

MINUTES of Texas Children's Justice Act Task Force
Meeting date: September 28, 2007

Call to order: A regular meeting of the Texas Children's Justice Act Task Force, was held at the Texas Center for the Judiciary, Austin, TX on September 28, 2007. The meeting convened at 9:10AM, Chair Hon. Larry Thorne presiding.

Members in attendance:

Roy Block
De Shaun Bradley
Hon. Fred Chavez
Cathy Crabtree
Cozette Fogus
Joe Gagen
Hon. Floyd T. Getz
Dr. Rolf Habersang

Denise Hyde
Margaret Lalk
Dr. James Lukefahr
Valerie Milholland
David Montague
Fairy Rutland
Hon. Larry Thorne

Members not in attendance:

Shane Phelps
TaNeika Wood
Joyce James
Gerry Williams

Staff in attendance:

Mari Kay Bickett
Colette Bonstead
Cherisse Robison
Ginny Woods

Guests in attendance:

Laurie Lindsey for Joyce James
Beth Page for Gerry Williams
Cathy Cockerham
Dan Capouch
Tina Amberboy

Welcome and introductions, by Hon. Larry Thorne. Judge Thorne welcomed new members, and everyone introduced themselves.

Update on the Court Improvement Project (CIP) and the establishment of a Permanent Judicial Commission on Children, Youth, and Families (Commission), by Tina Amberboy, Executive Director, Supreme Court Task Force on Foster Care.

Overview of notebook, by Ginny Woods, Project Director, CJA. Ms. Woods reviewed the table of contents and requested Task Force members bring notebook to every meeting.

Announcements, by Judge Thorne. Judge Thorne announced that C. Ed Davis resigned from the Task Force.

Approval of minutes: Motion was made by Judge Chavez, and seconded to approve the minutes of the August 3-4, 2007 meeting. **Motion carried without opposition.**

Approval of bylaws

Approved bylaws attached. See Attachment A: Approved Bylaws.

Motion: Moved by Dr. Habersang that bylaws be approved. **Motion carried without opposition.**

Selection of new task force members

Cathy Crabtree and Denise Hyde nominated Dan Powers and Stephen Terrell, respectively, to serve on the Task Force. No other nominations were received. Mr. Powers and Mr. Terrell were **selected with no opposition.**

Approval of task force Vice Chair

Joe Gagen announced that he was stepping down as Vice Chair. Dr. Habersang nominated Valerie Milholland to serve as Vice Chair. There were no other nominations. Ms. Milholland was **selected with no opposition.**

Approval of staggered terms

Initial staggered terms attached. See Attachment B: Staggered Terms.

Motion: Moved by Dr. Habersang that staggered terms be approved. **Motion carried without opposition.**

Outstanding Task Force position

The Task Force members will provide Ms. Woods with nominations for a criminal defense attorney. The new Task Force member will be selected prior to the January 25th meeting.

Pending Texas District and County Attorney Association issue

Topic was not discussed

Child and Family Services Review update, by Dan Capouch, Division Administrator, Accountability Division, Texas Department of Family and Protective Services, was received by the group.

Budget discussion, by Colette Bonstead, Accounting Associate, CJA. Ms. Bonstead updated the Task Force on the current status of the budget.

CJA status report, by Cherisse Robison, Grant Monitor, CJA. Ms. Robison reviewed the roles and responsibilities of the Task Force, recapped the events of the last six months, and explained the grant review process and the conflict of interest forms. Task Force members were reminded to sign the appropriate conflict of interest form.

The Chair directed that the Bylaws Committee draft and submit amendments to the bylaws that clearly set out the process for disclosing conflict of interests and for reviewing grants by the January 25th meeting.

