THE TEXAS TRIBUME

Study: Courts Can Do Better With Long-Term Foster Care

by Christopher A. Smith
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For Texas foster kids, there's nothing permanent about being in "permanent managing conservatorship," or long-term foster care. These wards of the state — many of them teenagers — have lived a life full of change, bouncing from foster homes through new caseworkers and into different schools. Their lives are punctuated every six months or so by a visit to a courtroom, if they're lucky enough to be invited to their own hearings.

Texas Appleseed, a nonprofit advocacy and research group based in Austin, wants to improve at least one aspect of this long-term foster care — the legal aspect. In a study commissioned by the Supreme Court of Texas' Permanent Judicial Commission for Children, Youth and Families, Appleseed says the Texas judicial system can do a better job handling these kids' cases.

Under the current Texas Family Code, a court hearing for a foster child in state custody is required every six months, but many of these hearings are brief, children often aren't present, and not much progress is made, said Rebecca Lightsey, executive director of Texas Appleseed.

Among the report's recommendations? Ensuring foster children are present and heard from in the courtroom, and that the same judge remains responsible for their case over time. Providing every child in permanent managing conservatorship, or PMC, a court-appointed advocate. And holding placement review hearings every four months.

The report also recommends starting a Benchmark Permanency Hearing pilot program to test out these recommendations in four Texas courts. The program would require every child that enters PMC to have a plan that sets out detailed goals for a permanent home, then sets up a consistent schedule of hearings to monitor the progress of the permanency plan.

Finally, the study suggests that judges learn to see their role not as arbitrators of a dispute, but as people responsible for the well-being of a child.

That distinction is important, says Darlene Byrne, a district court judge in Travis County and vice chairwoman of the Children's Commission, because judges "are impacting children's everyday lives."

"Where [children] sleep tonight is decided right there in the courtroom," Byrne said.