http://www.ncsconline.org/D_ICM/ResearchPapers2004/Byrnes,Susan.pdf.

²⁸ Texas Department of Family and Protective Services. 2005 Data Book. Available at http://www.dfps.state.tx.us/About/Data_Books_and_Annual_Reports/2005/databook/default.asp

Because of the experience gained providing a custom child protection case management system, supporting fifteen geographically-separated courts and judges, Texas has developed a depth of domain expertise that makes it uniquely prepared to create a model implementation of broadly integrated data collection and analysis programs, especially among states with decentralized court systems.

The activities Texas has envisioned for this grant project will give judges and DFPS tools and information to better monitor case progress, giving them resources they need to provide for better case outcomes. By so doing, Texas brings to the judiciary strong automation tools such as the state agency (the Texas Department of Family and Protective Services) already relies on to quickly move children to permanency. By creating a protocol for exchange and sharing of information, the judiciary and the agency will be able to work in concert to strengthen families. Even as cases are unfolding in a timely manner, the tools provided by this project will provide judges and case workers with complete status of the case as the court has worked it to date. Use of the products of the grant activities will enhance the communication and exchange between the state agency and the judiciary. This improved communication will give judges information needed to better protect children from ongoing abuse and neglect, that once could only be brought forward by the case worker..

As we elaborate our project plans, we will finalize timelines for targeted improvements in specific measures in the Child and Family Service Reviews and IV-E Reviews, where automation from this project can create those improvements. Judge John Specia, Chairman of the Task Force on Child Protection Case Management and Reporting²⁹, will have this topic on the agenda for discussion at the August 17 meeting of the Task Force.

The TexDECK project will also inform and be coordinated with other initiatives. Notably, Texas is receiving in-depth technical assistance from the National Center for Substance Abuse and Child Welfare in a project known as the Texas Partnership for Family Recovery, which involves cross-system coordination, including data sharing by courts and the child welfare agency with substance abuse agencies and providers. In addition, the OCA is pursuing a statewide weighted caseload study that will include child protection courts and report important workload and performance measures.

Further, the TexDECK project will benefit from an ongoing relationship with the Center for Public Policy Priorities (CPPP). CPPP is the Texas partner of *Home At Last: Moving Children in Foster Care to Safe, Permanent Families (HAL)*, an initiative of The Pew Charitable Trusts. CPPP Executive Director F. Scott McCown, a retired state district judge, provided OCA with input in the development of this grant proposal.

²⁹ Judge Specia's involvement deserves further elaboration. He is also the chair of the Supreme Court Task Force on Foster Care (the entity that administers CIP funding in Texas), a trustee of the National Council of Juvenile & Family Court Judges, and the founding chair and still a member of the Texas Bar Association Committee on Child Abuse and Neglect, among other professional accomplishments.

Finally, the chairman of the Supreme Court Judicial Committee for Information Technology, Mr. Peter Vogel, has spoken at the Task Force to offer JCIT's assistance. OCA acts as JCIT's support organization, so this partnership is at the ready to engage in grant activities.

TexDECK Activities for FY2006

TexDECK will encompass the five-year period of the grant, starting immediately. During the first year of the grant period, TexDECK plans to begin and complete a short-range project and begin a strategic project, with the goal of completing at least one component of the strategic project, so that its product would have value independent of the further value added in years two through four.

Three main activities are planned for the first year:

- Select and contract with a part-time project manager to augment OCA management
- Re-platform the existing "Judicial Web Page" query system for judges, so that they may monitor child protection case progress
- Perform and document site visits to courts to collect case management functional requirements.

In large part, TexDECK plans to accomplish its plans through the use of current staff and hiring of contractors paid by deliverable or for time and materials. This approach better establishes knowledge in the permanent staff, rather than in temporary staff who, when a job is done and funding ceases, must leave with their knowledge. Additionally, our plan utilizes persons with state government experience as well as understanding of child protection policy, administration, and automation.

The following sections will describe the first-year activities in greater detail.

Install Project Manager (Year One)

While the proposed work is an extension of existing capabilities and successes in Texas, it is also an expansion of staff duties and management oversight needs. Consequently, the employment of a professional project manager, who agrees with the project vision and focus, will assure that what TexDECK achieves is valuable in Texas, in Washington, D.C., and throughout the U.S.

Thus, Texas proposes to enlist a contracted part-time project manager with broad experience in the court business domain and technical knowledge of XML (extensible markup language) data interchange to meet with management and project staff periodically and guide the project. Texas expects the project manager to participate in making connections between the TexDECK project and similar efforts in other states and nationally, helping Texas project management to establish a two-way flow of knowledge. We plan for the project manager to work onsite or at various Texas court sites for the majority of the billed hours.

Software Functional Requirements in Year One

On June 9, 2006, at a meeting of the Texas Supreme Court Task Force on Child-Protection Case Management and Reporting, the Texas OCA demonstrated the SDCMS. Although the enthusiastic response to the case management system for the fifteen cluster courts was gratifying, the Task Force and OCA understand that many other courts may have additional requirements unique to their jurisdictions and to general-jurisdiction courts. Therefore, the TexDECK project proposes to identify all Texas courts handling child protection cases and conduct a broad review of functional and nonfunctional requirements for child protection case management. Though we cannot visit every court in this effort, we will design a means to visit a representative sampling and request comments from all.

TexDECK will have a long-term goal of publishing the Child Protection Case Management Software Functional Requirements on the Internet and alert case management software vendors to their existence. This goal will come to fruition during later years of the grant, building on the activities performed during the first year.

Work on software functional requirements is a strategic investment. This investment addresses the work of child protection courts at a systems level that will lead later to creation of a comprehensive case management system that provides numerous tools to judges to improve several areas of performance reflected in the CFSR. Software tools that will later be the “grandchildren” of this work will enable judges to have full case process data, integrated with other courthouse systems, with parties aware of their need to appear--all resulting in well-informed judges performing their adjudicatory duties on schedule and in a manner that gives children the protection they need.

Functional Requirements Activities to be completed by end of Year One

- Engage one or several consultants with court domain knowledge.
- Enlist courts to participate in the study.
- Conduct multiple joint application design sessions or onsite work studies to uncover functional requirements.
- Prepare reports from each court visited.
- Report findings to Task Force, Supreme Court of Texas, ACF, CIP, and Texas Judicial Council.

Judicial Web Page Query System (Year One)

Since 1998, the Texas Department of Family and Protective Services (DFPS) and the Court Improvement Project (CIP) have provided selected child protection case information lookup capability through the “Judicial Web Page” (JWP) to trial court judges. JWP is actually a

number of secure pages connected to a database application for online case lookup. The intent of this web application is to make it possible for the courts to monitor more closely the progress of their CPS cases through the court system, and thus to allow the courts to make the best possible decisions concerning the disposition of those cases. This is an important part of the collaborative endeavor which makes a significant impact on the way cases are handled, and on the well-being of abused and neglected children in our state. Currently, approximately one-third of judges handling child protection cases use JWP.

Availability of such information to judges helps Texas judges work with a full set of process information about the case, thus moving them to timely resolution. Texas CFSR results could be expected to worsen without such a tool.

DFPS will be required by state law to outsource hosting of its computer systems during 2007. This outsourcing will result in additional charges in real dollars to the agency, in part because of its use of obsolete technology. Consequently, DFPS will no longer have funding to provide JWP to the judiciary. Further, the sensitive case data in the system would be placed in the hands of a private vendor, which has been a matter of concern to members of the Texas judiciary.

The TexDECK project proposes to replatform the Judicial Web Page (JWP) from the DFPS in the executive branch of Texas government to the OCA, which functions within the Judicial Branch, and therefore has an exemption from the outsourcing effort.

In replatforming JWP, OCA proposes to refactor the system to phase out the obsolescing and marginalized technologies now in use. This refactoring will base the JWP on current, more economical and more sustainable technologies, thus enhancing the long-term sustainability of the system. The continued operation of JWP will help Texas maintain and improve timeliness outcomes in the CFSR.

Judicial Web Page Query System Activities to be completed by end of Year One

- Engage an IT contractor to modernize the JWP.
- Rebuild and modernize.
- Transfer the data from the legacy system to the new.
- Train courts on use of the new system as needed.
- Discontinue access to the JWP at its old location
- Begin operations on the new JWP application.
- Report results to Task Force, Supreme Court of Texas, ACF, CIP, and Texas Judicial Council.