Report of Grant Proposal Review Committee

Dr. Rolf Habersang reported on the projects proposed by the Shaken Baby Alliance. The committee recommended funding the Child Abuse and SIDs project at \$200,000, and the Drug Endangered Children project at \$200,000. After discussion and further amendment the following motion was voted on: "The Task Force recommends awarding the Shaken Baby Alliance \$400,000 to be allocated accordingly between each project." **Motion carried without opposition.** {Dr. Lukefahr and David Montague abstained.}

Valerie Milholland reported on the project proposed by ChildSafe. The committee recommended funding the project as proposed for \$160,230. After discussion and further amendment the following motion was voted on: “The Task Force recommends awarding ChildSafe \$122,495, the amount requested under salary, fringe, and contractual.” **Motion carried without opposition.** {Lt. Fogus and Dr. Lukefahr abstained.}

Judge Larry Thorne reported on the project proposed by Children’s Advocacy Centers of Texas. The committee recommended funding the project as proposed for \$91,638. Judge Thorne motioned to approve the committee’s recommendation. **Motion carried without opposition.** {Cathy Crabtree and David Montague abstained.}

Lt. Cozette Fogus reported on the project proposed by Texas CASA. The committee recommended funding the project as proposed for \$230,997. David Montague motioned to approve the committee’s recommendation. **Motion carried without opposition.** {Joe Gagen and Judge Thorne abstained.}

Ad Litem Trainings

Motion: David Montague moved and Joe Gagen seconded to set aside \$10,000 for ad litem trainings. **Motion carried without opposition.**

Adjournment: The meeting was adjourned at 2:30PM.

These minutes were approved at a Texas Children’s Justice Act Task Force meeting on January 25, 2007.

ATTACHMENT A: APPROVED BYLAWS

Texas Children's Justice Act Task Force Bylaws

Article I

Name

Section 1. The name of this organization shall be the Texas Children's Justice Act Task Force, ("Task Force").

Article II

Statutory Basis/Purpose

Section 1. The Task Force is established in accordance with the Child Abuse Prevention and Treatment Act (codified at 42 USC 5106c) ("Children's Justice Act") which authorizes grants to states to develop, establish, and operate programs designed to improve:

- (1) The handling of child abuse and neglect cases, particularly cases of child sexual abuse and exploitation, in a manner which limits additional trauma to the child victim;
- (2) The handling of cases of suspected child abuse or neglect related fatalities;
- (3) The investigation and prosecution of cases of child abuse and neglect, particularly child sexual abuse and exploitation; and
- (4) The handling of cases involving children with disabilities or serious health-related problems who are victims of abuse or neglect.

Section 2. Children's Justice Act grants shall be used to implement Task Force recommendations in the following three categories:

- (1) **Handling of cases of child abuse and neglect.** Investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation and cases involving children with disabilities or serious health-related problems, as well as cases involving suspected child-maltreatment-related fatalities and cases involving a potential combination of jurisdictions, such as interstate, federal-state, and state-tribal, in a manner which reduces the additional trauma to the child victim and the victim's family and which also ensures procedural fairness to the accused;
- (2) **Innovative approaches.** Experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases and cases involving children with disabilities or serious health-related problems, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children, and which also ensure procedural fairness to the accused; and

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- (3) **Process improvement.** Reform of state laws, ordinances, regulations, protocols and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse and exploitation and cases involving children with disabilities or serious health-related problems, while ensuring fairness to all affected persons.

Section 3. Supporting child abuse prevention programs or treatment services is not an appropriate use of CJA funds.

Article III *Activities*

Section 1. The Task Force shall act as an Advisory Committee to the Governor's Office or its designee.

Section 2. The Task Force's duties are as follows:

State Task Force Study. At three-year intervals, the Task Force shall document that it has comprehensively:

- (1) reviewed and evaluated State investigative, administrative and both civil and criminal judicial handling of cases of child abuse and neglect, particularly child sexual abuse and exploitation, as well as cases involving suspected child-maltreatment-related fatalities and cases involving a potential combination of jurisdictions, such as interstate, Federal-State, and State-Tribal; and
- (2) made policy and training recommendations (Task Force Recommendations) in each of the categories described in Article II, Section 2, as well as other comments and recommendations as are considered relevant and useful.

