

RAISING THE BAR

Examining Court Practices and Wellbeing
among Children and Youth in the Permanent
Managing Conservatorship of the State





AUTHORS

Catherine LaBrenz, Ph.D., LMSW

Assistant Professor

*University of Texas at Arlington
School of Social Work*

Jennifer Lawson, Ph.D., LMSW

Director of Research and Evaluation

*Texas Center for Child and Family Studies
Texas Alliance of Child and Family Services*

Sheila Bustillos, Ph.D., M.Ed., M.A.

Founder and Board President

Education Reach for Texans

RESEARCH SUPPORT

Lacey Jenkins, MSSW

Doctoral Student

*University of Texas at Arlington
School of Social Work*

Table of Contents

EXECUTIVE SUMMARY	4
PROJECT BACKGROUND AND PURPOSE	7
CURRENT STUDY: PURPOSE AND METHODS	8
FINDINGS	9
RESEARCH QUESTION #1: WELLBEING CONCEPTUALIZED	10
<i>Making Happy Children: Wellbeing Beyond Safety</i>	10
<i>Letting the Child Talk: Listening to Child Voice</i>	12
<i>Having Normal Lives and Experiences: Normalcy for Children and Youth in PMC</i>	13
RESEARCH QUESTION #2: WELLBEING IN THE COURTS.....	13
<i>Raising the Bar: Holding Professionals Accountable</i>	14
<i>All About the Children: Creating a Child-Focused Court</i>	16
<i>Children Need Relationships: Fostering Social Capital</i>	18
<i>Bringing the Different Players Together: Building Partnerships and Community Collaboration</i>	19
<i>Divergent Perspectives</i>	20
SYNTHESIS OF FINDINGS	21
LIMITATIONS	23
CONCLUSIONS AND RECOMMENDATIONS	23
APPENDIX A: DATA COLLECTION INSTRUMENTS	24
FOCUS GROUP GUIDE: CASA SUPERVISORS	24
ATTORNEY AD LITEM SURVEY	24
INTERVIEW GUIDE FOR ATTORNEYS	25

List of Figures

Figure 1: Key Themes Related to Defining Wellbeing for Children and Youth in PMC	10
Figure 2: Key Themes Related to Court Practices that Promote Wellbeing	14
Figure 3: Components of a Wellbeing-Centered Court	21

Executive Summary

With support from Casey Family Programs, and in coordination with the Supreme Court of Texas Permanent Judicial Commission on Children, Youth, and Families (Children's Commission), the Texas Center for Child and Family Studies and the University of Texas at Arlington conducted a qualitative study in Fall 2021 as part of an ongoing evaluation into the effectiveness of the Texas courts that only oversee cases of children and youth in the Permanent Managing Conservatorship (PMC) of the state. The purpose of the overall project is to generate evidence on whether these courts, known as PMC courts, are more effective at attaining permanency and wellbeing for children than traditional district courts.

For this phase of the evaluation, the researchers sought the perspectives of two stakeholder groups who work with children and youth in PMC and who regularly spend time in the courts that oversee PMC cases: attorneys ad litem and Court Appointed Special Advocate (CASA) supervisors. Because of their roles in the child welfare ecosystem, these two groups of stakeholders are poised to have relevant insights into how wellbeing for children and youth in PMC is defined and conceptualized and how court practices might enhance wellbeing.

The evaluation sought to answer these research questions:

1. How do attorneys and Court Appointed Special Advocates (CASA) supervisors define and conceptualize wellbeing among children and youth in PMC?
2. How do attorneys perceive differences between the PMC courts and traditional courts in promoting the wellbeing of children and youth in PMC?

To solicit the input of these stakeholder groups, the researchers conducted two focus groups with CASA supervisors in Dallas and Harris Counties, designed and deployed an anonymous survey for attorneys who represent children in PMC in Dallas and Harris Counties, and conducted four one-on-one interviews with attorneys who agreed to speak about their responses in more depth. CASA supervisors only spoke to the first research question – conceptualizing and defining wellbeing in PMC. Attorneys spoke to both research questions, including comparing the practices of PMC courts and traditional courts in seeking and supporting wellbeing. Key findings are summarized below.

Research Question #1: Wellbeing Conceptualized

The core concept that emerged from the first research question is that wellbeing for kids in PMC is centered around **instilling a sense of belonging**. Embedded within that concept are three themes:

- *Going beyond safety* – Wellbeing is holistic, not just about basic physical needs

- *Listening to children's voices* – Children deserve to have time and space to express their own needs and experiences
- *Having normal lives* – Children and youth in PMC should be able to do typical things, like their peers who are not in foster care

By attending to emotional, spiritual, educational, and relational needs, valuing child and youth input, and encouraging youth in care to pursue their interests and typical childhood activities, wellbeing entails a sense of belonging, whether in the foster home, at school, at court, or in the larger community.

Research Question #2: Wellbeing in the Courts

The core concept that emerged from the data for this question is that courts can promote wellbeing by seeking **stability through social capital**. Social capital is broadly defined as the benefits an individual gets from belonging to social networks and social systems. Social capital predicts many positive outcomes, including academic achievement, emotional adjustment, employment, and lack of involvement in juvenile or criminal justice systems, among others.¹ There are four themes within this concept:

- *Holding professionals accountable* – Holding more frequent, more in-depth hearings with stricter requirements for participation increases case momentum and provides children with more timely resources and outcomes
- *Creating a child-focused court* – Courts that prioritize wellbeing recognize each child's individual needs and strengths, cater services to those needs and strengths, and go beyond basic physical needs
- *Fostering genuine relationships* – Courts can connect children with people who bring value and support to their lives even when they are not able to be placement or permanency options
- *Building community partnerships* – Collaborations between the courts and community stakeholders create a support system with mutual accountability for children's success

Summary and Implications

Stakeholders interviewed in this study – attorneys ad litem and CASA supervisors – were aligned on how they conceptualize wellbeing for children and youth in PMC. In the most fundamental terms, children need a sense of belonging. Instilling a sense of belonging requires moving beyond a focus on their basic needs toward a holistic view of multidimensional needs, including physical and relational stability. It also means listening to

¹ See, for example, Portes, A. (1998). Social capital: its origins and applications in modern sociology. *Annual Review of Sociology*, 24(1), 1–24.

children's needs and preferences and facilitating opportunities that allow them to have as normal a life as possible, even though their circumstances are not typical compared to children not in foster care.

