

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 9193

ORDER ESTABLISHING PERMANENT JUDICIAL COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

1. Approximately 32,000 Texas children are in the conservatorship of the state, more than ever before, and those numbers are projected to increase. Courts play a critical role in determining these children's future. No child is removed from his or her home, is returned home, or does anything significant in between, without a court order. A judge decides where the child will live, with whom, and for how long. A judge decides whether the child will be allowed to see siblings and other family members, how often, and under what circumstances. A judge approves family service plans and monitors progress to determine whether the family can stay together. And a judge will decide whether a child's relationship with his or her parents will be terminated forever. Clearly, courts have a profound impact on children and families in this state, and the stakes are exceedingly high.

2. Unlike other cases that follow the traditional adversarial process to which civil courts are accustomed, child-protection cases require a collaborative, multi-disciplinary approach. As gatekeepers for families in crisis, courts must make life-altering decisions that require knowledge of multiple and complex issues such as abuse, neglect, substance abuse, family violence, poverty, and mental health. Too often, courts lack the technology, training, and resources needed to make good decisions.

3. Recognizing that judicial leadership at the highest level is needed for systemic improvement, the Supreme Court of Texas began a two-year process to identify problems and consider solutions. Some of the problems identified include the following:

- child-protection dockets are overcrowded, leaving courts inadequate time to thoughtfully consider the multiple issues these cases present;

- there is a lack of communication, coordination, and collaboration between and among the courts, the Department of Family and Protective Services (the “Department”), attorneys, and partners in the child-protection community;
- judges need specialized, multi-disciplinary training, and the means to develop and share best practices;
- courts lack the technology needed to efficiently manage their dockets and to track and analyze child-protection cases and caseloads;
- attorneys representing children, parents, and the Department, need adequate training and fair compensation;
- children in permanent foster care need attorneys and guardians ad litem;
- children, families, and foster parents need to have a voice in decisions that affect their lives and the lives of the children entrusted to their care;
- mediation and non-adversarial family group decision making can be effective means to final resolution and are underutilized throughout the state;
- children in permanent foster care lack adequate family and community support when they age out of the system; and
- communities lack the resources to adequately provide court-ordered services to children, youth and families in the child-welfare system.

4. There are many organizations and individuals throughout the state who share a commitment to improving our child-welfare system, but no single entity is able to coordinate and implement a comprehensive effort aimed at court improvement. Last year, the Court appointed a Foster Care Consultative Group comprised of child-protection experts, and community and state bar leaders, to recommend an effective model for statewide judicial leadership and collaboration. The Consultative Group recommended a plan with a broad range of goals and strategies. The cornerstone of the Group’s recommendations was for the Court to create a Permanent Judicial Commission for Children, Youth and Families to serve as the umbrella organization for all efforts to foster court improvement in Texas child-protection cases.

5. On September 25, 2007, the Court held a public hearing to gather further input on the feasibility of a statewide judicial commission. This hearing took place before the Court began hearing arguments in the new term, emphasizing the important role that courts play in the lives of children, youth and families in the child-protection system. National leaders, statewide stakeholders, community volunteers, and a broad array of participants in the child-protection system, including foster youth and families, provided valuable insight at the hearing and voiced unqualified support for the Court's creation of a statewide commission. The Commission would serve as a vehicle for leadership and collaboration to improve the lives and life chances of Texas children who find themselves in the foster-care system through no fault of their own.

The Court, having reviewed the report of the Consultative Group, and having received the endorsement of the Supreme Court Task Force on Foster Care, the Department, community advocates, and participants in the child-protection system, **HEREBY ORDERS:**

1. The Permanent Judicial Commission for Children, Youth and Families (the "Commission") is created to develop, implement, and coordinate policy initiatives designed to improve courts and court practice for children, youth, and families in the child-protection system.

2. The Supreme Court Task Force on Foster Care, chaired from its inception by The Honorable John J. Specia of San Antonio, is commended for its many years of outstanding service to the children, youth and families of Texas. This Court recognizes that the Task Force laid the foundation for the Commission and encourages the Task Force members to continue their participation in support of the Commission and its charge. The Task Force will remain intact and continue to oversee the Court Improvement Program ("CIP") until the first business meeting of the Commission, at which time the Task Force's duties will transition to the Commission.

3. The Permanent Judicial Commission for Children, Youth and Families will:

- develop a strategic plan for strengthening courts and court practice in the child-protection system;
- identify and assess current and future needs for the courts to be more effective in achieving child-welfare outcomes of safety, permanency, well-being, fairness and due process;

- promote best practices and programs that are data-driven, evidence-based, and outcome-focused;
- improve collaboration and communication among courts, the Department, attorneys, and partners in the child-protection community;
- endeavor to increase resources and funding needed for improvement, and maximize the wise and efficient use of available resources;
- promote adequate and appropriate training for all participants in the child-protection system;
- institutionalize a collaborative model that will continue systemic improvement beyond the tenure of individual Commission members;
- oversee the administration of designated funds, including the Court Improvement Program grants; and
- provide an annual progress report to the Court.

