



# DIRECTOR'S REPORT

June 2019



## 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, clerks, attorneys on the case, and other registered users (general public). It allows users to filter eFiled documents down by county, court, case, party, or a combination of those criteria. The system has over 8,800 users including judges, clerks, attorneys, and registered users.

Clerks can manually perform functions such as replacing documents, securing documents, and expunging cases. Tyler is completing work with nine counties that will integrate their local systems with Re:SearchTX to perform these functions via their case management system. With the passage of HB 685 (Clardy/Hughes) that explicitly makes the clerks not liable for accidental release of sensitive information, OCA expects additional counties to integrate with Re:SearchTX.

Last fall, the Supreme Court adopted the Judicial Committee on Information Technology's recommendations to expand the system to attorneys not on the case, as well as registered users (the general public). For those roles, documents are available for sale based on a security matrix (also adopted by the Supreme Court). Documents are available for \$0.10/page with a maximum charge of \$6 a document. The money collected goes directly to the county where the document originated. To date, almost \$19,000 has been collected and sent to more than 130 counties across Texas.

In its last meeting, the Judicial Committee on Information Technology (JCIT) established a subcommittee to discuss case type/case category and permission changes that would enable criminal e-Filings to appear on Re:SearchTX. The subcommittee is expecting to have recommendations to the Court of Criminal Appeals within the next 8-12 months.

JCIT, OCA, and Tyler have all been working to bring awareness to Re:SearchTX. Several webinars as well as presentations to regional and local bar associations have occurred and will continue throughout the summer.

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 six judicial branch state agencies – more than 900 users. The division also provides staff to coordinate and facilitate the work of the Judicial Committee on Information Technology (JCIT).

### E-FILING

The e-Filing system supports more than 205,000 users and handles 33,000 filings each day across all district, county, justice, and appellate courts. More than half of the courts are integrated with the e-filing system which allows them to accept a document and automatically transmit to the local case management system.

Earlier this year, OCA added a redaction component to the e-Filing system. This allows any electronic filing service provider (EFSP) the ability to pass a document through an automated redaction component that would identify sensitive data to the filer. The filer then can either remove or redact the sensitive data prior to filing. In the future, this component could provide the court with a redacted copy for public consumption as well as an original unredacted copy for the official court record.

In June 2016, 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 counties with a population over 50,000. The next group of counties to go mandatory, counties over 20,000 is on July 1, 2019. All but two of the counties in this group are already allowing criminal eFiling on a permissive basis. Those two counties are configured and ready for the mandatory date.

In addition to the 61 counties where criminal eFiling is mandatory, 140 additional 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.

The current e-Filing system which is comprised of e-filing, redaction, document access, and forms assembly, reaches the end of the contract on August 31, 2021. OCA estimates that we need one year for the procurement process and other deliverables associated with major information resource projects, and then another year to transition to a new provider in the event that the e-filing vendor changes.

Additionally, since last signing an e-Filing contract (2012), the state has added complexity to procurement regulations as well as major IT project regulations. For this cycle, OCA is engaging a third-party IT procurement assistance vendor. This vendor will take OCA through the process of constructing the appropriate RFP, making sure all stakeholders are heard, and making sure the RFP process is fair, competitive, and follows all state rules. On the IT side, the vendor will prepare IT documents to be submitted for approval as well.

## LEGISLATIVELY-MANDATED PROJECTS

The legislative session produced several legislatively mandated IT projects for OCA to work on:

### **Uniform Case Management – HB 1 (Zerwas/Nelson)**

The legislature allocated funding to OCA to procure a cloud-based uniform case management system. OCA intends the system to be of no-cost to counties and will be targeted at counties with less than 20,000 in population. The system would be standards-based and would automate the transmission of data to the various parties. The system would be opt-in (rather than mandatory). OCA intends to engage a third-party for IT procurement assistance on this project as well.

### **Service On-line - SB 891 (Huffman/Leach)**

OCA is required to setup a website that allows for service notice to occur via a website (in addition to service by publication or as an alternative to service by publication in certain circumstances). The site is intended to be no cost to individuals or to the counties.

### **Protective Order Registry - SB 325 (Huffman/Landgraf)**

OCA is required to create a protective order registry to allow law enforcement and the public to have a single source of protective order applications (viewable only to law enforcement) as well as granted protective orders (law enforcement and public).

