



Better Courts for Kids

Newsletter of the Permanent Judicial Commission for
Children, Youth and Families

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"Courts are gatekeepers for families in crisis,"
— Justice Harriet O'Neill, Chair, Children's Commission

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Children's Commission Launched

Supreme Court moves to help CPS courts

To help courts better serve children in foster care, the Supreme Court of Texas created the Permanent Judicial Commission for Children, Youth and Families this past November.

"We want to make our system more efficient and fair and protect our children with greater care," said Supreme Court Chief Justice Wallace B. Jefferson. "We've been told that children in foster care are often referred to as forgotten children. By creating this commission we demonstrate that we have not forgotten these children."

The 18-member commission brings together public and private institutions to work toward reducing the amount of time children spend in foster care and ensuring better outcomes for children and families. Members include judges, Child Protective Services (CPS) and Health and Human Services officials, attorneys, legislators and other elected officials, the vice president of a nonprofit foundation, and a former State Bar president.

"We have not forgotten these children," – Chief Justice Wallace Jefferson

Although many groups and individuals are dedicated to improving the state's foster care system, this is the highest-level group formed specifically for judicial leaders and CPS leaders, along with other community partners, to work on problems together.

Supreme Court Justice Harriet O'Neill, who spearheaded efforts to form the commission, said no other vehicle brings this many high-level stakeholders together from both public and private sectors. "To champion the needs of children, we must foster collaboration among courts, CPS, and other participants."

The Court appointed Justice O'Neill to chair the commission, which is charged specifically with developing and implementing policy initiatives toward achieving child-welfare outcomes of safety, permanency and well-being for the more than 22,000 Texas children in foster care.

Aiming for Case Management Utopia

Agency works to bring Texas courts into the digital age

With funding from a federal grant, the Office of Court Administration (OCA) has undertaken a long-term, multi-pronged project to bring Texas courts' child protection case management systems into the digital age.

OCA executives hope that one day Texas judges will have automated case management systems with instant electronic access to information about child protection cases before them, including Child Protective Services (CPS) reports and proceedings in other courts. The project, called Texas Data-Enabled Courts for Kids (TexDECK), has four main components:

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Children's Commission

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- Update the Texas Department of Family and Protective Service's Judicial Web page to use current technology and make it more supportable.
- Establish the electronic language (data standards) that different systems must have to communicate and exchange information, moving from paper to digital court processing.
- Study judges' caseloads to identify how much time it takes to process a case.
- Study selected child protection courts to determine exactly what they need in case management software systems (a functional requirements study).

After months of visiting courts that hear CPS cases, interviewing court staff, and studying procedures, OCA will roll out in May the next developmental stage of the functional requirements study. All of the background work to determine the unique needs of CPS courts has culminated in a massive interactive document that behaves like a Web site and contains almost all conceivable steps a CPS court case could take. It includes case scenarios and an exhaustive library of court activities.

"The idea is to document and describe all the different functionalities important to systems, processes, features, and data items," said Scott Jones, TexDECK project manager.

Mr. Jones and his staff will review the document with subject matter experts to flesh it out and test it. Then they will present it to software developers who, OCA hopes, will incorporate CPS courts' functionality needs into software products.

Although it has taken many months to produce, Mr. Jones says the greatest challenge "is not necessarily in developing the requirements. The biggest challenge is getting them implemented." Texas' decentralized court system presents a tremendous barrier to incorporating common functionality. OCA will work to overcome these barriers over the next few years as the TexDECK effort strives to improve child protection court systems.

By Invitation Only

Court assistance program coming soon

The Children's Commission this summer expects to launch a judicial consultation service to spread best practices for Child Protective Services (CPS) cases throughout the state. With technical help from the National Center for State Courts, the Court Assistance Results in Excellence for Kids (CARE for Kids) program aims to help courts improve outcomes for children, youth and families.

