

Supreme Court of Texas

Foster Care Consultative Group

March 1, 2007

The Honorable Wallace B. Jefferson
The Honorable Harriet O'Neill
The Supreme Court of Texas
Supreme Court Building
Austin, TX 78701

Dear Chief Justice Jefferson and Justice O'Neill:

It is our privilege and pleasure to submit to you the report of the Foster Care Consultative Group.

The Consultative Group, created in December 2006, was charged with the following:

1. research models for effective statewide commissions, particularly those that oversee and administer federal grants;
2. recommend an organizational structure for a statewide commission for children and families, including best practices for oversight of the Court Improvement Project federal grants;
3. recommend membership criteria, including terms and proposed rotations, to ensure that the commission is effective, broad based, and multi-disciplinary;
4. develop a proposed plan and **timeline** for launching the commission; and
5. **draft** and submit a final report to the Court reporting the Consultative Group's findings and recommendations by March 1, 2007.

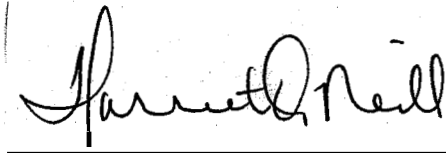
The attached report provides recommendations to the Court for structuring a statewide, judicial commission for children, youth and families.

The Texas judiciary is committed to improving outcomes for children who have been abused or neglected. We hope that our recommendations will contribute to improving court practice in child protection cases and, as a result, improve outcomes for children.

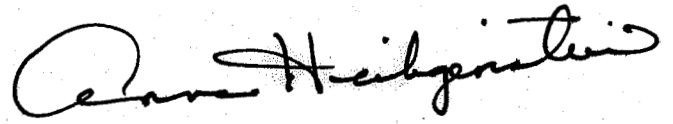
Sincerely,



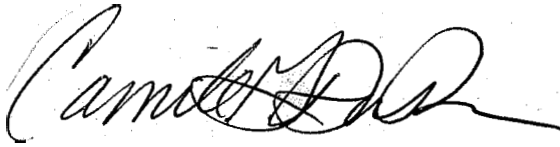
John J. Specia, Jr.
Chair, Foster Care Consultative Group
Senior District Judge



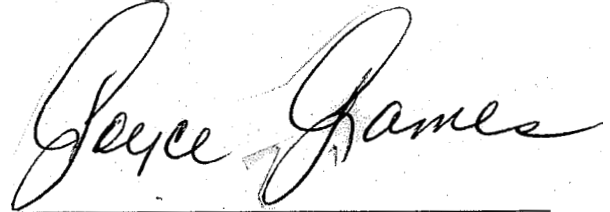
Honorable Harriet O'Neill
Justice
Supreme Court of Texas



Anne Heiligenstein
Executive Deputy for Social Services
Texas Health & Human Services Commn.



Honorable Camille DuBose
Associate Judge
Child Protection Court of South Texas
38th Judicial District Court



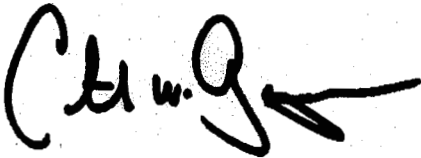
Joyce James
Assistant Commissioner, CPS
Texas Dept. of Family & Protective
Services



John Edwards
Executive Director
State Bar of Texas



Carolyne Rodriguez
Director, Texas State Strategy
Casey Family Programs



Stewart Gagnon
Partner
Fulbright & Jaworski



Honorable Dean Rucker
Presiding Judge
7th Administrative Judicial Region
318th District Court

Creating a Permanent Judicial Commission for Children, Youth and Families: Supreme Court Consultative Group Report and Recommendations

In December 2006, the Court appointed the Foster Care Consultative Group to recommend the organizational structure, membership criteria, and a proposed plan and timeline for launching a statewide judicial commission for children and families. The Consultative Group developed a plan with a broad range of goals and strategies. The Group's cornerstone recommendation was for the Supreme Court to establish the Permanent Judicial Commission for Children, Youth and Families to serve as an umbrella organization for efforts to strengthen courts for participants in the Texas child-protection system. The commission would develop strategic alliances to effectively move ideas to action.

I. Background

To build the Commission on a firm foundation, the Court first sought the advice of experts. In December 2006, the Court appointed a Consultative Group of state leaders with expertise in child-protection law, organizational structure, and commission operations to advise the Court regarding the creation of a commission for children and families. The Consultative Group was charged with the following:

1. research models for effective statewide commissions, particularly those that oversee and administer federal grants;
2. recommend an organizational structure for a statewide commission for children and families, including best practices for oversight of the Court Improvement Project ("CIP") federal grants;
3. recommend membership criteria, including terms and proposed rotations, to ensure that the Commission is effective, broad-based, and multi-disciplinary;
4. develop a proposed plan and timeline for launching the Commission; and
5. draft and submit a final report to the Court reporting the Consultative Group's findings and recommendations by March 1, 2007.