### **Settlement Agreement Database - HB 770 (S. Davis/Zaffirini)**

OCA is required to create a settlement agreement database to house a copy of settlement agreements involving minors or incapacitated persons for safe keeping. OCA is authorized to charge a fee to cover the cost of this service.

## PRICE OF JUSTICE GRANT

Texas was one of five states awarded federal grant money to increase the amount of information that a judge sees when determining a person's ability to pay fines and fees assessed. The project works closely with a user group

which is comprised of court staff, Indigent Defense staff, and legal advocates. As development on the website continues, the user group is currently testing and providing feedback on the screens that capture defendant financial information, which will be used to determine a defendant's ability to pay their fines and fees.

## GUARDIANSHIP COMPLIANCE TOOL

OCA continues to develop the Online Guardianship Reporting System, which will assist guardians with their required reporting to the courts. During the last quarter, the focus has shifted to development of the reporting for Guardian of the Person. This report will provide the court with information about the well-being of the protected person which is a compliance requirement for guardianship.

## OTHER INFORMATION SERVICES PROJECTS

Workstation Refresh – OCA Information Services has begun the planning and procurement phases of the workstation refresh for Fiscal Year 2020. This effort will replace older computing equipment at all the appellate courts, as well as at many of the judicial branch state agencies.

Court of Criminal Appeals Courtroom Audio/Video Upgrades – This past quarter OCA assisted the Court of Criminal Appeals in adding cameras to the courtroom. This allows the court to record and post on the website both the audio and video of oral arguments much like the Supreme Court has been doing. It also will allow the court to live webcast oral arguments in the future should the court decide to allow it.

## COURT SERVICES

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

## COURT SECURITY

The purpose of the Court Security Division is to:

- Support the establishment of court security committees through training and technical assistance;
- Assist courts with conducting and reviewing security and emergency preparedness assessments and developing improvement plans;
- Support the implementation of privacy protections for judges by facilitating the restriction of public access to the residence address of a judge or judge's spouse; and
- Serve as a clearinghouse of information regarding judicial and court security best practices.

The focus of the Court Security Division during this period has been to continue to raise awareness about the court security laws. This effort relies on partnerships with the various judicial training centers and other entities with a role to play on advancing courthouse security.

OCA continues to reach out to active and retired judges to inform them of the privacy protections available to them under the new law. To date, nearly 1,465 judges have taken advantage of the privacy protections available.

Since the last TJC meeting, the Court Security Director conducted fourteen courthouse assessments (with approximately 23 pending scheduling), attended judicial training conferences, conducted approximately eight presentations before various county court security committees, law enforcement, judicial training entities, and

partnered with DPS to develop messaging to the judiciary about [www.iwatchtx.com](http://www.iwatchtx.com), a community reporting system designed to capture suspicious activities or behaviors that may indicate criminal, or terroristic related threats towards the judiciary or courthouses. This reporting site is available on a web-based platform, Android or OS App. Reports can be submitted by anyone, and every report will be reviewed by DPS analysts for management and/or investigative referral.

Incident reporting continues to improve as law enforcement agencies are becoming aware of the reporting mandate. An example of the impact of these efforts is an increase in the number of incident reports filed, from 118 in FY17 to 383 in FY18, an increase of 225%. Security incident reporting for FY19 continues to be at a high level, with 344 incidents reported to date compared to 257 incident reports filed in FY18 over the same period.

The Court Security Division is facilitating scheduled webinars to focus on topics and discussions involving court security, bringing in subject matter experts with in-depth knowledge, insight, and recommendations to enhance courthouse and personal security. This effort, along with on-going presentations and outreach opportunities will continue OCA's endeavors to advise judges of the importance of taking advantage of the security provisions pursuant to SB 42 (85R - Zaffirini/Smithee).

The judicial threat environment in Texas is a dynamic one that requires a high level of engagement, attentiveness, and collaboration. The Court Security Division continually engages with local and state law enforcement entities and fusion centers, developing countermeasures to respond to perceived or imminent threats to address conditions as they arise and to explore new opportunities for partnership.