Description of the Collaboration in Preparing the Grant Application

On March 22, 2006, the Supreme Court of Texas ordered the creation of the Task Force on Child Protection Case Management and Reporting and appointed twenty persons to it. The Court appointed District Judge John Specia as chair. Along with a number of members from the Judiciary, this Task Force also includes Director of Operations, Terri Ware, of the Texas Department of Family and Protective Services. Ms. Ware has also brought additional DFPS staff to the table for the Task Force, including Donna Marler, IMPACT Project Manager and John Parchman, Director of Application Development and Maintenance.

The Task Force promptly held its first meeting on April 20, 2006. By the time of the June 9 meeting the Task Force was learning about case management software, XML data interchange, and statewide case reporting requirements.

On June 5, 2006, Mark Hardin and Jennifer Renne with the ABA conducted a training on the two new Court Improvement Project (CIP) grants via conference call. Texas participants included the Texas Center, CIP, Office of Court Administration, and DFPS. On June 7th, Mari Kay Bickett, Executive Director of the Texas Center for the Judiciary (Texas Center); Carole Hurley, Director of CIP; and Ann Blankenship, Program Attorney for the Texas Center, held an initial meeting to formulate a working strategy for making application for the grant funds. This meeting resulted in a skeletal outline that broadly addressed key areas where the funds were needed.

On June 15, 2006 immediately after their release, Carole Hurley distributed the Program Instructions for the new CIP grants to John Specia, Chair of the Supreme Court Task on Foster Care; Carl Reynolds, Executive Director for the Office of Court Administration; Mari Kay Bickett; and representatives from the Texas Department of Family and Protective Services (DFPS).

On June 20, 2006, during the Children's Bureau's States and Tribes Meeting in Washington D.C., Ginny Woods, Program Attorney for CIP, met with Joyce James, Assistant Commissioner for Child Protective Services (CPS); Liz Kromrei, CPS Director of Staff Services, as well as other representatives from Texas Department of Family and Protective Services (DFPS). The group discussed ways in which the CIP grant could be used to address issues of concern to the agency.

In its meeting on June 9, the Supreme Court Task Force on Child Protection Case Management and Reporting authorized and appointed a committee to develop a grant proposal in response to the expected grant instructions. The Task Force authorized the committee to respond with certain ideas for work products, if they turned out to be compatible with the grant announcement. Judge Specia appointed the following individuals to the proposal-writing committee:

- The Honorable Kim Brown, Associate Judge, Tarrant County District Court
- Cynthia Bryant, Clinical Professor, University of Texas Law School
- Bruce Hermes, Information Services Director, Office of Court Administration
- Carole Hurley, Director, Texas Court Improvement Project

- Charlie Yates, Systems Analyst, Office of Court Administration
- Kristi Taylor, Supreme Court Staff Attorney for Children and Families

Several of the projects that are included in this proposal were directly proposed in the June 9 Task Force meeting. These include the replatforming of the Judicial Web Page, the general release of the Office of Court Administration SDCMS software, and the Judicial Workload Study.

Major sections of the TexDECK proposal are written by Bruce Hermes of the Texas Office of Court Administration, Ginny Woods of the Texas Center for the Judiciary, Court Improvement Project, and Carole Hurley, also of the Court Improvement Project. Mr. Hermes compiled most sections describing the work that Texas plans to complete using grant funding.

Additionally, while compiling work plans for the grant proposal, Mr. Hermes contacted several stakeholders who are members of the Task Force, and several of their suggestions influenced the content of the proposal.

Finally, late in the drafting of the proposal, a draft was circulated to over a dozen reviewers, including members of the Task Force, management of the Department of Family and Protective Services, staff of the Texas Court Improvement Project, selected members of the Supreme Court of Texas, and fiscal-, legal-, information technology-, and executive management of the Office of Court Administration for comment. Significant and substantive comment was returned by the reviewers, and the input was used in further revisions. Most of the feedback centered on clarification of activities and their significance in the overall effort of providing children with prompt protection and appropriate permanence.

Description of the Members of the Task Force

In 1996, the Supreme Court of Texas appointed the Supreme Court Task Force on Foster Care (Task Force) to serve as the advisory body to the Court Improvement Project. The Task Force continues to operate under multi-disciplinary membership, representing a wide array of stakeholders, including DFPS (Assistant Commissioner for Child Protective Services and agency General Counsel), the University of Texas School of Law, Texas CASA, Associate Judges, District Court Judges, a Supreme Court Justice, the State Bar of Texas, and the Texas Association of County and District Attorneys.³⁰

The Supreme Court Task Force on Foster Care has sent letters of invitation to the three federally recognized Indian tribes encouraging their participation in activities of the Texas Court Improvement Project, and asking that they consider assigning a representative to serve on the Supreme Court Task Force on Foster Care.

³⁰ See Appendix for names and titles of the Supreme Court Task Force on Foster Care members.

Description of How Stakeholders Will Meaningfully Collaborate on Data Collection and Analysis Activities

Texas has a history of consistently engaging in many activities that demonstrate Section 438 of the Social Security Act's requirement for meaningful and ongoing collaboration. These activities include: (1) maintaining an established statewide multi-disciplinary Task Force; (2) holding regular meetings between the courts and child welfare agencies; (3) promoting active participation by judges, CIP Director, and DFPS in the Child and Family Service Reviews; and (4) active participation by the CIP Director in Title IV-E Foster Care Eligibility Reviews (IV-E Review); (5) ensuring the visible and joint involvement of a Supreme Court Representative and the Director of Child Protective Services. The Texas Center, the CIP director, and CPS plan to use the grant as an instrument to continue, facilitate, and enhance collaboration in order to help the courts and the agency achieve better outcomes for children and families. Social Service agencies and organizations serving Texas' Indian population will be contacted and asked to provide input with regard to how the courts and CPS can better serve their clients. Full participation will be asked of tribal representatives.

(1) Maintaining an Established Statewide Multi-disciplinary Task Force

A statewide multi-disciplinary Task Force has been the advisory and oversight body to the Court Improvement Project since 1996. Together the members of the Supreme Court Task Force on Foster Care work to develop and institutionalize the collaboration necessary to identify and address barriers to safety, permanency, and child and family well-being both at the state and local level. As mentioned above, the Task Force membership itself embodies the spirit of collaboration among the key stakeholders in child welfare. The current membership will continue to support and facilitate collaboration, and membership will be expanded as needed to include additional necessary stakeholders, including but not limited to tribal representatives.

(2) Holding Regular Meetings between Courts and Child Welfare Agencies

Since its inception in 1996, the Supreme Court Task Force on Foster Care has included, among others, representatives from both the judiciary and the Texas Department of Family and Protective Services (DFPS). The Task Force meets quarterly to review policy and procedures, explore opportunities to sponsor joint training activities, and share data and case analysis information. The Task Force has created a standing place on its agenda for DFPS to provide training and information regarding the Child and Family Service Reviews (CFSR) and Program Improvement Plans (PIP), and IV-E Reviews. The Task Force is dedicated to building agency, court, and community partnerships to achieve lasting, systemic improvement in the child welfare system.

(3) Promoting Active Participation by Judges, the CIP Coordinator, and the Texas Department of Family and Protective Services in the Child and Family Services Reviews (CFSR) and Title IV-E Foster Care Eligibility Reviews (IV-E Reviews)

Judges from across the state participated in the first CFSR. Following the review the CIP director and judges participated in the exit conference, as well as in development of the PIP. A Task Force member was engaged to write a white paper in support of the position of the judiciary regarding an area of concern identified in the review. Task Force meetings provide the

ideal forum in which to plan and promote active participation in the CFSR process and DFPS periodically provide updates to Task Force members.

The Task Force will continue to be proactive regarding the CFSR. Presentations on the review have a standing slot on the Task Force Agenda at each quarterly meeting. In February 2006, a Memorandum of Understanding between DFPS and the courts was developed, and will be executed in August 2006.³¹ The MOU ensures the courts will continue to actively participate in all phases of the CFSR and the Task Force will explore ways to recruit more active judicial participation across the state.