The Consultative Group met January 4th, 2007 to review the Court's charge and devise a plan for delivering such recommendations. Two members of the Consultative Group, Joyce M. James, Assistant Commissioner of Child Protective Services, and Carolyn Rodriguez, Texas Strategy Director of Casey Family Programs, were tasked with researching models of effective statewide commissions.

Next, the Consultative Group scheduled an intensive two-day planning session to effectively accomplish its work. Several representatives of various interested community groups served as resources during the planning session and their valued input is reflected in this Report. The Consultative Group engaged Dr. Barry Bales, Assistant Dean for Professional Development at the Lyndon B. Johnson School of Public Affairs, to facilitate the session. During this process, the Consultative Group developed many recommendations for the creation of a Commission.

II. Statement of Principles

The Consultative Group began its planning process by discussing many of the core values that the members believed to be integral to a Permanent Judicial Commission for Children, Youth and Families. The Consultative Group recommends that the Commission further develop its core principles to guide its members, with consideration of the following principles identified by this Group.

- Texas courts shape the lives and life chances of children.
- All children should be treated equally and deserve safe and permanent homes.
- Children and families should have a voice in decisions that affect their lives.
- All parts of the system have joint accountability, responsibility and commitment to ongoing improvement.
- Sharing appropriate information enhances judicial efficiency and is in the best interest of the child.
- Efforts to improve the foster care system must focus on improving safety, permanency, well-being and fairness outcomes for children.
- Best practices should be data-driven, evidence-based, and outcome-focused.
- Children should not just be protected, but equipped for long-term success.
- The needs of children in foster care extend into early adulthood.
- Decisions and services should be mindful of the child's clock.¹
- Each child should have a chance to develop at least one lasting relationship before leaving the system.
- Collaboration among systems, participants, and the state is essential for achieving the best possible outcomes for children and families.

¹ To be effective, the child-protection system must work on the child's clock. Childhood is seven times shorter than adulthood, making a month's delay for a child a larger loss. Moreover, losing time is particularly devastating for children because they are developing emotionally and socially.

Texas should coordinate with community partners and national organizations to enhance and optimize resources.

III. Recommendations

A. Mission Statement

After identifying core principles, the Consultative Group turned its attention to developing a mission statement. The Consultative Group considered the many possible elements of a mission statement and finally agreed that this Commission should focus on improving courts to address the multi-faceted needs of children and youth in the foster care system and into adulthood. The Group's work resulted in the following recommended mission statement:

The mission of the Permanent Judicial Commission for Children, Youth and Families is to develop and implement policy initiatives designed to strengthen courts for children, youth, and families in the child-protection system and thereby improve the safety, permanency, and well-being of children.

B. Goals

The Consultative Group recommends that the following be among the goals for the Commission:

- identify and assess current and future needs for the judiciary to be more effective in serving children, youth and families;
- improve court performance and accountability in achieving child-welfare outcomes of safety, permanency, well-being and fairness;
- promote best practices that are data-driven, evidence-based, and outcome-focused.
- improve collaboration and communications among courts, child-welfare agencies, and community partners;
- increase awareness of the courts' critical role in the foster care system and the need for enhanced resources;
- identify funding and resource options for child welfare services and the courts; and
- provide leadership for meeting the needs of children, youth and families in the foster care system.

C. Duties

The Consultative Group discussed the many actions necessary to build and maintain an effective and sustainable statewide commission. The following recommendations were the key duties the Group recommends for a successful commission:

- develop a strategic plan for the Commission's role in strengthening courts for children, youth and families in the child-protection system;
- oversee federal grants awarded to the Court from the CIP and other designated funds;
- establish procedures for evaluating program outcomes and financial compliance with federal grants; including provisions relating to record keeping, reporting, and audits of the nonprofit organization administering the grants and other funds and the programs receiving funds from the nonprofit organization;
- adopt rules, including rules of order, as necessary for the performance of the Commission's duties;

report semi-annually on its progress to the Court; and

- make efficient use of an Advisory Council.

D. Membership

During the planning process, the Consultative Group discussed at length the ideal number of Commission members to allow the Commission to move to action quickly, but to also provide a broad range of experience and diversity. The Group agreed that the Commission should strive to select committee members who bring diverse perspectives and reflect the varied ethnic, gender, legal, and geographic communities located in Texas.

The Consultative Group recommends that the Commission membership be structured as follows:

- the Commission consists of twelve members, and a Chair appointed by the Court. A Vice Chair will be appointed by the Court from among the Commission members.
- a member of the Commission serves a three-year, staggered term. In making initial appointments to the Commission, the Court will designate four members as having a one-year term, four members as having a two-year term, and four members as having a full three-year term.
- a member may not be appointed to serve more than two successive full three-year terms;

- a member who has served two successive full terms is not eligible for reappointment until the first anniversary of the date that the member's last full term on the Commission expired;
- a vacancy on the Commission is created by three consecutive absences, subject to reappointment;
- the Court appoints the Chair for a three-year term with a limit of two terms, notwithstanding prior years on the Commission; and
- the Vice Chair serves in that capacity for the duration of his or her current term as a Commission member.

