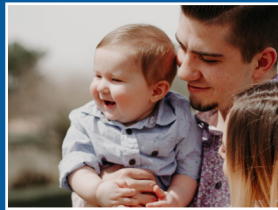




Children's Commission

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



Children's Commission Meeting Notebook November 4, 2022

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

November 4, 2022

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

Friday, November 4, 2022

9:30 a.m. –11:30 a.m.

Virtual Meeting

Meeting Agenda

9:30 Commencement / Opening Remarks
First Order of Business – Adopt Minutes from September 30, 2022

9:40 Incoming Commission Members

10:00 Outgoing Commission Members

10:45 Office of Court Administration Update

10:55 Department of Family & Protective Services Update

11:15 Children's Commission Projects

11:25 New Business

11:30 Adjourn

Meeting Schedule: February 10, 2023 (in person)

May 12, 2023 (virtual)

September 15, 2023 (in person)

November 3, 2023 (virtual)

INSERT - TAB 1

CHILDREN'S COMMISSION MEMBERS

| | | | |
|---|---------------------|-----------------------------|---------------------|
| Hon. Debra Lehrmann, <i>Chair</i> | Hon. Susan Brown | Hon. Randall Hufstetler | Hon. Frank Rynd |
| Hon. Rebeca Huddle, <i>Deputy Chair</i> | Hon. Darlene Byrne | Rep. Stephanie Klick | Hon. Randy Shelton |
| Hon. Eva Guzman, <i>Chair Emeritus</i> | Hon. Julie Countiss | Hon. Selina Mireles | Luanne Southern |
| Hon. Harriet O'Neill, <i>Chair Emeritus</i> | Hon. Roy Ferguson | Katie Olse | Vicki Spriggs |
| Hon. Gary Coley, <i>Vice Chair</i> | Madelyn Fletcher | Hon. Robbie Partida-Kipness | Terese Stevenson |
| | Paula Bibbs-Samuels | Sasha Rasco | Hon. Thomas Stuckey |
| | Dr. Gary Blau | Hon. Isaac Roland | Sen. Royce West |

Advisors:
Sheila Sturgis Craig,
Equity Advisor
Hon. Michael Massengale,
Sr. Judicial Advisor

COMMITTEE MEMBERS

EXECUTIVE

Hon. Debra Lehrmann, *Chair*
Hon. Rebeca Huddle, *Deputy Chair*
Hon. Eva Guzman, *Chair Emeritus*
Hon. Harriet O'Neill, *Chair Emeritus*
Hon. Gary Coley, *Vice Chair*
Hon. Susan Brown
Hon. Rob Hofmann
Hon. Randall Hufstetler
Hon. Piper McCraw

Staff:
Jamie Bernstein
Tiffany Edwards
Staff:
Jocelyn Fowler
Aimee Corbin
Tiffany Edwards

SYSTEMS IMPROVEMENT

Hon. Rob Hofmann, *Chair*
Hon. Rosie Alvarado
Dr. Gary Blau
Hon. Julie Countiss
Sarah Crockett
Mary Christine Reed
Hon. Robin Sage
Hon. Ian Spechler
Jordan Watson

Staff:
Dylan Moench
Renée Castillo-De La Cruz
Chelsea Martinez

LEGAL PRACTICE & PROCESS

Hon. Randall Hufstetler, *Chair*
Mark Briggs
Sarah Bryant
Hon. Anne Darring
Lori Duke
Hon. Angela Ellis
Hon. Delia Gonzales
Monique Gonzalez
Brenda Kinsler
Hon. Thomas Stuckey
Janet VanderZanden
Charlotte Velasco

Staff:
Mildrey Raney
Renée Castillo-De La Cruz
Andrea Vicencio
Chelsea Martinez

TRAINING

Hon. Piper McCraw, *Chair*
Hon. Mark Atkinson
Tymothy Belseth
Denise Campbell
Teal De La Garza
Barbara Elias-Perciful
Hon. Denise Fortenberry
Hon. Angela Graves-Harrington
Hon. Yahara L. Gutierrez
Margaret Halpin
Tracy Harting
Sharibeth Niehaus
Hon. Robbie Partida-Kipness
Kellie Price
Hon. Tracey Scown
Diane Sumoski
Hon. Elizabeth Watkins

Staff:
Dylan Moench
Chelsea Martinez

OCA Advisory:
Darrrell Childers
Jeff Cox
Anissa Johnson
Casey Kennedy
Alejandra Peña
Mena Ramon
Charlote Velasco

