

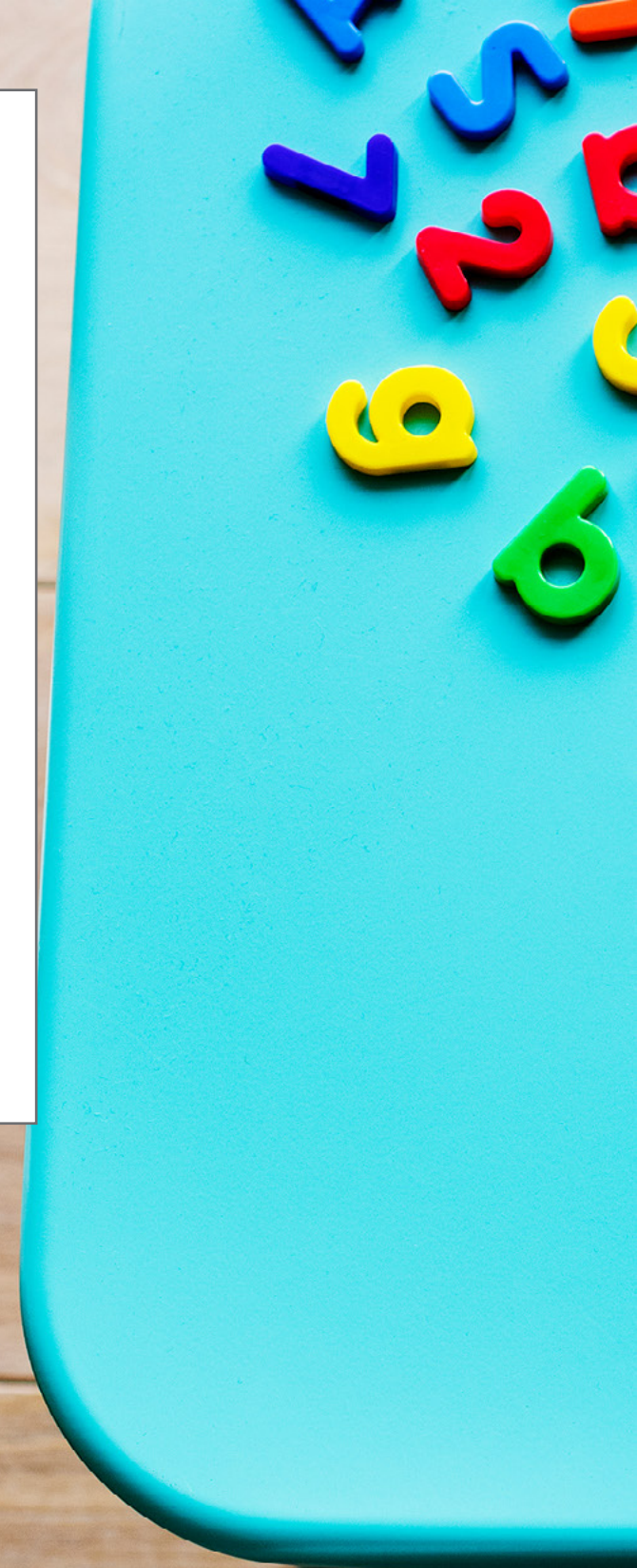
**Children's Commission
Fiscal Year 2020
Annual Report
to the
Supreme Court of Texas**




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Reporting Period October 1, 2019 - September 30, 2020

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A child with dark hair, wearing a blue denim shirt, is seen from behind, sitting at a table. They are pointing with their right index finger at the letter 'o' in the word 'home', which is spelled out with colorful, 3D block letters (h: blue, o: orange, m: yellow, e: blue) on a bright blue surface. Above the word 'home' are two vertical sticks, one blue and one red. In the top left corner, there are several other colorful letters scattered on the surface, including 'H', 'O', 'Z', 'K', 'S', and 'O'.

“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.”

From the Chair



In reflecting on the past year, various aspects of our daily lives have undoubtedly changed. When we welcomed the new year in January 2020, no one could have anticipated that a global virus would significantly transform how we interact with one another and how we serve children and families who experience the child welfare system. The outbreak of COVID-19 came with tremendous difficulty and loss that will likely impact Texans in innumerable ways for many years to come.

Despite these challenges, the core commitment to justice for children and families remains sacrosanct for the Children's Commission and for the judiciary. While social distance prevented in-person contact for many children and families, technology offered new opportunities for connection and engagement. Texas courts were some of the first in the nation to pivot to virtual hearings, providing continued access to the courts when the families needed it most.

The Children's Commission was there every step of the way to partner with judges, the Department of Family and Protective Services, the Office of Court Administration, and many other key stakeholders to adapt and respond to the shifting child welfare landscape. With an approach centered on resilience and finding silver linings, the Children's Commission continued to provide a forum for systemic improvement, high-quality training, practical tools, and balanced guidance to Texas judges and lawyers practicing child welfare law.

Another key factor in the Children's Commission's evolution in 2020 was the departure of Tina Amberboy as Executive Director of the Children's Commission. Tina served the Commission with distinction from its inception in 2007. Her leadership and vision made an indelible mark on the Children's Commission and she leaves behind a legacy of transparency, inclusiveness, and innovation. Jamie Bernstein took the helm as the Commission's second Executive Director and like her predecessor she will lead with integrity and ingenuity.



Our 2020 Annual Report highlights some of the areas of our focus that continue to strengthen the Texas child welfare system with an emphasis on judicial leadership and meaningful collaboration with child welfare system partners. I want to share my profound gratitude to our Commissioners, Collaborative Council, Committee, Task Force, and Workgroup members who help us maintain urgency and momentum to ensure safety, permanency, and well-being for all Texas children.

Justice Eva M. Guzman
Children's Commission Chair





Celebrating 10 Years with Justice Guzman as Chair

The year 2020 marks the 10-year anniversary of Justice Eva Guzman serving as Chair of the Children's Commission. Since 2010, Justice Guzman has fostered a collaborative approach that has produced meaningful partnerships among stakeholders across the child welfare system. Building on the foundation laid by former Justice Harriet O'Neill, the Children's Commission, with the support of its many commissioners and stakeholders, has been recognized at the state and national level for its impact on the child welfare system. Notable accomplishments in the past decade under Justice Guzman's leadership include:

- Establishing a Judicial Disproportionality Workgroup
- Convening a Beyond the Bench Implicit Bias Conference
- Publishing the Texas Education Blueprint
- Creating a Statewide Collaborative on Trauma Informed Care
- Releasing a Parent Resource Guide in English and Spanish to help parents navigate CPS cases
- Developing a comprehensive, statewide Legal Representation Study
- Establishing a hands-on Trial Skills Training to raise the bar for attorneys practicing CPS cases
- Conducting a comprehensive hearing observation project to assess the quality of court hearings in CPS cases
- Creating a Tool Kit for Attorneys Representing the Texas Department of Family and Protective Services in CPS Cases and a Tool Kit for Attorneys Representing Parents and Children in Child Protection Cases

With enduring gratitude, the Children's Commission thanks Justice Guzman for her decade of leadership and her vision of a better tomorrow for Texas children and families.