Having a blueprint for what wellbeing looks like allows for the adoption of strategies that can foster it. According to the majority of attorneys who participated in this study, the PMC courts currently operating in Texas are using approaches and practices that target the dimensions of wellbeing articulated by stakeholders. Though future research is needed to determine whether children and youth assigned to a PMC court have better permanency and wellbeing outcomes than their peers whose cases stay in traditional courts, findings from this exploratory qualitative study suggest that PMC courts are a promising approach for improving wellbeing among the subset of children in youth in the permanent custody of the state.

Project Background and Purpose

Since 2020, Casey Family Programs, the Texas Center for Child and Family Studies (the Center), the University of Texas at Arlington (UTA), and the Supreme Court of Texas Permanent Judicial Commission on Children, Youth, and Families (Children’s Commission) have been engaged in a project to evaluate the processes and outcomes of the three courts in Texas that only oversee cases of children and youth in the Permanent Managing Conservatorship (PMC) of the state.²

The goal of the PMC courts³ is to improve permanency and wellbeing outcomes for children and youth in PMC. Because these courts do not have other types of cases on their dockets (such as divorces or cases of children in Temporary Managing Conservatorship), the judges in the PMC courts focus all their attention on actions to improve permanency and wellbeing outcomes for children in PMC. Among other things, the PMC court judges target permanency and wellbeing by holding longer hearings, holding more frequent hearings, encouraging (or even requiring in some cases) children and youth attendance at hearings, fostering regular discussions about children’s preferred living arrangements and permanency goals, and carefully monitoring, reviewing, and arranging services as needed to meet children’s needs.

The overarching objective of the PMC evaluation project is to produce evidence on whether children and youth in PMC whose cases are overseen by one of the PMC courts have better permanency and wellbeing outcomes than children and youth in PMC whose cases are overseen by traditional courts. The findings from the initiatives under the overall evaluation project might help inform decisions about the expansion of the court model into other jurisdictions.

In late 2020, Casey Family Programs funded the foundational phase of the project. The research team from the Center and UTA conducted in-depth semi-structured interviews with Judge Delia Gonzales (Dallas County PMC court), Judge Katrina Griffith (Harris County PMC court), and traditional court judges from both counties to create a detailed outline of the PMC court model. This document captures the core approaches, values, and practices of the PMC courts as described by the key informants, and it could be used in the future as a basis for creating a replicable manual of the PMC court model. The research team also produced a quantitative, descriptive analysis of cases that had been overseen by Judge Gonzales to date.

² The judges presiding in the three PMC courts currently in operation are: Judge Delia Gonzales (Dallas County), Judge Katrina Griffith (Harris County), and Judge Charles Griffin (Harris County). Other courts in these counties transfer cases to the PMC courts *at their discretion* as children enter PMC legal status.

³ Throughout this report, we will refer to the courts that only see PMC cases as “PMC courts” and the courts who retain their PMC cases (i.e., do not refer cases to the PMC courts) as “traditional courts”. Some research participants also refer to the PMC courts as “permanency courts” and traditional courts as “non-PMC courts.”

In spring and summer 2021, the project moved into a new phase of work of conducting a secondary analysis of administrative child welfare data from the Texas Department of Family and Protective Services (DFPS). The research team is using state and federal administrative data to assess whether the key indicators of number of placements, days in substitute care, and exit types changed after the first PMC court was established in Harris County in 2014. This work is still underway.

Current Study: Purpose and Methods

In September 2021, Casey Family Studies awarded funding to the Center and UTA to conduct the current study phase. The goal of this study was to learn how stakeholders conceptualize wellbeing for children and youth in PMC and how PMC court practices may promote wellbeing.

Since interviewing children and youth in state conservatorship for research purposes is not currently possible for legal, ethical, and practical reasons, the researchers looked for key informants who have firsthand experience working with children and youth in PMC *and* who have firsthand experience observing court hearings in PMC courts and traditional courts. Two of the stakeholder groups who meet these criteria are Court Appointed Special Advocates (CASA) volunteers and their supervisors, and attorneys ad litem who represent children in PMC. These individuals are regularly in the courts for hearings, observing and interacting with the judges, and fulfilling their respective roles in supporting wellbeing for the children and youth they serve.

This report presents findings from a qualitative study that examined these research questions⁴:

1. How do attorneys and CASA supervisors conceptualize wellbeing among children and youth in PMC?
2. How do attorneys perceive differences between the PMC courts and traditional courts in promoting the wellbeing of children and youth in PMC?

To solicit the input of these stakeholders, the researchers collected data as described below.

- **Two one-hour focus groups with CASA supervisors from Dallas CASA and Child Advocates, Inc⁵.** The focus groups were conducted via Zoom by at least one member of the research team. Each focus group was comprised of four CASA supervisors. Dallas CASA and Child Advocates focus groups were conducted separately. Participants gave verbal informed consent to participate, and the focus groups were recorded. The research team used a semi-structured script to guide data collection. Participants' personal information was deidentified after data collection.

⁴ A study protocol was submitted to the Institutional Review Board at the University of Texas at Arlington and the Human Subjects Research Committee at Casey Family Programs; the study was deemed exempt from ethics board oversight.

⁵ Child Advocates, Inc. is the CASA affiliate organization in Harris County.