DATA

Hon. Susan Brown, *Chair*
Hon. Rosie Alvarado
Nathan Ezell
Dr. Monica Faulkner
Hon. Delia Gonzales
Elizabeth Kromret
Hon. Robin Sage
Hon. Michael Schneider
Vicki Spriggs
Hon. Carlos Villalon

COLLABORATIVE COUNCIL MEMBERS

Mikey Betancourt
Andrew Brown
Dania Carter
Irene Clements
Sarah Crockett
Teal De La Garza
De Shaun Ealoms
Barbara Elias-Perciful
Mike Foster

Brian Klas
Norman Ladd
Stephanie Madrigal
Gabriella McDonald
Dr. Jill McLeigh
Kate Murphy
Judy Powell
Mary Christine Reed
Tanya Rollins

Danielle Schafer
Johana Scot
Andrea Sparks
Theresa Thomas
Kenneth Thompson
Ruth Thornton

Jamie Bernstein, Executive Director
Mildrey Raney, Assistant Director
Jessica Arguijo, Communications Manager
Renée Castillo-De La Cruz, Staff Attorney
Aimee Corbin, Staff Attorney
Tiffany Edwards, Executive Assistant
Jocelyn Fowler, Staff Attorney
Monica Mahoney, Program Specialist
Chelsea Martinez, Executive Assistant
Dylan Moench, Legal Representation Director
Patrick Passmore, Grant Administrator
Willette Sedwick, Accountant
Andrea Vicencio, Program Specialist
Hon. Rob Hofmann, Senior Jurist in Residence
Hon. Piper McCraw, Jurist in Residence

STAFF

INSERT - TAB 2

Supreme Court of Texas Children’s Commission Meeting Minutes

**Friday, September 30, 2022
9:30 a.m. – 2:00 p.m.**

ATTENDANCE

| Commissioners | Attended | Did Not Attend |
|--|-----------------|-----------------------|
| Chair, Hon. Debra Lehrmann, Justice, Supreme Court of Texas, Austin | ✓ | |
| Deputy Chair, Hon. Rebeca Huddle, Justice, Supreme Court of Texas, Austin | ✓ | |
| Hon. Gary Coley, Vice Chair, Judge, 74 th District Court, Waco | ✓ | |
| Hon. Rosie Alvarado, Judge, 438 th District Court, San Antonio | ✓ | |
| Karla Baker, Parent Liaison, Region 4, Parent Collaboration Group Representative, Chandler | ✓ | |
| Erica Bañuelos, Associate Commissioner for CPS, DFPS, Austin | ✓ | |
| Corey Benbow, Chief Executive Officer, The Tax Box, Austin | ✓ | |
| Paula Bibbs-Samuels, Parent Representative, Slaton | | ✓ |
| Dr. Gary Blau, Executive Director, Hackett Center, Houston | | ✓ |
| Hon. Susan Brown, Presiding Judge, 11 th Administrative Judicial Region, Houston | ✓ | |
| Hon. Darlene Byrne, Chief Justice, Third Court of Appeals, Austin | | ✓ |
| Hon. Julie Countiss, Justice, First Court of Appeals, Houston | | ✓ |
| Hon. Roy Ferguson, Judge, 394 th District Court, Alpine | ✓ | |
| Madelyn Fletcher, Budget and Policy Advisor, Office of the Governor, Austin | ✓ | |
| Sandra Hachem, State Bar of Texas Child Protection Law Section Chair, Houston | ✓ | |
| Hon. Randall Hufstetler, Judge, 300 th District Court, Angleton | ✓ | |
| Rep. Stephanie Klick, Texas House of Representatives, District 91, North Richland Hills | | ✓ |
| Hon. Selina Mireles, Associate Judge, 4 th and 5 th Admin. Judicial Regions Child Protection Court, Laredo | ✓ | |
| Katie Olse, Executive Director, Texas Alliance of Child and Family Services, Austin | ✓ | |
| Hon. Robbie Partida-Kipness, Justice, Fifth District Court of Appeals, Dallas | ✓ | |
| Sasha Rasco, Chief Prevention and Community Well-Being Officer for Prevention, DFPS, Austin | | ✓ |
| Hon. Frank Rynd, General Counsel, Archdiocese of Galveston-Houston, Houston | | ✓ |
| Hon. Randy Shelton, Judge, 279 th Civil District Court, Beaumont | ✓ | |
| Luanne Southern, Executive Director, Texas Child Mental Health Care Consortium, Austin | | ✓ |
| Vicki Spriggs, Chief Executive Officer, Texas CASA, Austin | | ✓ |
| Terese Stevenson, Vice President, Grants, The Rees-Jones Foundation, Dallas | | ✓ |
| Hon. Thomas Stuckey, Associate Judge, Centex Child Protection Court South, Seguin | ✓ | |
| Hon. Royce West (by proxy Vince Leibowitz), Texas Senate, District 23, Dallas | ✓ | |
| Jurists in Residence | | |
| Hon. Rob Hofmann, Judge, 452 nd District Court, Senior Jurist in Residence, Mason | ✓ | |
| Hon. Piper McCraw, Judge, 469 th District Court, Jurist in Residence, McKinney | ✓ | |
| Equity Advisor | | |
| Sheila Craig, Director, Civil Rights Office, Health and Human Services Commission, Austin | | ✓ |
| Senior Judicial Advisor | | |
| Hon. Michael Massengale, former Justice, First Court of Appeals, Houston | | ✓ |