Texas CASA Recognizes Justice Guzman's Leadership

Each year, Texas CASA hosts a reception during the Commission's Child Welfare Judges Conference to thank the judges for their support of CASA, honor the judges' work for children and families, and applaud their achievements and innovation. This year, Justice Guzman was given special recognition at the virtual reception by Texas CASA for her 10 years as Chair of the Children's Commission. Texas CASA Chief Executive Officer Vicki Spriggs lauded Justice Guzman for her unwavering commitment to children and families and thanked Justice Guzman for her leadership.

From the Executive Director



It is the honor of my career to serve as the Executive Director of the Supreme Court Permanent Judicial Commission for Children, Youth and Families. I joined the Children's Commission in 2014 and I am humbled by the opportunity to contribute to significant systemic improvement of the child welfare system in partnership with many diverse stakeholders and experts from around our great state. It was also my good fortune to learn from former Commission Executive Director Tina Amberboy about what it means to be a leader who is accountable, open-minded, and collaborative. Tina built a durable foundation in her 13 years of leadership and I am committed to ensuring continued growth and development for the Children's Commission.

During law school and immediately after graduation, I embarked as a young lawyer into the realm of representing children and youth involved in child welfare and juvenile justice cases. As counsel for the child, it was my duty and a privilege to stand in court and represent each child's wishes, goals, interests, and needs. These experiences made it abundantly clear to me that this is an incredibly complex area of law with high emotional stakes and that no matter what the circumstances are, every child needs and deserves a family.

It is axiomatic that the child welfare system is multi-faceted and broader than the child welfare agency alone. Accordingly, real change can only come when all interested stakeholders work in tandem to support families in crisis. There are many dedicated judges, lawyers, parents, relatives, caseworkers, advocates, and volunteers who work tirelessly to ensure safety, permanency, and well-being for Texas children. This is a monumental task under typical conditions but the year 2020 elevated the immense responsibility we face as a state to keep children safe and healthy. Yet, despite any obstacles, our collaborative relationships and connection to one another remain as strong as ever.

As Helen Keller once said, "Alone we can do so little; together we can do so much." The Children's Commission is grateful for every individual who contributes their expertise, time, passion, dedication, and vision to our joint endeavors. Thank you for your partnership. I look forward to continuing our work together.

Jamie Bernstein
Executive Director

2020 Pathfinder Award Given to Tina Amberboy

Every year, the Travis County Women Lawyers' Association recognizes local women attorneys with a Pathfinder Award to honor trailblazers who use their law degrees in unique and inspiring ways and who have significantly contributed to the legal profession. On January 21, 2020, Tina Amberboy, then Executive Director of the Children's Commission, received the 2020 Pathfinder Award from the Travis County Women Lawyers' Association. Tina's humble, brilliant, and hard-working leadership qualities were recognized, as well as her significant contributions to the legal communities in Travis County, throughout Texas, and the nation.





Tina Amberboy Leaves Children's Commission After 13 Years of Service

From 2007-2020, Tina Amberboy served as the Executive Director of the Children's Commission. Under Tina's leadership, the Children's Commission grew from a small operation to a nationally recognized leader in child welfare reform. Tina is a visionary leader who balances creativity and innovation with a steadfast commitment to integrity. The Children's Commission has served as a model for the federal court improvement program and multiple other states regularly sought out Tina's expertise and wisdom in developing their own court improvement programs.

Tina began her career as a lawyer specializing in environmental law. While this is admirable and important work, it is hard to imagine child welfare law in Texas without Tina Amberboy as she is a stalwart advocate for high-quality legal representation for all parties. Tina continued her career path by representing children and parents, teaching child welfare law at Baylor Law School, and building, maintaining, and growing the Children's Commission to the benefit of all involved in CPS dockets throughout the state.

As a former attorney for parents and children involved in child welfare cases, Tina recognized the critical role of trained, zealous advocates and ensured that current resources and low-cost training were available throughout the state for attorneys and judges who handle CPS cases. She is co-founder of the Austin Bar Association Section of Court Appointed Family Attorneys and most recently, she championed the creation of a Child Welfare Law Board Certification. She serves on the Board for the Texas Board of Legal Specialization.

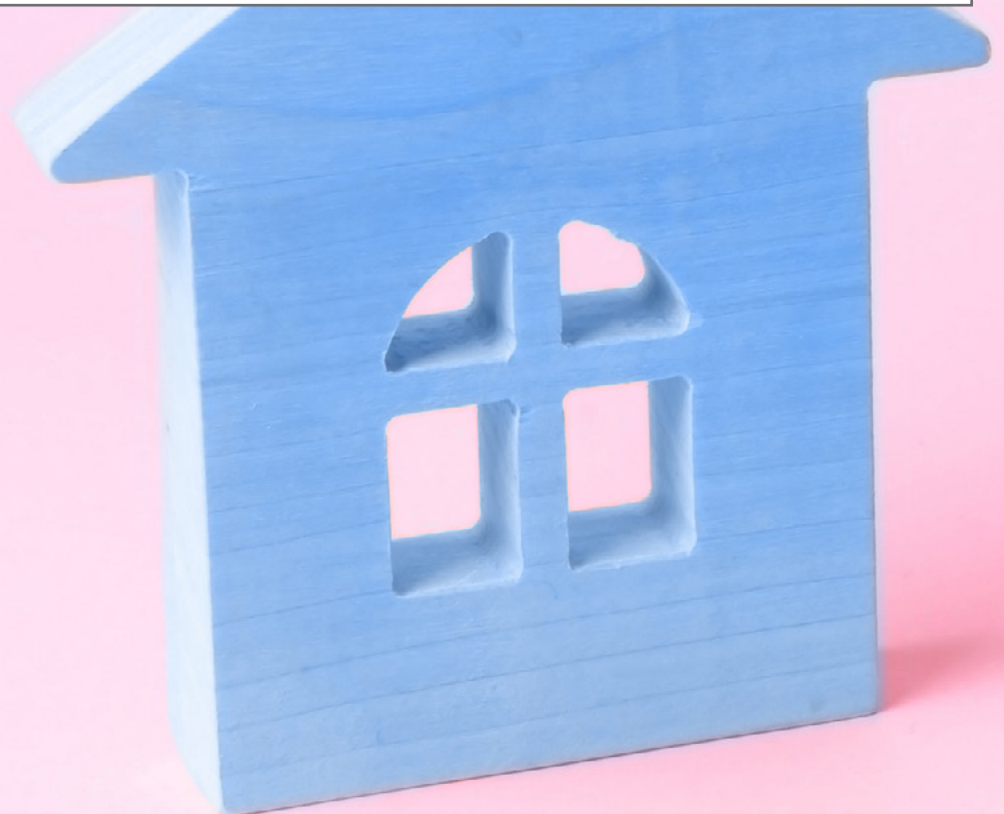
Tina's legacy is evidenced not only in the systemic improvement work of the Children's Commission but also in her significant time and mentorship of every employee of the Children's Commission regardless of their title or job function. Tina also created an expectation and environment with external stakeholders where everyone has a seat at the table and a voice in the discussion around improving the child welfare system.