- **An anonymous online survey of attorneys ad litem who represent children and youth in PMC in Dallas and Harris Counties.** Lists of attorneys who represent children and youth in PMC were obtained by Judge Gonzales of Dallas County and Judge Griffith of Harris County. The survey was then deployed via an emailed link from the Legal Representation Director at the Children’s Commission. No identifying information other than county of practice was collected from respondents. Respondents gave informed consent via a consent page at the top of the survey. All questions on the survey were open-ended to solicit qualitative responses. The survey included a question at the end allowing respondents to opt-in to an individual interview with a member of the research team.
- **Four 30-minute interviews with attorneys ad litem who opted in to an individual interview.**⁶ The interviews were conducted via Zoom or phone by a member of the research team. Participants gave verbal informed consent to participate and the interviews were recorded. The research team used a semi-structured script to guide data collection. Participants’ personal information was deidentified after data collection.

As shown in the survey questions, focus group guides, and interview guides (Appendix A), CASA supervisors were asked how to define wellbeing for children and youth in PMC (research question #1) and how, in general, courts might support that. Attorneys were also asked about these topics, but their questions went further by asking how the practices and approaches of the PMC courts and traditional courts differ in relation to wellbeing (research questions #1 and #2).

The recordings from focus groups and interviews were transcribed verbatim. Two researchers (at least one of whom had prior direct practice experience in child welfare) coded each transcript independently. The transcripts and the survey responses were coded using thematic analysis. This included an initial stage of data analysis that consisted of line-by-line coding of concepts and writing analytical memos. Codes were then grouped by common theme and compared within and across responses by both coders. Overarching themes were negotiated after analyzing initial themes and coding memos.

Findings

The results of this study are organized by research question. The findings from the first research question focus on stakeholder conceptualizations of wellbeing among children and youth in

⁶ Eight attorneys who took the survey provided their contact information indicating that they were willing to participate in a follow-up interview, but only four responded to scheduling emails. Three of the participating attorneys practice in Dallas County, and one practices in Harris County.

PMC in Texas. Findings from the second research question focus on the practices of PMC courts compared to traditional courts for promoting wellbeing for children and youth in PMC.

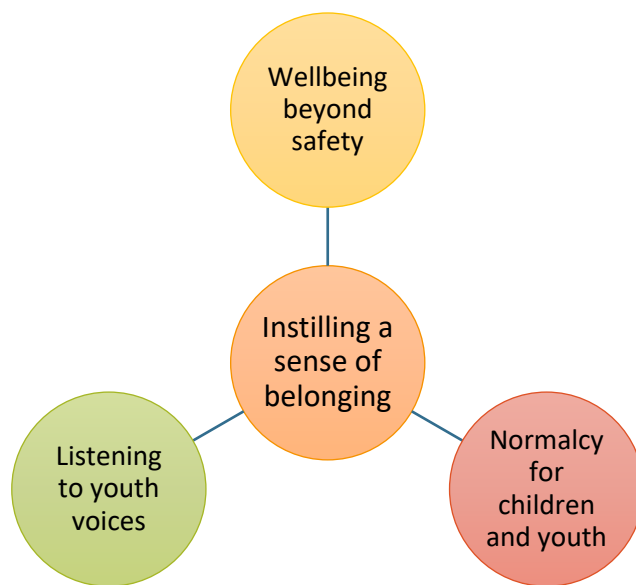
Research Question #1: Wellbeing Conceptualized

Three main themes emerged from the first research question:

1. *Making Happy Children: Wellbeing beyond safety*
2. *Letting the Child Talk: Listening to youth voices*
3. *Having Normal Lives and Experiences: Normalcy for children and youth in PMC*

The three themes that emerged from the first research question were connected by the core concept of **instilling a sense of belonging**. By valuing emotional, spiritual, and relational needs in addition to physical needs, seeking children’s input, and encouraging youth to pursue their interests and typical childhood activities, wellbeing entails a sense of belonging, whether in the foster home, at school, at court, or in the larger community. Figure 1 presents the three main themes that relate to wellbeing as articulated by the research participants.

Figure 1: Key Themes Related to Defining Wellbeing for Children and Youth in PMC



Making Happy Children: Wellbeing Beyond Safety

Participants described wellbeing as going beyond physical care and safety to include multiple dimensions of wellbeing, such as *physical, emotional, intellectual, social,*

spiritual, environmental, and occupational.^{7,8} Others reported that it is important to go beyond basic needs to understand more *holistic* wellbeing, including addressing *every single part of their lives*. Going beyond basic needs means *making happy children, making children who are healthy, who have a future.*⁹

Belonging

*It's just our kiddos that are long-term survivors of the system come out with virtually nothing. They don't have a room where they can store their stuff. They don't have a suitcase where they can put things away. They don't have the ability to maintain like, 'oh, somebody gave me this basketball. I love this basketball. I'm going to keep it forever.' Nope, it's probably stuck somewhere, a foster home.*¹⁰

The concept of *belonging* and *having belongings* also emerged as part of wellbeing, both in the physical regarding things they lack, such as clothes and items of sentimental value, and in the abstract, as a lack of belonging to community or a family. The statement above reflects the lack of physical belongings, such as clothes and toys, as an impediment to wellbeing. The sentimental value of things adds to a child's sense of belonging. According to participants, courts have a role in instilling a sense of belonging in children and conditioning belonging as not only a right for all children, but an expectation of the court.

Relational Wellbeing

Another facet of wellbeing is relational wellbeing, or connectedness with others. The lack of stability through frequent changes in placements, caseworkers, therapists, and other individuals that come and go from children's lives undermines connection and belonging. *They are passed around like pop bottles from foster home to foster home, the RTC, the behavioral center, they never have anything.*¹¹ Participants believe that courts can promote relational connections and stability to create environments for children where belonging is a natural part of their child welfare experience. *We just try to put some people in their lives to get them some connections, so they don't go out there into the world on their own and just give up.*¹² Relational connections foster wellbeing in children, according to participants.

Participants also believe that connections with community and family translates into increased physical, mental, and emotional stability for kids. *Kids that are emotionally*

⁷ CASA focus group 2, participant 2

⁸ Throughout the rest of the report, any text that is in *italics* reflects a direct quote by an interview, survey, or focus group participant.