Following implementation of the Adoption and Safe Families Act (ASFA), Texas judges recognized their new role as “gatekeeper” of our children in foster care. They received training, and began to understand the importance of the orders handed down, and the necessity to provide case and child specific language in their orders. In Texas, orders are drafted by attorneys representing DFPS (county, district, or agency lawyers), DFPS legal liaisons, legal assistants, and sometimes even the judges themselves. To ensure that orders used across the state contained required findings and language, a customized software tool with interactive templates was developed and distributed statewide, with funding from the Texas Children’s Justice Act Project, to those responsible for drafting orders. Training was provided to the software users and to judges regarding statutorily required language, as well as best practices such as child and case specificity.

With the most recent IV-E Review (May 2006), it is apparent that court orders meet all compliance requirements, a vast improvement in a state as large as Texas. However, it is also clear that further training could result in wider use of child specific orders, a recognized “best practice”. The Supreme Court Task Force on Foster Care will exercise strong judicial leadership in improving this area. Three of Texas’ nine Regional Administrative Judges also sit on the Task Force. They are ardent child advocates, and influential among the judiciary. They are a valuable asset CIP will use to improve court orders across the state.

During Texas’ recent review, the CIP director participated with DFPS in planning for the statewide assessment. She was present for the first day of the on-site review, and was available as a resource for the reviewers for the remainder of the review process. The CIP Task Force will be a source to aid implementation of improvements identified through the review process. Judges and other stakeholders will be encouraged to participate fully in the planning, process, and implementation of future IV-E Reviews.

(4) Ensuring the Visible and Joint Involvement of Supreme Court Representative and the Director of Child Protective Services on the Task Force

The Task Force benefits from the leadership and knowledge of the Honorable Harriet O’Neill, Justice for the Supreme Court of Texas, and Joyce James, Assistant Commissioner of Child Protective Services. Justice O’Neill and Chief Justice Wallace Jefferson both actively participated in “Changing Lives by Changing Systems: National Judicial Leadership Summit for the Protection of Children,” a three day summit in Minneapolis hosted by the Pew Commission.

³¹ See Appendix for copy of Memorandum of Understanding.

Justice O’Neill also organized a special trip for judges and CIP representatives to visit the Permanent Judicial Commission on Justice for Children in New York. This trip led Justice O’Neill to convene a special CIP Task Force on Child Protection Case Management and Reporting³² to further explore systemic reforms to improve outcomes for children and families.

Before her current position as Assistant Commission of Child Protective Services (CPS), Joyce James championed collaborative processes, such as Family Group Decision Making as a regional director for CPS. Family Group Decision Making began in Texas as a project of the Children’s Justice Act of which Ms. James was a Task Force Member. With the leadership of Ms. James, Family Group Decision Making (FGDM) has been rolled out across the state by the Texas Department of Family and Protective Services. Ms. James has also been a strong and vocal supporter of the Family Treatment Drug Court concept, which the Task Force has identified as an important tool for healing families wounded by issues of substance abuse.

Justice O’Neill and Ms. James, through their participation on the CIP Task Force, will play an active role in convening, leading, and developing court and agency activities to improve outcomes for children and families.

(5) Jointly Planning and Implementing the Data Collection and Analysis Grant Activities

The Texas Office of Court Administration will be the manager for implementation of this grant, but all activities will include full collaboration with all partners. OCA has close ties with entities in the Judiciary which are already engaged in the work of this project. These bodies include:

- Texas Court Improvement Project
- Associate Judges for Child Protection Cluster Courts
- Presiding Judges of the state’s nine administrative judicial regions
- Supreme Court Task Force for Child Protection Case Management and Reporting
- Supreme Court Task Force on Foster Care

OCA, through its Associate Judge staff, also has close contact with case workers from the Texas Department of Family and Protective Services. Whenever TexDeck needs information and ideas, participants in committees, or survey respondents, both Judicial and state agency expertise are on notice and will be ready to provide input.

Additionally, because of the preexisting work of the Supreme Court Task Force for Child Protection Case Management and Reporting, OCA has become closely engaged with high level information technology staff members of the Texas Department of Family and Protective Services:

- Terri Ware, Director, Management Support Division
- Donna Marler, IMPACT Project Manager
- John Parchman, Director of Application Development and Maintenance

³² See Appendix for list of Task Force on Child Protection Case Management and Reporting members:

Because of his long-term activism in child protection, District Judge John Specia of Bexar County (San Antonio) has brought his team of information technologists into close contact with OCA on matters that this grant touches upon. These individuals include and are led by:

- Jeannette Kriewald, Application Development Manager;
- David Morgan, Information Services Director.

During development of this grant proposal, individuals named above and selected individuals from the bodies mentioned above were sent substantially-complete drafts of this proposal or were consulted by telephone. Again, as the proposal neared finalization, these parties were again sent the near-final document, with a request for commitments to advisory committees for the various major task areas of the grant activities.

Grant Advisory Committees

The TexDECK project members believe that activities are best monitored by a set of advisory committees, one of which is general in purview, and others which are specialized. The TexDECK project leads will seek to set these up through a visible and credible authority and populate the committees with interested and knowledgeable members from the Texas child protection community. Every committee will be appointed with members from both the Judiciary and from the Texas Department of Family and Protective Services, as well as other entities (such as tribal representatives) as appropriate.

The proposed Grant Advisory Committees are:

- General Grant Advisory Committee
- Functional Requirements Project Advisory Committee
- Judicial Workload Study Advisory Committee
- SDCMS Release Advisory Committee
- Data Interchanges Project Advisory Committee
- Judicial Web Page Project Advisory Committee.

For projects that reach early completion, the advisory committee will cease conducting business after completion of a post-project report. Likewise, certain committees would not come into activity until activity is more imminent. Management of the Texas CIP program and OCA would collaborate to determine how advisory committees would be appointed.

Three times a year, OCA will distribute a grant activity newsletter to all Grant Advisory Committee members and to ACF. At least twice each year, OCA management and the project manager will conduct teleconferences to actively solicit input from the several Grant Advisory Committees.

Proposed TexDECK Five Year Strategic Plan

Overview and Timetable for the Five-Year Plan

(1) Statement of Preliminary Issues of Focus by the State for use of the new CIP Data Collection and Analysis Grant funds:

- The State will broadly focus its attention and preliminary efforts to implement the Pew Commission recommendation that “courts and public agencies should be required to demonstrate effective collaboration on behalf of children.”³³ As recommended by the Pew Commission, the State will use the CIP Data Collection and Analysis Grant funds so that the courts and agencies can collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information, leading to better decisions and outcomes for children.³⁴
- The State will also broadly focus its attention and efforts on issues identified through the Texas CIP reassessment³⁵ Title IV-E Review, and strategies discussed in the 2005-2009 Texas CFSR Program Improvement Plan (PIP) and the IV-E Review.³⁶
 - ❖ Reorganization of DFPS and outsourcing of foster care (including the shift of resources to intake vs. conservatorship) and the unfolding contract administrator approach to DFPS;
 - ❖ Balancing timely decisions for children with realistic timeframes for parents with substance abuse problems to satisfy their Service Plans;
 - ❖ Providing timely notice and effective (time-sensitive) service to incarcerated parents;
 - ❖ Timely access to services such as drug treatment and mental health programs;
 - ❖ Cost to counties of attorneys *ad litem* for indigent parents in opposition to the suit;
 - ❖ Best Practices around the use of child specific language in court orders.

(2) State court’s plans for collaboration with DFPS to develop final strategic plan

The final strategic plan will be developed through committees and work groups that include the agency and judiciary, and that are appointed and overseen by the Supreme Court Task Force on Foster Care.