Collaborative Council

| | Attended | Did Not Attend |
|--|-----------------|-----------------------|
| Mikey Betancourt, Director of MDT Programming, Child Advocacy Centers of Texas, Austin | ✓ | |
| Andrew Brown, Associate Vice President of Policy, Texas Public Policy Foundation, Austin | | ✓ |
| Dania Carter, Founder/CEO, Heart of Courage, Dallas | | ✓ |
| Irene Clements, Executive Director, National Foster Family Association, Pflugerville | | ✓ |
| Sarah Crockett, Director of Public Policy, Texas CASA, Austin | ✓ | |
| Teal De La Garza, Managing Partner, Bill De La Garza & Associates, P.C., Houston | | ✓ |
| De Shaun Ealoms, Parent Program Specialist, Department of Family and Protective Services, Austin | | ✓ |
| Barbara Elias-Perciful, Director, Texas Lawyers for Children, Dallas | | ✓ |
| Mike Foster, President, Board of Directors, Giocosa Foundation, Austin | ✓ | |
| Will Francis, Government Executive Director, National Association of Social Workers, Texas Chapter, Austin | | ✓ |
| Fedora Galasso, Chief Executive Officer, Texas Network of Youth Services, Austin | ✓ | |
| Linda Garcia, Sr. Vice-President 2Ingage, Texas Family Initiative, Abilene | ✓ | |
| Barbra Grimmer, Child Welfare Public Policy Coordinator, Texas Council on Family Violence, Austin | ✓ | |
| Julia Hatcher, Attorney and President, Texas Association of Family Defense Attorneys, Galveston | | ✓ |
| Félix Herrera, Secretary of Relations, Consul for Protection and Legal Affairs, Austin | | ✓ |
| Tina Hosaka, Director Substance Use Treatment Programs, Texas Health and Human Services, Austin | | ✓ |
| Kerrie Judice, Child Protection Policy Manager, TexProtects, Dallas | ✓ | |
| Bruce Kendrick, Director of Life Initiatives, Watermark Community Church, Dallas | | ✓ |
| Knox Kimberly, Vice President for Advocacy and Education, Lutheran Social Services, Austin | | ✓ |
| Brian Klas, Training Director, Texas District & County Attorneys Association, Austin | | ✓ |
| Norman Ladd, Attorney/Partner, Ladd & Thigpen, P.C., Tyler | | ✓ |
| Stephanie Madrigal, Safe Babies Director, First3Years, Dallas | | ✓ |
| Gabriella McDonald, Pro Bono and New Projects Director, Texas Appleseed, Austin | ✓ | |
| Jill McLeigh, Director of Policy, Advocacy, & Research, Rees-Jones Center for Foster Care Excellence, Dallas | | ✓ |
| Kate Murphy, Senior Policy Associate, Texans Care for Children, Austin | | ✓ |
| Judy Powell, Communications Director, Parent Guidance Center, Austin | ✓ | |
| Mary Christine Reed, Director, Texas Foster Youth Justice Project, Texas RioGrande Legal Aid, Austin | | ✓ |
| Tanya Rollins, Consultant, Inspiring Voices – Equity and Inclusion Consulting, Austin | | ✓ |
| Danielle Schafer, GAL, Harris County Child Advocates, Houston | | ✓ |
| Johana Scot, Executive Director, Parent Guidance Center, Austin | ✓ | |
| Andrea Sparks, Director of Government Relations, Buckner International, Dallas | | ✓ |
| Theresa Thomas, Statewide Director of Community-Based Care Transition, Austin | ✓ | ✓ |
| Kenneth Thompson, Fatherhood Program Specialist, Department of Family and Protective Services, Austin | | ✓ |
| Ruth Thornton, Director of Child Support, Office of the Attorney General, Austin | | ✓ |

