

# DIRECTOR'S REPORT

September 2017



## Texas Judicial Council

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## TECHNOLOGY & DATA

### Judicial Access to Court Records (Re:SearchTX)

**re:SearchTX** As part of the eFiling contract, Tyler Technologies is contracted to provide document access (called Re:SearchTX). The tool is in use by Texas judges and allows judges to filter eFiled documents down by county, court, case, party or a combination of those criteria. The Supreme Court has ordered OCA to modify the system to allow access for clerks and attorneys of record.

OCA is working with a small group of pilot counties and Tyler Technologies to develop, test and implement features that will allow clerks to manually perform functions such as replace documents, secure documents and expunge cases. Tyler is also working on a mechanism to allow clerks to integrated with Re:SearchTX to perform these functions via their case management system.

The current schedule has clerk and attorney of record functionality ready for general use at the beginning of 2018. OCA will be working with the clerks and Tyler Technologies to roll these features out in a phased manner, rather than turn it all on when ready in 2018.

### Criminal e-Filing

Last summer, the Court of Criminal Appeals ordered that criminal eFiling be mandatory for attorneys in district and county courts following a similar schedule to the Supreme Court's mandate for civil cases. Criminal eFiling is currently mandatory in eight of the top ten most populous counties. The second group of counties to go mandatory, the remaining two of the top ten most populous, plus counties over 200,000 is on January 1<sup>st</sup>.

More than 90 counties are currently on the criminal eFiling system in a permissive state. This allows clerks to adjust their business processes to an electronic environment, including implementing any lessons learned from the civil implementation.

### Pre-Trial Risk Assessment Tool

OCA is working with a small group of stakeholders to implement a pre-trial risk assessment tool for judges. The prototype of the tool was reviewed by OCA management and is being programmed by the Information Services team. The tool is expected to be generally available for use by magistrate judges in October.

### Price of Justice Grant

Texas was one of five states awarded grant money to increase the amount of information that a judge sees when determining a person's ability to pay fines and fees assessed. OCA Information Services has prepared the Request for Offer using stakeholder input and will have it out to the vendor community once approval from the Department of Information Resources has been completed.

OCA's Information Services Division (ISD) is instructed by the Legislature to directly provide staff and information technology equipment and services to the two high courts, the 14 intermediate appellate courts and five judicial branch state agencies – almost 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

Once offers have been received, evaluated and the contract awarded, OCA will have a better timeline as to the completion of the project.

### Guardianship Compliance Tool

The contract development team is continuing work on the guardianship compliance tool. The team is currently in the user acceptance test cycle for the initial inventory intake. The goal of the project is to use technology to enable guardians to provide reports to the court electronically and in a timely manner. OCA has been developing the site and have been receiving feedback from the existing compliance auditors. OCA will be looking for pilot counties for use by guardians later this fall.

### Other Information Services Projects

- Replacing court professional licensing database – OCA’s new software that manages the licensing provided by the Judicial Branch Certification Commission (JBCC) went live earlier this month. The new system allows immediate payment of licensing fees via the website. It also provides the public with real time information as to the status of a person regulated by JBCC.
- RPDO Upgrades – working with TIDC, Lubbock County, and the Regional Public Defender Office for Capital Cases (RPDO), OCA Information Services is refreshing and upgrading the technology employed at the RPDO. The new technology will enable the RPDO staff to work more efficiently in the mobile environment they normally work.
- Court of Appeals PC Refresh – OCA Information Services is gathering pricing for new PCs at the Supreme Court, Court of Criminal Appeals and the intermediate appellate courts. This is part of the planned refresh cycle that replaces PCs and Laptops every four years.

## RESEARCH & COURT SERVICES

### Judicial Information

Judicial Information is the repository for an array of information regarding courts in Texas. The section collects and maintains information from courts at all levels, analyzes court data, and produces comprehensive reports regarding the state’s courts and the officials who work in them. A significant portion of Judicial Information staff time is devoted to providing support to the trial courts and clerks and their information technology staff or case management vendors on reporting issues for ensuring data quality and reliability.