33 *Recommendations for Strengthening Courts Made by the Pew Commission on Children in Foster Care*. As described in the Pew Commission’s May 2004 report, *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care* (Available at: <http://www.pewfostercare.org>) Prepared by the Children’s Defense Fund June 2, 2004. Available at

http://www.childrensdefense.org/childwelfare/financing/court_recommendations.pdf

34 <http://pewfostercare.org/research/docs/FinalReport.pdf>

35 2005-2006 Texas CIP Reassessment (on file with the Texas Center)

36 Available at http://www.dfps.state.tx.us/About/State_Plan/2005-2009_Plan/22.asp

(3) State court's planned activities and tangible, measurable and time-specific improved outcomes for children and families in the child welfare system

Year One (FY 2006) Objectives (complete by end of Year One)

- Select and install project manager
- Re-platform Judicial Web Page Query System
- Conduct initial stages of Functional Requirements Study
 - Review national context
 - Identify established or draft national standards
 - Identify efforts in other states
 - Complete Site Visits for Collecting Functional Requirements
 - Document Functional Requirements for each site visited

Year Two (FY 2007) Objectives (complete by end of Year Two)

- Continue Functional Requirements Study
 - Collate and analyze requirements
 - Stakeholder reviews and comments
- Prepare SDCMS for distribution
- Complete Child Protection Judicial Workload Study

Year Three (FY 2008) Objectives (complete by end of Year Three)

- Data Interchange Studies, Phase One
 - Direct partners
- Upgrade SDCMS
 - For emerging business requirements
 - For stability releases

Year Four (FY 2009) Objectives (complete by end of Year Four)

- Perform Upgrade SDCMS
 - For emerging business requirements
 - For emerging data interchange standards
 - Stability releases
- Data Interchange Studies, Phase Two
 - Technical standards development
 - Study direct partner interchanges
 - Study interpartner interchanges
 - Share work nationally

Year Five (FY 2010) Objectives (complete by end of Year Five)

- Data Interchange Studies, Phase Three
 - Technical standards development
 - Study Inter-partner data interchanges
 - Share work nationally

Tangible, measurable and time-specific improved outcomes for children and families in the child welfare system

The activities undertaken with the CIP Data Collection and Analysis Grant funds will result in a strengthening of all parts of the Texas state child welfare system, and ensure a balanced approach to systems performance. This will result in: (1) better decisions for the children and families who come into contact with the child welfare agency; and (2) improved overall performance on the CFSR outcomes measures and better performance in future IV-E Reviews.

Narrative for TexDECK Planned Activities for Years 2 - 5

Many of the TexDECK activities over the entire five-year period follow a clear progression. Certain other activities would not be a part of that progression and are fit in during timeframes when funding would permit and need dictates.

Release Texas' SDCMS

This activity will lead to tangible, measurable, and time-specific improved outcomes for children and families in the child welfare system as follows:

The collaboration efforts during this phase of the project will create a joint sense of commitment and involvement between the court system and the child welfare system. As each learns about and begins to appreciate the others' priorities, language and philosophy, better communication and sharing will develop on all levels. All aspects of the child welfare system will benefit from these enhanced relationships.

After completing the functional requirements study in Year Two, we will apply what we have learned by modifying the Texas SDCMS for general release.

The TexDECK project will conduct a fit-gap analysis to compare its own SDCMS to the new set of child protection case management functional requirements. The results of this fit-gap analysis will be an input to another important decision point.

The fit-gap analysis should include the following review areas:

- Functional requirements analysis for fit to a variety of child protection courts;
- Scalability to needs of large jurisdictions;
- Technologies that are supportable in most jurisdictions;
- Adaptability for implementation of data interchange standards.

The current OCA SDCMS may be a candidate for adaptation to certain standard data interchanges. The project team will reassess the SDCMS to determine its suitability as a functional model or base set of code for child protection case management throughout the rest of the courts where it is not currently implemented.

Assuming the fit-gap analysis shows that the SDCMS already is a good—but not perfect—fit to the general need, the TexDECK project will survey stakeholder courts to verify interest in OCA modifying the SDCMS to meet the model functional requirements (or at least those requirements generally deemed most important). If interest in modification to the SDCMS remains, the TexDECK project will set up written agreements with interested courts, obliging the Texas OCA to provide maintenance and support for as long as ACF grant funding can provide.

Regardless of the results of the above analysis, the TexDECK project will continue to communicate with private sector software providers to share technical standards and to maximize the availability and competitiveness of case management software for child protection courts. Though TexDECK will release a case management software application to courts at no cost, Texas intends to leave the market open to one or more commercial software providers to provide alternative products with other advantages.

SDCMS will also be a model for courts and vendors to develop successor systems using processes and paradigms developed in this program. The Texas Office of Court Administration will provide open briefings on its design and innovative features for both public and private entities wishing to build upon its successes.

Data Interchange Standardization

This activity will lead to tangible, measurable, and time-specific improved outcomes for children and families in the child welfare system as follows:

Much of the delay in today's court and child welfare system occurs because documents are in transit from one desk or location to another. Our most iconic form of communication—a posted letter—spends uncounted hours sitting in bags waiting for the next leg of its journey to its destination. E-mail, as an opposite example, moves at the speed of electricity to reach its destination nearly immediately. For such instant communication and exchange of text information to be possible requires use of a broad set of technology standards. Like e-mail, for child-protection case information to flow immediately between process participants, additional data- and technology standards must exist to enable that immediacy. Once this immediate flow of child-protection case data is achieved, state agencies and courts are able to act with similar dispatch. Through the TexDECK project's efforts to create data interchange standards, we plan to speed up the disposition of child protection cases, and expect that Texas CFSRs and IV-E Reviews will reflect such improvements in years to come.

The Supreme Court Task Force on Child Protection Case Management and Reporting has brought together additional experts on child protection data collection and analysis. These include information technologists from Bexar County, including David Morgan and Jeannette Kriewald, who developed a high-level data interchange model as directly affects the Bexar County child protection court. This model shows the court at the center of data interchanges with many potentially interested entities, some of which are candidates for automated data exchanges:

- Child attorney/ad litem
- Office of Court Administration

- Parent's attorney
- DFPS Child Protective Services Legal Unit
- DFPS Child Protective Services Caseworkers
- Community Organizations & Support Service Providers, Faith-Based Community
- District Attorney, staff
- Foster Parents, Substitute Care Providers
- Dispute Resolution Center
- Civil District Court Judges
- Family Drug Court Court Appointed Special Advocates (CASA)
- Parents
- Child
- Central Docket/Information System
- District Clerk
- District Clerk Adoption Department

TexDECK sees these participants in the child protection domain as being the core stakeholders for data interchange, though there are many others.

As definitions of standard interfaces are being developed, TexDECK will begin to study means to tangibly move those into implementation in operational software that is used within the child protection community. As mentioned previously, during the development of standards, the TexDECK project will be engaging with other states and the national community engaged in child protection case management standards, and software vendors or their trade groups for a two-way exchange of information and ideas, thus maximizing the utility of the standards for the software industry. The project will seek to broker agreements that will enable separate software products working on opposite sides of a defined, high-priority data interchange to communicate child protection information using interchange standards.

Data Interchange Activities

- Engage one or several contractors with court domain knowledge.
- List major entities working in the Texas child protection business domain that are providers and consumers of case information.
- Diagram data flows between the entities (with only general description of each data flow).
- Use an inclusive process to prioritize each data interchange for standardization.
- Working through the data interchange priority list in order, begin defining the necessary data elements (attributes) in each.
- As several interchanges are being defined in detail, engage with other states, the national community, and vendors and government software developers to operationalize standard interchanges.
- Continue working through the priority list as time and funding allows.

- Report findings to Task Force, Supreme Court of Texas, ACF, CIP, and Texas Judicial Council.

Judicial Caseload Analysis

This activity will lead to tangible, measurable, and time-specific improved outcomes for children and families in the child welfare system as follows:

As Texas governmental entities continue to improve data sharing to directly support the social need of providing safe, permanent environments for neglected and abused children, the court system has a unique opportunity to insure that such efforts are not only more efficient, but are sustainable in the long term. Through the data sharing effort, the court system will also have additional tools to measure their efforts with some level of granularity and determine trends in child protection issues. By doing so, the court system, other government entities, and their stakeholders can measure their success in meeting their objectives and assure that they are applying resources most effectively. Courts—in this case courts that protect abused and neglected children—also must examine their record to measure their success in helping children get into safe homes, getting children into permanent settings, treating process participants with fairness, moving court processes in a timely manner, and achieving well-being for the children they have served.

Through these efforts, the court system will also be positioned to detect if court caseload trends are moving in directions that may be detrimental to the neglected and abused children who need the prompt attention of the courts. By understanding their caseload in detail, and having an understanding of how it changes over time, members of the Judiciary may educate their legislatures and funding authorities with well-informed funding requests for child protection courts.³⁷ Further, court leaders and DFPS can see how the caseload trends influence the metrics tracked in the CFSR and make adjustments as possible.