Attending Committee Members and Guests

Stephanie Battaglia, Public Policy Coordinator, Texas CASA, Austin
Tiffany Crouch Bartlett, Texas Lawyers for Children, Round Rock
Julie Frank, Chief of Staff, DFPS, Austin
Hon. Angela Graves-Harrington, Judge, 246th Family Court, Houston
Tamela Griffin, Texas Strategic Consultant, Casey Family Programs, Austin
Anne Heiligenstein, Executive Deputy Director, DFPS, Austin
Brenda Kinsler, Managing Attorney, DFPS, Austin
Corliss Lawson, Deputy Commissioner, DFPS, Austin

Jaime Masters, Commissioner, DFPS, Austin
Kellie Price, Appellate Attorney, DFPS, Austin

Attending Office of Court Administration Staff

Jeff Cox, Senior Data Analyst
Megan LaVoie, Administrative Director
Charlotte Velasco, Project Manager

Attending Children’s Commission Staff

Jamie Bernstein, Executive Director
Jessica Arguijo, Communications Manager
Renée Castillo-De La Cruz, Staff Attorney
Aimee Corbin, Staff Attorney
Jocelyn Fowler, Staff Attorney
Monica Mahoney, Program Specialist
Chelsea Martinez, Executive Assistant
Dylan Moench, Legal Representation Director
Patrick Passmore, Finance Manager
Milbrey Raney, Assistant Director
Willette Sedwick, Accountant
Andrea Vicencio, Program Specialist

CALL TO ORDER AND OPENING REMARKS

Justice Debra Lehrmann called the meeting to order at 9:59 a.m. and expressed appreciation on behalf of the Supreme Court of Texas to members of the Children’s Commission for dedicating their time to the very important mission of strengthening courts for children, youth, and families in the child welfare system. Justice Huddle also welcomed the Committee and Collaborative Council Members to the in-person meeting.

Commissioner, Committee, and Collaborative Council Membership Changes

Justice Lehrmann announced changes to two of the Commission’s standing positions. Justice Lehrmann shared that Ms. Deneen Dryden took a new position at the Texas Department of Family and Protective Services (DFPS) as the Director of Placement Stability. Ms. Erica Bañuelos is now the Associate Commissioner for Child Protective Services. Ms. Bañuelos has been with the agency since 1997 and previously served as CPS Director of Field and Region Director in the San Antonio area. The second standing position is the Child Protection Law Section Chair, which transitions every year in June. As a result, Judge Rhonda Hunter rolled off the Children’s Commission and Ms. Sandra Hachem, the new Child Protection Law Section Chair, joined her first meeting as a Commissioner.

Justice Lehrmann also welcomed Ms. Madelyn Fletcher, who serves as the Budget and Policy Advisor at the Governor’s Office, and recently replaced Ms. Heather Fleming as the *ex officio* representative from the Office of the Governor on the Commission.

Lastly, Justice Lehrmann shared that Anne Heiligenstein accepted a temporary position as the Executive Deputy Commissioner of DFPS. Ms. Heiligenstein will remain a Children's Commission member since her new position is temporary, but in the interim Ms. Tamela Griffin will serve as Ms. Heiligenstein's proxy, representing Casey Family Programs. Ms. Griffin most recently served as Chief Financial Officer for DFPS and brings a wealth of experience to the role as Strategic Consultant for Casey Family Programs.

Justice Huddle announced several Committee Member changes. Ms. Sophie Phillips is no longer at TexProtects and she rolled off the Systems Improvement Committee. Ms. Brenda Kinsler, DFPS Managing Attorney for DFPS Regions 4, 5, and 7, will serve on the Legal Practice and Process Committee. Ms. Ann Palmer is no longer at Texas CASA and Ms. Margaret Halpin will now represent Texas CASA on the Training Committee. Ms. Halpin is an Instructional Designer & Facilitation Coach with Texas CASA.

Justice Huddle also announced that Ms. Sharibeth Neihaus is one of the new DFPS Disproportionality Managers and recently joined the Training Committee. Dr. Jangmin Kim from Texas State rolled off the Data Committee. Lastly, Mr. Nathan Ezell, Deputy Director for the Data and Decision Support, will replace Mr. Ross Baxter as the DFPS representative on the Data Committee. Justice Huddle expressed her gratitude to each of these individuals for their service.