⁹ Attorney interview participant 3

¹⁰ Attorney interview participant 2

¹¹ Attorney interview participant 2

¹² CASA focus group 2, participant 2

*healthy and have connections in their community or with their family or whatever are less likely to get into legal trouble, criminal justice, juvenile justice, all that stuff.*¹³ Stable homes and stable connections increase children's likelihood of success. *A stable home is the biggest factor in the overall wellbeing of every child. The longer it takes to place children in a 'forever home,' the less likely the child will succeed.*¹⁴ Wellbeing success is also marked by less time in care and placement stability. *The longer they're in care, the more moves they have; the more moves they have, the less well they do in school, socially, emotionally, all those other things.*¹⁵ Instead of regretting how the system might fail kids who lack permanent placement, wellbeing means being proactive in increasing protective factors for the kids they serve, regardless of their permanency outcomes.

Letting the Child Talk: Listening to Child Voice

Participants stressed the importance of asking each child questions and listening to their experiences and needs as part of fostering wellbeing, which connects to the broader concept of instilling a sense of belonging. Listening emerged in the interviews as a precursor to trust. Participants felt *like their voices really should be heard - I don't think that we can really address their wellbeing if we're not listening to what they have to say and if they feel like their needs are being heard and addressed.*¹⁶ Here, the participant puts trust in children's perspectives of what is best for them. Caring adults may feel like they know what is best for the child without really hearing the child's thoughts on what they think is best for themselves.

Listening to children also matters because *they may not always feel comfortable talking with caseworkers or foster parents or CPA case managers or whoever.*¹⁷ Participants believed that children must have adults in the process that they can trust, and that trust begins with listening. In the long term, that trust then supports child wellbeing. *I think a good way to measure a child's wellbeing is to know your kids. They'll tell you if they don't like their placement, but after working with kids for so long, especially like my PMC kids, I've grown to know them.*¹⁸ Knowing children and caring for their wellbeing begins with courts, caregivers, and service providers who are willing to openly and empathetically listen to the children they serve. By taking the time to listen and get to know each child, professionals can get to know what dimensions of wellbeing might be important to that individual.

¹³ Attorney interview participant 1

¹⁴ Attorney survey participant 5

¹⁵ Attorney interview participant 1

¹⁶ CASA focus group 1, participant 1

¹⁷ CASA focus group 1, participant 2

¹⁸ CASA focus group 1, participant 4

Having Normal Lives and Experiences: Normalcy for Children and Youth in PMC

All thirteen survey respondents, participants in both focus groups, and all four attorney interviews discussed the importance of normalcy for promoting wellbeing among children in care. The theme of normalcy encompasses the idea that youth should have *normal lives and normal experiences*,¹⁹ including participating in typical childhood activities and being able to do the same things as their peers who are not in foster care. Foster care often *has a negative impact on them because they feel different, and they're reminded that they're different*²⁰ when they are not granted *enough space and they don't have facilities that facilitate normalcy in their lives*.²¹ Normalcy allows youth to be more connected to their foster homes, schools, and communities, which contributes to a sense of belonging. One participant describes how a lack of normalcy is a barrier to child wellbeing:

*Normal teenagers experience exploring the internet, talking to their friends on their cell phones, sending text messages, cell phones. [Youth in foster care] have to beg for tablets. They have to beg for access to things that all of their peers have access to on a daily basis in their homes. It is just a constant reminder for them that, 'You aren't like these other kids you see at school. You aren't like these kids that you see on TV. There is something very different about you.' I think that starts to get to them.*²²

Normalcy is clearly outlined in the DFPS Texas Rights of Children and Youth in FosterCare (points 10-24)²³ as an expectation for children in foster care. Courts have a responsibility to embed systems of supports to ensure normalcy in Texas children's lives as a conduit for wellbeing.

Research Question #2: Wellbeing in the Courts

Four key themes emerged from the data related to differences between the PMC courts and traditional courts in supporting wellbeing for children and youth in PMC:

1. *Raising the Bar*: Holding professionals accountable
2. *All About the Children*: From a parent-focused to child-focused court
3. *Children Need Relationships*: Fostering social capital for children
4. *Bringing the Different Players Together*: Building partnerships and community collaboration

¹⁹ Attorney interview participant 3

²⁰ CASA focus group 1, participant 1

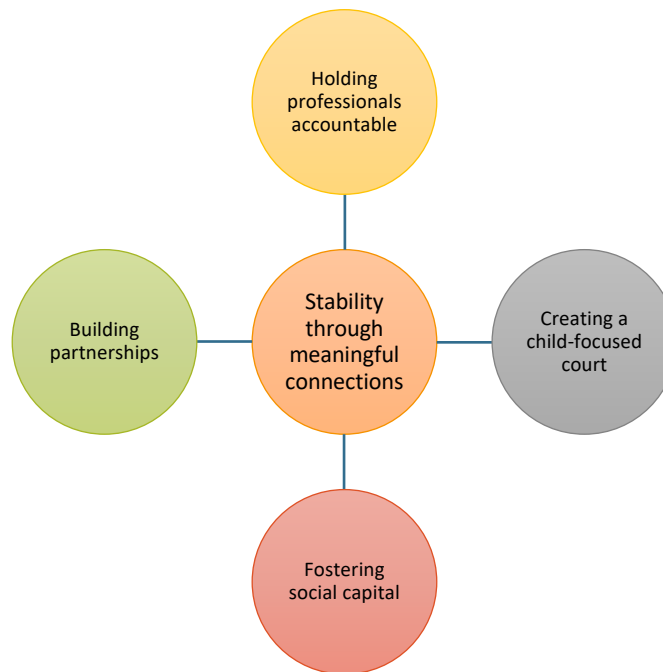
²¹ CASA focus group 1, participant 1

²² CASA focus group 2, participant 1

²³ To download of copy, visit https://www.dfps.state.tx.us/Child_Protection/Foster_Care/Childrens_Rights.asp

All four themes are connected by the core concept of **stability through meaningful connections**. Connections, in this sense, is broad, spanning people and systems. It refers not only to children’s relationships with family, peers, and other significant loved ones, but also with the court, caregivers, professionals, schools, and the larger community.