Monitoring court resource needs is a major part of the value in performing weighted caseload studies, and the TexDECK project plans to make this an important part of its data collection and analysis.

Even while developing workload data points, TexDECK proposes to use grant funding to make a baseline weighted caseload study using traditional onsite time-and-motion study techniques, as well as existing data where available.

³⁷ Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases. National Council of Juvenile and Family Court Judges, The American Bar Association, Center on Children and the Law, and The National Council of Juvenile and Family Court Judges. pg 28 (Ch. 3). Available at <http://www.njfcj.org/images/stories/dept/ppcd/pdf/buildingabettercourt.pdf>

Judicial Caseload Analysis Activities

- Engage one or several contractors with court domain knowledge.
- Enlist courts to participate in the study.
- Participants identify relevant data points.
- Perform onsite studies and metastudies.
- Perform metastudies using existing report data.
- Report findings to Task Force, Supreme Court of Texas, ACF, CIP, and Texas Judicial Council.

(4) State court's meaningful and ongoing collaboration with DFPS and other stakeholders

To truly improve outcomes for children, all stakeholders must have access to state-of-the-art training and tools. The State court has detailed previously in this application its commitment to institutionalized collaboration. The collaboration surrounding the activities planned with the CIP Data Collection and Analysis Grant will ensure that all stakeholders have such access and that institutional and infrastructural changes will result. The improved outcomes will be evidenced in our next CFSR, as well as our next IV-E Review.

The State court has detailed previously in this application its commitment to institutionalized collaboration. To summarize briefly, the State court plans to use the Data Collection and Analysis Grant as an instrument to continue, facilitate, and enhance collaboration in order to help the courts and the agency achieve better outcomes for children and families. Activities undertaken with the grant funds will be planned and implemented through committees and work groups that include the agency, judiciary, and tribal representatives. The established statewide multi-disciplinary Task Force will be maintained; (2) regular meetings will occur between the courts and child welfare agencies; (3) judges, the CIP Director, DFPS, and tribal representatives will actively participate in the Child and Family Service Reviews and IV-E Reviews; and (4) the visible and joint involvement of a Supreme Court Representative and the Director of Child Protective Services is ensured. CIP reiterates that it will use this grant as a vehicle to further institutionalize collaboration, sharing, and exchange of data, so that it truly becomes the “best practices” standard for the way child welfare is approached in our state. The courts and agency are committed to ongoing communication with continual review and assessment of progress, successes, and barriers.

Tentative Budgets for Years Two through Five

Tentative Year Two Activities Budget

	Project Management		Software Functional Requirements		SDCMS Distribution		Judicial Workload Study		Totals	
	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant
a. Personnel	\$48,000		\$52,000		\$52,000		\$3,500		\$155,500	
b. Fringe Benefits	\$13,661		\$14,799		\$14,799				\$43,259	
c. Travel		\$30,000		\$10,000		\$400			\$0	\$40,400
d. Equipment									\$0	
e. Supplies	\$500		\$500		\$500				\$1,500	
f. Contractual		\$100,000		\$200,000		\$190,000		\$30,000	\$0	\$520,000
g. Construction									\$0	
h. Other									\$0	
Totals	\$62,161	\$130,000	\$67,299	\$210,000	\$67,299	\$190,400	\$3,500	\$30,000	\$200,259	\$560,400
Percent Grant		73.67%								
Percent State		26.33%								

Tentative Year Three Activities Budget

	Project Management		Data Interchange Studies		Upgrade & SDCMS Distribution		Totals	
	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant
a. Personnel	\$48,000		\$52,000		\$55,000		\$155,000	\$0
b. Fringe Benefits	\$13,661		\$14,799		\$15,653		\$44,113	\$0
c. Travel		\$30,000		\$25,000		\$5,000	\$0	\$60,000
d. Equipment							\$0	\$0
e. Supplies	\$500		\$500		\$500		\$1,500	\$0
f. Contractual		\$100,000		\$250,000		\$150,000	\$0	\$500,000
g. Construction							\$0	\$0
h. Other							\$0	\$0
Totals	\$62,161	\$130,000	\$67,299	\$275,000	\$71,153	\$155,000	\$200,613	\$560,000
Percent Grant		73.62%						
Percent State		26.38%						

Tentative Year Four Activities Budget

	Project Management		Data Interchange Studies		Upgrade & Support SDCMS		Totals	
	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant
a. Personnel	\$48,000		\$52,000		\$55,000		\$155,000	\$0
b. Fringe Benefits	\$13,661		\$14,799		\$15,653		\$44,113	\$0
c. Travel		\$30,000		\$25,000		\$5,000	\$0	\$60,000
d. Equipment							\$0	\$0
e. Supplies	\$500		\$500		\$500		\$1,500	\$0
f. Contractual		\$100,000		\$200,000		\$200,000	\$0	\$500,000
g. Construction							\$0	\$0
h. Other							\$0	\$0
Totals	\$62,161	\$130,000	\$67,299	\$225,000	\$71,153	\$205,000	\$200,613	\$560,000
Percent Grant		73.62%						
Percent State		26.38%						

Tentative Year Five Activities Budget

	Project Management		Data Interchange Studies		Support SDCMS		Totals	
	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant	<i>In-Kind</i>	Grant
a. Personnel	\$46,000		\$50,000		\$50,000		\$146,000	
b. Fringe Benefits	\$13,092		\$14,230		\$14,230		\$41,552	
c. Travel		\$30,000		\$45,000		\$1,000	\$0	\$76,000
d. Equipment							\$0	
e. Supplies	\$500		\$500		\$500		\$1,500	
f. Contractual		\$100,000		\$300,000		\$84,000	\$0	\$484,000
g. Construction							\$0	
h. Other							\$0	
Totals	\$59,592	\$130,000	\$64,730	\$345,000	\$64,730	\$85,000	\$189,052	\$560,000
Percent Grant		74.76%						
Percent State		25.24%						

Certifications

Glossary and Acronyms

ACF	Administration for Children and Families, a federal agency.
CFSR	Child and Family Service Reviews, reports required by the Administration for Children and Families each year.
CIP	Court Improvement Project.
CPPP	Center for Public Policy Priorities, a public policy research organization.
DFPS	Texas Department of Family and Protective Services, a state agency.
JCIT	Judicial Committee for Information Technology, a committee of the Supreme Court of Texas.
JWP	Judicial Web Page.
OCA	Texas Office of Court Administration, a state judicial agency
SDCMS	OCA's Specialty Docket Case Management System, a computer system specifically designed for OCA's child protection and child support courts.
TexDECK	The Texas Data-Enabled Courts for Kids Project

EXHIBIT D
Letter Requesting Data For Child Protection Cases



OFFICE OF COURT ADMINISTRATION

CARL REYNOLDS
Administrative Director

June 12, 2006

Dear District Clerk:

RE: Request for Data Regarding Child Protection Cases

On March 22, 2006, the Supreme Court of Texas created a Task Force on Child Protection Case Management and Reporting with members representing the judiciary, legislature, child welfare advocates, court clerks and county governments. The Task Force is charged with developing a statewide caseload management and tracking system to improve court practice in child protection cases. I encourage you to review the Order creating the Task Force, at: <http://www.supreme.courts.state.tx.us/cpcmr/tfhome.asp>.

To assist the Task Force and other interested parties in making informed decisions, my office (OCA) would like to begin collecting some key data for child protection cases, prior to the next legislative session.

Although it is likely that data on child protection cases will be added to the Monthly Activity Reports in the future, a formal change in requirements for reporting to the OCA must be approved by the Texas Judicial Council and may take some time to implement. Since all 15 child protection cluster courts in the state use a single case management system, we will be able to obtain this data from the 125 mostly rural counties served by these courts. Your county, however, does not fall within the service area of these courts.

Thus, we are respectfully asking for your assistance in compiling this important data, even in the absence of a formal change in required reporting by the Judicial Council. **We request that your office begin collecting this data as of September 1, 2006 and report the information to OCA on a monthly basis.**

I have enclosed a copy of the form that we have developed for collecting the child protection case information, as well as instructions for completing the form. If you have concerns about reporting this information to our office, please call me at (512) 463-1626. If you or your staff have technical questions, please feel free to call Angela Garcia at (512) 936-1358.

