

THE OFFICIAL NEWSLETTER OF TEXAS INMATE FAMILIES ASSOCIATION Vol. 20 No. 1 Jan 2015

## TIFA is a Part of the National Mass Incarceration Cohort Convening



by Raylene Truxton

at the hearing. The second day was filled with electoral engagement presentations from four different Organizers. One of the main outcomes of this day was that formerly incarcerated people and their families are a huge untapped source of electoral power and by cultivating

relationships and on-going organizing, not just around election time, will strengthen our collective efforts.

Gabe Gonzales, CCC National Campaign Director says:

- This is a potential "movement moment" for ending mass incarceration.
- We are ready to make demands together.
- Through action, we can promote a narrative of humanity and people power against oppression based on class and race.

With all of this in mind we engaged in a series of discussions with an informal national committee of formerly incarcerated leaders and family leaders, staffed by CCC, NationInside, with Charlene Sinclair acting in a consulting role. The plan that came from these conversations is as follows:

1. Develop a broad and deep

leadership body. In addition to regional meetings we need to expand and deepen the set of leaders making decisions about strategy. We need a group that is larger, more representative of the country and representative of the many issues and constituencies in the field. We need to break down the aforementioned silos and deepen the relationships between leaders.

- 2. Create a functioning and effective national communication network. The purpose of this network would be to share information, coordinate actions and deepen relationships among the disparate groups. This network would function both between organizations in the same region as well as nationally. It would be a natural way to share information and help provide message discipline around the themes of humanity, race and class. The outreach and engagement in regional meetings would lay the foundation for the communication network.
- 3. Identify common demands through eight or more regional meetings in 2015. The goal of these meetings would be to bring people from their various silos into a common space to build trust and relationship. A key outcome of regional meetings would be to gain buy-in on a national platform initially laid out by the national committee of directly-affected leaders.

This committee also laid out an initial set of national demands around federal Ban the Box and reinstating Pell Grants, and also began to discuss two possible paths to get at the deeper roots of mass

Continued on page 4 (Incarceration)

anuary 12th and 13th of 2015, the Center for Community Change (CCC) brought to Atlanta, Georgia, thirty eight representatives from sixteen different states to organize around criminal justice reform and mass incarceration. There were four representatives from Texas including TIFA's SE Regional Director, Raylene Truxton. The two day agenda was packed with meaningful activities and dialogue which included electoral engagement strategies, language and messaging, and supporting the local campaigns in Atlanta. The group was also given the opportunity to share their organizations accomplishments from 2014.

The first day entailed a trip to the Georgia Capitol to support our brothers and sisters from 9 to 5 and Racial Justice Action Center in the fight for Ban the Box in Atlanta, Georgia. A panel from the National Mass Incarceration Cohort addressed issues and outcomes pertaining to Ban the Box in their respective states

### **TIFA Contact**

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TIFA is a non-profit 501 (c)(3) of the U.S. Internal Revenue Code. Membership in TIFA is open to anyone. A Basic membership is \$25 per year and includes one newsletter subscription to the member address. A Basic Plus membership of \$35 per year includes all family members residing in one household and the inmate newsletter.

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### TIFA

P.O. Box 300220 Austin, Texas 78703-0004 Office: (512) 371-0900 www.tifa.org tifa@tifa.org

**Note**: We read all mail that is received but cannot answer every letter. Our mission is strengthening families through support, education and advocacy.

## Message from TIFA Chair, Patti Kassel

Incourage, it is not just a Word. Every year I pick a new word to try to focus my life and actions



on during the upcoming 12 months. This year I picked "Encourage". The Merriam-Webster's definition is as follows:

- to make (someone) more determined, hopeful, or confident
- to make (something) more appealing or more likely to happen
- to make (someone) more likely to do something: to tell or advise (someone) to do something

How exciting is it to be a part of an organization like TIFA that does this on a daily basis for families and our loved ones incarcerated. Rooted into our mission is to encourage anyone we support to be hopeful, determined and confident in the future. To help families through a system of confusion and unknowns, by directing them onto the right path. To educate families on their rights to advocate for their loved ones who have no voices. And to stand before our legislators to fight for justice.