The Children's Commission is forever grateful for the passion and dedication Tina brought to her years of service and we look forward to continuing to partner with Tina in her new capacity as the Chief Executive Officer of a provider organization in Texas.

COVID-19 Response

In order to safely continue the work of the Children's Commission and to continue to provide information and resources to the judiciary and our stakeholders, the Commission responded promptly to the challenges presented by COVID-19 beginning in March 2020.

- **Staff Leveraged Virtual Engagement:** From March 17, 2020 to the time of this report, almost every aspect of the Commission's daily work has transitioned online. This shift proved to be positive as staff has remained productive and projects and meetings continued virtually and without interruption. As with many aspects of adjusting to the restrictions related to COVID-19, there have been many silver linings. Commission staff have learned how to host meetings and trainings online and in some cases were able to bring together participants who would have otherwise been unable to attend due to physical distance or scheduling issues.
- **Created [Covid-19 Webpage](#):** A webpage on the Commission's website dedicated to COVID-19 resources and announcements was created in March 2020 and continues to be available. This webpage includes Supreme Court Emergency Orders affecting child protection cases, related Commission Resource Letters for Judges and Attorneys Handling Child Protective Services Cases, an archived Children's Commission webcast on Effective Advocacy in the Virtual CPS Courtroom, guidance from the Texas Department of Family and Protective Services (DFPS) as well as the Office of Court Administration (OCA), helpful links, and emergency court orders issued by county.
- **Collaborative Council:** The Commission continued to host its ongoing bi-weekly Collaborative Call with Collaborative Council members and during the spring months convened this call on a weekly basis by stakeholder consensus in order for stakeholders and the Commission staff to be in frequent communication about the rapid response needed to meet the challenges brought about by COVID-19.



Benefits of Utilizing Technology in Child Welfare Cases

For the first time, Commission staff produced an in-house, judicially led webcast designed for judges who preside over CPS cases. Moderated by Jurist in Residence (JIR) Judge Rob Hofmann, a live panel of five jurists addressed the many benefits of utilizing technology in child welfare cases. The [webcast](#) included tips on efficient docket practices as well as silver linings and success stories regarding child and parent engagement, virtual mediations, access to interpreters (which included a step-by-step demonstration of how a judge can invite a pre-arranged interpreter to join certain hearings on Zoom), attorney preparedness and advocacy, and increased frequency of family time. The webcast was designed to encourage judges to expand their use of technology to continue hearing CPS cases while hearings are conducted remotely. Hosted on June 5, 2020, the webcast was viewed by 230 attendees and was paired with a communique to judges that set forth all the positive implications for continuing to use technology in CPS cases. This webcast is archived and available for free on the Children's Commission website.



Effective Advocacy in the Virtual CPS Courtroom

The Children's Commission hosted a 90-minute Zoom webcast for attorneys on [Effective Advocacy in the Virtual CPS Courtroom](#) on May 22, 2020. Moderated by JIR Judge Rob Hofmann, a panel consisting of a DFPS regional attorney, an attorney ad litem, and a parent's attorney discussed best practices and pitfalls to watch out for when preparing their cases and clients for a virtual hearing. This included how to facilitate the client's meaningful participation in a virtual hearing; how

to elicit testimony on Zoom; how to properly enter evidence on Zoom; and how to review orders in a virtual setting. The live taping was viewed by over 230 participants, and this webcast is archived and available for free on the Children's Commission's website.



National Involvement

Children's Bureau Leadership Attend Commission Meeting

During the February 2020 Children's Commission meeting, Dr. Jerry Milner, Associate Commissioner at the federal Administration for Children and Families Children's Bureau, and Mr. David Kelly, Special Assistant to the Associate Commissioner, provided a presentation on the priority areas of focus at the national level. Dr. Milner shared the vision of promoting primary prevention and strengthening families through community-based programs. Dr. Milner expressed his desire to use the funds allocated to child welfare to help families provide for their children's needs as opposed to paying for foster care. Dr. Milner concluded by emphasizing the critical importance of legal representation and greater accountability around reasonable efforts findings.

Mr. Kelly began his remarks with the premise that child welfare is the intersection of public health, poverty, and civil rights, and shared his belief that until this is understood, child welfare system outcomes will not differ. Mr. Kelly underscored that attorneys should be trauma-informed, have knowledge around family separation and child development, and understand the importance of child and youth voice. Mr. Kelly stressed the impact of legal protection for vulnerable community members from events that would cause further hardship, including eviction as well as natural disasters and crisis. He noted that funds are available from Title IV-E of the Social Security Act to aid in training the legal and judicial communities.



Adoption Call to Action Summit

In January 2020, Children's Commission staff attended an Adoption Summit sponsored by the federal Children's Bureau to continue momentum from its first Adoption Call to Action Summit held in August 2019 and focused on achieving permanency for children in care without a permanent family. The Children's Commission also participated on a follow up call for the Administration for Children and Families Region 6, consisting of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas, hosted by the Children's Bureau on March 9, 2020 which continued the conversation about ways to ensure ongoing, sustainable efforts to find permanency for children and youth in care awaiting adoption.



Capacity Building Center for Courts Adoption Projects Workshop

The Children's Commission, in partnership with DFPS, participated in an Adoption/Permanency Workshop hosted by the Capacity Building Center for Courts (CBCC) on February 19-20, 2020. The Children's Commission submitted a project focused on the permanency outcomes and achievements of the Dallas County Child Protection and Permanency Court which was launched in December 2018. The CBCC workshop elements included: understanding the project and setting intentions/goals for the next 12 months; exploring data and how to use it effectively; conducting a root cause analysis and developing a theory of change; implementation successes; identifying appropriate program/practice change and implementation plans; fidelity and outcome assessments; and project evaluation.

State Team Planning Meeting in Washington, DC

On March 12-13, 2020, a Texas team participated in the annual Children's Bureau State Team Planning Meeting. Due to COVID-19, fewer team members were able to travel and participate than were anticipated. However, the DFPS Associate Commissioner for Prevention and Early Intervention, CPS Director of Services, CPS Director of Permanency, Children's Commission Assistant Director, and Texas Alliance of Child and Family Services Vice President of Outreach met to identify and support common goals and priorities. The meeting centered around three core concepts: engaging in primary prevention through coordination with the judiciary, strengthening the reasonable efforts findings in child welfare cases, and improving the foster care experience for children and families.

Participation in Federal Children's Bureau Disaster Planning and Response Workgroup

The Children's Commission Assistant Director was invited to participate in a national workgroup that focuses on updating a guide entitled "Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies" that was first published in February 2007. The workgroup includes representatives from states and the following national organizations: Children's Bureau, Capacity Building Center for States, Capacity Building Center for Tribes, Capacity Building Center for Courts, Child Welfare Information Gateway, National Child Welfare Workforce Institute, and Quality Improvement Center for Workforce Development. The workgroup plans to develop tools and guidance to address various disaster scenarios and what can be done in the child welfare system to prepare, respond, and recover from the impact of events such as floods, fires, hurricanes, pandemics, and other disasters.





Systems Improvement

The [Systems Improvement \(SI\) Committee](#) focuses on broad, statewide projects that help strengthen courts for children, youth, and families as well as expand court and child welfare system capacity to support systemic improvement and prevent children from entering foster care.