## JUDICIAL INFORMATION

OCA's Judicial Information Section 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:

- Providing extensive data support to OCA and external customers during the legislative session;
- Conducting the annual update of the judicial [directory database](#);
- Producing
  - the [2018 Annual Statistical Report](#)
  - a presentation on caseload trends to [Judicial Council](#)
  - The 2019 Texas Judicial System [Directory](#)
  - The annual [report](#) on judicial bypass cases
  - A webinar on [Orientation to Texas Court Data: How to Research and Download Court Statistics](#); and
- Presenting on reporting requirements at:

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 450,000 statistical and other reports were received in FY2018.

- The Texas Justice Court Training Center’s schools for clerks
- Cardinal Tracking case management system user training.

## COURT SERVICES

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

- Texas Court Remote Interpreter Service staff provided interpreting services in 306 hearings in 26 counties;
- The Domestic Violence Training Attorney trained a total of 1,395 people at 17 training events – almost twice as many as the previous reporting period;
- Several webinars have been held covering topics such as Domestic Violence, Court Security, Court Management and Language Access;
- Implementation continued of the Judicial Council’s [Centers of Excellence](#) program, which assists courts in assessing and improving their performance and compliance with select reporting and other requirements relating to the administration of justice. For the first time since its inception, two courts will be nominated at the Texas Judicial Council meeting to be recognized as Judicial Centers of Excellence;
- Training, technical assistance, and other consulting services was provided to many clerks and judges across the state through the Court Services Consultant including: Bell County, McLennan County, Wood County, Williamson County, Cherokee County, Van Zandt County and Webb County;
- Planning stages of a project referred to as the Public Engagement Pilot Project which will result in several focus groups with community members around the state gathering feedback about the perception of the judiciary in the state;
- Work has continued on a grant made possible by the State Justice Institute to work with the National Council of Family and Juvenile Court Judges and the University of Texas to study the landscape of Family Courts across the state;
- Technical assistance to jurisdictions regarding collections continued to be provided throughout the state by way of on-site training and assistance as well as through presentations to organizations such as the Government Collectors Association of Texas and the Texas Association of County Auditors; and
- Court Services staff and the Information Services Division continued work on the [Pretrial Risk Assessment Information System](#) (PRAISTX) and the U.S. Department of Justice funded “Price of Justice” project dealing with court collections and related compliance practices.

## COLLECTION IMPROVEMENT PROGRAM

### START OF FISCAL YEAR 2019

#### REPEAL OF THE COLLECTION IMPROVEMENT PROGRAM

[Senate Bill 891](#) - (Huffman/Leach) - Article 15, Section 15.01(2) repealed the provisions of the Code of Criminal Procedure in [Article 103.0033](#) effective September 1, 2019. As of the effective repeal date, there will be 68<sup>1</sup> mandated jurisdictions (39 counties and 29 municipalities) that are obligated to demonstrate compliance with the collection improvement rules adopted by the Judicial Council in Sec. 175.3 of the Texas Administrative Code ([1 TAC §175.3](#)). OCA is recommending repeal of these rules at the upcoming meeting. As result of these actions, local jurisdictions will not be required to submit to a compliance audit on their CIP procedures based on the rules in 1 TAC§175.3.

#### DATA VERIFICATION AUDIT PROGRAM MODEL

As result of the action to repeal Article 103.0033, the local jurisdictions will also not be required to submit to a data verification examination process on information reported to the OCA. The data verification process examined the accuracy of assessed and collected court costs, fees, and fines reported to the OCA by CIP mandated jurisdictions as required in 1 TAC §175.4(c)(3) and (4). County jurisdictions typically had numerous CIP programs; therefore the data verification process was initially implemented for municipality jurisdictions in FY2019. The examination process was scheduled to be implemented with county programs in FY2020.

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#### COLLECTION IMPROVEMENT PROGRAM AUDITS

Since the inception of the CIP Audit department at the OCA in 2012, CIP Audit has issued 68 Compliance Audit reports, of which ten were follow-up audits.

- 18 Municipalities, two were follow-up audits
- 50 County jurisdictions, eight were follow-up audits

In FY2019, four compliance audits were scheduled to be performed - two municipalities, and two county jurisdictions. Two compliance audits were completed.

- One - municipality passed
- One - county passed, report pending to be issued
- One - municipality and One- county audits were pending to be completed but will no longer be completed pursuant to the repealed rules and legislation.

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#### DATA VERIFICATION REVIEW RESULTS

The Data Verification review process was officially implemented in FY2019. Two municipality verification reviews were scheduled to be performed in FY2019. One verification review was completed.