During the last period, Judicial Information was involved in the following activities:

- Implementing the reporting requirements established by
  - [SB 291](#) on writs of attachment related to criminal cases and
  - [SB 1326](#) on mental illness/intellectual disability assessments and competency evaluation reports.

The Judicial Information Program collects, reports and analyzes court activity statistics, judicial directory information, and other information from the approximately 2,700 courts in the state; produces the Annual Statistical Report for the Texas Judiciary, the Texas Judicial System Directory, and other publications; and provides statistical and other information about the judicial branch to the legislature, state and federal agencies, local governments, private associations and public interest groups, and others. More than 150,000 statistical and other reports were received in FY2016.

- Working with Information Services staff on the selection of new business intelligence software to create visualizations of the data collected from the Judicial Council Monthly Court Activity Reports and to make the data more accessible to the public.
- Supporting the work of the Judicial Council’s Data Committee.
- With assistance of the Division’s Court Services Consultant, devoted attention to improving the quality of the sentencing information collected for criminal and juvenile cases.
- Presented on reporting requirements at the County and District Clerks’ Association’s Annual Conference, College of Probate Judges Conference, Municipal Courts Education Center seminar for new clerks, Justices of the Peace Courts’ Association meeting, and at a regional meeting of county and district clerks.

## Court Services

The Court Services Section includes the agency’s consulting, language access, research, collection improvement technical support, and grant-funded programs.

### Collection Improvement Program Technical Support

[HB 3167](#), which passed during the 85th regular legislative session and became law on June 1, 2017, increased the population threshold for counties required to have a collection improvement program from 50,000 to 100,000. This change resulted in a decrease in the number of mandatory collection improvement programs by 30%, and a corresponding reduction in the average number of programs per Regional Collections Specialist from 51 to 36.

The impact of this change in the law prompted a review of the operations of the Collection Improvement Program. Based on the review, a determination was made that agency goals can be met through a consolidation and reorientation of CIP-related job duties and a reduction of staff. As of September 30, 2017, the Office of Court Administration will no longer have regional collection specialists dedicated solely to this purpose.

OCA will continue to provide training and technical assistance to judges and collection program staff in jurisdictions throughout the state as required by state law and Judicial Council rule.

### Consulting

The Court Services Consultant has been working with staff from the Judicial Information Section on a data quality review project.

### Language Access Services

Since the last Council meeting in June, Texas Court Remote Interpreter Service staff provided interpreting services in 194 hearings in 31 counties for 47 judges in a variety of criminal and civil cases, including magistrations, plea hearings, sentencing hearings, arraignments and divorce prove-ups.

Language Access Program staff provide Spanish interpreting services via speakerphone or videoconference through the Texas Court Remote Interpreter Service (TCRIS). TCRIS services are available for all case types, for short, non-contested hearings involving limited or no evidence. In addition, OCA’s Language Access staff provides training on language access issues and best practices.

## Research

Work continues on the Judicial Council's Centers of Excellence program, which assists courts in assessing and improving their performance. The Council's Public Trust and Confidence Committee has provided valuable feedback that will be incorporated into a revised proposal for the next Council meeting.

## Domestic Violence Resources Program

The Domestic Violence Training Attorney (DVTA) trained 38 new municipal judges and continued work on updating the 2013 version of the Texas Family Violence Bench Book. In addition, the DVTA was appointed to the [Human Trafficking Prevention Task Force](#) and attended a Task Force meeting in Lubbock.

## Collection Improvement Program Audit

Since the inception of the CIP Audit department at the OCA in 2012, CIP Audit has issued 63 Compliance Audit reports, of which nine were follow-up Audits.

In Fiscal Year 2017, ten Compliance Audit reports have been issued, nine were residual FY2016 projects, and one was a residual FY2015 project. One of the jurisdictions failed and nine passed, two of which were follow-up audits.