Prevention Discussion with Judges and Attorneys

On September 1, 2020, the Commission hosted a judicial discussion on prevention in partnership with the Department's Prevention and Early Intervention Programs (PEI) and Casey Family Programs. After a brief overview of the Family First Prevention Service Act (FFPSA) and a public health approach to prevention, Judge Robin Sage of Casey Family Programs engaged approximately 40 judicial leaders from around the state in a dialogue about what prevention means and how judges can shift the paradigm from a reactive to a preventative child welfare system. Topics covered included encouraging high-quality legal representation, developing parent mentoring opportunities, collaborating with judges overseeing other civil matters, reducing repeat maltreatment, and fostering judicial leadership in communities throughout Texas.

Assistance to Local Jurisdictions

On September 3, 2020, Judge Rob Hofmann moderated a multi-disciplinary discussion related to the impact of parental substance use in Taylor County. Commission staff provided virtual meeting support to host approximately 30 participants including judges, attorneys, DFPS staff, the Community Based Care Single Source Continuum Contractor, law enforcement, substance use treatment and mental health service providers, and CASA. During the meeting, stakeholders discussed how to maintain child safety and support parents through recovery.

FFPSA Judicial Focus Group on QRTP Placements

On August 4, 2020, Commission staff partnered with DFPS to solicit input from a small group of judges in various regions of Texas related to the Qualified Residential Treatment Program (QRTP) provisions in the Family First Prevention Services Act. The meeting focused on judicial review of QRTP placements and the potential impact on various court processes including notice of the hearing, docketing, required evidence, and timing of review. Currently, there are no QRTP placements available in Texas and no state statutory framework for judicial review, but the discussion highlighted how these provisions could impact the judiciary and the legal system in the future.

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 with developing informational letters and communiques concerning items of interest, such as changes in policy, law, practice, and training events. Judge Dean Rucker of Midland and Judge Rob Hofmann of Mason serve as JIRs for the Children's Commission. Both assist with the development of curricula; moderate and present at conferences; review updates to the Child Protection Law Bench Book; and attend and participate in events on behalf of the Children's Commission.

This year, the JIR activities included continued emphasis on elevating the expertise of judicial leaders related to prevention of removal to foster care, child and family well-being, and encouraging child and family voice in child welfare system reform. At the Wyoming State Bar Annual Meeting and Judicial Conference in October 2019 in Jackson, Wyoming, Judge Hofmann presented on the value of developing a Jurist in Residence Program. In November 2019, both JIRs met with colleagues from Arkansas to discuss the value, role, and benefits of the position as well as the benefits of establishing a Commission similar to the Texas Children's Commission. Since late February 2020, both JIRs have assisted the Children's Commission by providing invaluable guidance about best practices related to COVID-19's effect on courts and judicial processes across the state.





Statewide Collaborative on Trauma-Informed Care Task Force

Since its inception in 2017, the [Statewide Collaborative on Trauma-Informed Care](#) (SCTIC) has provided a forum for multi-disciplinary stakeholder discussion. The SCTIC consists of a Task Force charged with overseeing implementation of the strategies from the 2019 publication “A Trauma-Informed Child Welfare System: A Blueprint.” The Task Force members established three workgroups to carry out priorities: Policy & Practice; Training; and Information Sharing, Data, & Funding. The Task Force and Workgroups met nineteen times in person or virtually in Fiscal Year 2020.

- In March, with the Policy & Practice Workgroup’s leadership and approval by the Task Force, the SCTIC sent proposed definitions for “trauma” and “trauma-informed” for DFPS to consider as it entered formal rulemaking to adopt definitions by rule. DFPS published the SCTIC proposed definitions for public comment in October 2020 and a final adoption of the definitions by rule is forthcoming.
- The Policy & Practice Workgroup is currently compiling a database of Trauma-Informed Organizational Assessments (TIOA) and intends to publish the database on the Commission’s website when it is finalized.
- The Training Workgroup served as the curriculum committee for the Judicial Trauma Institute originally scheduled for March 2020 but postponed to February 17 – 18, 2021 due to COVID-19. The Training Committee is also nearing completion on a trauma-informed training database created in partnership with staff from the Southwest Mental Health Technology Transfer Center (MHTTC).
- The Information Sharing, Data, & Funding Workgroup is focused on Strategy 7.2 of the Trauma Blueprint which calls for a statewide website to serve as a primary source of relevant information and training on trauma-informed care and practices. The workgroup finalized a concept paper outlining the ideal characteristics for a host organization that would develop the Texas-specific site. In September 2020, an organization interested in exploring the possibility of serving as the website host was identified. The workgroup assisted with the creation of a standalone Project Advisory Committee to help formulate a plan for actualizing the development of the website. The primary site audiences will likely be family and caregivers, child welfare professionals, direct and non-direct service providers, and community collaboratives. In the interim, the Commission will create a landing page on its website for resources created or utilized by the SCTIC to begin building the components of a Texas-specific website.



The Ensuring Justice Summit

On August 10-11, 2020, Commission Chair Justice Eva Guzman, JIRs Judge Dean Rucker and Judge Rob Hofmann, Commission staff, DFPS leadership, Office of Court Administration staff, and an attorney ad litem attended the virtual Ensuring Justice in Child Welfare Virtual Summit. Presented by the National Center for State Courts, the Ensuring Justice Summit brought together over 500 participants from across the nation to address the issue of race equity in the child welfare system. Themes included empowering individuals with lived experience; distinguishing between poverty and neglect; providing early, high-quality legal representation; and using data to better understand disproportionality in the child welfare system. The Texas team convened in September 2020 to refine the action plan submitted in response to the Summit.

Equity Advisor Appointed to Children's Commission

In September 2020, the Supreme Court of Texas appointed Sheila Craig to the Children's Commission as [Equity Advisor](#). A longtime Commissioner and equity expert, Ms. Craig is a national leader in teaching individuals and organizations how to foster and ensure equity. In addition to assisting the Commission with applying an equity lens to our work, Ms. Craig will serve as Chair of the Commission's Judicial Workgroup on Equity. The workgroup will build upon previous efforts at the Commission to address disproportionality and disparities in the child welfare system.

Foster Care & Education Resources


Since the inception of the Education Committee in 2010 and the release of the Texas Blueprint in 2012, the Children’s Commission has convened a multidisciplinary, statewide effort aimed at improving education outcomes for children and youth in foster care. The [Foster Care and Education \(FC&Ed\) Committee](#) was established in 2015 to continue the implementation of the Texas Blueprint recommendations. In Fiscal Year 2020, the FC&Ed collaboration continued its project-centered model, and five workgroups addressed the following projects:

- The Education in Residential Treatment Centers (RTCs) Workgroup drafted a series of color-coded, one-page resources for legal professionals, RTC providers, and educators. The one-pagers will be available on the Children’s Commission website in early 2021.
- The Resources for Higher Education Professionals Workgroup developed a PowerPoint presentation aimed at providing high-level training, tools, and resources for professionals in higher education including, but not limited to, administrators, financial aid officers, admissions, foster care liaisons, and others who may assist or provide services to foster care alumni on campus.
- The Non-traditional Post-Secondary Education Workgroup completed a Tuition and Fee Waiver Q&A, Education and Training Voucher (ETV) Q&A, and an eligibility determination tool as well as a high-level infographic highlighting important funding information for students. The workgroup also created a series of promotional flyers ready for social media distribution referring youth formerly in foster care to the post-secondary resources.
- The Records & Information Sharing Workgroup completed a records transfer and information sharing flow chart. The flow chart highlights how members of the child welfare and education systems should coordinate to ensure a smooth transition for students in foster care when a school transfer occurs.
- The Every Student Succeeds Act (ESSA) Workgroup focused on drafting charts and one-pagers on school of origin, best interest decisions, and cross-system collaboration to provide further clarity and guidance on the hallmark law and its provisions to the child welfare and education communities.