Sincerely,

Carl Reynolds

EXHIBIT E
Current Reporting Elements Defined

**Child dependency case data to be requested by OCA
from clerks in 20 largest counties as of September 1, 2006**

Child Dependency Cases	
1. Number of cases filed or reopened	
2. Mandatory hearings conducted within statutory timeframes	
a. (1) Number of status hearings held	
(2) Number of status hearings that were held within the required timeframe	
b. (1) Number of initial permanency hearings held	
(2) Number of initial permanency hearings held within the required timeframe	
3. Number of final orders issued	
4. Length of time to final order	
5. Number of cases pending	
6. Number of attorneys ad litem appointed	

A. Definitions:

1. "Child dependency case" means a case filed under Chapter 262 of the Family Code on behalf of the Department of Family and Protective Services (DFPS).
2. "Final order" means an order that:
 - a. requires that the child be returned to the child's parent(s);
 - b. names a relative of the child or another person as the child's managing conservator;
 - c. without terminating the parent-child relationship, appoints DFPS as the managing conservator of the child; or
 - d. terminates the parent-child relationship and appoints a relative of the child, another suitable person, or DFPS as managing conservator of the child.
3. "Initial permanency hearing" means a hearing required by Section 263.304 of the Texas Family Code to be held within 180 days of the date the court renders a temporary order in a case appointing DFPS as temporary managing conservator of a child.
4. "Status hearing" means a hearing required by Section 263.201 of the Texas Family Code to be held within 60 days of the date the court renders a temporary order in a case appointing DFPS as temporary managing conservator of a child.

B. Data Elements:

1. Number of child dependency cases – Number of child dependency cases filed during the reporting period. Include any cases reopened after issuance of final order.
2. Number of mandatory hearings conducted within the statutory timeframes-
 - a. (1) Number of Status Hearings held during reporting period.
 - (2) Number of Status Hearings held during reporting period that were held within 60 days of the date the court rendered a temporary order appointing DFPS as temporary managing conservator of a child.

- b.
 - (1) Number of Initial Permanency Hearings held during reporting period.
 - (2) Number of Initial Permanency Hearings held during reporting period that were held within 180 days of the date the court rendered a temporary order appointing DFPS managing conservator.
- 3. Number of final orders – Number of final orders issued in child dependency cases during the reporting period.
- 4. Length of time to final order – Number of days from the date the court renders a temporary order appointing DFPS as temporary managing conservator of the child and the date of a final order regarding the child.
- 5. Number of cases pending – Number of cases at end of reporting period in which a final order has not yet been issued.
- 6. Number of attorneys ad litem appointed during the reporting period to represent the interests of indigent parents who respond in opposition to a suit seeking temporary managing conservatorship of the indigent parents' child(ren).

EXHIBIT "F"

Possibilities for Future Reporting of Child Protection Data

	<i>Case Types</i>			
CASES ON DOCKET	Child Protection Cases	Petition for Termination of Parental Rights	Petition for Adoption	Total
1. Cases pending beginning of month				
2. New petitions filed during the month				
3. Cases reopened during the month				
4. Total cases on docket				
5. Total dispositions				
6. Cases pending end of month				
DISPOSITIONS				
7. Dismissed				
8. Final order: Agreement following ADR				
9. Final order: Agreed final order (no ADR)				
10. Final order issued following bench trial				
11. Final order issued following jury trial				
12. All other dispositions				
13. Total dispositions				
OTHER				
14. Time to final order				
(a) 6 months or less				
(b) Over 6 months to 12 months				
(c) Over 12 months to 18 months				
(d) Over 18 months				
(e) Total				
15. Number of cases subject to placement review hearings every 6 months				
16. Number of extensions granted				
17. Number of attorneys ad litem appointed for indigent parents during the month				
18. Number of attorneys ad litem appointed for children during the month				

Possibilities for future reporting of child protection data

A. Definitions:

1. **Child Protection Case:** A case filed under Chapter 262 of the Texas Family Code on behalf of the Department of Family and Protective Services (DFPS); a motion in aid of investigation filed under Section 261.303 of the Texas Family Code; or a motion to participate filed under Section 264.203 of the Texas Family Code.
2. **Petition for Termination of Parental Rights:** Cases filed under Chapter 161 of the Texas Family Code requesting that the court extinguish the legal relationship of parent and child.
3. **Petition for Adoption:** Cases filed under Chapter 162 of the Texas Family Code requesting the establishment of a new, permanent relationship of parent and child between persons not having that relationship naturally.
4. **Final hearing:** A hearing in which testimony and evidence are offered regarding the child's best interest to assist the court in determining the substance of the final order. *The final order disposes of all legal issues in the case.*
5. **Final order:** The court must enter a final order before the first Monday after the first anniversary of the order appointing DFPS temporary managing conservator, unless on or before that date the court has granted an extension of no more than 180 days.

Final orders include:

- e. Orders requiring that the child be returned to the child's parent(s);
- f. Orders naming a relative of the child or another person as the child's managing conservator;
- g. Orders appointing DFPS as the managing conservator of the child, without terminating the parent-child relationship;
- h. Orders terminating the parent-child relationship and appointing a relative of the child, another suitable person, or DFPS as managing conservator of the child;
- i. Dismissals;
- j. Non-suits; and
- k. Any other order **disposing** of a case pursuant to Chapter 263, Subchapter E, Texas Family Code.

Do **not** include temporary orders, emergency orders for protection or orders issued for a placement review hearing.

6. **Placement review hearing:** A hearing required by Section 263.501 of the Texas Family Code to be held at least once every six months from the date a final order was issued appointing DPFS as the managing conservator of the child until the child is adopted or becomes an adult.

7. **Extension:** An extension, not to exceed 180 days, of the mandatory dismissal date of a case on the first Monday after the first anniversary of the order appointing DFPS temporary managing conservator.

B. Data Elements:

CASES ON DOCKET

1. **Number of cases pending beginning of the month:** Number of cases at the beginning of the month in which a final order has not yet been issued.
2. **Number of new petitions filed during the month:** Cases in which an original petition is filed.
3. **Number of cases reopened during the month:** Cases in which an order or judgment had previously been entered but which have been restored to the court's active pending caseload due to the filing of a request to modify or enforce the existing orders or judgments.
4. **Total cases on docket**—Add Lines 1, 2, and 3.
5. **Total dispositions**— Should be the same as Line 13 (sum of Lines 7 through 12).
6. **Number of cases pending end of the month:** Subtract Line 5 from Line 4. This is the number of cases at end of the month in which a final order has not yet been issued.

DISPOSITIONS

7. **Dismissed:** Cases in which the petition is dismissed by the court.
8. **Final order: Agreement following ADR:** Cases that were referred by the court to programs such as mediation or arbitration and, through these processes, reached disposition.
9. **Final order: Agreed final order (no ADR):** Cases that were disposed of without use of mediation, arbitration, or a final hearing/trial.
10. **Final order following bench trial:** Cases in which testimony and evidence are offered during a final hearing regarding the child's best interest to assist the judge in determining the substance of the final order.
11. **Final order following jury trial:** Cases in which testimony and evidence are presented during a final hearing to a jury regarding the child's best interest to assist the court in determining the substance of the final order.

12. **All other dispositions:** Include those events which remove a case from the docket but are not clearly identifiable as any of the preceding types of disposition.
13. **Total dispositions:** Add Lines 7 through 12.

OTHER

14. **Time to Final Order.** For cases in which a final order was issued during the month, report the number of cases in which the final order was issued:
- a. **in 6 months or less**
 - b. **in more than 6 months to 12 months**
 - c. **in more than 12 months to 18 months, and**
 - d. **in more than 18 months**

from the date of filing a child protection case, a petition for termination of parental rights or a petition for adoption.

- e. **Total.** Add Lines 14(a) through 14(d).