Join me in working "Encourage" into yours and others lives for 2015. It's a great way to start your year with hope and direction for the coming months that might impact the rest of your life. n

# Message from the Executive Director, Jennifer Erschabek



## In memory of the lives we have lost

Losing someone we love to prison is not easy but losing someone to death in a prison is incomprehensible for families. And after the tears have dried and the goodbyes have been said, all we have to hold onto are the happy memories that we've shared with our loved ones who have passed. This is what keeps them alive in our hearts and in our minds, and they will continue to live on, through us. Our TIFA family sends condolences to those families who have suffered such a terrible loss. God bless them and may the soul of their loved ones rest in the everlasting peace of Christ Almighty.

### A Poem By Eugene Broxton, Texas Goodbye

Saying goodbye is never easy But moving on We all must do Going on with our lives Not just talking about it But seeing it through Move on, My love, Move on. And live, You have Much more to give Now it's time I must go It's not easy to say good bye But it's time So I say good bye Know my love for you is true And as long as you live, My love will be with you

On Friday, January 16, 2015, TIFA members
Delora King and Twila
Dotson paid a visit to the office of State
Rep. Ron Reynolds
(D-Missouri City HD 27) in an effort to engage in a personal dialogue as it pertains to the Texas criminal justice system.
Rep. Reynolds had only a nominal reference concerning TIFA;

therefore, the first order of business was for him to be apprised of the organization and its purpose. Rep. Reynolds was very gracious and showed great interest as we discussed the roster of concerns that TIFA has asked to be addressed by the Texas



Twila Dotson and State Rep. Ron  $\,$  taken while attending the Reynolds (D-Missouri City HD 27) Rally at the State Capitol

in November. He mentioned repeatedly how important such organizations are in getting changes in the system.

state legislature

concerning the Texas penal system. He was

and its accomplish-

was awed when we

were able to produce

photographs that we had

ments. Rep. Reynolds

quite impressed by TIFA

After our dialogue, Rep. Reynolds assured us that TIFA had his support.

### A Visit With a Representative

by Twila Dotson

He went even a step further in giving us a list of "Action Items" or a "To-Do" list that he felt would aid our organization's cause. This gesture spoke volumes and was a priceless asset for TIFA going forward.

In closing, I would like to say how very important it is for all TIFA members to get engaged and reach out to their representatives. The short and informal meeting that Delora and I had with Rep. Reynolds proved to be a treasure trove of information and comfort. After having a meeting with him, we are looking forward to meeting with other state representatives during the session. n

## 2015 TIFA Chapter Chair Retreat in Austin

As TIFA continues to grow, the need for Chapter Chairs to meet face to face becomes more necessary, so a Chapter Chair Retreat was held on January 31, 2015. Chapter Chairs came from all over the state to learn, network and support one another in a common mission. Jennifer Erschabek, Executive Director called the meeting to order by welcoming all guests, chapter chairs and board

members. Robert
Elzner, TIFA Board
Treasurer reported on
Membership, TDCJ
Updates and
Fundraising.

The first speaker on the agenda was Joe Gagen, Attorney and former Executive Director for Texas CASA, a statewide,

non-profit organization advocating for children in foster care. Mr. Gagen is an engaging speaker who covered the following issues: What is legislative Advocacy? Why should you engage in legislative Advocacy? When should you engage in legislative Advocacy? How to

Approach Legislators and other Policy Makers? All involved left excited about getting their chapter members to make

appointments with their representatives on behalf of all those who are currently incarcerated.

The next speaker was Dr. Matilda Saenz, the Texas House of Representatives District 34 Director.



Dr. Saenz, District Dir. for Rep Abel Herrero (D)

Dr. Saenz's presentation covered

why it is important to engage with your Representative. Dr. Saenz provided the attendees the three basic reasons: Accessibility, Connections and Outcomes. The outcome of getting to know your representative will give TIFA members access to Capital tours

and meeting sites in the capitol, staff will give chapter meeting presentations and a call or letter from the representative's office may speed up answers to questions or processes from TDCJ for TIFA members.