Child Protection Court Management System Update

The [Child Protection Court Management System \(CPCMS\) court management system](#) was updated in July 2020 to include a customizable “Data Dashboard” that allows Child Protection Court Judges to select data most relevant to their jurisdiction to be readily available on the login screen. The Child Protection Courts Advisory Council met on August 21, 2020 to review CPCMS updates and the dashboard feature was noted by judges to be especially helpful. The council identified further improvements to the dashboard as well as other improvements such as the ability to flag cases with jury demands and Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) issues. The council began planning for the implementation of the dual status pilot project that will include an evaluation by the University of Texas at San Antonio and require the integration of juvenile justice-related data fields that will need to be identified and included in CPCMS for dual status cases.





Legal Practice & Process

The Legal Practice & Process (LPP) Committee helps courts, judges, and legal advocates ensure that children and families involved with child welfare experience a legal system in which they have meaningful access to justice and their rights are protected.

Tool Kit for Attorneys Representing Parents and Children in Child Protection Cases

In November 2019, the Legal Representation Committee assembled a Tool Kit Workgroup which included parents' attorneys and children's attorneys, judges, youth formerly in foster care, parents with lived CPS experience, parent advocate groups, and attorneys from the Texas Family Helpline. Using the Tool Kit for Attorneys Representing the Texas Department of Family and Protective Services in CPS Cases as a backbone, the workgroup revised existing chapters to reorient them to the needs of parents' and children's attorneys and drafted new chapters specific to legal issues uniquely relevant to the representation of parents and children. The tool kit covers essential legal basics at a glance, including pleadings, motions, evidentiary issues, hearing checklists, and related federal law issues. The tool kit also covers concurrent and special issues related to child protection cases including child well-being, normalcy, dual status, incarceration, and trauma-informed advocacy.

The tool kit was intended to be released at the March 2020 Child Protection Law Advanced Course, but that event was cancelled due to the outbreak of COVID-19. The workgroup continued to refine the tool kit while transitioning it from a printed to an online resource. The [Tool Kit for Attorneys Representing Parents and Children in CPS Cases](#) was published online in August 2020 and is available for free on the Children's Commission website.



Tool Kit *for* Attorneys Representing Parents *and* Children in Child Protection Cases



Mediation Workgroup

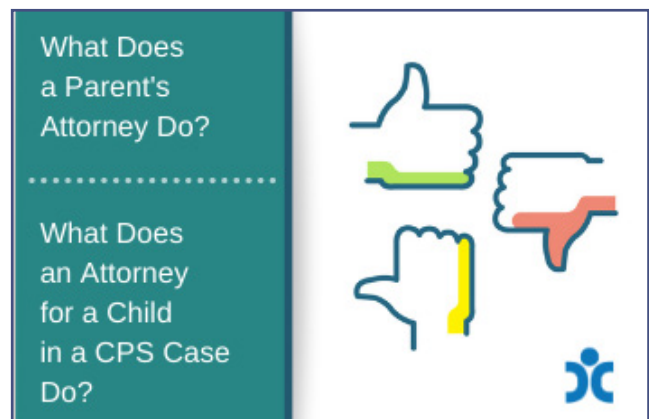
As part of the Commission's ongoing commitment to strengthen the court process, the Children's Commission initiated a [Mediation Workgroup](#). The purpose of this workgroup is to create a forum for experts in child-welfare mediation to identify strategies that improve the practice and utilization of mediation and develop projects and materials that will raise the quality of mediation in CPS cases throughout the state.

Mediation Round Table Final Report

The Commission hosted a Round Table on Mediation in CPS cases in February 2019 with the goal of creating a collaborative framework for understanding how mediation in CPS cases can be improved. The Round Table brought together 45 mediators, attorneys, judicial leaders, subject matter experts, and policymakers from across Texas to discuss issues affecting mediation in child protection cases. Participants exchanged experiences and ideas regarding how to create conditions for successful mediation, when and how to use mediation as an effective tool, as well as the challenges facing diverse jurisdictions in establishing effective mediation programs. The Mediation Workgroup has reviewed and approved the Round Table Report for publication in January 2021.

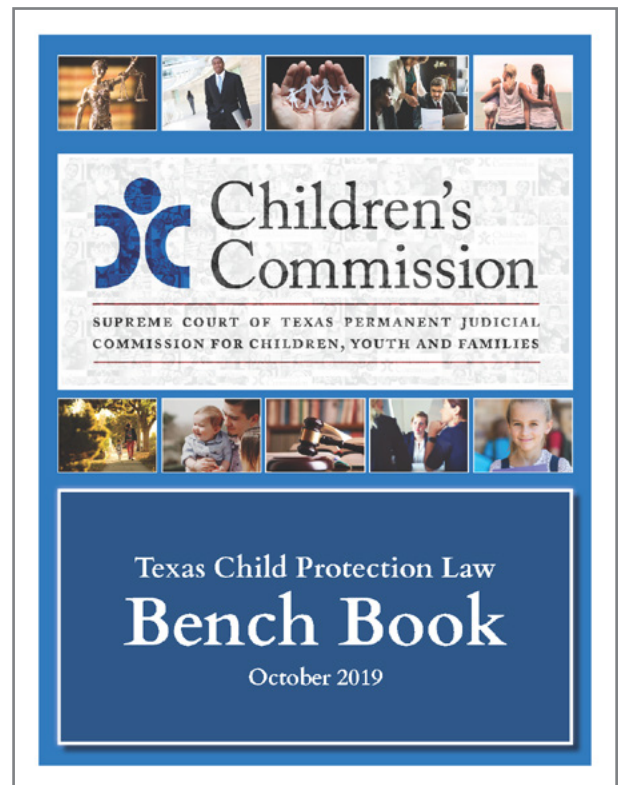
Explaining the Attorney's Role in a CPS Case

In response to the Children's Commission 2018 Study of Legal Representation in Child Protection Cases, the Legal Representation Committee began exploring different projects to address concerns raised by the study. One effort was the creation of easily accessible information to help parents and children understand what they should expect from their attorneys. A pamphlet designed specifically for parents was distributed at the 2019 Child Welfare Judges Conference so judges could make it available in their courtrooms. Additionally, the Legal Representation Committee created a workgroup devoted to developing materials specifically designed for children and youth. The workgroup began meeting in September 2020, and has identified a coloring book for young children, a comic book for older children, and a youth-voice video for older youth as potential projects.



