

CHILDREN'S COMMISSION
FISCAL YEAR 2021

ANNUAL REPORT

TO THE
SUPREME COURT OF TEXAS





CONTENTS

Reporting Period October 1, 2020 - September 30, 2021

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"OUR MISSION IS TO STRENGTHEN COURTS FOR CHILDREN,
YOUTH, AND FAMILIES IN THE TEXAS CHILD PROTECTION
SYSTEM AND THEREBY IMPROVE THE SAFETY, PERMANENCY,
AND WELL-BEING OF CHILDREN."
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FROM THE CHAIR & DEPUTY CHAIR	4
FROM THE EXECUTIVE DIRECTOR	6
FEDERAL & STATE COLLABORATION	7
COMMITTEES	
SYSTEMS IMPROVEMENT	11
LEGAL PRACTICE & PROCESS	19
TRAINING	23
DATA	31
DUAL STATUS TASK FORCE	33
GRANTS	35
COMMISSION MEMBERS	38

FROM THE CHAIR



The Honorable Debra Lehrmann

In September 2021, Chief Justice Nathan Hecht appointed me to serve as the Chair of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth, and Families (Children’s Commission). It is a great joy and honor to serve in this role and to continue the exceptional work of the previous Chairs, Justice Harriet O’Neill (ret.) and Justice Eva Guzman (ret.), as well as to partner with Justice Rebeca Huddle as Deputy Chair.

With over three decades of experience as judge, I can attest that child welfare law is one of the most important and most challenging areas of law. The bond between a child and their family is sacrosanct and this consideration must remain at the forefront in child welfare cases. Decisions that will impact the parent-child

relationship must balance urgency with diligence and fairness because even small decisions have a large impact in the life of a child.

The child welfare system is a broad network of stakeholders that reaches far beyond the child welfare agency. Judges, attorneys, guardians ad litem, individuals with lived experience, child care and service providers, advocates, and many others each play a critical role in strengthening the child welfare system to better serve children and families. While each individual may represent a particular perspective, child welfare law is unique in that the system functions best when these individual approaches converge and there is meaningful collaboration to support the best interest of the child.

Since its inception in 2007, the Children’s Commission has been dedicated to ensuring that the judicial and legal systems are engaged in efforts to improve the child welfare system and to provide a neutral forum for civil and productive discourse about the myriad of complex issues involved in child welfare cases. In 2021, the Children’s Commission continued to develop resources, training, and opportunities for problem-solving to benefit children and families experiencing the child welfare system. These efforts include promoting high quality legal representation for children, parents, and the State; informing judges presiding over child welfare cases about the black letter law as well as best practices; supporting judges in their role as community leaders; and training judges and attorneys practicing in this area to respond to the multitude of issues faced by families in the child welfare system. This capacity building is designed to help families access services, identify supports, and navigate complex law and policy to promote better outcomes for children, youth, and families.

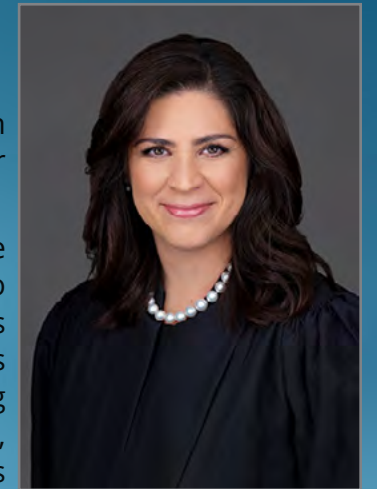
The goal of the Children’s Commission is to foster partnership and collaboration while respecting the value in each aspect of a multifaceted child welfare system. Texas children and families deserve our very best and I look forward to leading the Children’s Commission into the next chapter of its critical work.

A handwritten signature in black ink that reads "Debra H. Lehrmann".

Justice Debra H. Lehrmann

FROM THE DEPUTY CHAIR

The Honorable Rebeca Aizpuru Huddle



As the Children’s Commission first Deputy Chair, I am fortunate to partner with Justice Lehrmann and to continue the Commission’s strong legacy built by over fourteen years of judicial leadership, vision, innovation, and determination.

The child welfare system has consistently evolved for decades. One of the Commission’s goals is to stay at the forefront of changes in the system to ensure that the system’s evolution is a positive one for the children and families experiencing it. We are currently witnessing a paradigm shift occurring across the executive, legislative, and judicial branches to focus on the goal of having children remain in the care of their families whenever they can safely do so, to avoid compounding the trauma experienced by families when a child is removed. There is also a movement to distinguish between poverty and neglect

and to ensure that cultural norms do not impact a decision about whether an intervention is needed to provide for a child’s safety, permanency, and well-being. Another major change is towards adopting a prevention mindset and slowly transforming the system into one that prevents abuse and neglect rather than waits for a harm to occur before providing support for families in crisis. These changes are each monumental in their own right.

It is difficult to make improvements and positive reforms when the system is in crisis. This past fiscal year offered many challenges in responding to COVID-19 and identifying appropriate placements for children and youth placed in foster care. These obstacles are a stark reminder that there is still much work to be done, but addressing these hurdles showed that the children, families, and professionals in Texas’ child welfare system are resilient. Despite the shifting landscape, the Children’s Commission stands ready to stay the course and help realize the vision of a stronger, more just child welfare system in Texas.

I look forward to listening and learning from the many child welfare stakeholders and experts throughout the state so that we can build on the progress we’ve made together.

A handwritten signature in black ink that reads "Rebeca Aizpuru Huddle".

Justice Rebeca Aizpuru Huddle

FROM THE EXECUTIVE DIRECTOR



The theme of this year's annual report is renewal and growth. During Fiscal Year 2021, the child welfare system experienced profound challenges and changes, including continued response to COVID-19, Winter Storm Uri, rising numbers of children without placement, and new legislation and policy. Although difficult to absorb, these challenges and changes also provide significant opportunities for growth and improvement.

Systemic improvement is at the root of the Children's Commission's mission. This often begins with one big idea, a data-informed observation that some aspect of the child welfare system is a hindrance to better outcomes for children and families. Through partnerships and collaboration, that idea is discussed, evaluated, nurtured, and comes to fruition. Eventually the idea will become something that influences positive change, whether it takes the form of a report, a training, a tool, or another resource. Like a seed that is planted and matures, growth is a patient endeavor and there are many seasons at play.

Many seeds of change were planted in Fiscal Year 2021. Our new Strategic Plan for the Children's Commission is filled with groundbreaking pilots, innovative training opportunities, and data-driven research projects. From the Task Force on Court-Appointed Legal Representation to the Judicial Trauma Institute, the ideas that are formed through collaboration are bearing fruit. For those initiatives that are mature like Trial Skills Training, we continue to challenge ourselves to maintain and strengthen their impact.

I look forward to seeing the meaningful impact of the changes we are making now for many years to come.

Jamie Bernstein

Justice Guzman Steps Down from Supreme Court of Texas and Children's Commission

In June 2021, Justice Guzman announced her retirement from the Supreme Court of Texas, thus concluding her term as Chair of the Children's Commission. Justice Guzman became the second Chair of the Children's Commission in 2010, following the path set forth by the Commission's founding Chair Justice Harriet O'Neill. Justice Guzman faithfully served as Chair for over a decade and oversaw and supported the growth of the Children's Commission from a small but nimble staff to a robust organization with a footprint in almost every aspect of child welfare system improvements in Texas. We are grateful to Justice Guzman for her many contributions to the Children's Commission.