The last speaker of the day was Patti Kassel, TIFA Board Chair. Patti's presentation covered "Effective Facilitation Skills Training" that provided the chairs with tools they can use to run an effective meeting.n



Joe Gagen

### Incarceration (Continued from page 1)

incarceration. One would be to address issues related to profiteering. As you know, many private companies make huge profits from caging people. Not only private prisons, but commissaries, phone companies, food services and a host of other areas are now seen as moneymakers. We believe it would be possible to attack this, expose the profiteers, and thereby reduce the incentive and increase the cost to the state for incarceration. We could also use this issue to address issues of slavery and career training for the incarcerated. Another way to approach the problem would be to focus on justice reinvestment. For example, launching a campaign aimed at government entities to force them to lower resources for incarcerators and their subsidiary functions (probation, parole etc..) and to give that money to groups working on things that prevent people from being incarcerated, specifically drug treatment, job access, and education. This too would remove incentives for incarceration and provide help to families. n



## Finding Legal Help for Civil Issues

his short article explains ways to get free legal help with civil law issues. 

CIVIL law is everything except 
criminal defense or criminal 
appeals. The groups in this article all 
offer help for free and they only help 
people with low incomes.

Examples of the types of issues a civil attorney can help you with include:

Family law: child support, child

- custody, termination of parental rights.
- Housing: eviction, foreclosure, Section 8.
- Employment: unemployment insurance.
- **Consumer:** credit card debt, automobile repossession.
- Probate: wills and inheritance after a loved one passes away.

**Legal Aid** – "Legal Aid" is the name for nonprofit organizations with attorneys who represent low-income clients. They do it free of charge.

The state of Texas is broken up into three regions, each of which is covered by one legal aid organization: Lone Star Legal Aid, Legal Aid of Northwest Texas, or Texas RioGrande Legal Aid. Each organization has offices in more than one city in their region.

Legal aid attorneys can help with most civil legal issues. To contact the legal aid organization covering your regions, you should call its central number (listed below). They can put you in touch with the closest local office.

Lone Star Legal Aid: 1-800-733-8394 Texas RioGrande Legal Aid: 888-988-9996 Legal Aid of Northwest Texas: 888-529-5277

### Pro Bono Lawyer Referral Services

 Several large cities have a local Pro Bono Lawyer Referral Service. These are nonprofit organizations who find attorneys who want to do pro bono (free) legal work and connect them to clients who need help.

Some of the referral organizations in Texas include:

 Volunteer Legal Services of Central Texas (serving Austin): 512-476-5550

- Houston Volunteer Legal Service: 713-228-0735
- Dallas Volunteer Attorney Program: 214-220-7400
- Bexar County Community Justice Program: 210-227-8822

State Bar of Texas – If you cannot find an attorney to help you, your last option is to call Legal Services Support Division of the State Bar of Texas. They have a longer list of organizations that might be able to help you.

Call the Legal Services Support Division at 800-204-2222, Ext 1855.

### Lawyer Referral Information

**Service** – Not everyone can get help for free. Nonprofit organizations don't have enough attorneys to help everyone who asks them for help. If they cannot help you, you may need to hire an attorney.

You can find an attorney by using a hotline called the Lawyer Referral Information Service (LRIS). When you call, they will ask for the county you live in and the type of legal issue you need help with. They will give you the name and phone number of an attorney who practices the type of law dealing with your problem.

Call LRIS at 800-252-9690, Monday – Friday, CST, 8:30 AM to 4:30 PM.

### Texas Lawyers for Texas Veterans

– Texas Lawyers for Texas Veterans is a program in which local attorneys in many cities across Texas hold veterans' legal clinics (often in a DVA hospital). At a legal clinic, a group of volunteer attorneys gathers with a group of veterans to give free legal advice concerning civil matters.

To learn if and when a veterans' legal clinic may be held in your area, you should call the State Bar of Texas' Legal Services Support Division at 800-204-2222, Ext. 1855.

### Medically Recommended Intensive Supervision

ast legislative session HB 512 was filed as a cost saving medical parole bill which is officially called Medically Recommended Intensive Supervision (MRIS). This bill failed to leave the House Corrections Committee after several objections from leadership over the bill failing to exclude sex offenders. Texas counties also objected because they felt that TDCJ may dump their sickest inmates on county hospital districts. This bill would have saved the state millions of dollars on inmate medical cost and relieved the strain on the limited number of prison hospital beds available. There are about 300+ hospital beds statewide for a prison population of 150,000 that is growing older each year, and thus in need of more medical treatment.