4. The Commission will consist of no less than fourteen (14) members, to be appointed by the Court, and a Chair, who will be a justice of the Supreme Court. A member of the Commission serves a staggered three-year term. In making initial appointments to the Commission, the Court will designate four (4) members as having a one-year term, four (4) members as having a two-year term, and six (6) members as having a full three-year term. Except for the Chair and the Assistant Commissioner of Child Protective Services, who will be standing members of the Commission, a member may not be appointed to serve more than two successive full 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 from scheduled Commission meetings, subject to reappointment.

5. Commission members should include members of the judiciary, members of the child-protection system and community, representatives of the business and legal communities, representatives of foundations or organizations with a substantial interest in child-welfare issues, and other state leaders who have demonstrated a commitment to the

children, youth and families of Texas. The Commission's membership should also reflect the diverse ethnic, gender, legal, and geographic communities in Texas.

6. The Governor is invited to designate a person to serve as an ex-officio member of the Commission. The Lieutenant Governor and the Speaker of the House are each invited to designate a member of that presiding officer's chamber to serve as an ex-officio member of the Commission. A member appointed by the Governor, Lieutenant Governor or Speaker serves at the pleasure of the appointing officer.

7. The Court recognizes that participation by a broad spectrum of persons involved with the child-welfare system is critical to the Commission's success. Accordingly, the Commission will appoint a multi-disciplinary Collaborative Council whose members may attend Commission meetings and serve on committees as determined by the Commission. The Collaborative Council will include representatives of foster youth and youth advocates, parents and parent advocate groups, attorneys ad litem, community volunteers, child-welfare policy experts, adoption and placement service providers, educators, treatment professionals, and local government.

8. The Commission will maintain three standing committees, with a Commission liaison to each, to implement and oversee the respective federal grants comprising the Court Improvement Program. The standing committees are the Projects Committee, the Technology Committee, and the Training Committee. Each Committee will develop a strategic plan, make sub-grantee recommendations, review program outcomes, review periodic program assessments, promote best practices, and identify and report unmet needs to the Commission, which has final authority and responsibility as to oversight of the federal grants and other Commission projects. The Chair of the Commission will appoint the Committee Chairs and Committee liaisons with the approval of the Commission.

- The Projects Committee should ensure that members of the judiciary with experience presiding over a Child Protective Services docket constitute a majority of its membership.
- The Technology Committee should include members of the judiciary, a representative of the Office of the Attorney General, a representative of the Department of Family and Protective Services, a representative of the Office of Court Administration, and district clerks from both urban and rural counties. The Task Force on Child Protection Case Management and Reporting will remain

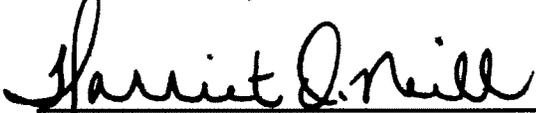
intact and continue to oversee the CIP Technology Grant until the Commission appoints the Technology Committee, at which point the Task Force duties will transition to the Technology Committee and the Commission.

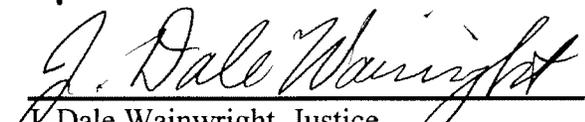
- The Training Committee will identify appropriate training priorities and curriculum and will include members of the judiciary, prosecutors, attorneys, and a representative of the Department.
9. The Commission may adopt policies as necessary for the performance of the Commission's duties, and may form new committees or disband existing ones as it deems appropriate.
 10. The Honorable Harriet O'Neill, Justice, Supreme Court of Texas, will serve as the Chair of the Permanent Judicial Commission for Children, Youth and Families.

BY THE COURT, IN CHAMBERS, this 20 day of November, 2007.

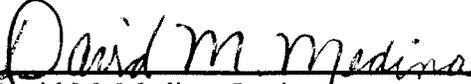

Wallace B. Jefferson, Chief Justice


Nathan L. Hecht, Justice


Harriet O'Neill, Justice


J. Dale Wainwright, Justice

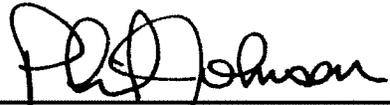

Scott Brister, Justice



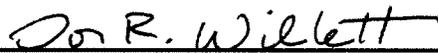
David M. Medina, Justice



Paul W. Green, Justice



Phil Johnson, Justice



Don R. Willett, Justice