In this process, the Task Force may consider information obtained through a variety of sources, such as formal assessments, questionnaires, opinions of experts, and the professional experiences and judgment of Task Force members.

Project Approval. A subcommittee of the Task Force will assess grant proposals to determine which proposals best meet the Task Force Recommendations. The committee will review the proposals and make initial suggestions for funding. The Task Force will review the committee's suggestions and make final recommendations for funding (See Art. VIII, Sec. 2). The Task Force's final recommendations should be afforded great respect, but the ultimate funding decision lies with the Governor's Office or its designee.

Project Implementation. The Task Force shall monitor the progress made on the above recommendations or comparable alternatives to such.

Legislation and Public Policy. The Task Force may submit to the legislature and the Texas Supreme Court proposed statutory improvements consistent with its mission or recommendations, or express opinions on other state policy issues. In order to make a recommendation on a legislative or policy issue, the matter must be presented to and approved by the Task Force.

Article IV *Membership*

Section 1. The Task Force shall be composed of individuals with knowledge and experience relating to the criminal justice system and issues of child physical abuse, child neglect, child sexual abuse and exploitation, and child maltreatment related fatalities. In accordance with the federal program instructions, the Task Force shall include members representing the following disciplines:

- (1) Law enforcement community;
- (2) Criminal Court Judge(s);
- (3) Civil Court Judge(s);
- (4) Prosecuting Attorney(s);
- (5) Defense Attorney(s);
- (6) Child Advocate(s) (Attorney(s) for Children);
- (7) Court Appointed Special Advocate Representative(s);
- (8) Health Professional(s);
- (9) Mental Health Professional(s);
- (10) Child Protective Service Agencies;
- (11) Individual(s) experienced in working with children with disabilities; and
- (12) Parent Group Representative(s).

Section 2. Other members may be added at the discretion of the Task Force.

Section 3. The Assistant Commissioner of Child Protective Services, the Executive Director of Texas CASA, and the Executive Director of Children's Advocacy Centers of Texas shall be standing membership positions not subject to the general election. These members may also fulfill one of the discipline requirements set out in Section 1 of this article.

Section 4. So far as may be possible, the Task Force should strive to attain members who bring diverse perspectives and reflect the varied ethnic, gender, and geographic communities located in Texas.

Section 5. A general election of members shall be held annually in the last quarter of the federal fiscal year. Membership shall commence on the first day of the federal fiscal year.

Section 6. New members may be nominated by any current member or who has obtained consent of the nominee and who has provided the nominee's biographical summary or resume. New members are elected by the current members of the Task Force by a majority vote of those present and subject to the approval of the Governor's office.

Section 7. Members serve a three-year staggered term, and may be re-elected if they desire to continue serving. Members must attend at least one-half of scheduled Task Force meetings in order to be eligible for re-election.

Section 8. If any member does not attend three (3) consecutive, regularly scheduled meetings of the Task Force, the Chair, or individual designated by the Chair, may recommend the Task Force remove the member and fill the resulting vacancy.

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Section 9. Total membership shall not exceed twenty-five (25).

Section 10. Vacancies in membership shall be filled as soon as practical by a special election if necessary to maintain statutorily required representation as set out in Section 1 of this Article. Otherwise, vacancies will be filled or additional members added (up to the maximum allowable number) at the next general election.

Section 11. Special elections to fill unexpired terms shall be held in the same manner as general elections (Section 2).

Article V *Officers*

Section 1. Officers of the Task Force shall consist of a Chair and Vice-Chair.

Section 2. The Duties of the Chair include:

- a. Guiding and leading the Task Force toward its goals;
- b. Presiding at Task Force meetings;
- c. Appointing committees as provided by these bylaws;
- d. Overseeing federally required assessments; and
- e. Preparing a written agenda for meetings of the Task Force.