In addition, since 2012, CIP Audit has completed and issued 49 Rate Review reports, thirteen of which were pre-implementation rate reviews and 36 post-implementation rate reviews.

In Fiscal Year 2017, two Post-Implementation Rate Review reports have been issued, one residual FY2016 project and one FY2017 project.

The FY2017 Audit Plan included five Compliance Audits and ten Post-Implementation Rate Reviews.

## Developing a New Audit Program Model

The Audit section is in the process of developing a new audit platform for the Compliance Improvement Program (CIP). In the past CIP audits were conducted under the compliance attestation engagement guidelines; however that audit platform was not always ideally suited for collection program(s) that fell under the direction of several elected judges or county officials. The primary issue raised was that county judges or county officials were hesitant to affirm or verify that all collection program(s) activities within the county complied with law and current rules.

In addition, the Audit section will be assisting JBCC with the guardianship compliance program.

Article 103.0033(j) of the Code of Criminal Procedure requires OCA to periodically review mandatory local jurisdictions' compliance with the components of the Collection Improvement Program (CIP).

## SPECIALTY COURTS

### Child Protection Courts/Child Support Courts Program

#### Child Protection Courts

In its 2018-2019 budget request, OCA requested funding for four new child protection courts. The request was not granted. Therefore, there will be no new child protection courts created during the next biennium.

Planning is underway for the 2017 Child Welfare Judicial Conference and Child Protection Court Judges and Coordinators Annual Meeting and Training. The meeting will be held Monday, November 13, 2017 and training for the coordinators will continue through Tuesday morning, November 14. The Child Welfare Judicial Conference, hosted by the Texas Center for the Judiciary and the Children's Commission of the Supreme Court, will run November 13 - 15.

The Child Protection Court (CPC) Advisory Group met Tuesday, May 30, 2017. The group discussed issues and enhancements concerning the CPC case management system, CPCMS. Discussion ensued about expanding the group focus beyond CPCMS, e.g., securing speakers on statutory and case law and identifying local and national best practices relating to the child protection field. UPDATE: The CPC Advisory Group met July 28, 2017 via conference call. Dylan Moench, Staff Attorney, Supreme Court Children's Commission, presented a legislative update focused on bills passed by the 85<sup>th</sup> Legislature affecting the child welfare system and court practices. The group will meet again September 29, 2017.

Anissa Johnson has been appointed by the Supreme Court to serve on the House Bill 7 Task Force. Ms. Johnson attended the inaugural meeting of the task force on Friday, August 18, 2017. Ms. Johnson is honored to serve with an august group comprised of two Supreme Court Justices, the Task Force chair, Hon. Dean Rucker, Presiding Judge of the 7<sup>th</sup> Administrative Judicial Region, a host of judges and attorneys from across the State, and the Children's Commission staff who will provide administrative support to the Task Force. The Task Force was established to discuss possible remedies to three charges HB 7 directs the Supreme Court to address: 1) review the form of jury submissions and make recommendations whether broad-form or specific jury questions should be required in suits affecting the parent-child relationship filed by the Department of Family Protective Services; 2) establish procedures to address conflicts between filing a motion for a new trial and filing an accelerated appeal of a final order; and 3) address the period of time allowed a court reporter to submit the reporter record to an appellate court following trial. A final report is due to the Supreme Court and the Legislature by December 31, 2017.

#### Child Support Courts

On Thursday, August 31, 2017, Mena Ramón and Anissa Johnson traveled to Waco, TX for Associate Judge George Holmes' retirement, Court No. 17, and the swearing in of incoming Associate Judge Phillip Arrien.

Efforts continue to reconvene the advisory group for the child support case management system, CSCMS. All members have expressed an interest in continuing to serve.