- One municipality passed the data verification process
- One municipality was pending to complete the data verification review process

## SPECIALTY COURTS

### CHILDREN'S COURTS PROGRAM

During the last quarter, Anissa Johnson, Children's Courts Program Manager, completed coordination with Child Support Courts undergoing county realignment to equalize caseloads.

Planning began for the first-ever Child Protection Court Convening to be held July 10-11, 2019, at the Sheraton Austin Georgetown Hotel and Conference Center. The Convening will be a two-day training to discuss issues that are unique to Child Protection Courts (CPCs) and to provide networking opportunities for judges and coordinators working in CPCs. Notably, there will be a lunch panel on July 11 with three Presiding Judges - Hon. Dean Rucker, 7<sup>th</sup> Administrative Judicial Region, Hon. Billy Ray Stubblefield, 3<sup>rd</sup> Administrative Judicial Region, and Hon. Ray Wheless, 1<sup>st</sup> Administrative Judicial Region - and David Slayton, OCA Administrative Director.

In January and February 2019, OCA hired an associate judge and coordinator, respectively, for the Dallas County Child Protection and Permanency Court. The court began hearing cases in March and by April had 94 cases for 107 children. As presented in the last report, this court was established in partnership with the Supreme Court Children's Commission, Casey Family Services, and Dallas County officials solely for cases involving children in permanent managing conservatorship (PMC) status with the Department of Family Protective Services Child Protective Services (DFPS-CPS). The court is patterned after a similar court in Harris County.

The Children's Courts Program Manager continued to attend child welfare stakeholder meetings hosted by the Children's Commission. In addition to overseeing and coordinating the aforementioned events and initiatives, she also continued to coordinate the day-to-day activities of the Children's Courts program; most notably, working closely with Human Resources on the increased numbers of new hires as a result of retirements and departures in both child protection and child support courts.

### PROBLEM-SOLVING COURTS

During the last quarter, Anissa Johnson, in her role as the Problem-Solving Court Consultant, co-presented with Research and Court Services Director, Jeffrey Tsunekawa, on Civil and Criminal Judicial Data Trends and Legislative Priorities as related to Specialty Courts at the 2019 Texas Association of Specialty Courts Training Conference held in Galveston, Texas.

Ms. Johnson attended a second training meeting on emerging trends in problem-solving court and best practices with Statewide Drug Court Coordinators via Go-to-Meeting in April 2019. The group last met in October 2018 and will again meet in July at the 2019 National Association of Drug Court Professionals Annual Conference and in October at the 2<sup>nd</sup> Annual COSCA-CCJ Problem-Solving Court Summit in Denver, Colorado.

The consultant assisted the Texas Indigent Defense Commission in reviewing and prioritizing FY2020 grant applications.

## REGULATORY SERVICES

### JUDICIAL BRANCH CERTIFICATION COMMISSION (JBCC)

Profession	Number of Certifications, Registrations, Licenses
Court Reporters	2,186 Individuals Certifications and 328 Firms
Guardians	416 Individual Certifications and 23 Programs
Process Servers	3,904 Individual Certifications
Court Interpreters	505 Individual Licenses
<b>TOTAL</b>	<b>7,362 Certifications, Registrations and Licenses</b>

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### RECENT MEETING OF THE JBCC AND ADVISORY BOARDS AND UPCOMING EVENTS

- The most recent meeting of the full commission was May 3rd. The next meeting of the full commission is scheduled for August 2nd.
- June 13 - Process Server Complaint Review Committee Meeting
- The Court Reporters Certification Advisory Board met on February 22, 2019. The next meeting of the advisory board is June 28, 2019.
- July 27 - presentation at the Texas Association of Judicial Interpreters and Translators (TAJIT) annual conference in Austin.
- September 5 - Texas Court Reporter Association (TCRA) presentation in Austin
- September 14 - Texas Process Servers Association (TPSA)) presentation in Corpus Christi

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

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### JBCC COMPLIANCE SECTION COMPLAINT INVESTIGATION AND RESOLUTION

- In FY 2019, 83 complaints have been filed year-to-date are in process or resolved:
  - 21 court reporters, 49 process servers, 9 guardians, and 4 licensed court interpreter complaints.
- The most recent meeting of the Court Reporter Complaint Review Committee was June 7, 2019. The next meeting of the committee is September 13, 2019.
- The most recent meeting of the Process Server Complaint Review Committee was June 13, 2019. The next meeting of the committee is September 19, 2019.
- A meeting of the Guardians Complaint Review Committee is scheduled on August 27, 2019.