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 protection cases and includes topical sections and checklists. The Bench Book also includes special issues which judges may encounter in overseeing child protection cases, as well as statutory and case law citations which are maintained by and connected to an online service called LawBox. The Bench Book is updated annually and was revised in October 2019 to include updates 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.



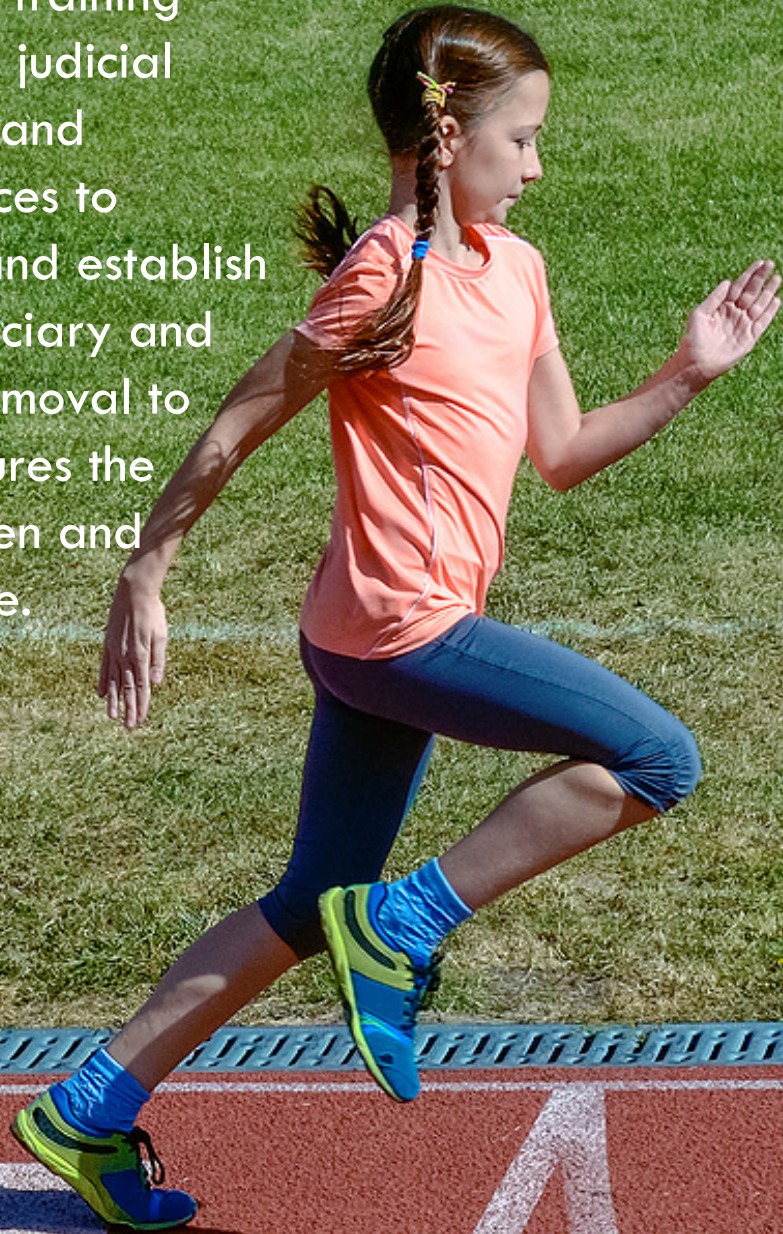
Task Force on Court-Appointed Legal Representation Final Report

The [Task Force on Court-Appointed Legal Representation](#) was created in response to the Children's Commission's 2018 Study on Legal Representation and was assembled with experts in judicial, legal, legislative, and administrative fields. The Task Force is charged with investigating various systems which deliver quality legal representation and making recommendations on the statutory and systemic reforms required to help ensure high-quality legal representation for parties involved in child welfare cases in Texas. The Task Force held its first meeting on December 6, 2019 to review the 2018 Legal Representation Study, the change in Title IV-E policy, and examples of different systems of representation. The members affirmed the Task Force Guiding Document and agreed to the creation of three subcommittees to examine the following issues: standards for attorneys, different models of representation, and a financial and data analysis of transitioning Texas to a different system of representation.

In 2020, the Task Force on Court-Appointed Legal Representation held seven meetings of the full Task Force and two meetings for each subcommittee. Due to COVID-19, the meetings were conducted virtually, which allowed the Task Force more direct access to national experts to discuss how to deliver quality representation. The Task Force conducted its penultimate meeting on August 14, 2020 to establish consensus on recommendations for its report and met for the last time in December 2020. The report will be submitted to the 87th Texas Legislature.

Training

The [Training Committee](#) continues to oversee training efforts that promote judicial leadership, identify and promote best practices to improve outcomes, and establish a well-informed judiciary and bar that prevents removal to foster care and ensures the well-being of children and families while in care.



Trial Skills Training

The Children's Commission [Trial Skills Training](#) (TST) is a unique, realistic, and effective three-day, hands-on training designed to improve the litigation skills of less experienced child welfare law attorneys. Each year, volunteer faculty comprised of highly respected judges and attorneys from across the state provide training to 21 attorneys comprised of three equal groups of children's attorneys, parents' attorneys, and attorneys representing DFPS through a combination of lecture, demonstration, strategy, practice, critique, and coaching.

Due to continued health and safety concerns and restrictions on gatherings amid COVID-19, the in-person June 2020 TST scheduled at the Embassy Suites Hotel and Conference Center in San Marcos, Texas was postponed. However, TST faculty successfully collaborated to present eight hours of Trial Skills Training CLE via Zoom webinar and Zoom meetings to this year's TST students on June 24-25, 2020. Eighteen students attended three of the most critical TST lectures on case strategy, lay witnesses, and laying evidentiary foundation in remote hearings and participated in discussion groups per their practice area (prosecutors, parents' attorneys, or ad litem), guided by TST faculty members. This modified, virtual TST concluded with a two-hour panel presentation by TST faculty on the Future of Remote Hearings in Child Welfare Cases, and virtual trial skills were incorporated into all of the TST presentations and discussions.

Judicial and Attorney 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 2020 events were cancelled or converted to virtual events. However, the Commission was able to offer judicial and attorney scholarships for several summer and fall conferences. Generally speaking, for those conferences which converted to 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. Also, for those conferences which were rescheduled, the Commission anticipates providing scholarships to those training events in the future.

- October 2019 – Advanced Family Law Child Abuse and Neglect CLE; registration scholarships were awarded to 20 attorneys total to attend one of the four video replays of the August 2019 live Child Abuse and Neglect CLE Workshop.
- July 2020 – National Council of Juvenile and Family Court Judges (NCJFCJ) 83rd Annual Conference; registration scholarships for the virtual conference were awarded to 14 Texas judges hearing child welfare cases.
- August 2020 – National Association of Counsel for Children (NACC) 43rd National Child Welfare Law Virtual Conference; registration scholarships were awarded to 52 attorneys and 4 judges total for the week-long virtual conference.