A team of child-welfare experts led by two former district judges will be available to help courts apply nationally recognized standards in their local jurisdictions. At a court's invitation, the team will review with the court its local CPS statistics, assessing strengths and pinpointing areas that can be improved. Senior District Judge John J. Specia and Retired Judge F. Scott McCown will lead the team. Judge Specia, vice chair of the Children's Commission, is a nationally recognized expert in child welfare and court improvement. Judge McCown, an expert in child-welfare policy, is the executive director of the Center for Public Policy Priorities. The team will include Carl Reynolds, Administrative Director of OCA, and Joyce James, Assistant Commissioner of CPS.

Judicial Web Page Revamped

Get county-specific CPS case information

In May, the Office of Court Administration (OCA) will launch its updated Judicial Web page. Judges will be able to search Department of Family and Protective Services (DFPS) databases for Child Protective Services case information in their county. Begun in the late 1990s with federal Court Improvement Program grant funds

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and housed at DFPS, the Web site needed a technology update.

As part of its Texas Data-Enabled Courts for Kids (TexDECK) project, OCA began reworking the database's technology in 2007. For more information, email Scott Jones at Scott.Jones@courts.state.tx.us.

Get Organized On-The-Spot

OCA provides administration consults free to courts

Eva Walla, court services consultant with the Office of Court Administration (OCA), provides case management and court administration consulting services to help courts improve their efficiency and administration of justice – key elements of OCA's mission. At no cost, Ms. Walla visits courts and evaluates dockets, systems, practices, and procedures, and helps develop improvements. Her services include:

- Managing cases and calendars, and general administrative processes.
- Creating a court procedures manual.
- Developing case management forms, such as dismissal dockets, pretrial scheduling orders, notices, mediation orders, and others.

Ms. Walla has more than 10 years experience as a district court administrator and is the cofounder and former vice president of the Texas Rural Association for Court Administration. To learn more about the services OCA offers or to request assistance, call Ms. Walla at (512) 475-1777 or e-mail her at Eva.Walla@courts.state.tx.us.

Information at Your Fingertips

Website offers free tools for judges and attorneys

All Texas judges and attorneys who handle cases involving children may register at www.TexasLawyersforChildren.org for free access to an online legal library designed to help judges and attorneys improve the handling of child abuse cases.

Texas Lawyers for Children (TLC) is a nonprofit group that for three years has offered an online legal resource center with materials gathered from national experts and key practitioners around the state. The resources include:

- Legal forms (including orders and jury instructions).
- Articles and manuals.
- Case summaries (linked to the full text of the cases).
- Statute digest (linked to the statutes).
- Medical and mental health information about children and families, and more.

A team of experienced attorneys reviewed and summarized the materials and organized them by topic. A couple of mouse clicks will take users to relevant and timely information on their topic of interest. Recently, TLC added a private e-mail network exclusively for Texas judges called the Colleague Connection. Judges can locate and network with colleagues via phone or e-mail. District Judge Guilford L. "Gil" Jones is the network's moderator.

TLC also recently launched its Pro Bono Network to build a cadre of attorneys who are willing to handle pro bono cases or mentor other attorneys. One of TLC's goals is to increase both the number and the expertise of attorneys who handle children's cases. TLC has been funded by the Texas Court Improvement Program grant, the Children's Justice Act grant, private foundations, and individual donors. You may register by visiting www.TexasLawyersforChildren.org and clicking on "Register." TLC staff will call you to verify your status as a sitting judge before your admission to the site and to explain the site's security features. For questions, contact TLC at (800) 993-5852.

Measuring Success

Texas and other states face difficult federal child welfare audits

For decades, the federal government poured billions into state child welfare programs with relatively low oversight. That changed drastically in 2001 when the U.S. Department of Health and Human Services (HHS) instituted the Child and Family Services Review (CFSR), a comprehensive and outcome-oriented audit that sets high national standards for measures of safety, permanency, and well-being.

The standards are so high, in fact, that by the end of the first round of CFSRs in 2004, not one of the 50 states had achieved full compliance. Some states, including Texas, still face millions in potential fines for not reaching negotiated targets, even as the second round of reviews has begun.