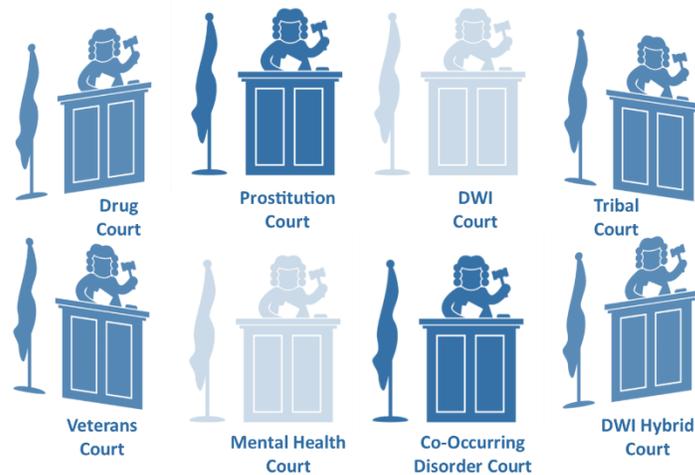
Nereida Lopez-Singleterry has been hired as the associate judge for Child Support Court #26 (Hidalgo County) in the Fifth Administrative Judicial Region.

Susan Barclay has been hired as the associate judge for Child Support Court #24 (Nueces County) in the Fifth Administrative Judicial Region.

### Problem-Solving Court Coordinator

Since the last quarterly report, OCA's Specialty Court Manager Anissa Johnson and Research and Court Services Division Director Scott Griffith have continued to meet with representatives from the Governor's Criminal Justice Division (CJD) to discuss ongoing collaboration between OCA and CJD on drug court and other problem-solving court programs. As requested by CJD, OCA, in consultation with its Problem-Solving Advisory Committee, has: 1) begun to explore the creation of a statewide specialty court case management system; 2) completed the self-assessment tools based on Volumes I and II of the National Association of Drug Court Professionals' Adult Best Practice Standards, and; 3) agreed to pilot an ombudsman project which will position OCA staff as a resource liaison for specialty court program team members and participants. On September 15, 2017 Ms. Johnson, Scott Griffith and Amanda Stites, Research and Court Services Division, and Casey Kennedy, Information Services, met with staff from the Governor's Criminal Justice Division to discuss the specialty court case management system project and the new reporting requirements set forth in SB 1326 relating to outcomes of participants with mental illness in specialty courts.

Ms. Johnson partnered with CJD staff to present on the National Association of Drug Court Professional's Adult Drug Court Best Practice Standards, whose adoption for Texas specialty courts was recommended by the Governor's Specialty Courts Advisory Council and approved by the Judicial Council in 2016. The presentation was held as part of the Texas Association of Specialty Courts Annual Conference and was attended by over 500 people.



## REGULATORY SERVICES

### Judicial Branch Certification Commission (JBCC)

#### Recent Meeting of the JBCC and Advisory Boards

- The last meeting of the full commission was August 4, 2017. The next meeting will be held on November 3, 2017.
- The Court Reporters Certification Advisory Board met on June 27, 2017. The next meeting is scheduled for September 27, 2017.
- The Licensed Court Interpreter Advisory Board met on September 15, 2017.
- The Process Server Certification Advisory Board met on September 28, 2017.
- The Guardianship Certification Advisory Board is scheduled to meet on October 9, 2017.

The agendas for all JBCC meetings can be found at <http://www.txcourts.gov/jbcc/meetings-agendas/>

On September 1, 2014, the Judicial Branch Certification Commission (JBCC) was established by the Texas Legislature, during the 83rd Regular Session, to promote government efficiency and create consistency across the regulated judicial professions. The core responsibility of the JBCC is the oversight of the certification, registration, and licensing of over 7,000 court reporters and court reporting firms, guardians, process servers, and licensed court interpreters. The nine-member commission is appointed by the Supreme Court of Texas.