Figure 2: Key Themes Related to Court Practices that Promote Wellbeing



Raising the Bar: Holding Professionals Accountable

One key role of the courts in promoting wellbeing, as reported by participants, is increased accountability. In Trey’s case (below), the PMC court judge held professionals accountable, asking *the right questions*,²⁴ being aware of policies and procedures, and *putting everyone to work*.²⁵ Attorneys, who were asked to reflect on differences between PMC courts and traditional courts, overwhelmingly agreed that the PMC courts hold professionals to a higher degree of accountability. As demonstrated in Trey’s case, the PMC judge coordinated with CPS and the attorneys to ensure accountability and seek permanency and stability for Trey.

²⁴ Attorney interview participant 3

²⁵ Attorney interview participant 3

For some attorneys, *raising the bar*, or expecting more of everyone, is one way judges in PMC courts increase accountability. One attorney shared how the PMC court put this accountability in place: *For us, it was, 'his needs are being met, he's fine.'* With [the PMC judge], it was, *'well his needs are being met is not enough.'* That's the minimum. She was expecting more.²⁶ The PMC courts are going beyond basic requirements to protect the child and engaging an expanded view of what child wellbeing means in the court.

Vignette: Trey

When we get in front of [the PMC court judge][...]she said, 'why is this child in an RTC [residential treatment center]?' Then nobody could really tell her why. [...] [H]e had just gotten into trouble, got into trouble, got into trouble, and ended up in an RTC. They just decided [...] probably that way he wasn't going to keep getting kicked out of foster homes. She really knew the technicalities and law behind it and forced CPS to move him out. There's no legal reason why this child should be in foster care, then we talked about his level of care, and what issues specifically [he was] having. I mean, she put us to work right away. She showed up and it was scary coming up to her court, honestly, at those first settings, because she was holding everybody really accountable, and making sure everybody was doing what they're supposed to be doing and asking the right questions, asking questions that nobody really thought of. Honestly, I feel like before it was just like we were making sure the kids were okay, that their needs were being met, and she really raised the bar.

Attorneys also reported that the judges model this accountability by holding themselves and their courts more accountable as well. Through more frequent and more in-depth court hearings, the PMC court judges keep momentum going to avoid cases being stuck *in limbo*²⁷ indefinitely. One attorney believed that the accountability present in PMC courts should be expected in other court settings:

*There should be more oversight of these cases in non-PMC courts to ensure that the courts are doing what is necessary to properly help youth. Many of the hearings are meaningless in non-PMC courts and if the youth do not have good representation, they can and do fall through the cracks.*²⁸

Ultimately, accountability also entails ensuring that the systems work together to seek child and youth wellbeing.

²⁶ Attorney interview participant 3

²⁷ Attorney interview participant 1

²⁸ Attorney survey participant 1

All About the Children: Creating a Child-Focused Court

Vignette #2: Ryan

[Ryan] is still in care even though he's past the age of 18. He did extended care. He's in the permanency court. Once the [PMC] court judge started doing his hearings, he came to them when possible. That judge made sure that CPS would bring him because he was in an RTC a couple of times. She made sure that the parent (because even though it was PMC in the state, the parent, her rights were not terminated) [...] was expected to be at our hearings, our service review hearings, our premise after final hearings. Because that parent stayed involved, the court had better information and that child saw that the court accepted that the parent had a role as well. He made a real big turnaround through everybody's efforts to help him out and get him straightened out. He turned 18, finished high school, did some college, now he has a really good job and is doing great. The judge still expects him to appear for our hearings, at least by Zoom video. That involvement was really an enrichment for this young man.

Focusing on children's unique needs and strengths to promote wellbeing is another theme that emerged from the data. Attorneys reported that PMC judges have a more individualized approach than judges in the traditional courts, and this approach recognizes diverse child needs and addresses different dimensions of wellbeing. PMC judges

get to know each child through longer and more frequent hearings and by encouraging active youth participation. As one participant put it, the PMC court provides *a better chance for children to be heard*.²⁹

As reflected in Ryan's case, wellbeing included his active involvement in his own care, the engagement of significant people in his life, and a focus on his future. According to the participating attorneys, child and youth involvement is an integral part of the child-focus of the PMC courts.³⁰ Several participants reported that, in contrast to traditional courts, the PMC courts and judges take the time to really listen to each child, hear their voices, and address their unique needs. For example, *A child...has had a private conversation with the judge on more than one occasion. I believe it has positively affected her outlook and ability to accept what CPS and ad litem can and cannot provide her*.³¹

In addition to listening to the children, attorneys reported that PMC court judges take extra steps to make youth feel special and valued. Whereas traditional courts *generally just check the boxes*,³² or worse, the PMC court was described as more engaged and more focused on

²⁹ Attorney survey participant 1

³⁰ When children are in Temporary Managing Conservatorship (TMC), most parents are still involved in cases toward a permanency plan of reunification. Children enter PMC when efforts to reunify are not successful, and therefore PMC cases *typically* do not involve parents as a focus in court cases. Because PMC court judges only see PMC cases, they are typically not focused on parents' needs and services toward reunification.

³¹ Attorney survey participant 12

³² Attorney survey participant 5

individual child needs. One participant illustrated this engagement by sharing: *The PMC court has been more engaged, more focused on where are we going? What are we doing? Are we just going through the motions or is this stuff actually targeted at helping this individual child?*³³ This comment speaks to the courts' accountability and engagement with the child to provide helpful resources that will improve their overall wellbeing.