As required by scholarship awards, post-event survey feedback was collected from awardees to each of the above events. This information is used by Commission staff to evaluate the structure and content of the trainings, measure gains and identify gaps in knowledge, and identify future training topics and speakers.



Child Welfare Judges Conference 2019

The Commission's annual judicial training, the Child Welfare Judges Conference (CWJC), was held in October 2019 in partnership with the Texas Center for the Judiciary. Fifty-seven judges from across the state attended a first of its kind Pre-Conference event on the Judicial Impact on Well-Being of Children in Care, and then were joined by more colleagues for a total of 93 judicial attendees at the full conference. The curricula was based in part on specific judicial requests for further education in the 2018 CWJC post-event survey. Using both plenary and break-out sessions, the conference content included a State Keynote on Judicial Awareness of Mental Health Issues in our Courts; an 86th Legislative Session Update; a Case Law Update; two panels on Tools for a Trauma-Responsive Child Welfare System which included updates from the Commission, DFPS, and Superior Health as well as staff from STAR Health; a Federal Keynote with an update from the Administration on Children, Youth and Families; a presentation on Community Based Care and the Texas response to the Family First Prevention Services Act; a DFPS Statewide Update; Effects of ICWA and Human Trafficking in Tribal Communities; a Reunited Parents Panel; and a panel honoring retiring judges. Additionally, following a presentation on DFPS Data Sharing, judges and DFPS Regional Directors participated in breakout sessions which examined judicial and agency policies and practices related to improving children's timely exits to permanency. This new approach, partnering judicial and agency efforts to identify best practice, was very productive. All told, 15.75 hours of CJE were offered (including the Pre-Conference), and 12.25 Family Violence credits were offered in the above curricula.

Staff Presentations

The Children's Commission staff gave several presentations in 2020. A few examples are included below:

- Legal System 101 at Texas Workforce Commission Foster Care Conference
- Serving Dual Status Youth at West Texas Juvenile Chiefs Winter Conference
- Keynote Address at Hill Country Ad Litem Seminar
- Children's Commission Areas of Focus at Child Protection Round Table Meeting
- Intersections of Child Welfare and Juvenile Justice at Texas Municipal Courts Education Center Mental Health and Juvenile Case Manager Conferences
- The Family First Act: What Is It and How Will It Impact Me? at the State Bar of Texas Advanced Family Law Child Abuse and Neglect CLE Track
- Foster Care & Student Success Update at the Concho Valley Consortium Meeting

Family Justice Conference 2020

The Texas Center for the Judiciary's annual Family Justice Conference was held in January 2020, and the Commission provided funding and speakers for an afternoon track on child welfare issues to an audience of general jurisdiction judges. This year's three CPS-related CLE speakers were all Commission staff members, and the presenters and topics were as follows: then-Staff Attorney Dylan Moench on the history and status of the federal M. D. versus Abbott lawsuit; then-Executive Director Tina Amberboy on the issue of privatization and the status of the Community Based Care roll-out in Texas; and then-Assistant Director Jamie Bernstein on Dual Status Youth.

Resource Letters for Judges and Attorneys

January:

- Judicial Practices to Improve Permanency Outcomes
- Resources Related to Preventing and Addressing Domestic Child Sex Trafficking
- Child Welfare Presentation Series: CIP Talks
- Handling Sensitive or Protected Information in Child Protection Hearings; Interview of Child in Chambers
- April is National Child Abuse Prevention Month
- Resources for Parents and Families Involved with CPS
- Resources to Support Educational Success for Students in Foster Care During COVID-19
- Judicial Scholarship Opportunity to NCJFCJ 83rd Annual Virtual Conference

February:

- Hands-on Trial Skills Training Opportunity
- 2019 Child Protection Law Bench Book Now Available
- MCLE on Essentials of Family Representation in CPS Cases Now Available in the TexasBarCLE Online Classroom
- Webcast on Effective Advocacy in the Virtual CPS Courtroom
- Announcement Regarding the Children's Commission Website, COVID-19 Webpage and Resource Links
- Benefits of Utilizing Technology in Child Welfare Cases
- Register Now: Webcast on Benefits of Using Technology in Child Welfare Cases
- Save the Date for 2020 Annual Child Welfare Conference
- Scholarship Opportunity for Child Welfare Judges and Attorneys to NACC 43rd National Child Welfare Law Virtual Conference
- Attorney Scholarships for Webcast Replays of TexasBarCLE's Child Abuse and Neglect Workshop

March:

- DFPS News Release on Community-Based Care
- Supreme Court Emergency Orders Suspending Deadlines and Procedures
- COVID-19 Resources Related to CPS Cases
- Current Suggested Best Practices for Family Visitation During the COVID-19 Crisis
- DFPS Issues Virtual Contact Guidelines for Caseworkers
- Announcements Regarding the Children's Commission Website, COVID-19 Webpage and Resource Links
- Benefits of Utilizing Technology in Child Welfare Cases
- Register Now: Webcast on Benefits of Using Technology in Child Welfare Cases
- NCSC Free Virtual Child Welfare Summit
- Recordings Now Available from Ensuring Justice in Child Welfare Summit
- Now Available: Tool Kit for Attorneys Representing Parents and Children in Child Protection Cases

April:

- Guidance for Services and Service Plans
- Webinar: Domestic Violence and Race Equity: Texas Working at the Intersections for Safe Families
- New Texas CASA Resources and Upcoming Training
- Health Insurance for Aged Out Foster Youth: Former Foster Care Children's Medicaid
- 2020 Child Welfare Judges Conference
- CPS Webinar: LGBTQ and Race Equity Part II
- Supreme Court of Texas 26th Emergency Order and Office of Court Administration Guidance for All Court Proceedings During COVID-19 Pandemic
- Back to School for the 2020-2021 School Year

July:

August:

September:

Data

The Data Committee supports the Children's Commission's data efforts and oversees the analysis of publicly available child welfare data to identify judicial processes and practices that produce desired outcomes, as well as which practices need improvement.

Data Analyst

The Data Committee was reorganized in Fiscal Year 2020 to focus on using data to better understand the relationship between outcomes and practices and to develop ways to best utilize the data analyst position at the Texas Alliance of Child and Family Services (TACFS). The data analyst supports the Commission's Data Committee by analyzing publicly available child welfare data in a manner that facilitates discussion between DFPS and judges about data, judicial processes and practices, and potential systemic improvements.

Fiscal Year 2020 Data Projects

The Data Committee met on May 14, 2020 to discuss how to evaluate and prioritize its projects in response to COVID-19. Some projects such as providing assistance to jurisdictions participating in the rescheduled Judicial Trauma Institute had to be placed on hold until the primary projects could be adapted to pandemic conditions. Other projects were able to move forward, including an evaluation of the Permanent Managing Conservatorship (PMC) courts in Dallas and Houston and the creation of a workgroup of Data Committee members, OCA staff, and DFPS personnel to explore data sharing and integration between the CPCMS court data system and the DFPS case management system, referred to as IMPACT. Additionally, the data analyst created a data portal available on the TACFS website that allows judges to visually analyze publicly available child welfare data by geographic area and demographic information.

Dual Status Task Force

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.