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### COURT REPORTER ADVISORY BOARD TO ADDRESS COURT REPORTER SHORTAGE AND DEVELOPMENT OF THE UNIFORM FORMAT MANUAL FOR TEXAS COURT REPORTERS' RECORDS BY THE JBCC

- On January 11, 2019, and February 22, 2019, the Court Reporters Advisory Board (Board) held meetings to discuss the court reporter shortage in Texas which will also be on the agenda at the June 28, 2019, meeting. On February 22, 2019, the Board identified 8 other states with certification exam requirements substantially equivalent to Texas where applicants may be eligible for endorsement.
  - Reciprocity/Endorsement, accepting national certifications, reviewing the exam and required statement of proficiency issues will be considered by the Board at the June 28, 2019, meeting.
- The third meeting of the Uniform Format Manual (UFM) Committee of the Court Reporters Certification Advisory Board is scheduled on June 28, 2019.

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## 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.

- April 16<sup>th</sup>, Texas Guardianship Association-administered the guardianship written examination to **26** candidates
- On May 14<sup>th</sup> – 16<sup>th</sup>, JBCC staff administered **34** oral Licensed Court Interpreter examinations.
- On May 21<sup>st</sup> – 22<sup>nd</sup>, JBCC staff administered **58** written Licensed Court Interpreter examinations.
- The next guardianship certification exam is scheduled on July 24, 2019.
- The next LCI oral exams are scheduled for the week of August 12, 2019.
- The next LCI written exams are scheduled for the week of August 19, 2019.

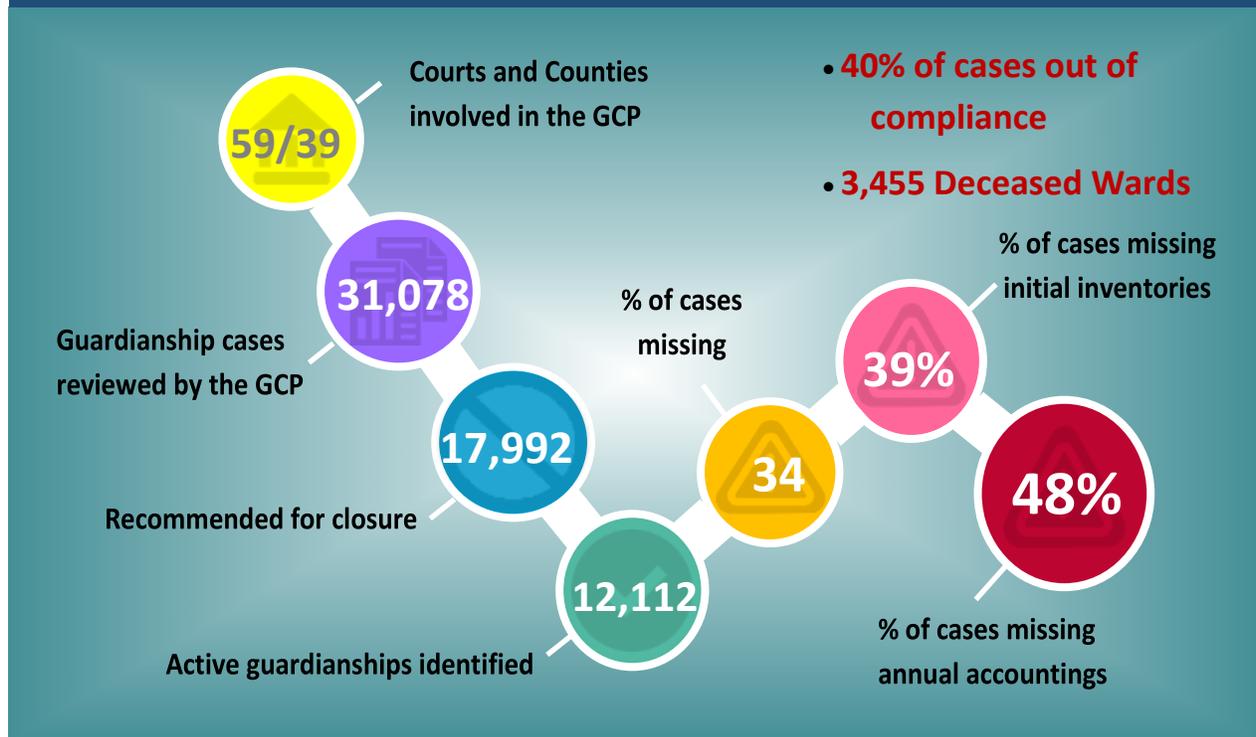
## GUARDIANSHIP COMPLIANCE PROJECT (GCP)