Part of the child-focus of the PMC court also entails making plans for the future that are tailored to each child's needs and interests. The emphasis on the future and long-term solutions, from several attorneys' perspectives, is what distinguishes PMC courts from other child welfare serving courts. The PMC courts cases show a vested interest in children's current and future needs. Decisions made in the PMC courts were described as serving both a temporary purpose and one that set the child up for future success. In contrast to traditional courts that may merely *check the boxes*³⁴ or check on the child's physical safety, attorneys reported that the PMC courts engage in meaningful interactions to help youth create plans and become successful adults. In Ryan's case, this involved a plan and assistance so that he could pursue higher education upon leaving care. The expansive view of wellbeing-centered courts was described by one participant:

*[The PMC court judge] talks to them about careers, talks to them about once they start getting older, because when we're done and we're out, we want them to be functioning healthy adults. I feel like the previous model might not necessarily have been as conducive to that, to let's get them to be a functioning adult that's not relying on medication or is going to go on SSI and is not going to work. We want them to go to school, to have careers to be inspired, and that is what [the PMC court judge] does.*³⁵

A judge's power to expand the court focus and services beyond basic needs creates an environment for children to imagine their future, ask questions about their future, and take steps to achieve their goals. As illustrated in another participant comment:

*I think the simple act of allowing a teenager to appear and participate in court—and have time to spend with him one on one and have conversations—helped shift his focus and give him a healthier perspective. He will likely age out of care and needs to think of the future and not the past.*³⁶

In this example, the PMC court helps build confidence in a teenager by listening to their needs, helping them imagine a healthy future, sending them off into the world with the skills and knowledge to make healthy and informed choices.

³³ Attorney interview participant 1

³⁴ Attorney survey participant 5

³⁵ Attorney interview participant 3

³⁶ Attorney survey participant 3

Children Need Relationships: Fostering Social Capital

Amber's case highlights the need for children to have relationships and supportive connections. Fostering social capital for youth in care is another theme that emerged related to how the PMC courts support wellbeing. Attorneys described the activation of family and fictive kin support as PMC court judges seek out permanency options and relational networks for youth. Attorneys described a resistance in some traditional courts to working with families once children are in PMC status, often failing to *give folks a fair shot*.³⁷ In contrast,

once cases reach the PMC courts, judges often reconsider reconnecting youth with family members or other significant adults who were previously passed over, recognizing that circumstances change over time. Whether or not permanency is achieved, this allows the professionals involved in the case to *show [kids] their roots*³⁸ and provide meaningful connections.

Vignette #3: Amber

I had a kiddo - she was the last sibling and she was in limbo. But this particular judge just made sure that the grandparents were at the hearing, that the parents could be there. Everyone was involved. It was a holistic approach. We expedited things. We got her closed within a month. She was in her permanent placement with her grandmother. There was no waiting for this or waiting for that person. It just happened.

The care a PMC court took in one case to reunite children with their father illustrates a focus on increasing child social capital. *The children had been in care outside of their home for seven years. The court appointed me to represent the father. With the court's help in ordering appropriate services, the children were able to live at home safely with their father in less than six months.*³⁹ The PMC court reevaluated the permanency path for the children, listened to the children's needs, explored services to build protective factors in the father, and successfully reunified the family. *If you have kiddos who are in PMC care, [the PMC judge] will actually look at family again, and the [Texas Family Code] says you're supposed to do that. If you have a child in long-term care, you are supposed to look back at family again.*⁴⁰ Family is an important piece of social capital for children. *Of course, you can imagine the benefit to the kid of having that family connection. Aging out of a relative home was a lot different than aging out of an RTC where you just get your stuff on your 18th birthday and hit the road.*⁴¹ The PMC court case examples shared by the attorneys who participated in this study describe how PMC court judges engage with family to explore both permanency and social capital, which, in turn, build stability.

³⁷ Attorney interview participant 1

³⁸ Attorney interview participant 3

³⁹ Attorney survey participant 10

⁴⁰ Attorney interview participant 2

⁴¹ Attorney interview participant 1

Social capital should be built with many different people, not just family. Giving children strength in relationships builds wellbeing and offers them a sense of connection with the world around them, which often is lacking in children who experience foster care. *Children need relationships, and it's not just relationships with the parents, but it's the teacher relationships, the relationships with your friends [...] relationships are what give kids the strength that they need and make them who they are.*⁴²

In other cases, building social capital may include the judge and other professionals becoming allies and sources of support for youth who may lack family connections. Participants reported that PMC judges actually *spend time with the kids*,⁴³ and *seek to connect with the youth*,⁴⁴ taking the time to have meaningful conversations and interactions. One attorney stated, *the PMC court, in a word, 'cares' and shows care to youth who may not otherwise have an adult to listen.*⁴⁵ Other attorneys called the judges an *ally and friend*⁴⁶ where the judge *knows them by their name, knows their birthdays, and they really love her, and care about her, and they need that.*⁴⁷ One judge offered her cell phone number to children telling them, *'if you can't reach your guardian, if you can't reach your worker, you can call me. Leave me a message. I will call you back.'*⁴⁸ The PMC court also was referred to as a *safety net for kids whose goal is independent living - to know that there is an adult who cares, who will listen, and is willing to troubleshoot with them.*⁴⁹ Attorneys described that a major distinguishing difference between PMC courts and other child welfare serving courts is the focus on a child's future and putting them at the center of that decision making process.

Bringing the Different Players Together: Building Partnerships and Community Collaboration

Vignette #4: Permanency Court Committee

There is actually a committee that met once a month before COVID, the permanency court committee. We would meet with the judge and with other stakeholders, like [a local nonprofit for aged-out youth], different community partners, and we'll just sit down and just discuss what can be better in the permanency court. [The judge] will listen and takes everything into accountability.

Building community collaborations and partnerships is also an important role PMC courts play to support wellbeing. As reported by attorneys, the PMC court judges actively seek community connections, input, and collaboration to hold

⁴² Attorney interview participant 3

⁴³ Attorney survey participant 1

⁴⁴ Attorney survey participant 5

⁴⁵ Attorney survey participant 13

⁴⁶ Attorney interview participant 3

⁴⁷ Attorney interview participant 3

⁴⁸ Attorney interview participant 2

⁴⁹ Attorney survey participant 13

themselves and other child welfare stakeholders accountable. In contrast to a more *adversarial*⁵⁰ approach in traditional courts, participants stated that the PMC courts bring *together all of the different players*.⁵¹ Multiple participants reported that the PMC courts have active committees or task forces to build partnerships and address issues for youth in their court and beyond. For example, some participants mentioned concrete actions that the PMC judges have taken to address the needs of children without placement (CWOP) and build community infrastructure to address children's needs.