The Consultative Group further recommends that the Court appoint, after consultation with the Chair, twelve members to the Commission as follows:

- a justice of the Supreme Court of Texas;
- the Assistant Commissioner of Child Protective Services, who shall not be subject to the term limits;
- six at-large members who have demonstrated a commitment to the children, youth and families of Texas;
- a member selected from three nominations by the State Bar of Texas from among its membership; and
- a member selected from three nominations by the Texas District and County Attorneys Association from among its membership;
- a member selected from three nominations by the Regional Administrative Judges from among their membership; and
- a member selected from three nominations by Texas CASA from among its membership.

The Consultative Group further recommends that:

- the Court invite the Governor, the Speaker of the House, and the Lieutenant Governor to each designate a person to serve as an ex-officio member of the Commission; and

- the Commission create an Advisory Council made up of community stakeholders to provide diverse perspectives, including representatives with firsthand experience in the child-protection system such as birth parents, foster parents, and foster care youth and alumni. The Commission would determine the desired size and composition of the Advisory Council. The Advisory Council members would be invited to attend regularly scheduled meetings of the Commission and standing committees as the Commission deems appropriate.

E. Committees

In discussing how to shape the Commission's initial structure, the Consultative Group focused on establishing supervisory bodies to administer the three federal CIP grants. However, it is not the Consultative Group's intention to limit the Commission's ability to form or disband committees as it sees fit.

The Consultative Group recommends the following committee structure:

- The Commission should establish an executive committee comprised of the Chair, the Vice Chair, and the Supreme Court Justice. The Commission would determine the powers and duties of the executive committee.
- The Commission should establish and maintain three standing committees: Projects, Technology, and Training, and should determine each committee's size. The Chair of the Commission should consult with the Court to appoint the Chairs of the committees. The Commission should name a Commission member as a liaison to each of the three standing committees. The Commission Chair and the Chair of each committee should consult on the appointment of members to the committees.
- The three standing committees are subject to the provisions regarding staggered terms and term limitations of the Commission. Each committee should develop a strategic plan, make sub-grantee recommendations, identify program outcomes, conduct periodic program assessments, oversee financial compliance, promote best practices, and identify and report unmet needs to the Commission. Committees should make recommendations to the Commission, but the Commission would have final authority and responsibility as to the oversight of the federal grants and other Commission projects.
- The Projects Committee should ensure that members of the judiciary constitute a majority of its membership. This committee will implement and oversee the Basic CIP Grant.
- The Technology Committee should include members of the judiciary, a representative of the Office of Attorney General, a representative of the Department of Family and Protective Services, and district clerks from both urban and rural counties. This committee would implement and oversee the CIP Data Grant.

- The Training Committee should include representation from the Department of Family and Protective Services. This committee would identify appropriate training priorities and curriculum, and implement and oversee the CIP Training Grant.
- The Commission may form new committees or disband existing ones as it deems appropriate.

F. The Texas Center for the Judiciary

The Consultative Group discussed the creation of a separate children's fund that the Texas Center for the Judiciary ("TCJ") would administer at the Commission's direction. The Group recommends that the Court study and seek counsel concerning housing the fund at TCJ. The fund would be governed by the Commission, acting as a subcommittee of the Board of Directors of TCJ. The purpose of the fund would be to allow the Commission to access private grants and other funds.

The Group also developed a strategy for risk management of the members of the Task Force and/or Commission. The Board of TCJ would appoint one of its own members to serve as an ex officio member of the Commission.

G. Proposed Plan and Timeline

If the Court accepts the Consultative Group's recommendations, the Group further recommends the following proposed plan and timeline for the launch of the Commission:

- hire a new director for the Court Improvement Project with the potential to become the executive director of the Commission upon its creation;
- seek advice from TCJ's insurance carrier and an attorney regarding structural solutions for risk management of the Task Force and Commission;
- hold a public hearing no later than in the fall of 2007 to ensure broad public input and to build public support for the Commission;
- create the Commission by Supreme Court Order so that it is operational no later than the end of 2007;
- direct the Chair of the Supreme Court Task Force on Foster Care to reserve sufficient funds from the Basic CIP Grant to allow the Commission to become operational in the remaining fiscal year;

- transition the duties of the two existing task forces (Supreme Court Task Force on Foster Care, and the Task Force on Child Protection Case Management and Reporting) to the Commission and advise each of the Task Forces to be mindful of the transition in conducting its affairs;
- evaluate future staffing needs and funding sources for such needs; and
- keep the Consultative Group intact to assist the Court until the Commission's creation.