The Vice-Chair shall preside at meetings in the absence of the Chair and perform other duties as may be assigned by the Chair or be necessary in the absence of the Chair.

Section 3. Committee chairpersons shall serve as a nominating committee to propose a slate of officers for election.

Section 4. Officers are elected for a one year period upon majority vote of Task Force members present or by the returning of e-mail ballots, and may be re-elected for up to three one-year terms.

Article VII *Committees*

Section 1. Committees shall be formed at three-year intervals to coincide with adoption of Task Force recommendations. The Chair and Vice-Chair shall determine the number of committees needed and the focus of each. At a minimum, there shall be at least one committee charged with overseeing the assessment process required by the Children's Justice Act.

Section 2. The Task Force Chair shall designate the chairperson for each committee. Task Force members are expected to serve on committees as needed.

Section 3. Committees may make recommendations regarding legislative positions or other policy considerations for vote of the Task Force.

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Section 4. Committees shall meet as needed to complete their work.

Article VIII *Meetings*

Section 1. The Task Force shall meet at least four times a year, with additional meetings called by the Chair if necessary. A meeting schedule with at least three future meeting dates set shall be established at the beginning of each federal fiscal year. The Chair shall establish meeting dates in consultation with the Task Force.

Section 2. The Task Force may adopt a position, plan action, or amend a recommendation upon a majority vote of members present at a duly announced meeting, provided that a written agenda has been distributed to all members at least three days in advance. Although additional items may arise for discussion at a meeting, no final action shall be taken without written notice to all members unless there is unanimous consent of those present and a quorum exists.

Section 3. The presence of a majority of Task Force members at a meeting shall constitute a quorum.

Section 4. Members must be present to vote on matters under consideration by the Task Force, except in the case of elections or matters previously discussed at a Task Force meeting which may be carried out by e-mail ballot. Only duly elected Task Force members are permitted to vote.

Section 5. Each Task Force member shall have one vote.

Section 6. Task Force meetings shall be conducted in accordance with the most current version of Robert's Rules of Order unless otherwise specified by these bylaws.

Article IX *Conflicts of Interest*

Section 1. A Task Force member has a duty to disclose any potential individual or organizational conflict of interest that might occur on an issue before the Task Force unless that conflict is obvious or previously disclosed. Each Task Force member shall annually sign a Conflict of Interest Disclosure Form.

Article X *Amendments*

Section 1. These bylaws may be amended upon majority vote of the Task Force membership at a duly announced meeting at which a quorum is present, provided that proposed amendments are distributed to members at least ten days in advance of the meeting. Amendments must be certified by counsel of Governor's Office or counsel of designee to ensure compliance with the federal regulations.

ATTACHMENT B: STAGGERED TERMS

Initial Terms for CJA Task Force Members

Category

Parent Group Representative
 Civil/Criminal Judge
 Prosecuting Attorney
 Prosecuting Attorney
 DFPS Attorney

Subject to Re-election 2008
Roy Block
Floyd T. Getz
David Montague
Shane Phelps
Gerry Williams

Experience with children with disabilities
 Civil/Criminal Judge
 Civil/Criminal Judge
 Law Enforcement
 Child Advocate

Subject to Re-election 2009
Rolf Habersang, M.D.
Larry Thorne
Alfredo Chavez
Lt. Cozette Fogus
Fairy Rutland

Former Foster Youth
 Parent Group Representative
 Attorney for Children and Parents
 Attorney Children and Parents
 Health Professional
 Prosecuting Attorney

Subject to Re-election 2010
Taneika Wood
DeShaun Bradley
Denise Hyde
Margaret Lalk
James Lukefahr, M.D.
Valerie Milholland

Assistant Commissioner, CPS
 Executive Director, CAC
 CEO, CASA

Standing Members by Position
Joyce James
Cathy Crabtree
Joe Gagen

Criminal Defense Attorney

Outstanding Positions
Need Nominees