One attorney stated that in the PMC court, *everyone was involved, it was a holistic approach*.⁵² By bringing the different professionals together, PMC court judges can communicate effectively and delegate tasks. Attorneys discussed the struggle they have in non-PMC courts being too siloed. For example, *It's like, 'This is what I do. This is what the caseworker does. It's what their attorney to CPS does.' It's just one day, we are going to have to sit down together at a table that's all about what's going to be best for the child*.⁵³ Participants reported the PMC court as a space that makes things happen regardless of who is traditionally responsible for certain tasks. *[The PMC judge] has reached out to a bunch of different agencies, agencies both private and public and she has made this really super concerted effort to make different kinds of assistance available to kids and the parents, if they're in there in PMC courts*.⁵⁴ A collaborative court is how participants described PMC courts, where people come to the table, regardless of their job titles, and make things happen for child wellbeing in every case.

Divergent Perspectives

All the attorneys who participated in one-on-one interviews had strongly favorable views of the PMC courts. In the survey responses, however, two attorneys had critical perspectives.

One respondent said that there was nothing different about the PMC courts compared to traditional courts and that the PMC courts were *not necessary*.⁵⁵ This respondent also said, *I sometimes feel that I can advocate better for my youth if a case stays in the original court*,⁵⁶ however they did not give a rationale for their response or provide examples.

A different attorney said that one of the PMC court judges *interferes* with district courts' decisions, is known for disrupting placements, and spends too much time during hearings reviewing reports. On this last point, the critique seemed to be aimed at the amount of time

⁵⁰ Attorney interview participant 4

⁵¹ Attorney survey participant 4

⁵² Attorney survey participant 11

⁵³ Attorney interview participant 4

⁵⁴ Attorney interview participant 2

⁵⁵ Attorney survey participant 9

⁵⁶ Attorney survey participant 9

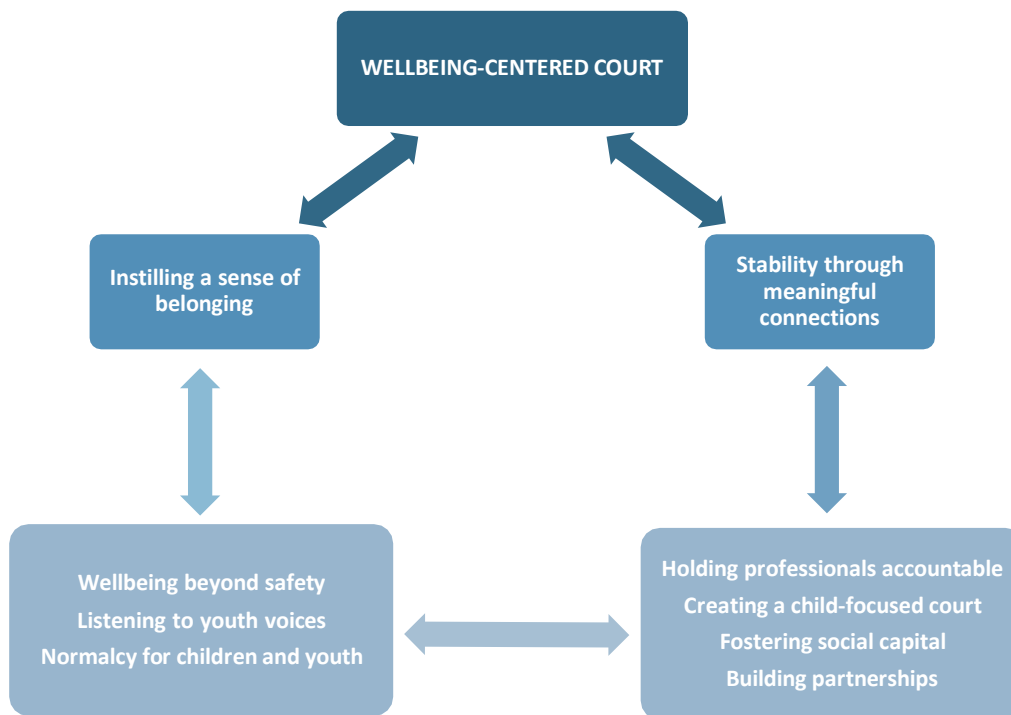
spent in this judge’s courtroom, stating, *judges need to understand that when lawyers and caseworkers are in court we can all be assured that no casework is getting accomplished.*⁵⁷ This attorney, however, still provided an example of a case in which the PMC court enhanced the wellbeing of a child they represented.

Despite attempts to schedule interviews with both attorneys, they declined to participate, so we were not able to dive deeper into their viewpoints.

Synthesis of Findings

When combined, findings from both research questions conceptualize the ideal child wellbeing-centered court system. Figure 3 illustrates the findings from both research questions joined under the umbrella of wellbeing-centered courts.

Figure 3: Components of a Wellbeing-Centered Court



Stakeholders interviewed in this study – attorneys ad litem and CASA supervisors – were aligned on how they conceptualize wellbeing for children and youth in PMC. In the most fundamental terms, children need to have a sense of belonging. Instilling a sense of

⁵⁷ Attorney survey participant 12

belonging requires moving beyond a focus on their basic needs toward a holistic view of multidimensional needs, including the needs for physical and relational stability. It also means letting them voice their own needs and preferences and facilitating opportunities that allow youth to have as normal a life as possible, even though they may face challenging circumstances compared to children not in foster care.