Special Guests

Justice Huddle welcomed special guests DFPS Commissioner, Jaime Masters, and Judge Angela Graves-Harrington of the 246th Family Court in Houston, Texas.

Adoption of May 13, 2022, Meeting Minutes

Justice Huddle directed members to the May 13, 2022 Commission Meeting Minutes behind Tab 2 of the September 2022 Meeting Notebook that were distributed prior to the meeting.

ACTION: Justice Huddle asked for a motion to adopt the minutes. Hearing no objections, Commissioners voted to adopt the minutes for the May 13, 2022 Children's Commission meeting.

FISCAL YEAR 2023 STRATEGIES & BUDGET REPORT

The Children's Commission staff presented the proposed strategies and budget report for fiscal year 2023. This information can be found behind Tabs 3 and 4 of the September 30, 2022 Children's Commission Meeting Notebook.

ACTION: Justice Lehrmann asked for a motion to adopt the fiscal year 2023 proposed strategies and budget. Hearing no objections, Commissioners voted to adopt the fiscal year 2023 strategies and budget.

CHILDREN'S COMMISSION STAFF PRESENTATION

Ms. Jamie Bernstein shared key takeaways from the Senate Bill 1578 Report which addressed the use of the Forensic Assessment Center Network (FACN) by DFPS. The FACN provides statewide access to medical consultations to the Texas Department of Family and Protective Services.

Ms. Jocelyn Fowler announced that a joint Round Table was held between the Children's Commission and the Judicial Commission on Mental Health (JCMH), and that the genesis of the Round Table was the discussion on children's mental health at the February 2022 Children's Commission meeting. The Round Table and resulting report served as a first step in addressing children's mental health and there is a plan to convene a smaller related group in the Fall. A video that accompanies the report was also shared.

Ms. Bernstein then gave a brief presentation about the Senate Bill 1575 Report which related to the oversight and best practices of Residential Treatment Centers (RTCs) and Qualified Residential Treatment Programs (QRTPs).

Printed copies of these reports were made available at the meeting and the reports are also available on the Children's Commission website.

DFPS UPDATE

Commissioner Masters began the DFPS update by emphasizing the importance of permanency for children in Texas with data showing that the state is ranked 12th in the nation when it comes to low removals. Comm'r. Masters reported that Texas is one of the top performing states regarding the length of time that children spend in care and that there has been a drop in the number of child fatalities. Comm'r. Masters shared updates regarding the Legislative Appropriations Request (LAR) that included placing importance on sustaining current operations, strengthening agency operations, improving information technology and data resources, expanding Community-Based Care (CBC), requesting salary equalization, including direct delivery program support, addressing elderly financial exploitation, expanding prevention and community well-being services, and improving statewide intake hold times. She also highlighted future goals listed in the LAR which include foster care rate modernization and foster care lawsuit compliance for Single Source Continuum Contractors.

Ms. Bañuelos announced that the new House Bill 3041 Pilot program will launch in four regions in October 2022. House Bill 3041 directs DFPS to create a pilot program per the Family First Prevention Services Act (FFPSA) that allows a child at imminent risk for removal to stay in the home safely while evidence-based services are provided. The pilot program offers judicial oversight and due process for both parents and children. The areas selected are regions where CBC has already been established and where services are not as easily accessed as other areas of the state. Ms. Bañuelos announced that in partnership with St. Francis in Region 1, DFPS will launch the pilot in nine of their rural counties; in Region 2, 2Ingage will launch the pilot in thirty counties; in Region 3, Our Community Our Kids (OCOK) will launch the pilot in six counties; and in Region 8b, Belong will launch the pilot in five counties.

Ms. Bañuelos highlighted that the goal of the pilot program is to prevent the child from ever coming into the system by arranging for and providing support in the home, such as bringing in a family member while the parent is receiving trauma-informed, wraparound services. The services provided will engage the whole family and a family-based safety services caseworker will be assigned to these cases.

Justice Lehrmann asked if DFPS has observed changes to the number of removals of children since the passage of HB 567 (87th Leg. Session). Ms. Bañuelos explained that HB 567 did raise the threshold for neglect and there has been a drop in the number of removals. She added that these changes helped DFPS to focus more intensely on high-risk families. Ms. Bañuelos noted that another effect has been a more manageable workload.