#### JBCC Certifications, Registrations, and Licenses

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,250 individuals and 323 firms
Guardians	463 individuals
Process Servers	3,504 individuals
Court Interpreters	462 individuals
<b>TOTAL</b>	<b>7,002 individuals and firms</b>

#### JBCC Compliance Section Complaint Investigation and Resolution

In FY 2017, the JBCC compliance team opened 94 complaints that were filed with the Commission. There are currently 55 complaints open in various stages of the complaint process: 17 court reporters, 29 process servers, 6 guardians, and 3 license court interpreter complaints.

- Process Server Certification Complaint Review Committee meeting was held on September 14, 2017. The next meeting is scheduled for November 9, 2017.
- Court Reporter Certification Complaint Review Committee meeting was held on September 8, 2017. The next meeting is scheduled for November 17, 2017.
- Guardianship Certification Complaint Review Committee meeting is scheduled for October 11, 2017.

### Development of the new Codes of Ethics and Standards by the JBCC

- The Commission approved the Code of Ethics for Certified Shorthand Reporters and Court Reporting Firms on August 4, 2017, to submit to the Supreme Court for review and adoption.
- The Licensed Court Interpreters Advisory Board completed revisions to the Best Practices for Licensed Court Interpreters for recommendation to the Licensed Court Interpreter Advisory Board.

### Examinations for the JBCC

The JBCC certification staff administers the examinations for the Guardianship Certification written examination and the Licensed Court Interpreter written and oral examinations. A vendor administers the written and skills examination for the Court Reporters Certification.

- FY2017, JBCC staff administered 189 written exams and 126 court interpreters oral exams. 14 were in languages other than Spanish.
- The guardian written examination was administered on July 19, 2017, to 9 candidates for certification.

### Additional Projects for the JBCC

- On September 18, 2017, the JBCC went live with our newly developed online certification, licensing and compliance system. The new system will allow applicants to apply and pay for new and renewal certifications, registrations, or licenses, apply for continuing education approval, update contact information, search for individuals or entities that are certified, licensed, or registered with the JBCC as well as other features.
- In June 2017, OCA issued an RFP for a vendor to administer the court reporter examination beginning September 1, 2017. A vendor was selected and will begin the exams in January 2018.

### Guardianship Compliance Project (GCP)

The Office of Court Administration(OCA) manages the Guardianship Compliance Project (GCP) to provide additional resources to courts handling guardianship cases. Through this program, Guardianship Compliance Specialists (GCS) will be available to review guardianship cases to identify reporting deficiencies by the guardian, review annual reports and accountings, and report findings to the court. The GCS's will work with the courts to implement best practices in managing guardianship cases, identify active and closed cases, and assist with additional services. Assistance is available to courts with probate jurisdiction to provide oversight of guardianships. The GCP services are provided at no cost to the county.

The mission of the Guardianship Compliance Program is to assist the courts in protecting our most vulnerable citizens and their assets.

Since the project began in November 2015, Guardianship Compliance staff have worked with 36 courts in 23 counties.

- 20,008 guardianship cases reviewed
- 13,581 guardianship cases recommended for closure
- 2,579 deceased persons under guardianship
- 6,427 active guardianship cases were identified
  - 1,765 guardianship cases were found to be out of compliance
  - 34 percent of cases were found to be missing reports of the person
  - 21 percent of cases were found to be missing initial inventories
  - 45 percent of cases were found to be missing annual accountings

Note: These statistics are reported for the 20 counties in which the initial review process has been completed. The number of active guardianships in those 20 counties totaled 4,358. With 1,765 cases, out of compliance with required reporting, the percentage of cases out of compliance is 41%.

### Conservatorship Accountability Project (CAP)

Texas has also received an implementation award to receive technical assistance to implement the Conservatorship Accountability Project (CAP). Indiana, Iowa, and Texas were selected to receive implementation awards; New Mexico and Nevada were provided planning awards. This project will use the extensive expertise and experience of the National Center for State Courts to support Texas' efforts in adapting the Minnesota "MyMNConservator" software, which allows conservators (known as guardians of the estate in Texas) to file their inventory and annual accountings electronically, integrating the software with our statewide electronic filing system. The red flag validation and implementation, standardized reports and alerts, and judicial response protocols in the system will greatly improve Texas judges' ability to protect assets and modernize and improve guardianship accounting with limited resources. This project coincides with the Office of Court Administration's Guardianship Compliance Pilot Project.