As described by the attorneys who participated in this study, PMC courts use unique approaches and practices that are aligned with the definition of a wellbeing-centered court. Attorneys overwhelmingly told us that the PMC courts attend to different dimensions of wellbeing, including normalcy, education, stability, relational connections, and involving each youth in determining their own plans for the future.

The vignettes provided in the findings illustrate some of the court practices that define a wellbeing-centered court:

- Modeling court and professional accountability
- Listening and asking questions
- Finding permanency options that had been previously overlooked
- Helping children plan for their future
- Building social capital
- Helping children overturn past behavioral issues
- Contributing to youth stability
- Coordinating and building relationships with key stakeholders

In addition to supporting wellbeing, participants suggested that the PMC court model could be cost-effective over time. With increased visibility on the Texas child welfare system, one attorney suggested *funding something that's going to alleviate the stress. I really do think that that's the next step in fixing the foster care system, is to fund PMC courts around the state. Let's expand it. I think it's time to expand it.*⁵⁸ Most attorneys interviewed in this study agreed that putting more resources into PMC courts would lead to positive wellbeing outcomes. One attorney stated, for example:

*Honestly, I just feel like I they did a cost analysis of what it costs to implement a court like this, that it's very cost-effective. It's going to be cost-effective to the state to just have somebody that was really involved in these kids' lives, making sure that all of their needs are met, that everything they need, that they're getting at, that they're happy.*⁵⁹

⁵⁸ Attorney interview participant 3

⁵⁹ Attorney interview participant 3

Limitations

All research has limitations that inform the strength of the findings and the scope of implications. A key limitation of this study is that the sample is small. Thirteen attorneys responded to the survey, and four of these participated in follow-up interviews. Eight CASA supervisors participated in focus groups. Further, the attorney and CASA groups were convenience samples, which means that they were not selected randomly. For these reasons, we cannot know the extent to which their views reflect the views of all attorneys ad litem and CASA supervisors who work with children and youth in PMC in these counties. It is possible that differing points of view were not adequately captured. Considering the findings and limitations from this study, we present implications for future research below.

Conclusions and Recommendations

Overall, findings from this project highlight the importance of considering multiple dimensions of wellbeing for children and youth in permanent managing conservatorship in the state of Texas. While these findings are promising and highlight the ways the PMC courts foster wellbeing among children in long-term foster care in Texas, further research is needed to garner additional input, objectively measure outcomes, and assess scalability. As such, our recommendations for next steps include:

- Maintain support for the existing PMC courts in Dallas and Harris Counties;
- Explore all options for a quantitative or mixed-methods outcomes study to examine permanency and wellbeing indicators in the PMC courts compared to traditional courts, including a cost analysis;
- Using interviews and/or surveys, solicit the input of foster care alumni to include youth voice and perspectives on the PMC courts;
- Using interviews and/or surveys, solicit the input of family members of youth who were formerly in PMC to include family voice and perspectives on the PMC courts; and
- Consider expansion of the PMC courts within and beyond existing counties.

Appendix A: Data Collection Instruments

Focus Group Guide: CASA Supervisors

1. How did you get involved with CASA?
2. What does the concept of wellbeing for children in foster care mean to you?
3. Based on your experiences as a CASA supervisor, what do you think might help increase wellbeing children and youth in foster?
4. How, if at all, does wellbeing differ for children and youth in PMC compared to those in TMC?
5. What do you see as potential barriers to wellbeing for children and youth in PMC in Texas?
6. In general, what role do you think the courts play in promoting wellbeing for children and youth in PMC?
7. Can you tell us about a specific experience with a case where you think the PMC court enhanced the safety, permanency, or wellbeing of a child you represent?
8. What else should we know about the role of the PMC court in promoting wellbeing among the children and youth it serves?

Attorney ad Litem Survey

Definitions:

When we use the term “PMC courts” in this survey, we are referring to the courts in Dallas and Harris Counties that only oversee cases of children and youth in the Permanent Managing Conservatorship of the state. Specifically, the courts we are referring to are presided over by Judge Delia Gonzales in Dallas County, Judge Katrina Griffith in Harris County, and Judge Griffin in Harris County.

1. Do you represent children in Permanent Managing Conservatorship in Dallas County and/or Harris County?
 - Yes, I represent PMC children in Dallas County
 - Yes, I represent PMC children in Harris County
 - Yes, I represent PMC children in both of these counties
 - No, I do not represent PMC children in either of these counties [if this item is selected, exit survey as ineligible]
2. Which of these statements is most accurate?
 - I only represent PMC children in one or more of the PMC courts
 - I only represent PMC children in one or more of the traditional courts

- I represent some PMC children in traditional courts *and* some PMC children in one or more of the PMC courts
- 3. What do you think wellbeing means for children and youth in PMC?
- 4. What factors do you think impede wellbeing for children and youth in PMC?
- 5. Does wellbeing look different for youth who are going to age out of PMC than for children who have a permanency plan of adoption or kin guardianship? If so, how?
- 6. In general, what do you think is the role of the courts in promoting wellbeing for children in PMC?
- 7. Based on your experience, what, if anything, is different about how the PMC court seeks wellbeing for children and youth compared to the traditional courts? (If you have only represented children in the PMC courts and do not feel like you are able to compare, please skip to the next question)
- 8. In your experience representing children in PMC, are there any judicial strategies you think have worked to improve child wellbeing for children and youth in PMC?
- 9. What, if anything, could courts do to better support the wellbeing of children in PMC?
- 10. Is there anything else you would like to add that we have not asked?
- 11. Would you be interested in participating in a 1-hour, confidential phone or video interview with the research team to help us better understand the role of the courts in promoting wellbeing for children and youth in PMC?
 - If YES, please click here to enter your contact information

Interview Guide for Attorneys

1. Can you tell me a bit about your experiences with the PMC Court?
2. How has the PMC Court impacted wellbeing among youth you serve?
3. What could other courts do to better serve youth in permanent managing conservatorship?
4. What do you think policymakers/the legislature should know about the PMC Courts?
5. What else should we know about the PMC court?