Justice Lehrmann inquired about statistics on removal before and after passage of HB 567. Ms. Bañuelos reported that DFPS looked back on the numbers in the past year, and they have found that recidivism for closed Family Based Safety Services (FBSS) cases has not increased. Ms. Heiligenstein referred to DFPS' provided materials and expressed that initially, the pilot program will only be for select families, but the Department hopes to gather evidence on the effectiveness of the HB 3041 pilot programs to be able to expand evidence-based services to more eligible families. Ms. Heiligenstein emphasized that DFPS will always place the safety of the child as a top priority and that the pilots are the first foray into FFPSA in Texas.

Justice Lehrmann expressed concern that children involved in the pilot program only had an attorney to serve as a guardian ad litem (GAL) without a CASA advocate serving as a GAL. Ms. Bañuelos highlighted that there will be specialized caseworkers working on these cases in the pilot program and they will be doing an evaluation on the pilot program to see if it is helping to keep children out of the system. Ms. Sarah Crockett reported that in the overhaul of court ordered services during the legislative session, a guardian ad litem was no longer required to be appointed, only an attorney ad litem. Texas CASA plans to suggest to the Legislature in 2023 that they add an optional appointment of a Texas CASA as guardian ad litem in court ordered services cases when judges think this is appropriate.

Judge Angela Graves-Harrington reported that she has seen a huge impact from recent legislative and policy changes in Region 6A and stated that DFPS has not been able to differentiate between family-based cases and cases where children should be removed pursuant to a Suit Affecting Parent Child Relationship (SAPCR). Judge Graves-Harrington reported that in her experience, DFPS seems to be hesitant to remove children and that this is due to the lack of a clear definition of "immediate danger." She relayed examples where methamphetamine use by parents is resulting in concerns from teachers, who call DFPS with reports that children have missed school and are showing up dirty, but FBSS cases are not being filed in these situations. She noted that by the time a SAPCR is filed, the severity of the child's condition has increased. She fears that DFPS may be waiting too long to take swift action when a child is in severe danger and that a "hands off" approach is causing harm to children. Judge Graves-Harrington's also expressed concern that FBSS cases are closed without legal documents which would give rights to the family members who are taking care of the children in the parents' stead. She suggested it would be helpful if DFPS would explain the legal status of the caregiver at the close of the FBSS case.

Comm'r. Masters emphasized that the Department will move swiftly to remove children from harm. Additionally, she underscored that the Department is open to meeting with judges to hear feedback and concerns regarding these cases, and the Department will work with families to keep children in the home and work with parents to achieve this when it is safe to do so.

Judge Roy Ferguson added that judges need to reevaluate how they administer cases, and he emphasized that orders in aid of investigation can be a helpful tool for judges. Judge Ferguson suggested further discussion in the future regarding how to best approach cases where methamphetamine is related to the cause for removal.

Judge Hufstetler spoke about how in some instances he has given permission to family members to file a SAPCR independent of DFPS case. However, in many cases there aren't family members who are willing to go into the home, and he inquired whether there has been any thought into providing services in this situation or moving a child to a relative's house (in contrast to the families in the pilot program where there are adults who can stay in the home). Ms. Bañuelos responded that the goal of the pilot is to safely maintain the child in the home.

Ms. Crockett inquired about how it is decided which families get traditional FBSS services versus which families receive intensive support in the pilot. Ms. Bañuelos shared that the investigator makes this decision based on the risk assessment. Qualifications include that the child must be safe in the home to be qualified for the pilot, the risk assessment is determined to be high or very high-risk, a family would benefit from court intervention, and the court must approve that the case qualifies for the pilot.

Justice Huddle asked how often data will be collected, assessed, and reported on during the pilot programs and inquired about the duration of and funding for the pilot. Dr. Linda Garcia with 2Ingage shared that in her 30-county region, they plan on doing a monthly report as well as bi-weekly meetings with DFPS, including investigations, FBSS, and the Regional Director as well as therapists and service providers. She added that the data will also be evaluated by a university.

Judge Thomas Stuckey expressed that he expected to see more court ordered services cases, but this has not been the case. Additionally, Judge Stuckey shared that he anticipated that many non-emergency removals cases would become court ordered services cases, but he is not seeing that in any of his five counties across three regions. He did observe a trend that affidavits filed requesting removal include multiple incidents which ultimately lead to an emergency. He articulated his concern is that he is not seeing filings preceding emergency situations and then when he sees cases, there is no longer any option except for removal.