Texas' "geriatric" inmates in 2014, classified as those 55 and older, made up about 10 percent of Texas' 150,000 offender prison population. Older inmates account for nearly a third of the system's hospital costs and make three times as many visits to prison medical departments as younger inmates. Elderly inmates have average annual hospitalization costs of \$4,700, compared to \$765 for

inmates under 55. In total, providing inmate medical care costs the state correctional health care system, already facing hundreds of employee layoffs amid a budget shortfall, nearly half a billion dollars a year.

The sickest inmates can each cost the state up to \$1 million a year in health care costs. If these same inmates were living in nursing homes or hospice facilities, the federal government through Medicaid would pay two-thirds of the cost and save Texas taxpayers up to \$50 million a year, according to state projections. If the offenders are eligible for Medicare, the feds would pick up the full tab.

Prison doctors routinely recommend the oldest and sickest of inmates for medical parole. A serious, debilitating and usually life-threatening condition is a prerequisite to even apply for MRIS. Inmates are not paroled to get better treatment but because their medical condition makes it unlikely they will pose a threat to public safety. Inmates not eligible for MRIS are those with a death sentence, a sentence of life without parole or have a charge of a sexual offense against a child younger than 17 years of age. A person who is eligible must have a physical disability, condition requiring long-term care, terminal illness, have a mental illness or intellectual and developmental disability. During the last decade prison doctors have recommended parole for 4,000 inmates based on their medical conditions and without knowledge of their charge or sentence. The state parole board which has no medical expertise makes the final decision on MRIS based on the nature of the crime. Of the 4,000 inmates recommended for MRIS, the parole board has only released twenty five percent of the cases.

Hopefully this session law makers will find a way to move the sickest inmates into a free world facility, in order to free up health care dollars and medical staff to better care for other inmates.



Do you see the name of your Senator or Representative below?

### **House Corrections Committee**

Chair: Jim Murphy
Vice-Chair: James White
Alma Allen, District 13, Mark Keough,
Matt Krause, Tony Tinderholt

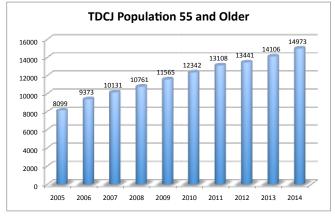
### House Criminal Jurisprudence Committee

Chair: Abel Herrero
Vice-Chair: Joseph Moody
Joseph Moody, David Simpson,
Terry Canales, Todd Hunter, Jeff
Leach, Matt Shaheen,

### Senate Committee of Criminal Justice

Chair: John Whitmire
Vice Chair: Joan Huffman
Konni Burton, Brandon
Creighton, Juan "Chuy"
Hinojosa, Charles Perry,
Leticia Van de Putte

It's time for you to go visit!



Age 55 or older prison population has grown 11.4% since last Legislative session.



# Grievances and Class-Action Lawsuits

by Terri LeClercq, Ph.D.

Texas Capitol showed all of us that there is power in numbers. And given the number of Texans caught up in the criminal 'justice' system, we do have the numbers to make a difference, to change how that system works.

Let's do it. The background: although the Texas Dept of Criminal Justice has in place a policy for inmate grievances, that policy is routinely ignored. Established in 1975, the grievance system was supposed to facilitate problem resolution for issues encountered while in prison, including TDCJ policies and procedures, actions of other prisoners or prison staff, loss or damage of personal property, and more. (21 TDCJ Administrative Directive 03.82) The grievance procedure was supposed to help TDCJ officials and system with "conflict resolution, cost savings and efficiency from improved management information, averting litigation, and minimizing judicial oversight through comprehensive self-monitoring."

That was the stated purpose and goal. The system requires an inmate verbalize the problem to an official,

then write a Step 1 and afterwards a Step 2. The theory was that these internal steps would help the inmate resolve the problem and help TDCJ with safety and unwanted litigation. It hasn't worked. Period.

Because the grievances are rubberstamped and ignored, inmates are taking their problems outside. And that's where we come in. For instance, in Monterey County, CA. inmates have filed a federal lawsuit against the private healthcare provider—and received class-action status from the court to proceed to trial. They proved through example and the law that safety, health care, and disabilities were not in line with the law. Although even the judge admitted it is hard to overcome legal hurdles to reach class action, these jail population proved a point.