At the direction of the Texas Judicial Council and Legislature, the Office of Court Administration launched the Guardianship Compliance Project to review guardianships in multiple counties to determine the effectiveness of existing safeguards.

The study revealed most Texas Courts lack the personnel and resources to sufficiently provide oversight and protection for the elderly and incapacitated persons. The study also revealed serious failings in monitoring and managing guardianships. It has been determined that regular reports and accountings are not filed in almost half of all guardianships. Below are the services offered to enhance the protections to the elderly and incapacitated.

- Review all guardianship cases to identify compliance and reporting deficiencies by the guardian
- Review annual accountings and well-being reports to spot fraud, neglect, and exploitation
- Provide accurate list of active and closed cases for judicial review
- Conduct research on location of guardians and wards
- Develop best practices in managing guardianship cases
- Initiate communication with guardian
- Assist court with compliance dockets
- Prepare report for the court on findings with recommendations
- Outreach and training for courts and clerks

## GUARDIANSHIP COMPLIANCE PROJECT FINDINGS



### GUARDIANSHIP COMPLIANCE TRAINING AND OUTREACH

Presentations on New Guardianship Registration Requirements, Webpage on Online Registration Requirements and Processing New and Pre-Existing JBCC [Guardianship Registrations](#) since the last TJC meeting and upcoming:

- July 10-12, participation in the National Open Court Data Standards (NODS) National Probate Workgroup
- August 22, Texas College of Probate Judges (TCPC) guardianship presentation in Galveston on JBCC, GCP, registration, training and criminal history
- May 31, Texas College of Probate Judges (TCPC) guardianship presentation in Galveston on JBCC, GCP, registration, training and criminal history
- May 21, outreach with NCSC and Arizona's Sheila Tickle, Probate and Mental Health Coordinator to discuss the JBCC, GCP and registrations and oversight of guardianship cases
- April 17 Texas Guardianship Association (TGA) JBCC presentation in Austin
- March 28, Texas Association of Counties of (TAC) guardianship presentation in Lubbock
- March 29, Texas College of Probate Judges (TCPC) guardianship presentation in Austin
- April 6, 20<sup>th</sup> Annual Elder and Guardianship Advance CLE Course presentation in Harris county covering the JBCC, GCP and Guardianship Registration, in Houston

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SENATE BILL 31, 86TH R.S: IMPLEMENTATION OF THE GUARDIANSHIP ABUSE FRAUD AND EXPLOITATION DETERRENCE PROGRAM

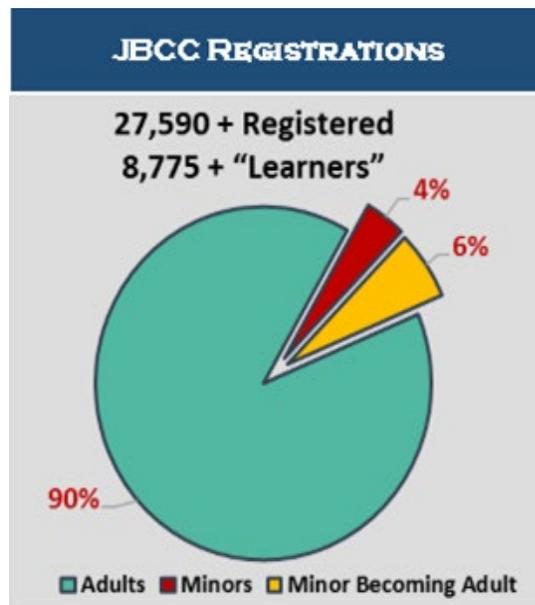
Senate Bill 31 (Zaffirini/Smithee) recently passed the Texas House and Senate and became law without the Governor’s signature. While the reforms implemented to date have improved the guardianship system in Texas, a key to the reforms’ success is ensuring compliance with the laws and reviewing guardianship activities to spot potential abuse, fraud, and exploitation.