Ms. Bañuelos shared that in response to HB 567, the Department changed their policy around FBSS, also referred to as Concurrent Stages. Now, the Department is reevaluating the policy as well as the practice around the policy change that has been affecting the families and has examined the families served by FBSS. She agreed that DFPS also expected to see a large increase in court ordered services and they have not seen those numbers. Comm'r. Masters shared that the Department is looking into why some families are not being captured by FBSS. Justice Lehrmann affirmed the importance of this conversation and the need to continue the discussion at future Commission meetings.

OFFICE OF COURT ADMINISTRATION (OCA) UPDATE

Ms. Megan LaVoie shared that OCA continues to work with the Commission and DFPS on the Early Intervention Court Liaison (EICL) project in Lubbock, Belton, and Galveston counties. The EICL position builds and strengthens connections among child welfare stakeholders, DFPS, the

courts, and their respective jurisdictions. OCA has also been working with the Department and the Children's Commission to develop a data agreement between the IMPACT systems and Child Protection Case Management System (CPCMS) to share data. Ms. LaVoie shared that they are nearing completion of the report on the efficiency of virtual and remote hearings in child abuse cases, which is the focus of Senior Data Analyst Jeff Cox.

Additionally, Ms. LaVoie updated that Ms. Anissa Johnson has been working with the Children's Commission on the OCA Preconference at the upcoming Child Welfare Judges Conference. Ms. Johnson will also be meeting with court coordinators about HR issues, court security, CPCMS, and an update on OCA matters. Ms. LaVoie announced that they have identified the next two courts to receive equipment to provide hybrid hearings via funding from the Commission, and those are courts presided over by Judge Chris Cornish (Bell County) and Judge Cheryl Vaughn (Cook County).

Additionally, Ms. LaVoie reported that the Judicial Council adopted the report on SB 560 which charged the court to start collecting legal representation data from child welfare cases. The Texas Indigent Defense Commission (TIDC) submitted that report and it was found that there were substantial disparities across the state with funding and CPS attorney availability, with counties paying for legal representation. The Judicial Council recommended that the legislature adopt a statewide fund to collect legal representation data through TIDC and that a legal representation program be created within TIDC to be similar to the work TIDC is doing for criminal indigent defense. The recommendations and report from the Judicial Council will be available online.

Ms. LaVoie shared that the Judicial Council recommended that the legislature make it a criminal offense to release draft judicial opinions or work products. She also reported that backlog jury trials will be close to pre-pandemic levels by the end of the year. OCA held a Backlog Summit on September 14-15, 2022, with the top twenty jurisdictions that have the biggest backlog across the state. The topic discussed was case flow management and docket best practices training to help with backlog issues. Ms. LaVoie announced that OCA will conduct a Weighted Caseload Study in February or April of 2023 for a 4-week period. Ms. LaVoie encouraged as many judges to participate in the study as possible because the legislature relies on data in creating new courts.

Judge Randy Shelton complimented OCA on providing an interpreter for a case with a Vietnamese family and Ms. LaVoie announced that judges can contact interpreter@txcourts.gov for help with interpretation services. Judge Ferguson suggested there is broader participation with remote hearings and asked OCA to consider having an interpreter source for less common languages, and languages other than Spanish. Ms. LaVoie agreed and mentioned that the cost to provide such services would be very expensive.

Judge Rosie Alvarado inquired about OCA possibly working on solving the court reporter shortages. Ms. LaVoie reported that there are people working on the court reporter issue within OCA and that they are aware of the issue. Judge Hofmann asked for clarification on being able to use visiting judge money for visiting court reporters and Ms. LaVoie shared that the ARPA funding for that purpose has been distributed already. She added that with the data provided regarding the ARPA funding there could potentially be a statutory change which could result in attracting more court reporters.

CHALLENGES AND SUCCESSES

Judge Rosie Alvarado suggested a Data Committee project related to measuring the impact of HB 567. Mr. Moench agreed to bring this issue to the committee, and he noted that publicly available data may be available as early as February 2023.

Judge Gary Coley asked if prior referrals before the removal can be tracked. Ms. Bañuelos reported that DFPS currently tracks recidivism, one year after a case is closed. DFPS does not currently track prior referrals but Ms. Corliss Lawson offered to follow up on possible future data collection. Judge Alvarado suggested that this data would be of great interest to judges and to the legislature; she would like to have background data in the event that there is an increase in serious injury and death cases. Mr. Moench suggested a possible case file review and that the Data Committee can discuss if that would be a project they would like to take on.