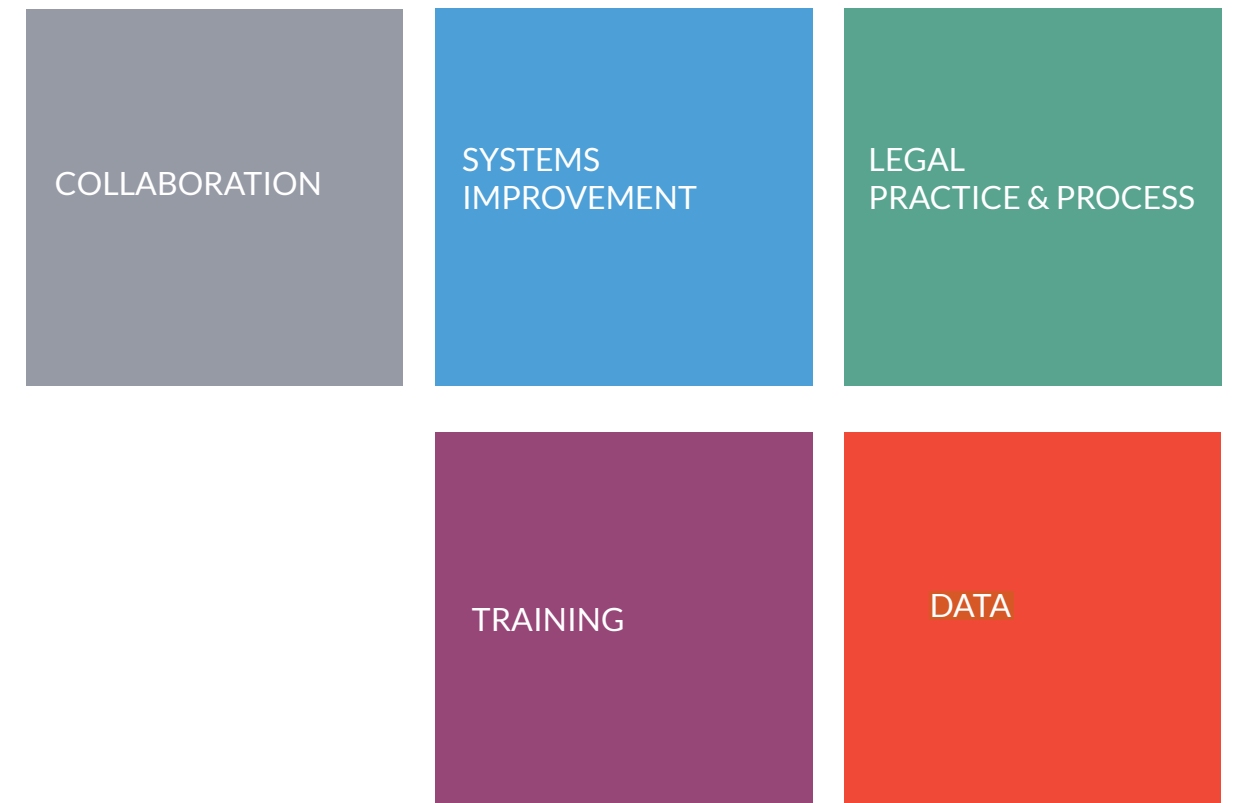
FEDERAL AND STATE COLLABORATION

The Children's Commission is charged with administering the Court Improvement Program (CIP) funds to assess current and future needs of the courts, provide a forum for meaningful collaboration, encourage continuous quality improvement, and promote best child welfare and court practices to improve the child welfare system. Collaboration is fundamental to all of the Children's Commission work, and it is grounded in robust partnerships throughout the state and nation.

New Five-Year Strategic Plan

On June 4, 2021, the Children's Commission Strategic Planning Committee convened to review the new proposed five-year Strategic Plan. The committee membership included appellate and trial court judges, DFPS leadership, Casey Family Programs, the Office of Court Administration (OCA), Texas Court Appointed Special Advocates (CASA), and the Children's Commission's Equity Advisor, Senior Judicial Advisor, and Jurists in Residence. After reviewing the Program Instructions from the Administration for Children and Families, the committee members offered feedback on the five proposed goals in the Strategic Plan and priority areas of focus for the Children's Commission.

The Children's Commission submitted a federal Court Improvement Program Application to the Children's Bureau in June 2021, including a five-year Strategic Plan for Fiscal Year 2022-Fiscal Year 2026 and a Self-Assessment. The new Strategic Plan was approved in September 2021 by the Children's Bureau, and it was presented at the September 2021 Children's Commission meeting. The Strategic Plan includes strategies related to the Commission's five goals of Collaboration, Systems Improvement, Legal Practice and Process, Training, and Data.



Coping With Disasters and Strengthening Systems

The Children’s Commission Executive Director participated in the national workgroup charged with updating the guide entitled “Coping With Disasters and Strengthening Systems: A Framework for Child Welfare Agencies.” This informational guide includes a disaster outcomes matrix, tip sheet, and resource roadmap aimed at preparing states for disaster planning, response, and recovery. The guide addresses multiple types of disasters such as hurricanes, tornados, electrical power blackouts, terrorist acts, and pandemics.



Children’s Commission Staff Presentations

- The Importance of Youth Voice in Court at the Tarrant County Bar Association Virtual Juvenile Appointment CLE
- Reasonable Efforts: From Removal to Trial at the Child Protection Law Section 3rd Annual Advanced Course
- COVID Impacts on Child Welfare at the TexasBarCLE Child Welfare, Juvenile Justice, and Special Education Course
- CPS Representation Reporting Requirements at the Texas Association of County Auditors Institute
- Impact of COVID - Practical Tools to Identify Abuse at the Texas Municipal Courts Education Center Juvenile Case Managers Virtual Seminar
- Legislative Update at the Austin Bar Association Court Appointed Family Advocates Section Annual Meeting
- Statewide Collaborative on Trauma-Informed Care at the Family Focused Treatment Association Public Policy Institute, Texas A&M University College of Education Deans Meeting, NAMI San Antonio Pathways to Hope Conference, and American Psychological Association Annual Convention
- Legislative Update at the TexasBarCLE Advanced Family Law Child Abuse and Neglect One-Day Workshop

Children’s Commission Meeting

Dates In Fiscal Year 2021

- February 26, 2021
- May 14, 2021
- September 17, 2021

All-Committee Webinar

On September 7, 2021, members of the Systems Improvement, Legal Practice & Process, Training, and Data Committees convened virtually in anticipation of the September 17, 2021 Children’s Commission meeting. Children’s Commission staff shared the new Strategic Plan as well as the Fiscal Year 2022 slate of projects, proposed budget, and grants with participants. Committee members provided their suggestions and feedback through a post-presentation survey.

Collaborative Council Meeting

On November 5, 2020, Collaborative Council members assembled via Zoom for the Children’s Commission annual Collaborative Council Meeting. Collaborative Council members gathered to network and share their priorities for the following year with other members and Commission staff.

During Fiscal Year 2021, the Children’s Commission developed an application process for new members and also reached out to the current members to gauge their interest in continued involvement on the council. Although a few members took the opportunity to exit the council due to pressing work responsibilities or retirement, the vast majority of members chose to continue and several new members were welcomed. The Commission also updated the Collaborative Council Overview to provide more structure and transparency around participation on the council.





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THE SYSTEMS IMPROVEMENT COMMITTEE FOCUSES ON EXECUTING INNOVATIVE PROJECTS AIMED AT ENSURING EQUITY, FAIRNESS, AND JUSTICE FOR CHILDREN, YOUTH, AND FAMILIES, PROMOTING JUDICIAL LEADERSHIP IN COURTS AND COMMUNITIES, AND EXPANDING COURT AND CHILD WELFARE SYSTEM CAPACITY TO SUPPORT CONTINUOUS, SYSTEMIC IMPROVEMENT.
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SYSTEMS IMPROVEMENT

Addressing

Placement Capacity Needs

In Fiscal Year 2021, the Texas foster care system experienced a significant strain on placement capacity around the state as well as a steep increase in the number of children without placement, often referred to as CWOP. The Children's Commission responded to the capacity needs in multiple ways. To initiate the conversation about capacity among the judiciary, the Children's Commission hosted a webinar on June 15, 2021 with child welfare experts to learn more about the State's foster care capacity needs, where the gaps are, what is driving the needs, the efforts in place to address capacity, and the impact on the judiciary.