DSTF Areas of Focus

In June 2018, the Texas Judicial Council Juvenile Justice Committee issued a recommendation that the Children's Commission should convene a task force to study and report on issues relating to youth with involvement in the juvenile justice and child welfare systems. 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 Task Force approved two definitions presented by the Definitions Workgroup, one for dual status youth who are concurrently involved in both systems and another for dual system youth who have a history of involvement in either or both systems.
- The Judicial Practices Workgroup explored issues ranging from documenting what works in jurisdictions that already have crossover dockets to exploring the implications of SB 1887 (86th Texas Legislative Session).
- The Training Workgroup identified training needs for judges, lawyers, and advocates as well as other interested stakeholders.
- The Legal Representation & Advocacy Workgroup focused on addressing ethical issues in representing dual status youth, raising awareness about the dual status population among prosecutors, and defining the role of a guardian ad litem in a dual status case.
- The Transition Planning & Local Coordination Workgroup focused on how to strengthen support for dual status youth during transitions between systems (e.g., re-entry) and identifying other opportunities for agency collaboration at the local level.
- At the March 3, 2020 meeting, the Task Force approved the creation of a Data Workgroup to assess what data currently exist to get a better understanding of both the population size and the outcomes for dual system and dual status youth in Texas.

Shackling Round Table and Final Report

The Round Table on Shackling in Juvenile Court planned for April 13, 2020 was rescheduled for August 6, 2020. An abbreviated two-hour format was developed to best engage participants through a virtual meeting. The discussion was moderated by Judge Gary Coley of the 74th District Court in McLennan County and included judges, legislators, attorneys, Probation Chiefs, the Office of Court Administration, advocates, and researchers. The conversation centered on the criteria used to make a determination about whether to use wrist and/or ankle restraints when youth appear in juvenile courts throughout Texas. A report that summarizes the background on this issue, discussion at the round table, and next steps will be released next year.

Grants

In FY2020, the Children's Commission awarded \$966,761 in [grants](#) to ten organizations. A substantial portion of grants awarded by the Commission involved in-person trainings and conferences which were postponed, canceled, or conducted virtually due to COVID-19. With Commission approval, grant recipients whose programs were unable to be conducted or rescheduled were offered the opportunity to reallocate funds to help meet the organization's needs during FY2020. For those grant recipients whose activities were postponed, the Commission offered no-cost extensions to allow funds to be carried forward to FY2021. Finally, some grant recipients were able to quickly adapt curriculum to conduct their programs virtually which significantly reduced expenditures and, in many cases, increased overall attendance.

FY2020 Grantees

National Association of Counsel for Children (NACC) | \$16,800

The Children's Commission provided 56 registration scholarships for Texas judges and attorneys to attend the virtual **2020 Child Welfare Law Conference**.

National Council of Juvenile and Family Court Judges (NCJFCJ) | \$25,000

The Children's Commission provided 14 judicial scholarships for Texas judges to attend the virtual **83rd Annual Conference**.

Office of Court Administration (OCA) | \$283,125

OCA conducted four **Child Protection Case Management System (CPCMS)** governance meetings in FY2020 and implemented 34 software updates and enhancements. Activities included creation of a CPCMS Data Dashboard, expansion of the **Notice and Engagement Web Tool**, and support of the LifeSize **video conferencing** system. The LifeSize video conferencing platform is no longer supported, and OCA now provides Zoom accounts to continue the program. In FY2020, the **Child Protection Court Visiting Judge Program** supported five experienced visiting associate judges who presided over 295 cases.

State Bar of Texas | \$2,000

The Children's Commission provided 20 registration scholarships for Texas attorneys to attend one of four virtual replays of the live August 2019 **Advanced Family Law Child Abuse & Neglect Workshop**.

Texas CASA | \$25,726

Texas CASA initiated development of a **Normalcy Guide** intended as an aid in developing tangible strategies for implementing normalcy practices with children, youth, and families. Complicated by COVID-19 and the absence of a key staff person on leave, the Normalcy Guide was not completed in FY2020 and the Children's Commission voted to grant Texas CASA a no-cost extension of unused FY2020 grant funds to be used in FY2021 to complete the project.



Texas Center for Child and Family Studies | \$125,000

During FY2020, information provided by a **Continuous Quality Improvement (CQI) Analyst** (data analyst) benefited 32 Counties, 141 Agencies, and 91 judges through data presentations created for the Annual Child Welfare Judges Conference. The data analyst also led follow-up data discussions with judges in DFPS Region 6; created summary documents for the judicial community related to FFPSA; developed a DFPS Data Book tutorial; conducted preliminary reviews of raw data pulled from the CPCMS system; created region-specific data summaries in partnership with DFPS; and created and distributed summary documents for the provider community on judicial practice changes resulting from COVID-19.

Texas Center for the Judiciary (TCJ) | \$311,460

The **2019 Child Welfare Judges Conference** was attended by a total of 92 judges, including 28 district judges, 45 associate judges, nine county court-at-law judges, one appellate justice, and nine judges sitting by assignment. The Commission's curriculum offered at the **2020 Family Justice Conference Child Welfare Track** was attended by a total of 93 judges, comprised of 37 district judges, 15 associate judges, 24 county court at law judges, and 17 judges sitting by assignment.

Texas Department of Family & Protective Services (DFPS) | \$10,000

Twelve attorneys attended the **DFPS Trial Skills Training** on trial strategies for CPS cases. Eighty-eight attorneys attended the **DFPS Attorney Conference** which featured topics such as appellate developments and the transition to Community Based Care. Thirty-seven DFPS staff attended an **Immigration and Citizenship for Children and Youth in Foster Care** training. Sixty DFPS legal support staff attended a half-day **Legal Support Professionals & Regional Attorney Conference** joint session with attorneys designed in part to promote better communication and mutual understanding between colleagues.

Texas Legal Services Center (TLSC) | \$147,650

Over the course of FY2020, the **Family Helpline** spoke with callers from 157 counties in Texas. Calls affected a total of 1,910 adults and 3,260 children. During FY2020, Helpline attorneys completed 1,992 calls which included 1,741 initial first-time calls and 251 calls from individuals calling back. Callers included 1,248 parents, 263 grandparents, 148 extended relatives who are not grandparents, 41 fictive kin or family friends, 44 unrelated individuals, 11 stepmothers, 7, stepfathers, and 3 children; with remaining callers not disclosing their relationship to the child.

Texas Network of Youth Services (TNOYS) | \$20,000

A total of 598 participants joined the **TNOYS Annual Conference** (Child Welfare: 24%, Victim Services: 9%, Health: 17%, Juvenile Justice: 8%, Homelessness: 13%, Workforce: 6%, Education: 9%, Other: 14%). Additionally, TNOYS partnered with DFPS to update the Independent Living Skills Guide (ILSG) used within DFPS PAL program. In FY2020, TNOYS worked with DFPS to review all ILSG materials, gathered initial youth feedback about updates that are needed, and identified areas of improvement for the materials including outdated materials, expired links, and inaccurate information. TNOYS completed the first phase of the project in FY2020.

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Sheila Craig

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2019-2020 Children's Commission Members

| continued

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