And now the Prison Justice League and the Texas Civil Rights Project have collected enough complaints and denied grievances to file on behalf of inmates in the Estelle Unit. They've issued a report, "Cruel and Unusual Punishment: Excessive Use of Force at the Estelle Unit," backed by careful statistics. They've held press conferences and are spotlighting the abuse of the sick, infirm, mentally ill who are held behind those walls.

Their statistics include the following: During a recent survey, "76% of the responders indicated they filed a grievance after being assaulted by a staff member. Of those, 98% received a 'no action warranted' response and the investigation came to a halt. Many of those responses are a result of an investigation that involves asking the offending officer whether what the prisoner describes in the grievance

is true. If the officer denies the events as described, the investigation ends and a 'no action warranted' response is given."

Statistic they have forwarded to TDCJ officials, the Estelle officials, state legislators, and the press include these:

65% of respondents reported being assaulted during their incarceration at Estelle.

35% witnessed assaults against other prisoners at Estelle.

None of the respondents reported never being assaulted or witnessing an assault during their incarceration at Estelle.

Of the respondents who reported being assaulted:

46% of respondents who reported being assaulted are physically impaired (either deaf, blind, or otherwise physically handicapped).

76% of respondents who were assaulted filed a grievance; 24% of respondents who were assaulted did not file a grievance.

69% of those who did not file a grievance after an assault said they didn't file because they feared retaliation from staff. The remainder of prisoners (31%) who did not file a grievance after an assault indicated they did not believe filing a grievance would help.

41.5% of respondents assaulted did not receive medical care following an assault. 58.5% of respondents assaulted did receive care.

17% of respondents—out of those

who did receive medical care following a staff assault—received care immediately following the assault. The others waited several hours to several days.

If you believe your Loved One is experiencing similar unjust punishment (in addition to the lawful punishment of separation from society), then you need to act too.

Reality tells us that fear of retaliation creates a barrier to filing a grievance, and, therefore a lack of access to courts—a right afforded to state prisoners. If prisoners are too fearful to file a grievance because they are afraid of physical retaliation, this effectively violates their constitutional rights. So we on the outside have to change the System.

See the full report at http://prisonjusticeleague.org under Our Work - Cases and Campaigns. Read the 5 suggestions for improvement and ......

### Get involved.. n



## Marriage in TDCJ

Marriage in TDCJ now permits offenders to be married on TDCJ property or contracted private prison facilities. Administrative Directive number AD-03.42 dated January 13, 2015 outlines the procedure for the marriages and can be found at http://www.tdcj.state. tx.us/documents/policy/AD0342.pdf. PLEASE READ the policy in its entirety if you plan on utilizing this method for a marriage ceremony.

Key provisions of policy:

### **Non-Incarcerated Intended Spouse**

The non-incarcerated intended spouse will be responsible for obtaining the required licenses and bringing it to the unit the day of the marriage, arranging for the officiant, making any payment to the officiant, and making all other necessary arrangements.

### Offender

The offender requesting to get married must be eligible for visits in accordance with the TDCJ Visitation Plan and submit an Inmate Request (I-60) to an official to request a marriage. The request shall be submitted to the unit access to courts supervisor or designee and shall include the non-incarcerated intended spouse's name and the name of the officiant who will be performing the marriage.

### Officiant – see entire policy for definition

### Offender Marriages on TDCJ Property

- --Each unit will provide two non-visitation workdays (Mon.-Fri.) per month for offenders to be married in the visitation area of the offender's assigned unit and any exceptions will be made on a case-by-case basis as authorized by the warden.
- --The unit chaplain will be responsible for scheduling all offender marriages on the unit and will provide the warden with a list of all offenders scheduled to be married each specified day for final approval.
- --The marriages will be scheduled for no more than 30 minutes each. The ceremony will be limited to the offender, non-incarcerated intended spouse, and the officiant and there is no requirement for a witness at the marriage.
- --If the offender is eligible for contact visits, holding hands will be permitted

during the process, along with a brief embrace and kiss at the end of the ceremony.