The CFSR review evaluates the state's child welfare system by conducting individual case reviews and stakeholder interviews, and takes into account statewide data and a state agency's written self-assessment.

Because CFSR success impacts the flow of federal funds, concerned Texas leaders want to spread the word beyond Child Protective Services (CPS) about what the review measures and how it's conducted.

"The CFSR is not just a review of CPS," said District Judge Dean Rucker, of Midland, Presiding Judge of the Seventh Administrative Judicial Region of Texas. "It's a review of the state's whole system. And all players, including courts, contribute to our performance in outcomes for children."

Although courts are integral to the child welfare system, CFSR awareness among judges who hear CPS cases is probably fairly low, said District Judge Robin Sage, of Longview, who has been hearing CPS cases for 17 years. "Most judges probably know that there is a federal review. But they don't know the details or specifics or even the consequences of it.

"As judges, we need to know what the standards are that are being reviewed," Judge Sage said. "When you know the standards, you can aim for them. Otherwise, you're just shooting in the dark."

"When you know the standards, you can aim for them. Otherwise, you're just shooting in the dark," — District Judge Robin Sage

CFSR standards – the super sevens

Overall, the CFSR determines safety, permanency, and well-being by using seven systemic factors to measure systems in place (see below) and seven outcome categories to measure results (see Table 1.).

Seven Systemic Factors for Measuring Systems in Place

- Statewide information system
- Case review system
- Quality assurance system
- Staff training
- Service array
- Agency responsiveness to community
- Foster and adoptive parent licensing, recruitment, and retention

Table 1. Seven Outcome Categories for Measuring Results

Safety	Permanency	Child and Family Well-Being
<ul style="list-style-type: none">• Children are, first and foremost, protected from abuse and neglect.• Children are safely maintained in their homes whenever possible and appropriate.	<ul style="list-style-type: none">• Children have permanency and stability in their living arrangements.• The continuity of family relationships and connections is preserved for children.	<ul style="list-style-type: none">• Families have enhanced capacity to provide for their children's needs.• Children receive appropriate services to meet their educational needs.• Children receive adequate services to meet their physical and mental health needs.

Within the seven systemic factors and seven outcomes are 45 separate measurable items. Some are scored using statewide statistics and others are specific to the case reviews and stakeholder interviews. ([View all of the measures.](#))

The CFSR has three stages. Stage one begins with a federal analysis of statewide data and a state self-assessment. Stage two is the on-site review, and the third stage is the program improvement plan (PIP).

Stage one – crunching the numbers

HHS sends each state a statistical report card based on data the state reports to HHS twice a year. These data – some aggregate and some case-level – come from two automated federal reporting systems, the Adoption and Foster Care Analysis and Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS). These automated systems require consistency in how states count or report their data, making it possible for states to be compared to each other. In general, NCANDS contains investigation-related data and AFCARS contains data associated with children in state conservatorship.

About six months before its on-site review, HHS takes 12 months of data from a state’s NCANDS and AFCARS, runs it through an algorithm, scores it, and sends the state an individualized state data profile. The state data profile contributes to two of the seven outcomes – one safety and one permanency outcome.

If a state’s overall performance on these two outcomes is not in substantial conformity, then the state knows it must negotiate a PIP even before HHS conducts the on-site case reviews and stakeholder interviews. Texas already knows it must have a PIP for this CFSR because of its scores on five of the six safety and permanency data indicators and composites. For example, placement stability, one of the permanency composites Texas will need to address, is measured by the percentage of children who had two or fewer placement settings. Table 2. below shows that children in DFPS conservatorship do not have the placement stability needed to achieve conformity.