15. **Number of cases that are subject to placement review hearings every six months:** Number of cases at the end of the month in which a final order has been issued but that remain on the court's docket for 6-month placement review hearings. *Include all cases in the court's/courts' jurisdiction, not strictly cases in which a final order was issued during the month.*
16. **Number of extensions granted** during the month.
17. **Number of attorneys ad litem appointed for indigent parents** during the month in a suit seeking temporary managing conservatorship of the indigent parents' child(ren).
18. **Number of attorneys ad litem appointed for children** named in the suit.

EXHIBIT G

Summary

Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases

The Packard Guide and Toolkit provides guidance to courts on two types of vital measurements: (1) court performance measurement and (2) judicial workload measurement.

Court performance measurements allow courts to establish baseline performance, identify areas for reform, and chart their own progress in meeting deadlines and other goals. The court performance measures described below adapt the federal child welfare outcome goals for court use - covering safety, permanence, due process, and timeliness. These measures are considered fundamental and essential core set.

Judicial workload measures are intended to capture the resources necessary for courts to achieve their performance objectives. Ultimately, establishing appropriate workloads objectively will strengthen the courts' requests for resources needed to process child abuse and neglect cases. Workload measures allow courts to approach their legislatures with well-supported funding requests for child welfare cases and to demonstrate objectively the consequences of a lack of resources on specific areas of performance. Workload assessments measure the amount of time judicial officers currently devote to all aspects of dependency cases, as well as how much judicial time and how many judges the court needs to perform in compliance with national standards.

I. Assessing Court Performance

A. Safety

To ensure children are safe from abuse and neglect while under court jurisdiction.

- Percentage of children who do not have a subsequent petition of maltreatment filed in court after the initial petition is filed.
- Percentage of children who are the subject of additional allegations of maltreatment within 12 months after the original petition was closed.
-

B. Permanency

To ensure children have permanency and stability in their living situations.

- Percentage of children who are transferred among one, two, three, or more placements while under court jurisdiction (this measure should distinguish placements in and out of the child's own home, from multiple placements in different environments).

- Percentage of children who reach legal permanency within 6, 12, 18, and 24 months from the removal.
- Percentage of children who do not achieve permanency in the foster care system.
- Percentage of children who reenter foster care pursuant to court order within 12 and 24 months of being reunified.
- Percentage of children who return to foster care pursuant to court order within 12 and 24 months of being adopted or placed with an individual or couple who are permanent guardians.

C. Due Process

To decide cases impartially and thoroughly based on evidence brought before the court.

- Percentage of cases in which courts effectuate service of process for both parents prior to adjudication.
- Percentage of cases with documentation that notice is given to parties in advance of the next hearing.
- Percentage of children receiving legal counsel, guardians ad litem or CASAs in advance of the preliminary protective hearing.
- Percentage of cases where counsel for parents is appointed in advance of the preliminary protective hearing.
- Percentage of cases in which legal counsel for parents and children changes (as well as number of changes in counsel).
- Percentage of cases where legal counsel for parents, children, and government are present at each hearing.
- Percentage of children for whom all hearings are heard by one judicial officer (as well as two, three, or more judicial officers if that information is available).

D. Timeliness

To enhance expedition to permanency and timeliness by minimizing the time from the filing of the petition or protective custody order to permanency.

- Average (median) time from filing of the original petition to disposition.
- Percentage of cases that receive a disposition within 10, 30, and 60 days after the adjudication of abuse or neglect.
- Average (median) time from filing of the original petition to adjudication.
- Percentage of cases that are adjudicated within 30, 60, and 90 days after the filing of the petition.
- Median time from filing of the original petition to finalized termination of parental rights.
- Percentage of cases for which the termination petition is filed within 3, 6, 12, 15, and 18 months after the disposition.
- Average (median) time from filing of the original petition to permanent placement.
- Percentage of cases for which a permanency (or adoption) petition is filed within 1, 3, 6, and 12 months after the adoption petition.
- Percentage of hearings (by hearing type) not completed within times set forth in statute or court rules (and where available, the reason[s] for noncompletion).

II. Steps to Assessing Judicial Workload

- A. Create a steering committee to guide the assessment.
- B. Select the sample of counties, cases, and case events to include in the study. Take into account the following criteria:
 - Geographic diversity
 - Size of court
 - Case-processing time
 - Quasi-judicial officers
 - Automation
 - Sampling case types
- C. Identify the number of case-processing events required to process each type of case.
- D. Calculate average judge time per event using a combination of time study and Delphi study, or Delphi alone.
 - Guide recommends measuring actual average time for each event by having judges keep a time log.
 - Later, actual time may be adjusted to show amount of time an event *ought* to take.
- E. Determine average frequency of occurrence for each event in each type of case.
 - Select closed cases so that each case event has had the possibility of occurring.
 - Use automated information system and case files for information sources.
- F. Multiply the average amount of judge time per event by frequency of occurrence to create a “task weight” for each type of case.
- G. Sum individual task weights to find final case weight, which is the amount of time spent on a typical case.
- H. Determine the amount of judge time available to process cases.
 - Determine workdays per year available to judges to process cases.
 - Determine number of hours per day available for case-related work.
 - Multiply number of judge days by number of case-related hours to get judge year.
- I. Divide the total amount of time required to process the anticipated number of case filings by judge time available.
- J. Adjust the case weights to allow for additional factors.
- K. Compare judges needed to actual number of judges by jurisdiction.
- L. Have steering committee review final recommendations and provide for updates.

III. The Planning Process

A successful performance study and workload assessment involves three phases: (1) effective project planning, (2) effective project implementation, and (3) effective project wrap-up. Some of the key elements of each phase are set out below:

A. The Planning Phase

- Develop the study's focus and scope.
- Gain commitment from key stakeholders.
- Determine types of data to be gathered, the best sources for this data, and the best methods for data gathering.
- Determine the accessibility of your data sources and availability of the key or core performance measures.
- Determine what resources are available for data collection and analysis.
- Articulate project monitoring and supervisory functions.
- Identify sample for study.
- Identify potential users of the results.

B. The Implementation Phase

- Train and supervise people to do the data collection.
- Monitor the project implementation and activities.
- Gather the core court performance and judicial workload data.
- Gather the additional court performance and judicial workload data.
- Synthesize all the data for analysis.
- Analyze, collate, and interpret all the data.

C. The Wrap-Up Phase

- Generate a report or briefing of your findings - always keeping in mind your target audiences.
- Share the report with an advisory or steering committee for review and feedback prior to any final dissemination. Make modifications as appropriate.
- Disseminate the report or briefing.
- Convene a group to design a strategic or action plan that addresses study findings.
- Evaluate the quality of the project's process.

EXHIBIT H
Texas Action Plan

THEMES	<i>Short Term (1-11 months)</i> INITIATIVES	<i>LONG TERM (12+ MONTHS)</i> INITIATIVES
<p>Courts are responsible for ensuring that children’s rights to safety, permanence, and well being are met in a timely and complete manner.</p>	<ul style="list-style-type: none"> ✓ Expedite Supreme Court handling of dependency case appeals. <p>After attending the National Judicial Leadership Summit, Justice Harriet O’Neill, liaison to the Supreme Court Task Force on Foster Care (“Task Force on Foster Care”) initiated a Supreme Court policy of expediting dependency case appeals as if they were requests for emergency relief.</p> <ul style="list-style-type: none"> ✓ Expedite appellate court handling of dependency case appeals. <p>Justice O’Neill has announced the Supreme Court’s policy of expediting dependency case appeals and has emphasized the importance of this practice to the Chief Justices of all the Texas Courts of Appeals.</p> <ul style="list-style-type: none"> ✓ Restore CIP website as a clearinghouse for resources. <p>A web presence is being created on the Texas</p>	<ul style="list-style-type: none"> ✓ Develop uniform case management and tracking system under OCA. <p>The Child Protection Case Management & Reporting Task Force (the “Tracking Task Force”) with the extensive involvement of the Office of Court Administration (“OCA”) has developed immediate plans for data sharing and long term plans for the development of a uniform case management and tracking system. As of September 1, 2006, data elements of dependency cases are being recorded by the child protection specialty courts and the district clerks of the counties with a population of 100,000 or more, representing 91% of the state’s total population. The Tracking Task Force is also considering a more extensive list of data elements to better capture information needed to analyze judicial workload. Further, the OCA has written a five-year plan for the creation of a statewide, integrated system.</p>