Senior Jurist in Residence Judge Rob Hofmann moderated a discussion with the following panelists:

- Jaime Masters, Commissioner, Texas Department of Family and Protective Services
- Cecile Young, Executive Commissioner, Texas Health and Human Services Commission
- Deneen Dryden, Associate Commissioner for Child Protective Services, Texas Department of Family and Protective Services
- Jean Shaw, Assistant Commissioner for Child Care Licensing, Texas Health and Human Services Commission
- Katie Olse, Chief Executive Officer, Texas Alliance of Child and Family Services
- Dr. Linda Garcia, Senior Vice President, 2iNgage
- Tina Amberboy, Chief Executive Officer, Pathways Youth & Family Services

One of the key takeaways from the webinar was the ongoing need for dialogue among judicial leaders about the capacity needs throughout the state. Beginning in July 2021, the Commission formed a Judicial Workgroup on Capacity, which met on a monthly basis to review data on the numbers of children without placement and identify judicial practices that are effective in identifying safe, stable placements for children.

The Children's Commission also moderated several monthly meetings of the Child Protection Roundtable with a goal of identifying the root causes for the capacity needs in Texas and brainstorming how to strengthen capacity in Texas moving forward.

Prevention

On December 10, 2020, the Children Commission partnered with the Child Protection Law Section of the State Bar, the Department of Family and Protective Services (DFPS) Prevention and Early Intervention (PEI) division, and Casey Family Programs to provide a virtual training on the role attorneys play in prevention efforts. Approximately 450 attorneys from across the state engaged in this dialogue about shifting to a prevention framework in child welfare cases.

Additionally, in collaboration with OCA and PEI, the Commission began to explore ways to connect courts to prevention efforts. A new Early Intervention Court Liaison position was designed as a pilot project in three Child Protection Courts (CPCs). The liaison will serve as a convener within the community and connect early childhood and family support programs to the local CPC. The liaison will also ensure the judicial perspective is represented at local stakeholder meetings.

The Commission also participated in the Thriving Families, Safer Children: A National Commitment to Well-Being collaborative. The Children's Bureau, Annie E. Casey Foundation, and Prevent Child Abuse America launched a national partnership of leaders to rethink child welfare by creating support systems for strong, thriving families where children are free from harm and supported in their communities. Texas received an invitation to join as a team that includes DFPS, Health and Human Services (HHS), and the Children's Commission to engage with peers around the nation on policy and systemic reforms.

Commercial Sexual Exploitation of Children

In January 2021, the Children's Commission launched the state's first Human Trafficking Judicial Workgroup which was later renamed to reflect the priority area of focus: the Judicial Workgroup on Commercial Sexual Exploitation of Children. The judicial workgroup is chaired by Judge Selina Mireles of the 4th and 5th Administrative Judicial Regions Child Protection Court and Judge Ami Larson of the Travis County Juvenile Court. The workgroup is comprised of approximately 15 judges from across the State. The workgroup's goal is to bring awareness to courts and communities about how to prevent and identify the commercial sexual exploitation of children and support survivors within the child welfare system.



Casey Family Programs Race Equity Improvement Collaborative Convenings

In October 2020, Casey Family Programs hosted its first biannual national Race Equity Convening. Attendees from the Texas Team included the Children's Commission, PEI and Child Protective Services (CPS) leadership, Judges, and Casey Family Programs. The convening provided opportunities to discuss data on disproportionality and disparity in Texas and to continue the conversations among child welfare stakeholders on how to take active steps towards addressing inequities. Subsequent meetings hosted by Casey Family Programs took place in March 2021.

Equity Workgroup

In prior fiscal years, there were various workgroups that focused on addressing disproportionality in the child welfare system. Chaired by the Children's Commission Equity Advisor Sheila Craig, a newly formed Equity Workgroup held its first meeting on December 15, 2020 via Zoom. The workgroup members include judges as well as other child welfare stakeholders from around the State who will focus on ensuring equity in the child welfare system. At the initial meeting, workgroup members agreed to focus on practical and actionable projects to help bring positive change and promote justice for all families involved with the child welfare system. The workgroup meets on a quarterly basis to identify, refine, and develop priority projects.

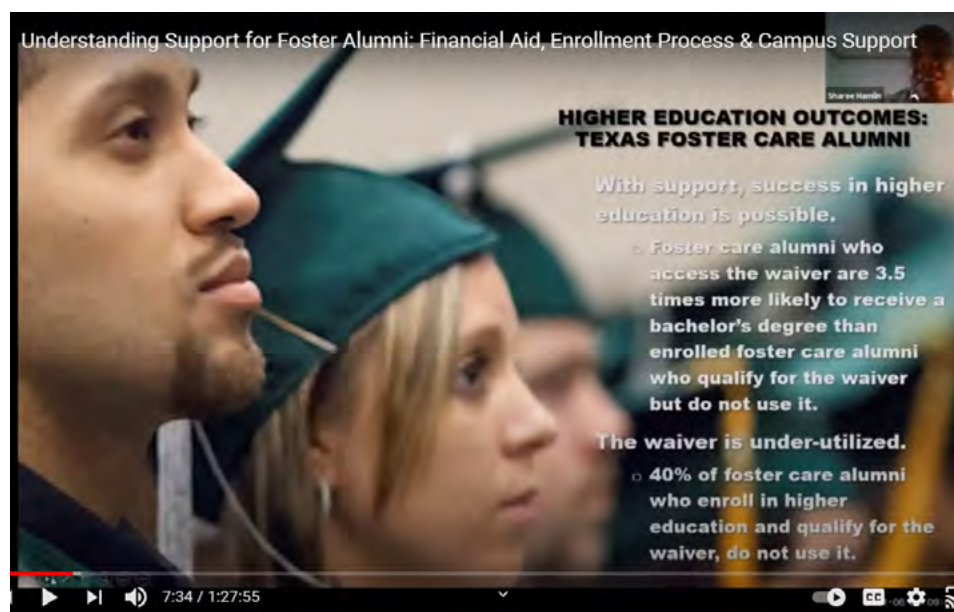
Ensuring Justice in Child Welfare

Meeting with North Dakota

In 2019, the Children’s Commission brought a Texas team to the National Center for State Courts National Judicial Summit on Child Welfare. As a follow up, the Texas team partnered with North Dakota in October 2020 to refine the strategies identified at the Summit and share challenges and success stories. The Children’s Commission will continue to address the three takeaways from the Summit: engaging parents and young adults with lived experience; working across disciplines to address systemic challenges; and utilizing data to address racial disparities and reduce disproportionality in the Texas child welfare system.

Foster Care and Education

Since 2010, the Children’s Commission has supported a multidisciplinary, statewide effort aimed at improving education outcomes for children and youth in foster care. In Fiscal Year 2021, the FC&Ed Committee created two webinars to support older youth and their transition into higher education. In February 2021, the Resources for Higher Education Workgroup provided the Enhancing Support for Foster Alumni: Financial Aid, the Foster Care Tuition Waiver, & Campus Support webinar. The webinar included a presentation and panel discussion about the state tuition and fee waiver and the federal Education and Training Voucher as well as considerations for admissions and financial aid applications and collaborative campus support programs. In June 2021, the workgroup also presented the Understanding Support for Foster Alumni: Financial Aid, Enrollment Process & Campus Support webinar, providing guidance to higher educational professionals on how to help youth transition to higher education.



Jurists In Residence



The Jurist in Residence (JIR) role is to develop relationships with retired and sitting judges and to act as a consultant, trainer, facilitator, and speaker to provide expert and seasoned judicial advice on matters affecting courts and the legal system’s handling of child welfare cases and issues. JIRs also assist the Children’s Commission with developing informational letters and communiques concerning items of interest, such as training events and changes in policy, law, and practice. Judge Rob Hofmann of the 452nd District Court serves as the Senior Jurist in Residence and Judge Piper McCraw of the 469th District Court also serves as Jurist in Residence for the Children’s Commission.

In 2021, JIR activities included consultation with Commission staff and stakeholders throughout the 87th Legislative Session to provide analysis on proposed bills affecting courts and child welfare law. The JIRs also offered presentations throughout the state and nation such as at the Oklahoma Judicial Conference, U.S. Department of Justice Bureau of Justice Assistance, Centers for Disease Control and Prevention, State Justice Initiative Rural Response to the Opioid Epidemic Webinar, and National Council of Juvenile and Family Court Judges Zero to Three Enhanced Guidelines Training. On behalf of the Children’s Commission, the JIRs participated in various initiatives including the Public-Private Partnership and the Ensuring Justice in Child Welfare Quality Legal Advocacy Change Collaborative.