To provide a safety net for all vulnerable persons under the care of guardians, the Judicial Council proposed expanding the GCP statewide as proposed in OCA’s legislative appropriations request and SB 31. Only by pro-actively training court personnel and proposed guardians on the fiduciary duties of guardianship, as well as auditing reports and accountings to detect and deter fraud and exploitation, will Texas be adequately braced to ensure the safety and well-being of this vulnerable and growing population.

In addition to the bill’s passage, HB 1 (Zerwas/Nelson) includes almost \$5 million in the next biennium and 28 authorized FTEs to expand the program statewide.

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SENATE BILL 1096 - REGISTRATION OF GUARDIANSHIPS (EFFECTIVE JUNE 1, 2018)



SB 1096 (85R - Zaffirini/Smithee) created a safety net to ensure guardians are registered, properly trained, receive a criminal history background check, and guardian contact data is provided to DPS and its Law Enforcement Terminal System (TLETS) to identify persons under guardianship if law enforcement contact is made with them.

OCA developed a database to be filled with a registry of every guardianship in the state. As a registration prerequisite, the OCA conducts a criminal history background check and provides online training to proposed guardians. To date 27,590 proposed guardians have submitted data for registration, 8,775 have completed the training and over 4,000 criminal histories have been provided to the courts.

While the guardianship training has previously only been available in English, OCA also recently developed the guardianship training in Spanish. Thank you to the Texas College

of Probate Judges (TCPJ) for paying for the Spanish translation of the training to be developed. For information on guardianship registrations, visit [www.txcourts.gov/jbcc/register-a-guardianship/](http://www.txcourts.gov/jbcc/register-a-guardianship/).

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REGISTRATION OF GUARDIANSHIP PROGRAM SENATE BILL 36 (SEPTEMBER 1, 2018)

SB 36 (85R - Zaffirini/S. Thompson) created a registration for guardianship programs. This allows JBCC to ensure that guardianship programs adhere to minimum standards that further the welfare of those under a program's care. The program registration increases transparency by requiring mandatory reporting to the JBCC by the program. To date the JBCC has registered 23 guardianship programs throughout the state.

## TEXAS FORENSIC SCIENCE COMMISSION (TFSC)

The Texas Legislature created the Texas Forensic Science Commission (“TFSC”) during the 79<sup>th</sup> Legislative Session by passing House Bill 1068 (the “Act”). The Act amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the TFSC. During subsequent legislative sessions, the Legislature further amended the Code of Criminal Procedure to clarify and expand the TFSC’s jurisdictional responsibilities and authority.

The TFSC has nine members appointed by the Governor of Texas. Seven of the nine commissioners are scientists and two are attorneys (one prosecutor and one defense attorney).

The TFSC has four main areas of responsibility:

- accreditation of crime laboratories and other entities that perform forensic analysis;
- designation of forensic disciplines for accreditation or exemption;
- investigation of allegations regarding professional negligence and misconduct; and
- the licensing of forensic analysts (beginning January 1, 2019).

The Legislature moved the TFSC’s administrative attachment to the Office of Court Administration during the 85<sup>th</sup> Legislative Session.

The TFSC’s most recent quarterly meeting was held on May 3. Commissioners considered a variety of matters including complaints against laboratories, laboratory self-disclosures of internal non-conformities, accreditation reports, licenses issued pursuant to the forensic analyst licensing program, issuance of investigative reports, progress on the statewide DNA mixture review project, statewide training for laboratories on probabilistic genotyping software STRMix, and a partnership with the National Institute of Standards and Technology to review and adopt OSAC standards and guidelines in Texas crime laboratories. Commission staff will also begin work with subject matter experts on a Forensic Bench Book that will be available to judges and updated regularly. By offering this resource, the Commission hopes to assist the judiciary in: 1) understanding foundational scientific principles; 2) identifying unsettled areas/areas of debate within forensic disciplines; and 3) identifying red flags in an evaluation of scientific evidence that may come before a court. All Commission quarterly meetings are open to the public and livestreamed with the support of OCA’s IT division.