	<p>Judiciary webpage for the Task Force on Foster Care, and its subcommittee, the Tracking Task Force where judges, attorneys, and other stakeholders can (i) learn of the collaborative initiatives that are underway, (ii) connect with other professionals in their field, and (iii) access links to local and national resources.</p> <ul style="list-style-type: none"> ✓ Issue Supreme Court order requiring development of the uniform case management and tracking system. <p>On March 20, 2006, the Supreme Court issued a detailed order expressing the need for and establishing the Tracking Task Force with the charge of overseeing the development of a uniform case management and tracking system. This multidisciplinary group was thoughtfully created to include representatives from the Judiciary, the Legislature, the Department of Family and Protective Services, the Office of Court Administration, District Clerks, District and County Attorneys, County Judges and Commissioners, The Casey Family Foundation, and members of the academic community.</p>	
<p>To safeguard children’s best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care</p>	<ul style="list-style-type: none"> ✓ Discuss JFCF initiative with law schools to determine what they can do. <p>Collaboration has begun with professors from two of the top law schools in Texas. Further plans to host a meeting of all the deans of Texas law schools are in the works.</p>	<ul style="list-style-type: none"> ➤ Develop uniform protocol for appointment of counsel for children and parents, using indigent defense model. <p>The Center for Public Policy Priorities is studying the disparate practices of various</p>

<p>about them.</p>	<ul style="list-style-type: none"> ➤ Research loan forgiveness and other incentives for attorneys working on dependency cases. <p>Texas has a loan forgiveness program for attorneys who agree to work with Legal Aid, a non-profit organization providing free and low cost legal services. Justice O’Neill was a founding member of the commission supporting this organization, the Texas Access to Justice Commission (“ACJC”). Texas will use the Legal Aid model to research the development of a loan forgiveness program for attorneys working to protect children and families.</p> <ul style="list-style-type: none"> ➤ Discuss JFCF initiative with Board of Law Examiners. <p>Justice O’Neill has worked closely with leaders of the State Bar in her work with the ACJ Commission and plans to meet with the Board of Law Examiners to discuss these initiatives.</p> <ul style="list-style-type: none"> ✓ Explore resources for relative placement families. <p>The 79th Legislature enacted Relative Caregiver</p>	<p>counties in the appointment and payment of attorneys ad litem. Also, the Court Appointed Family Attorney section of the Austin Bar Association conducted an informal study of the best practices in the appointments of attorneys ad litem. Several state models were considered from across the nation, as well as the indigent defense model in Texas. The results of this project will be used to analyze protocols used by other counties to develop recommended models for urban and rural counties.</p> <ul style="list-style-type: none"> ➤ Require a dependency case question on the Bar exam. <p>Texas attorneys ad litem have collaborated with the National Association of Counsel for Children (“NACC”) to bring their new Certification Program to Texas where attorneys apply to take the exam by submitting references and evidence of their extensive experience in this field. NACC will provide training for the exam, and the State Bar will administer the exam to be certified as a Child Welfare Law Specialist. Further, adding a dependency question on the Bar exam will be address in meetings with the Board of Law Examiners.</p> <ul style="list-style-type: none"> ✓ Identify problem areas and available resources (urban/rural) within CPS representation and ensure well-trained
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	<p>Assistance for kinship placements providing stipends, reimbursements, case management, and other resources to these families.</p> <ul style="list-style-type: none"> ✓ Promote CASA programs in every jurisdiction. <p>Staff Attorney for Children and Families is collaborating with the Executive Director and Program Expansion Director of Texas CASA regarding potential overlapping initiatives of CASA and the Supreme Court. Currently, the Program Expansion Director travels to various jurisdictions to assist new CASA programs in the formation of their 501(c)(3)s, steering committee, and funding development. Models of such program expansion will also be useful in planning the expansion of judicial and attorney training, the promotion of best practice guidelines, and the institution of model court initiatives.</p>	<p>and available attorneys, using Cluster Court model.</p> <p>The data elements being recorded as part of the work of the Tracking Task Force will help measure judicial workload and the timeliness of notice, hearing, and trials. The new federal CIP training grant has been identified as a source to create a statewide toolkit available to attorneys in dependency cases. Also, as a part of the reforms from the 79th Legislature, attorneys representing children are now required to obtain at least three hours of CLE, specific to child abuse and neglect litigation. To support attorneys and judges, Texas Loves Children, a non-profit organization which created the online resource center, www.TexasLawyersforChildren, is acquiring DVD capability to provide downloadable videos from relevant CLEs across the state. Additionally, on October 2- 4, 2006, the OCA is sponsoring a CLE for the Cluster Court Judges where the judges will receive specialized training and will be asked to offer their ideas regarding this initiative.</p>
<p>To protect children and promote their well being, courts should be required to demonstrate effective collaboration on behalf of children.</p>	<ul style="list-style-type: none"> ➤ Ask Texas Child Welfare Boards to review and evaluate local collaboration ➤ (Other activities under the plan demonstrate this commitment) 	<ul style="list-style-type: none"> ➤ Institute a state model court initiative. <p>Judge Patricia Macías has implemented the Unified Family Court model in her jurisdiction. As a member of the Pew Commission, the Task Force on Foster Care and the Tracking Task Force, she will share</p>

		her insight from these model court initiatives to assist in the development of model child protection courts. Further, the fifteen Child Protection Specialty Courts may be used as a road map in this initiative.
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EXHIBIT I

Strengthening Courts for Children and Families

The Pew Commission cited strengthening courts as an essential component of improving outcomes for children in foster care. In September 2005, Texas judicial and executive branch leaders, including Chief Justice Wallace B. Jefferson and Justice Harriet O’Neill, liaison to the Supreme Court Task Force on Foster Care, attended the first-ever National Judicial Leadership Summit on the Protection of Children. At this national summit, Texas was charged with developing an action plan to specifically address structural issues in the judicial system that limit the ability of courts to fulfill their obligation to protect children and move children safely and appropriately through the system.

As a result of that action plan, the Supreme Court has implemented many reforms including (i) enacting Supreme Court policies to expedite parental termination appeals; (ii) creating a new position, Staff Attorney for Children and Families, to be solely dedicated to these initiatives; and (iii) appointing the Task Force for Child Protection Case Management and Reporting to address one of the critical first steps of the Pew Commission recommendations: developing a uniform computerized data system that will accurately track and analyze child protection cases.

To tackle the broader goals of ensuring safety, well-being and permanency of children in foster care, the Supreme Court is considering the creation of a statewide commission for children and families to act as an umbrella organization for the judiciary, child welfare agencies and community stakeholders. This model has been successful in New York and California and is strongly endorsed by the Pew Commission.

How would a commission for children and families be different from other children’s organizations?

A commission for children and families would be permanent, statewide, and made up of high-level, multi-disciplinary representatives with the authority to effectively move ideas and actions.

What are the specific goals for such a commission?

A commission for children and families would set its own goals, benefiting from the experience of established commissions and national studies. For example, the Pew Commission identified the following key strategies for strengthening courts to ensure the safety, well-being and permanency of children in foster care:

- (1) Enhance Accountability by implementing policies to identify and measure best court practices and inform resource allocation;
- (2) Foster Collaboration by encouraging information-sharing and problem-solving at a statewide level, as well as recommending models and providing incentives for county-wide collaboration;

- (3) Assert Judicial Leadership by promoting standards for dependency courts and recognizing outstanding practices of judges, attorneys and court staff; and
- (4) Provide an Effective Voice for Parents and Children by ensuring capable representation with the development of a statewide curriculum for attorneys ad litem and judges.

As leaders for children and families, you are in a unique position to provide insight as to the need and feasibility of a statewide, permanent, multi-disciplinary commission for children and families in Texas. Justice Harriet O'Neill would like to hear from you.

Specifically, do you think a statewide commission would enhance your work in protecting children and families? If so, how? If not, why?

What do you consider to be the top priorities in strengthening dependency courts, and how do you think a commission might help in achieving them?

Thank you for the important work that you do to improve the lives of Texas children and families.

Please submit all responses by October 15th, 2006 to:

Kristi Taylor
Staff Attorney for Children and Families
The Supreme Court of Texas
P.O. Box 12248
Austin, Texas 78711
(512) 463-7455 phone
(512) 936-2308 fax
kristi.taylor@courts.state.tx.us