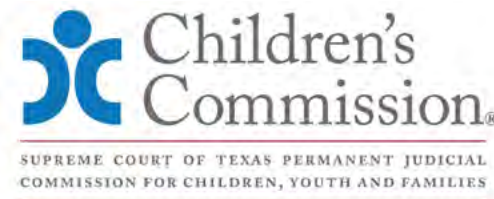
Statewide Collaborative On Trauma-Informed Care (SCTIC)

Under the leadership of Chief Justice Darlene Byrne of the 3rd Court of Appeals and Judge Carlos Villalon, Jr. of the Child Protection Court of the Rio Grande Valley West, the SCTIC Implementation Task Force continued implementation of the priorities identified in the 2019 publication “A Trauma-Informed Child Welfare System: A Blueprint” through the work of three workgroups: Policy & Practice; Training; and Information Sharing, Data, & Funding.

In February 2021, TraumaInformedTexas.com was launched to serve as a repository for the growing body of tools and resources developed by the SCTIC. This website includes the definitions of “trauma” and “trauma-informed” developed by the Policy & Practice Workgroup which were adopted by rule into the Texas Administrative Code. The Policy & Practice Workgroup also created informational one-pagers on various Trauma-Informed Organizational Assessments to assist organizations with implementing trauma-informed policy and practices. The Training Workgroup created a database of trauma-informed training resources and audience-specific reference sheets to help targeted groups locate online trainings.

Indian Child Welfare Act Summit

On January 22, 2021, in partnership with the Alabama-Coushatta Tribe of Texas, Kickapoo Traditional Tribe of Texas, Ysleta del Sur Pueblo, and DFPS, the Children’s Commission designed and hosted a first-of-its-kind virtual Indian Child Welfare Act (ICWA) Summit. The one-day summit provided judges, lawyers, caseworkers, and other child welfare stakeholders with an in-depth training on ICWA including the following sessions: The Creation and Significance of the Indian Child Welfare Act of 1978; Nuts and Bolts of ICWA; ICWA Lived Experience Panel; Case Study: ICWA in Practice; ICWA Case Law Update; and Texas Tribe Roundtable.



Judicial Trauma Institute

The virtual Judicial Trauma Institute (JTI) took place on April 22-23, 2021. The JTI content was designed by Commission staff in partnership with the SCTIC Training Workgroup and hosted by the Texas Center for the Judiciary. The first day of JTI provided a session from trauma expert Dr. David Cross, Rees-Jones Director of the Karyn Purvis Institute of Child Development, on Understanding Relational Trauma and its Generational Impact. The conference agenda continued with multidisciplinary panel discussions on Equity as a Foundation for a Trauma-Informed Court; Starting the Case with Family Strengths in Mind; and Addressing Behavioral Health Needs with a Trauma-Informed Lens.

The second day of JTI included sessions on the following topics: Effects of Secondary Trauma and Tools for Addressing the Everyday and the Crisis Moments; Learning from the Experts: A Panel Discussion on Lived Experience; Judicial Panel on Developing a Trauma-Informed Court; and Implementation and Sustaining the Effort.

The goal of the JTI was for court teams to gain information and discover practical tools and resources about how to become a trauma-informed court in CPS cases. The conference session replays and materials are relevant and useful for any Texas judge, attorney, and stakeholder interested in learning more about trauma-informed court practices. Attendees for the live event included 16 court teams as well as several single registrant attendees. In total there were 269 attendees, including 105 judges. Judicial attendees included judges who preside over family law, juvenile justice, and criminal matters, in addition to the primary audience of child welfare judges.

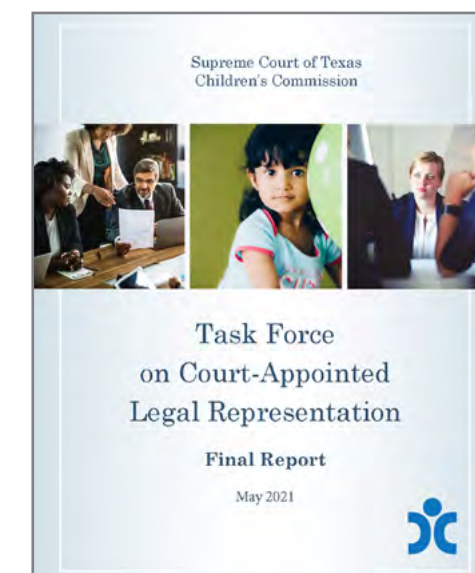
LEGAL PRACTICE & PROCESS

Task Force On Court Appointed Legal Representation Final Report

In May 2021, the Children's Commission released the Task Force on Court-Appointed Legal Representation Final Report which analyzes aspects of representation in need of improvement and recommends strategies to raise the quality of court-appointed legal representation in child welfare cases in Texas.

The report identifies elements of quality representation that should be addressed by Texas-specific standards of representation, defining both the breadth and depth of knowledge required for attorneys as well as identifying best practices. After exploring differing models of quality representation currently in use across the United States, the Task Force on Court-Appointed Legal Representation concluded that a "one size fits all" model is not the right approach for Texas.

The report includes a recommendation that Texas begin developing and implementing pilot programs that can be used to evaluate the effectiveness of different models of representation. While the pilots are developed, it was recommended that Texas adopt policy and statutory modifications that can have a more immediate impact, such as utilizing federal Title IV-E funds to spur innovation.



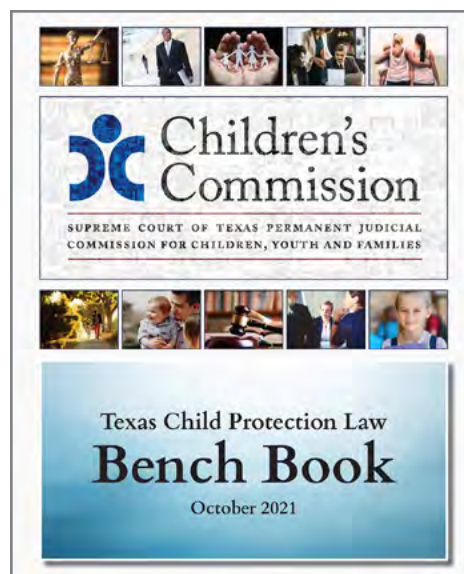
THE LEGAL PRACTICE & PROCESS COMMITTEE FOCUSES ON ASSISTING TRIAL AND APPELLATE COURTS, JUDGES, AND LEGAL ADVOCATES TO ENSURE THAT CHILDREN, YOUTH, AND FAMILIES INVOLVED WITH CHILD WELFARE EXPERIENCE A LEGAL SYSTEM IN WHICH THEY HAVE ACCESS TO JUSTICE AND THEIR RIGHTS ARE PROTECTED.

DFPS Representation Subcommittee

As part of the ongoing commitment of the Children’s Commission to promote quality legal representation for all parties, the Commission brought together a DFPS Representation Subcommittee to complement its current workgroups dedicated to parent and child representation. The purpose of the subcommittee is to create a forum for experts in child welfare law to identify strategies and make recommendations related to the improvement of representation of DFPS and improvement of communication and collaboration with parties to ensure the best outcomes for Texas children, youth, and families.

Texas Child Protection Law Bench Book

The Children’s Commission publishes a Texas Child Protection Law Bench Book (Bench Book) which outlines the state and federal statutory requirements for judges handling child welfare cases. The Bench Book also includes topical sections addressing issues judges may encounter in overseeing child welfare cases, as well as statutory and case law citations which are maintained by and connected to an online service called LawBox. Bench Cards are also available and provide this information through easy-to-use checklists that outline relevant laws at different stages of a child welfare case as well as by topic (i.e., education and human trafficking). The Bench Book is updated annually and was revised in October 2020 to include changes throughout. The Bench Book is available on the Children’s Commission website as a free, downloadable PDF for print and can be accessed by mobile phone users as well through LawBox. Printed copies were made available to Texas judges who are responsible for hearing CPS cases.