- --Marriage between currently incarcerated offenders will not be permitted --Attire of the offender, non-incarcerated intended spouse, and officiant will be in accordance with the TDCJ Visitation Plan. The officiant may bring in one book or document and items approved in accordance with the TDCJ Visitation Plan. Non-incarcerated intended spouses may not bring in a wedding ring to be exchanged with the offender during the marriage. Offenders are only allowed a wedding ring at the time of intake in accordance with AD-03.72, "Offender Property."
- --The offender's spouse may purchase photographs after the marriage.
  --Upon completion of the marriage the spouse will exit the facility; there will be no special visiting privileges permitted in connection with or immediately after any marriage.
  --The I-60 and Offender Marriage Verification Worksheet will be placed in the offender's classification folder and the inmate records supervisor shall change the visitor's status on the Family Tracking Page and the approved Visitors List after completion of the marriage.

## Parole Packet Workshops for 2015

### **Corpus Christi Chapter**

Parole Packet Workshop- Sat 3/21/15
Parole Board Presentation- 4/3/15
Taylor Chapter

### **Taylor Chapter**

Parole Packet Workshop- Sat 6/13/15 Parole Board Presentation- 6/27/15

### Tyler Chapter

Parole Packet Workshop- Sat 9/19/15 Parole Board Presentation- In Oct.

\*\*For time and locations visit our website at www.tifa.org/events.



Strengthening families through support, education, and advocacy

TIFA PO Box 300220 Austin, TX 78703-0004

CONTACT Vol.20 No. 1 Jan 2015

### **TIFA Chapters**

#### Amarillo

Striday, 7:00 pm Buchanan Street United Methodist Church 617 N. Buchanan Amarillo, TX 79107 (806) 433-1843

### Austin- South

1st Monday, 6:30 pm Sunrise Community Church 4430 Manchaca Road Austin, TX 78745 (512) 371-0900

### Austin - North

3rd Tuesday, 7:00 pm (In March) Lord of Life Lutheran Church 9700 Neenah Avenue Austin, TX 78717 (512) 371-0900

#### Beaumont

1st Tuesday, 6:30 pm St. Jude Thaddeus Catholic Church Family Life Center 6825 Gladys Beaumont, TX 77726 (409) 246-8146

#### Conroe

Last Monday, 6:30 pm Eagle's Nest Ministries 1450 Blake Road Conroe, TX 77304 (214) 766-5603

### Corpus Christi

2nd Tuesday, 7:00 pm New Life Behavior Ministries 3833 S. Staples, Suite S-103 Corpus Christi, TX 78411 (361) 813-7106

#### **Dallas**

3rd Wednesday, 6:30 pm Lover's Lane Methodist Church 9200 Inwood Rd Oxford Rm #200 Dallas, TX 75220 (817) 798-9010

### Ft. Worth

1st Monday, 6:30 pm St. Christopher Episcopal Church 3550 S.W. Loop 820 Fort Worth, TX 76133 (817) 798-9010

### Granbury

3rd Thursday at 6:30 pm Century 21 Shirley Hooks Real Estate 122 N. Crockett Granbury, TX 76048 (817) 219-1628

#### Houston

2nd Tuesday,7:00 pm C.O.O.L. Ministries 5005 W. 34th Street Suite 103-C Houston, TX 77092 (903) 360-4697

### Humble

2nd Thursday at 7:00 pm Cavazos Insurance Agency 19333 Hwy 59 Humble, TX 77338 (281) 964-9928

### Killeen - Harker Heights

2nd Tuesday, 7:00 pm Trinity Baptist Church 403 East FM 2410 Rd. Harker Heights, TX 76548 (254) 449-5050

### Pearland - South Houston

3rd Tuesday, 6:30 pm Manvel Bible Chapel 4230 FM 1128 Pearland, TX 77584 (832) 748-8990

### **Rio Grande Valley**

3rd Tuesday, 6:00 pm St. Joseph's Catholic Church Portable Room #139 119 W. Champion St. Edinburg, TX 78539 (corner of 10th & Champion, across from medical center) (956) 569-5254

### San Antonio

2nd Tuesday, 7:00 pm St. Vincent De Paul Catholic Church Parish Hall 4222 Southwest Loop 410 San Antonio, TX (210) 387-1558

### San Antonio - North

3rd Thursday, 7:00 pm St Marks Evangelist Catholic Church 1602 Thousand Oaks Dr. San Antonio, TX (210) 858-7602

#### Taylor

Last Saturday, 7:00 pm Mt. Calvary Baptist Church 602 Symes Taylor, TX 76574 (512) 352-0006

Tyler (coming soon)

If you are interested in starting a TIFA chapter in your area, please contact the TIFA office. (512) 371-0900