Judge Hofmann suggested considering Court Ordered Services cases as SAPCRs, in part due to concerns that if a case is not a SAPCR but is instead a court ordered services case, a CASA advocate cannot be appointed. A discussion about orders to participate, court ordered services, and temporary orders ensued, along with whether these types of cases could become SAPCRs and whether CASAs could be appointed.

Judge Piper McCraw announced that she is very excited to be back in person for National Adoption Day on Saturday, November 19.

COLLABORATIVE COUNCIL INPUT

Ms. Tiffany Crouch Bartlett with Texas Lawyers for Children shared a reminder about the trauma training available online at www.texaslawyersforchildren.org. There are 15 hours available at no cost, and the training highlights the importance of trauma training and addressing the use of psychotropic medications.

Ms. Barbra Grimmer with the Texas Council on Family Violence announced that their October townhall on October 6 will be held virtually and the theme is "Join the team: We're safer together."

NEW BUSINESS

Justice Huddle announced that the next meeting will be held virtually on November 4, 2022. She also announced that the 2023 Children's Commission meetings have been set for the following dates:

- February 10, 2023 (in person)
- May 12, 2023 (virtual)
- September 15, 2023 (in person)
- November 3, 2023 (virtual)

ADJOURNMENT

The meeting was adjourned at 1:47 p.m.

INSERT - TAB 3

**Children's Commission
Financial Report**

FISCAL YEAR 2023 BUDGET

| | | |
|--|-----------|------------------|
| FY 2022 Carry Forward | \$ | 1,937,321 |
| (+) Projected FY 2023 Federal Distribution | \$ | 1,835,438 |
| FY 2023 Available Funds | \$ | 3,772,759 |

FISCAL YEAR 2023 EXPENDITURES

| | Budget | Expenses To-date | Anticipated Expenditures |
|--|---------------------|---------------------|-----------------------------|
| Operating | \$ 1,486,160 | \$ - | \$ 1,486,160 |
| Commission Projects | \$ 174,300 | \$ 9,600 | \$ 164,700 |
| <i>Systems Improvement</i> | \$ 46,000 | \$ - | \$ 46,000 |
| <i>Legal Practice and Process</i> | \$ 42,300 | \$ 9,600 | \$ 32,700 |
| <i>Training</i> | \$ 86,000 | \$ - | \$ 86,000 |
| Scholarships | \$ 108,600 | \$ - | \$ 108,600 |
| <i>Child Protection Law Section</i> | \$ 15,000 | \$ - | \$ 15,000 |
| <i>NACC - Annual Conference</i> | \$ 10,000 | \$ - | \$ 10,000 |
| <i>NCJFCJ - Judicial Scholarship</i> | \$ 58,600 | \$ - | \$ 58,600 |
| <i>State Bar CAN CLE</i> | \$ 10,000 | \$ - | \$ 10,000 |
| <i>TBLS - CWL Specialization Exam Fee Waiver</i> | \$ 2,500 | \$ - | \$ 2,500 |
| <i>TDCAA - Conference</i> | \$ 12,500 | \$ - | \$ 12,500 |
| Grants | \$ 790,211 | \$ - | \$ 790,211 |
| <i>DFPS - Regional Attorney Training</i> | \$ 12,000 | \$ - | \$ 12,000 |
| <i>Houston PEARLS Foundation</i> | \$ 25,000 | \$ - | \$ 25,000 |
| <i>OCA - Data Analyst, Technology, Visiting Judge</i> | \$ 250,000 | \$ - | \$ 250,000 |
| <i>TACFS - Data & Trauma Informed Court Practices</i> | \$ 71,732 | \$ - | \$ 71,732 |
| <i>TCJ - Judicial Training</i> | \$ 254,571 | \$ - | \$ 254,571 |
| <i>TNOYS - Commercial Sexual Exploitation of Children Care</i> | \$ 25,580 | \$ - | \$ 25,580 |
| <i>TFYJP - Hotline Data Collection</i> | \$ 26,328 | \$ - | \$ 26,328 |
| <i>TLSC - Family Helpline</i> | \$ 125,000 | \$ - | \$ 125,000 |
| | \$ 2,559,270 | \$ 9,600 | \$ 2,549,670 |

CURRENT FINANCIAL STATUS

| | | |
|--|-----------|------------------|
| Federal Fund Balance | \$ | 3,763,159 |
| (-) FY2023 Expenditures | \$ | 2,549,670 |
| Estimated Carry Forward FY 2024 | \$ | 1,213,488 |