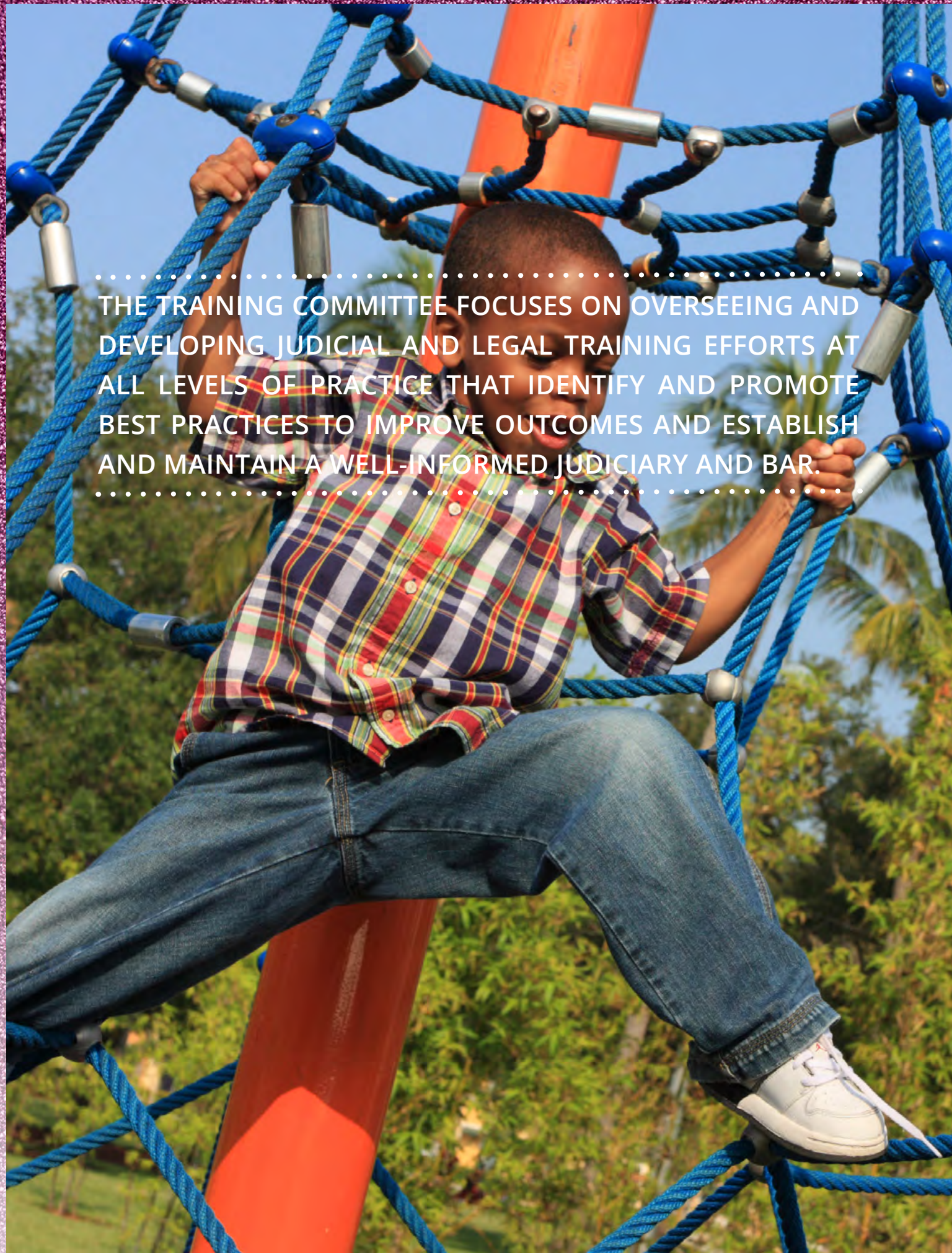
Mediation in Child Protection Cases Round Table Report

The Commission finalized and published the Mediation in Child Protection Cases Round Table Report on March 12, 2021. The 2019 Round Table included mediators, attorneys, judicial leaders, and subject matter experts from across the state. Attendees participated in a moderated conversation regarding the issues affecting mediation in child protection cases in Texas. The goal of the Round Table was to advance ideas that would increase the effectiveness of mediation as a tool to improve outcomes for children and families. The report summarizes attendees’ discussion of the benefits and challenges of implementing mediation in child welfare cases throughout Texas and how mediation services can be improved to make them more fair, accessible, and effective.



Mediation Workgroup Created

The Mediation Workgroup was established to analyze the issues that arose from the Commission’s 2019 Mediation Round Table, to address the challenges and opportunities of virtual mediation, and develop action items that can be implemented to raise the quality of mediation in CPS cases across the state. The workgroup held its inaugural meeting on October 16, 2020 and identified projects for the year, including Virtual Mediation Tip Sheets for experienced mediators familiar with CPS cases, a Pre-Adversary Mediation Panel training, and a Mediation Tool Kit for all attorneys interested in mediating child welfare cases.

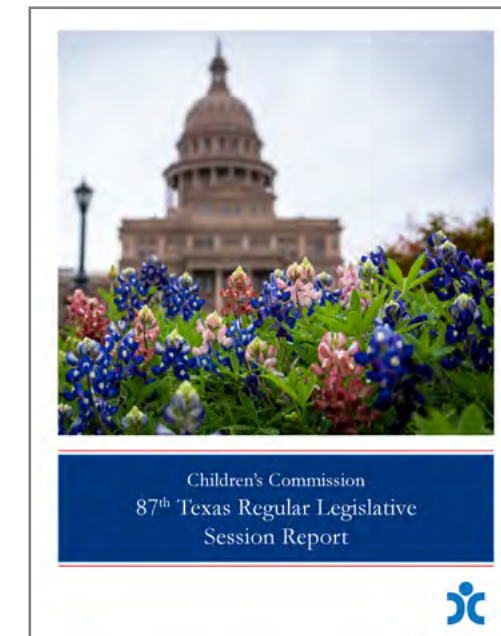


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THE TRAINING COMMITTEE FOCUSES ON OVERSEEING AND
DEVELOPING JUDICIAL AND LEGAL TRAINING EFFORTS AT
ALL LEVELS OF PRACTICE THAT IDENTIFY AND PROMOTE
BEST PRACTICES TO IMPROVE OUTCOMES AND ESTABLISH
AND MAINTAIN A WELL-INFORMED JUDICIARY AND BAR.
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TRAINING

87th Legislative Session Update on CPS-Related Matters Webcast and Report

The Children's Commission's presented its 87th Texas Regular Legislative Session Update on CPS-Related Matters live on July 22, 2021 via webcast to an audience of more than 500 attorneys, judges, and stakeholders. An accompanying PowerPoint Presentation and 87th Texas Regular Legislative Session Report are available on the Children's Commission's On-Demand MCLE webpage. Executive Director Jamie Bernstein, Legal Representation Director Dylan Moench, and Staff Attorney Aimee Corbin provided the update on bills affecting child welfare law passed during the 87th Regular Legislative Session, the statutes affected, and their effective date. The Legislative Session Report lists the legislative changes by bill number and by statute.



2020 Child Welfare Judges Conference

The 13th Annual Child Welfare Judges Conference (CWJC) was held virtually on Tuesday, October 27, 2020 in partnership with the Texas Center for the Judiciary (TCJ) and 221 judges from across the state attended. The curriculum was developed in response to specific judicial requests for further education in the 2019 CWJC post-event survey and planned with the assistance of a Curriculum Committee. The conference content included the following topics:

- The Impact of COVID-19 on the Court and Child Welfare Systems;
- Equity in the Age of Uncertainty and Allyship: New Dimensions of Justice in Child Welfare;
- Prevention and the Role of Judges;
- Community Based Care: Judicial, Provider, and Department Perspectives;
- Addressing Educational Needs for Students in Foster Care During COVID-19; and
- Utilizing Drug Court Strategies to Better Support Families Impacted by Substance Use Issues.