Table 2. Placement Stability

Two or fewer placements in:	National median	National 75th percentile	Texas
less than 12 months	83.3%	86.0%	80.1%
for 12 to 24 months	59.9%	65.4%	52.6%
for 24+ months	33.9%	41.8%	20.8%

Texas doesn’t miss the mark significantly for children who are in care less than a year – 80 percent of Texas children are moved two or fewer times versus the 86 percent national 75th percentile. But for children who are in care two years or more, there is a bigger gap and greater need for improvement.

This measure was a challenge for Texas in the first CFSR (February 2002), and, according to Judge Sage, it’s an example of a score she believes could improve simply by making sure all judges know the national standard. “Studies show that kids do better the less they’re moved,” she said. “If we know that the standard is two or fewer placements, it can help us make better decisions.” ([View Texas’ most recent self-assessment, which includes the Data Profile.](#))

“Our statewide data shows, before we even go through the on-site review, that we still have some key areas in which to improve,” said Liz Hughes Kromrei, CPS director of Staff Services and Texas CFSR coordinator.

The statewide assessment is where Texas gets a chance to identify its strengths and weaknesses and offer explanations, when necessary, for deficiencies. “It’s our opportunity to assess ourselves,” Ms. Kromrei said. “We get to express our opinions about the data.”

HHS mandates that agencies include stakeholders from outside the agency in the self-assessment. States must submit their self-assessments to HHS 60 days before the on-site reviews. HHS then prepares a preliminary assessment and distributes it to the on-site review team jointly staffed by federal and state reviewers.

Stage two – 65 cases rate the whole state

For the current CFSR, HHS upped the number of cases reviewed to 65 from 50 in 2002. The on-site review is more robust than a simple records audit. Review teams interview children, parents, foster parents, caseworkers, and others involved in the 65 cases and include their input in measuring the outcomes. It’s also in this stage that reviewers assess the seven systemic factors through interviews with stakeholders, who are involved with the system but not attached to specific cases reviewed.

The 65 cases come from three counties, one of which must be the state's largest metropolitan area, Harris County. The state, with site selection criteria and approval from HHS, chooses the other two counties. This year, the two other counties are El Paso and Dallas.

The review takes a week and, at the end, HHS provides an exit conference where it shares its preliminary findings. The final report comes several months later.

Stage three – the PIP

CPS leaders have already begun planning the state's PIP, which they must submit for approval 90 days after the final report. The state has another two years to reach the standards and objectives agreed to in the PIP.

Shining a light

Although it's difficult, Ms. Kromrei says the CFSR process provides an opportunity to improve the Texas child welfare system by building on strengths identified in the three counties and the state as a whole. "It allows for comparisons. We can identify areas that perform well and study the reasons why so we can export what they're doing to other areas," she said.

Already, there are differences in data measures for each of the three counties. For example, children in Dallas County seem to return home faster than the statewide average, without any increase in returning quickly to substitute care. "That's one reason we're looking at Dallas in this review," CPS Assistant Commissioner Joyce James said. "We want to learn from the Dallas system and see what they're doing differently from other large urban areas. And, we are very willing to support judges in any way possible to help them understand the CFSR outcomes."

"As judges, we need to see ourselves as part of the system – as true partners," — District Judge Dean Rucker, Presiding Judge of the 7th Region

Judicial involvement is not only welcome, it's mandatory

After the first CFSR, HHS decided to promote more meaningful judicial involvement in the process, and now judicial collaboration is mandated as a condition for receiving federal Court Improvement Program (CIP) grants.

"As judges, we need to see ourselves as part of the system – as true partners," said Judge Rucker, who is a member of the newly formed Supreme Court Permanent Judicial Commission for Children, Youth and Families, that now administers Texas' CIP grants. "Judicial leaders are taking collaboration seriously, and not just every few years when the CFSR comes to town," he said. Among other activities, commission members and staff conduct weekly meetings with state-level CPS officials as well as Office of Court Administration staff, Texas Center for the Judiciary staff, and others. More recently, Texas Legislature representatives have begun attending. Judge Sage volunteered her time during the on-site review by participating as a member of the Texas CFSR Review Team, as has Tina Amberboy, Executive Director of the Commission.