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Ryan Brooke - Chief  
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**Domestic Violence**  
Jennifer Slack

June 10, 2016

Texas House of Representatives  
House County Affair Committee  
Austin, Texas

Re: Children's Protective Services  
Written Testimony

Dear Sirs,

I am excited for this opportunity to share with you, on a local level, thoughts and information about the process and systems for the Texas Department of Family and Protective Services Children's Protective Service (CPS). I believe I have a unique view on the issues at hand, I am one of the current Assistant District Attorneys assigned to handle CPS cases in Lubbock County for the past two and half years. Prior to accepting this position, I worked as a CPS caseworker, in the conservatorship unit for five and a half years. When I speak to you, I am giving you my insight as having been in both positions.

Thank you for your time and attention. I am grateful you come to the local communities and hear from the public, and your constituents, our concerns. Safe travels on the rest of your journeys.

Sincerely,

A handwritten signature in cursive script that reads "Deirdre S Ward".

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Written Testimony

Texas House of Representatives

June 10, 2016

Lubbock, TX

1. De Novo Appeals of an Associate Judges Ruling

Chapter 201 of the Texas Family Code established the use of associate judges and specifies the rules and procedures for use of associate judges in child protection cases. Our associate judges who are assigned to the specialty courts in the area of child protection receive specialized training and information. Specific conferences and CLE are provided to give the associate judges insight into areas such as childhood trauma and trauma based therapy, drug and alcohol addiction, mental health and parenting, domestic violence and the effects on our families in Texas. They are trained and familiar with specific sections of the Family Code, and unique statutes that apply in CPS cases. Our associate judges deal with federal laws which greatly impact federal funding and have detailed regulations that require strict compliance such as the Interstate Child Placement Compact and Indian Child Welfare Act. Associate judges must also track and keep statistics on the cases and issues they see in their specific courts. They are experts in this area of the law.

When a party requests a de novo hearing, it causes multiple issues. First, the referring court is not familiar with the aspects of the case and the unique CPS issues stated above. Second, it causes a delay in permanency for the children involved. Typically it is a parent who requests de novo. A de novo hearing must be requested within three days of the associate judge's ruling and a hearing set within thirty days. However, in my experience, two things happen to prevent the hearing from being held timely. Typically de novo requests come from a parent whose rights have been terminated by the associate judge. It is the party requesting de novo to get the hearing set on the docket of the referring court judge. In some situations it is not uncommon for the de novo appeal to be set out six to nine months out from the original hearing at the associate judge's level. After the de novo hearing, then the party still has the right to appeal to the Court of Appeals and that process takes an additional six to eighteen months. The delay to our children in adoptive homes is a huge chunk of wasted time.

Why? First, the requesting party (disgruntled parent) does not have a motivation or a great need to have the hearing in that thirty day window. The parent is benefiting from continued visitation and services while the de novo is pending. The court appointed attorney is benefiting from being able to squeeze additional money from the county or if paid, from their client. Second, the referring courts are docketing their regular course of business far in advance of the thirty day time frame. Even if the requesting party is motivated for setting a hearing, the time slots are not available.

In our CPS specialty court with associate judges, a case may take a full day to try, and try effectively. In the referring courts, the time I request for a de novo hearing is double what we spent in the associate judge's hearing. Not because I put on more evidence, but because the time it takes to explain and argue those nuances of law, unique to the CPS cases at hand, require the additional time.

There are ways to protect a parties interest, the referring court judge has power to change a ruling of an associate judge and can review the record and the findings without an entire new trial provided.

In my opinion, de novo appeals of the associate judge's rulings in CPS cases is a waste of time and resources. The associate judges are experts in these matters. A final order in a CPS trial is directly appealable to the court of appeals and those time frames are expedited. It seems silly to allow two modes of appeal, two bites of the apple so to speak. The need for permanency in children should be valued and honored in our system.

## 2. Relaxed Education requirements for CPS caseworkers

CPS caseworkers are the frontline, feet on the ground, hands on people that deal with child abuse and neglect in our CPS cases. They are often the first person to hear a child's outcry statement. They are expected to make life or death decisions and have to communicate information to supervisors and law enforcement. They are the people responsible for testifying and giving the court information at all stages and in every hearing. One of the most daunting task I faced as a caseworker, was reviewing a home study to determine if the family was a good fit for a particular child. Everyday my decisions affected lives FOREVER.

To face these issues and decisions, I needed to have the ability to critically think and be able to have knowledge far greater than my personal experiences. College was a tool to teach me communication skills and expose me to cultures and people.

Caseworker turnover, staffing situations are critical at this time. Tenured staff is at a premium. From the people I visit with, accepting a person without a college degree is a slap in the face to anyone who has been loyal and remained with the agency. If this is the trend, then please consider compensation differences for your workers who do have a college education.

When I went to skills development training as a worker, I was in the classroom 80 percent and with a mentor 20 percent. My mentor had at least five years of experience. Now the situation is totally reversed. Workers spend the majority of the development training with a mentor- our workers have an average of 12 to 18 months experience. We desperately need to keep workers who have experience. Compensation for their education will increase the current morale and encourage them to remain with the agency.

3. Critical state of Residential Treatment Facility Placements for children in Region One  
We desperately need to have facilities for children in mental health and behavioral crisis here in our region. Our children are separated from friends and family and typically go to Houston, Dallas or San Antonio for treatment. There is a disconnect then from family, guardian and attorney ad litem and our caseworkers.  
And the current residential treatment facilities are full, due to the inability to have group home placements in Texas. I have one child who for the last six weeks has residing at the CPS offices or in a donated cottage at another placement with caseworkers trading shifts around the clock to watch him. The treatment facility that is available is in Tennessee- there is not room in the entire state of Texas to meet this child's needs. That is a shame.
4. Drug Use  
Fix the Meth problem and a huge percentage of my cases go away.