The conference concluded with a moderated judicial discussion which allowed judges to confer about the conference content and any related issues.

Court Appointed Special Advocates

Virtual Reception

On the evening prior to the one-day CWJC, the Commission and TCJ hosted a virtual reception sponsored by Texas CASA. Texas CASA recognized three members of the judiciary for their exemplary commitment to children and families: Justice Eva Guzman for her decade of leadership as the Children’s Commission Chair; Judge Peter Sakai for creating the college-bound docket in Bexar County; and Judge Delia Gonzales of the Dallas Child Protection and Permanency Court for her focus on meeting the needs of the children and youth in permanent managing conservatorship.



Family Justice Conference 2021

The Texas Center for the Judiciary’s annual Family Justice Conference was held in January 2021, and the Commission provided funding and speakers for an afternoon track on child welfare issues to an audience of 119 general jurisdiction judges. The three presentations were as follows: Going Upstream: The Legal Community’s Role in Prevention; Reasonable Efforts in Removal Decisions: What Judges Need to Know; and Promoting Positive Permanency Through All Stages of a CPS Case.

“Day with the Department” Judicial Conference

As a complement to the one-day CWJC, the Children’s Commission partnered with DFPS to host a one-day judicial conference in a virtual format on December 11, 2020. The conference offered an opportunity for judges to interact with DFPS outside of the courtroom environment. The conference included:

- A DFPS Leadership Presentation;
- An Update from General Counsel At DFPS;
- A Statewide Data Presentation; and
- Regional Breakout Sessions with DFPS Regional Directors which included Regional Systems Improvement Specialists and SSCC representatives in areas with Community-Based Care.

The conference concluded with a closing, interactive plenary which synthesized emerging issues and best practices from each of the 11 DFPS regions in Texas.

Child Protection Courts Convening

On July 28-29, 2021, and in partnership with OCA, the Commission hosted a virtual conference designed for the 30 CPC judges and their court coordinators. This biennial training is tailored to address the needs of these specialized courts who hear CPS cases in 147 Texas counties. Training topics included:

- Innovative Practices in CPCs;
- Child Protection Court Management System (CPCMS) updates, Data Collection, and Analysis;
- A Community-Based Care update;
- A Case Law update;
- A high-level legislative update;
- Breakouts on Accessing STAR Health Services, Obtaining IDs for Children and Youth, and Human Trafficking;
- An OCA update on the “State of State Courts;” and
- A moderated panel of Presiding Judges.

The training closed with concurrent breakout sessions for CPC judges and for their court coordinators wherein each group discussed topics presented at the conference as well as current and emerging challenges, successes, and areas of interest.

Judicial and Attorney Resource Letters

- Casey Family Programs Special Report
- Jurist in Residence Letter, Save the Date for Upcoming “Day with the Department” Judicial Conference
- Dismissal Date Guidance for Child Protective Services Cases
- Jurist in Residence Letter, 2020 Child Protection Law Bench Book Now Available
- The Intersection of Domestic Violence and Child Welfare
- CPS Webinar on November 19: Someone Who Looks Like Me: Representation Within the Child Welfare System
- Spotlight on Adoption in November
- Highlighting ICWA During Native American Heritage Month
- National Study on Remote Hearing Practices in Child Welfare Cases
- 2021 Texas Indian Child Welfare Act Summit
- Human Trafficking Prevention Month
- Jurist in Residence Letter, Texas Juvenile Mental Health and Intellectual and Developmental Disabilities Law Bench Book
- Jurist in Residence Letter, National CASA/GAL Seeking Nominations for Judicial Leadership Council
- Resources and Upcoming Training in the Aftermath of Winter Storm Uri
- UTMB Survey on the Intersection of Domestic Violence and Child Welfare
- Trauma-Informed Texas Website; Archived Foster Care and Education Webinar; Mediation Round Table Report
- Jurist in Residence Letter, National Quality Improvement Center on Family-Centered Reunification Implementation Sites and Information Webinar
- Trial Skills Training Opportunity
- April is National Child Abuse Prevention Month
- TBLS Child Welfare Law Specialization Application Deadline
- Announcing Scholarship Opportunities for Child Welfare Attorneys to ABA’s Virtual National Parent Representation Conference
- Jurist in Residence Letter, Webinar on June 15: Judicial Discussion on Capacity
- Supporting Youth and Young Adults in Foster Care through the Pandemic
- May is Foster Care Month
- CPS Webinar on The Asian Experience and Race Equity
- Jurist in Residence Letter, Family-Centered Justice Program Opportunity
- Supreme Court of Texas 38th Emergency Order
- Fiscal Year 2022 Court Improvement Program Grant Applications: June 1, 2021 - July 30, 2021
- Announcing Scholarship Opportunities for Child Welfare Judges and Attorneys to Summer Conferences
- Children’s Commission Webcast: 87th Legislative Session Update on CPS-Related Matters
- Effective July 1, 2021, DFPS Will Not File Non-Emergency Removals
- Announcing Release of Final Report of the Task Force on Court-Appointed Legal Representation
- National Reunification Month
- Update on the Status of ICWA in Texas
- NACC Invites Comments on Draft Recommendations for Legal Representation of Children and Youth

Judicial and Attorney Resource Letters, continued

- Young Adult Pandemic Aid (PanAid) for Older Texas Youth
- Judicial Trauma Institute Replay and Materials Now Available
- Jurist in Residence Letter, Registration Now Open: 2021 Child Welfare Judges Conference
- Back to School Reminders for 2021-2022 School Year
- Emergency Rental Assistance Available
- 87th Legislative Session Archived Webcast, Related Program Materials, and Report
- 87th Regular Legislative Session September 1st Effective Dates
- September is National Suicide Prevention Month
- 2021 Texas ICWA Summit Replay and Materials Now Available



Trial Skills Training

Commission staff and Trial Skills Training (TST) Faculty worked diligently to adapt the traditional in-person training into its first-ever full virtual training. The Spring 2021 Trial Skills Training took place on January 27, 2021 and February 3-4, 2021. Fourteen students attended a virtual “Pretrial,” which covered critical lectures on case strategy, laying evidentiary foundations, making and responding to objections, and preserving your appellate record. This was followed by two full days of virtual “Trial” consisting of lectures, demonstrations, strategy sessions, and practice sessions covering important aspects of trial beginning with opening statements and ending with closing statements. Additionally, students were provided the unique opportunity to question live lay and expert witnesses, including DFPS caseworkers, parent therapists, pediatric nurse practitioners, and a pediatrician during direct and cross examination performed in a simulated Zoom trial setting. This modified, virtual TST concluded with a lecture and discussion on Lessons Learned and Practical Tips for Virtual Jury Trials.

The Fall 2021 Trial Skills Training was presented on August 26, 2021, and September 1-2, 2021, via Zoom. Based on feedback received from the first virtual training, this second iteration included prerecorded material that participants were asked to review in preparation for the live “Pretrial” and “Trial” dates and an optional practice session on Admitting Exhibits was added to the end of the Pretrial day. A jurisdictionally diverse group of 21 attorneys participated, equally divided between parents’ attorneys, children’s attorneys, and attorneys representing DFPS.

Scholarships

The Children’s Commission administers various judicial and attorney scholarship opportunities to attend state and national conferences throughout the fiscal year. Due to health and travel concerns associated with COVID-19, many 2021 events were converted to virtual events or convened in a dual format with in-person and remote attendance options. Generally speaking, for those conferences which were offered in a virtual format, the Commission was able to provide a higher number of scholarships than in prior years due to attendee availability and conversion of anticipated travel-related expenses into registration scholarships.

American Bar Association 2021 Parent Representation Conference

The American Bar Association Center on Children and the Law hosted the 2021 National Parent Representation Conference virtually on May 20-21, 2021. The Commission offered a limited number of reimbursement scholarships for qualified attorneys to attend the conference. Ten attorneys received a scholarship in the form of reimbursement of virtual registration fees.