- Part of the funding provided to OCA by the 84th Legislature was for the development of an automated, electronic tool to process the filing of required reports and other documents in guardianship cases.
- This system will provide an automated method to notify courts when required reports are delinquent. It will also provide an automated method to review annual accounting reports for potential fraudulent activities.
- The OCA IT staff is currently evaluating and developing an on-line reporting application for guardians. The goal will be to work with the courts to safeguard the assets of protected persons through the oversight of guardians by conducting professional compliance audits.
- OCA expects that this online tool will be piloted in several counties prior to the end of the year. The Office of Court Administration has received a grant for the development of a Texas guardianship training application. We have started meeting and will use a selected advisory council to assist in the development of this training and implementation of the captive training module project with the NCSC.

### Recent Guardianship Compliance Training

- On September 7, 2017, Jeff Rinard attended the Texas Guardianship Symposium, in Lubbock, and spoke to a group of attorneys, court staff and clerk staff on the GCP, SB 1096 and SB 36.
- On August 25, 2017, Jeff Rinard attended the Texas College of Probate Judges, in San Antonio, and spoke to a group of attorneys, court staff and clerk staff on the GCP, SB 1096 and SB 36.

### Guardianship Compliance Participating Counties

Hays, Guadalupe, Webb, Comal, Anderson, Montgomery, Orange, Tom Green, Kaufman, Lubbock, Bexar, Washington, Jefferson, Hale, Potter, Hale, Hill, Grimes, Waller, Lynn, Cameron and Williamson are participating in the program, with El Paso and Bell counties to begin soon.

- Met with Judges, court staff, and county clerks on details of project.
- They have all been cooperative with the project, except one county court at law judge.
- Conducted an Initial Assessment and Program Survey.
- Conducted Review and audit of guardianship files for overall reporting compliance.
  - Reviewing files for missing inventories, missing annual report of the persons, and missing annual accountings.
  - Completing audit sheet for each active case file.
  - Compiling our findings on a spreadsheet to report.
- Conducting financial audit of estates using Initial Inventories and Annual Accountings.
- Working with the courts to develop notices to request missing reports and information.
- Maintaining a list to recommend best practices for the courts.

### Registration of Guardianships S.B. 1096 (June 1, 2018)

SB 1096 requires that a statewide guardianship registration and database system be established, that all guardians (including family guardians) complete an online training course before being appointed, and that criminal background checks be run on all individual guardians. Once implemented, the mandatory training course will “educate proposed guardians about their responsibilities as guardians, alternatives to guardianships, supports and services available to the proposed ward, and a ward’s bill of rights.”

### ALIS (New Certification, Registration and Licensing System):

On September 18, 2017, the JBCC went live with their new on-line licensing, certification and registration system. This system will provide an on-line method for registering of guardianships in the state.

- On October 9, 2017, the Guardianship Certification Advisory Board meeting set to develop rules and procedures for registering guardians.
- OCA staff are working with DPS on a process to supply criminal history record information securely to the courts.
- On August 11, 2017, OCA staff met with DPS technical staff about establishing an interface with between the law enforcement database and the guardianship registry.

### Guardianship Program Registrations - S.B. 36 (September 1, 2018)

Senate Bill 36 provided JBCC with authority to register and monitor guardianship programs similar to the way that JBCC oversees court reporting firms. This would allow JBCC to ensure that guardianship programs adhere to minimum standards that further the welfare of those under a program's care and would increase transparency. JBCC staff is working with an advisory board and the Commission to develop rules for Supreme Court consideration. On October 9, 2017, the Guardianship Certification Advisory Board will meet to review the proposed rules.