\$1,300

Child Protection Law Conference

The Commission provided funding to the State Bar of Texas Child Protection Law Section to cover conference costs and scholarships for attendees for the Section’s 3rd Annual Advanced Child Protection Law Course CLE, which was held virtually on April 1-2, 2021.

\$15,000

National Association of Counsel for Children Annual Conference

The National Association of Counsel for Children Annual Conference (NACC) 44th National Child Welfare Law Conference was held on August 13-17, 2021 in a dual-format: in-person in Denver, Colorado and virtual. The Commission awarded 20 scholarships to qualified Texas judges and attorneys to attend the virtual portion of the conference that took place on August 16-18, 2021.

\$10,000



National Council of Juvenile and Family Court Judges Conferences

The Commission allocated \$50,000 to provide scholarships for qualified judges to attend up to three National Council of Juvenile and Family Court Judges (NCJFCJ) conferences in 2021: the virtual National Conference on Juvenile Justice on March 21-24, 2021; the virtual Institute for New Juvenile and Family Court Judges on April 19-23, 2021; and the 84th Annual Conference on July 18-21, 2021 in Reno, Nevada. The Commission awarded seven virtual registration scholarships to the Juvenile Justice Conference; one virtual registration scholarship to the Institute for New Juvenile and Family Court Judges; and 12 scholarships to the 84th Annual Conference in the form of reimbursed registration fees and eligible travel-related expenses up to \$2,000.

\$50,000

TexasBarCLE Advanced Family Law Child Abuse and Neglect Workshop

The 2021 TexasBarCLE Advanced Family Law Course’s one-day Child Abuse and Neglect (CAN) Workshop was held live on Wednesday, August 4, 2021 as an in-person event in San Antonio, with one video replay in South Padre Island and two virtual webcast replays in September and October. The Children’s Commission awarded 70 registration scholarships to qualified attorneys to attend one of the in-person or virtual options in the form of waived registration fees.

\$10,000

Texas Child Welfare Law Specialization Exam Fee Waiver

The Children’s Commission allocated \$10,000 to reimburse the exam fee for attorneys who passed the Texas Board of Legal Specialization Child Welfare Specialization exam and became certified.

\$10,000

TOTAL: \$96,300



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THE DATA COMMITTEE FOCUSES ON OPERATIONALIZING DATA-DRIVEN DECISION-MAKING THROUGH CONTINUOUS QUALITY IMPROVEMENT AND AN ANALYSIS OF PUBLICLY AVAILABLE CHILD WELFARE AND COURT DATA TO IDENTIFY LEGAL PROCESSES AND PRACTICES THAT PRODUCE DESIRED OUTCOMES, AS WELL AS WHICH PRACTICES NEED IMPROVEMENT.
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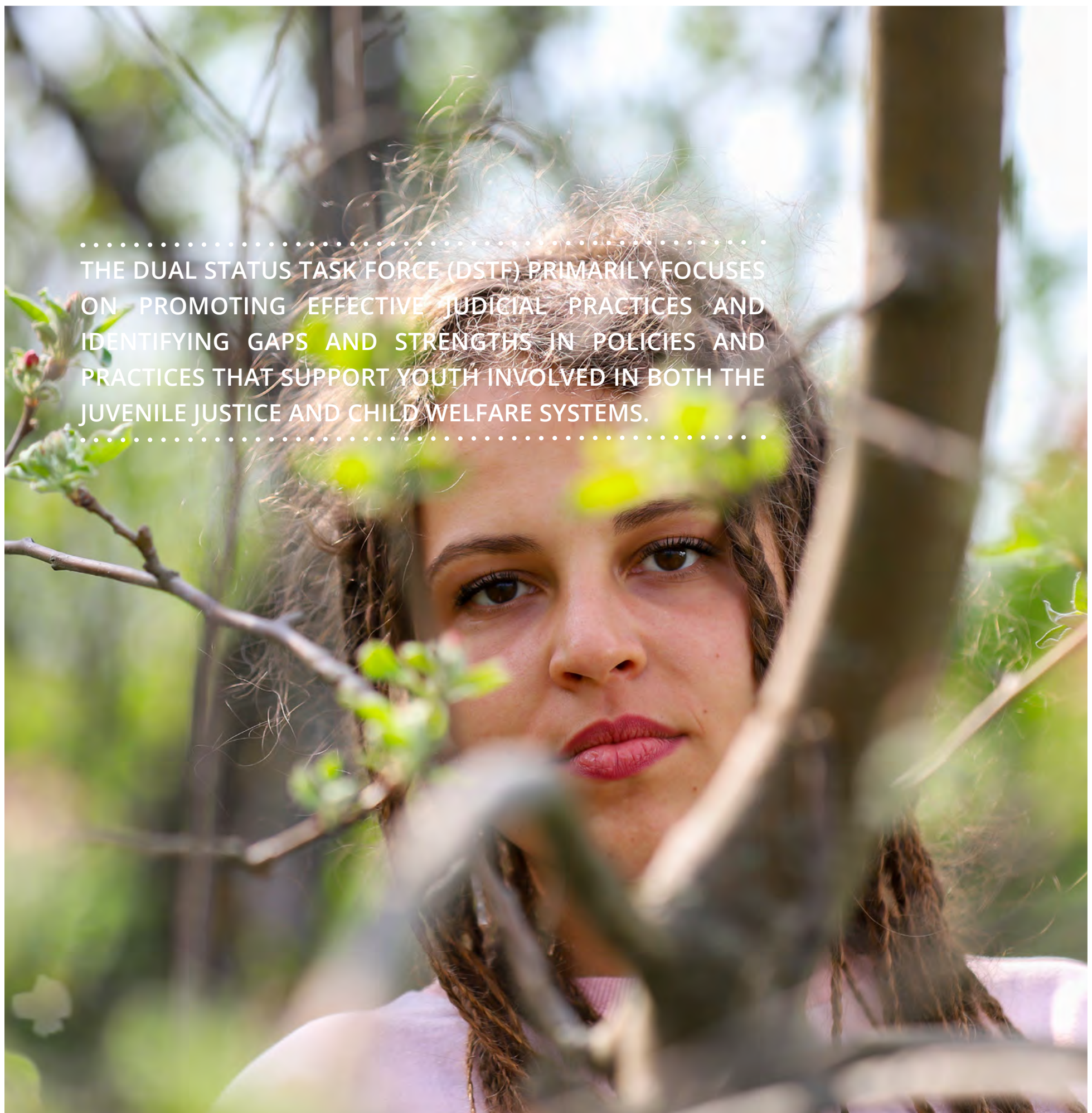
DATA

Child Protection Case Management System (CPCMS) Update

The CPCMS Advisory Council met on a quarterly basis to discuss planned updates and enhancements for CPCMS. An update for CPCMS was released on January 21, 2021 and included dashboard enhancements for printable reports, jury trial search and display enhancements, surrogate parent person type, and an additional document type and order type. A second update was released on June 18, 2021, including new hearing types for trial independence, extended foster care, access to reSearchTX from pertinent CPCMS screens, and the addition of juvenile justice data fields and functionality for dual status cases.

The Advisory Council continued its review of CPCMS required data fields to make sure the requirements reflect current best practices in court management and data tracking. The Council also worked to identify appropriate tickler messages in CPCMS which are triggered in certain scenarios to appear as reminders to add pertinent data at specified points within the lifecycle of the case. The Advisory Council also received updates on the Dual Status Pilot for Child Protection Courts. Juvenile justice data fields needed for the pilot will be added into CPCMS over time, including initial fields to be included in an upcoming release. The council approved several additions to the CPCMS system for the next update including a visual hearing scheduler displaying blocked date alerts, appointment of a surrogate parent for a child, and tracking prior appearances of children at hearings. Infrastructure software upgrades necessary for maintenance and security compliance measures will also be included in the next update for both CPCMS and the Notice and Engagement tool that allows people to sign up for automatic email and text notifications for hearings if their case is in the CPCMS system.

OCA and Commission staff, in partnership with judges in Tarrant County, are exploring the use of CPCMS for courts outside of the CPCs. OCA is currently in the testing phase of the data conversion required for this expansion.



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THE DUAL STATUS TASK FORCE (DSTF) PRIMARILY FOCUSES ON PROMOTING EFFECTIVE JUDICIAL PRACTICES AND IDENTIFYING GAPS AND STRENGTHS IN POLICIES AND PRACTICES THAT SUPPORT YOUTH INVOLVED IN BOTH THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEMS.
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DUAL STATUS TASK FORCE

The Children’s Commission spearheaded the Dual Status Task Force in July 2019 and initially created five workgroups to study and make recommendations on several aspects of serving dual status youth. The workgroups focused on Agency Coordination and Transition Planning, Data, Definitions, Judicial Practices, Legal Representation & Advocacy, and Training. The final Task Force meeting occurred on December 4, 2020 and the Task Force reviewed all proposed recommendations. The Task Force Final Report was reviewed by Task Force members and agency leadership and will be released in Fiscal Year 2022.

Child Protection Court Dual Status Pilot

One of the key recommendations in the Judicial Practices Workgroup is the development of a dual status pilot in the CPCs. Three pilot sites were identified: the Child Protection Court of the Hill Country, the Taylor County Child Protection Court, and the Child Protection Court of the Rio Grande Valley West. The pilot will be evaluated by researchers at the University of Texas San Antonio and Prairie View A&M.

The Child Protection Court Dual Status Pilot Training occurred on April 15-16, 2021. Over 120 participants from the three pilot sites attended including judges, prosecutors, attorneys for children, Probation, CPS and Single Source Continuum Contractor (SSCC) staff, CASA, and other community leaders. The training included the following sessions: Background on the Pilot; Keynote Address; WHY Do Dual Status Youth Need a Different Approach?; Juvenile Justice 101; Child Protective Investigations & Services 101; Examples of Local Collaboration & Lessons Learned; Breakout by Affinity Group, Beyond the Bench - Examining Different Roles Through a Case Analysis; HOW Do We Set Up A Cross-System Collaboration in Our Jurisdiction?; Breakouts by Region; Evaluation Considerations; and Bringing it All Together. The materials and agenda for the training were developed by the Dual Status Task Force Training Workgroup.



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EVERY YEAR, THE CHILDREN'S COMMISSION PROVIDES GRANT FUNDING TO SUPPORT JUDICIAL AND LEGAL TRAINING EVENTS, TECHNOLOGY ENHANCEMENTS, AND DATA COLLECTION AND ANALYSIS FOR COURTS. IN 2021, THE CHILDREN'S COMMISSION SPENT OVER \$800,000 TO FURTHER THE GOAL OF IMPROVING CHILD AND FAMILY OUTCOMES THROUGH LEADERSHIP AND COLLABORATION.
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GRANTS

Fiscal Year 2021 Grantees

Office of Court Administration | \$283,125

Texas CASA | \$25,726

Texas Alliance of Child and Family Services | \$128,139

Texas Center for the Judiciary | \$172,077

Texas Legal Services Center | \$158,553

Texas Network of Youth Services | \$50,000

By the Numbers

With Commission funding, grantees provided the following:



CPCMS updated with juvenile justice fields to support 3 dual status pilot sites



3 visiting associate judges provided coverage for 272 child welfare cases



Family Helpline answered 1,714 calls from 149 counties about 114 various issues



18.25 hours of education provided to 600+ (non-unique) child welfare system stakeholders



15 youth and young adults participated in the Young Adult Leadership Council for 10 months

Office of Court Administration (OCA)

The work completed through the CIP Technology Project grant improved court function by providing essential resources for effective administration of CPCs including enhancements and updates to CPCMS and the Notice and Engagement web tool. Additionally, a juvenile justice section was implemented into CPCMS to allow data collection for a pilot of three CPCs hearing juvenile justice cases for dually involved youth. Grant funding also supported the CPC Visiting Judge program through which three visiting Associate Judges heard 272 cases. The grant funds greatly contributed to ensuring coverage by judges who have extensive knowledge of CPS proceedings and statutory timelines and a clear understanding of the complexity of such cases. The number of cases covered is slightly lower than those during the previous fiscal year, but with two less visiting judges.



Texas Alliance of Child and Family Services (TACFS)

This project was designed to support the Children's Commission and judges across the state in understanding and utilizing data to improve outcomes for children and youth in the state's conservatorship through trainings and participation on several workgroups and committees that were focused on improved understanding of data and outcomes. These included participation in CPCMS / IMPACT Interoperability Meetings; providing support at CPCMS Advisory Meetings; providing data analysis support to the Equity Workgroup; and presenting at the Judicial Trauma Institute and Child Welfare Judges Conference.

Texas CASA

The primary goal of the Child Protection Normalcy Guide project was to bring interested parties together to produce a written guide on normalcy which would inform all child welfare system participants, local courts, and communities in their efforts to promote normalcy for children and youth in foster care. The guide includes specific sections that address how judges and professionals who interact with the courts can promote normalcy in their roles and a section on community resources and supports. Texas CASA completed a final version of the Normalcy Guide in late Fiscal Year 2021.

Texas Center for the Judiciary (TCJ)

Funding was used to develop three continuing judicial education conferences, which included over 18.25 hours of education and trained more than 600 (non-unique) judicial attendees and child welfare system stakeholders:

- The 2020 Child Welfare Judges Conference held virtually on October 27, 2020 included six, one-hour sessions and provided training for 221 judges comprised of 78 District Judges, 28 County Court-at-Law Judges, 62 Associate Judges, three Appellate Justices, and 50 judges sitting by assignment.
- The 2020 Family Justice Conference Child Welfare Track held virtually on January 14, 2021 included three hours of CIP-funded training for 119 judges comprised of 42 District Judges, 27 County Court-at-Law Judges, 22 Associate Judges, three Appellate Justices, and 25 judges sitting by assignment.
- The Judicial Trauma Institute held virtually on April 22-23, 2021 included 8.5 hours of content and trained 105 judges comprised of 45 District Judges, 12 County Court-at-Law Judges, 28 Associate Judges, one Appellate Justice, one Probate Judge, and 18 judges sitting by assignment. This conference also trained 164 stakeholders engaged in the child welfare system, including CASA advocates, prosecutors, parent attorneys, and agency representatives from many agencies and local organizations from across Texas.

Texas Legal Services Center (TLSC)

During Fiscal Year 2021, the Family Helpline completed a total of 1,714 calls which originated from 149 counties across Texas, providing assistance and education to a total of 1,608 adults, and affecting the lives of 2,741 children throughout the state of Texas. Helpline staff attorneys discussed 114 various issues with callers including but not limited to issues involving CPS investigations, reporting child abuse and neglect, physical and sexual abuse of children, substance abuse issues, domestic violence, safety plans and parent-child safety placements, and obtaining orders to protect children such as protective orders or conservatorship orders. The Family Helpline also received 66 calls from out-of-state residents with matters related to a Texas child welfare issue. Callers to the Helpline were referred from 75 various sources throughout the State, with the top three referral sources being internet searches, DFPS, and internal referrals from Texas Legal Services Center (TLSC) and its website TexasLawHelp.org.

Texas Network of Youth Services (TNOYS)

CIP funding was used to support TNOYS' Young Adult Leadership Council (YALC), a 10-month long leadership development program provided to 15 selected youth and young adults. The YALC members focused on improvements to the DFPS Independent Living Study Guide (ILSG) PAL project, undertaking a four-part series of listening session workshops. The updated and modernized ILSG in the DFPS PAL curriculum used in various host sites across the state through TNOYS' AmeriCorps program will increase the capacity to offer more relevant, youth-informed, and youth-friendly life skills resources to youth who need it most. Use of the guides will provide youth with more opportunities to strengthen protective factors and increase resiliency.

CHILDREN'S COMMISSION MEMBERS FISCAL YEAR 2021

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Hon. Piper McCraw, Jurist in Residence
Hon. Dean Rucker, Former Jurist in Residence

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Sheila Craig, Equity Advisor
Hon. Michael Massengale, Senior Judicial Advisor

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