

**STATE OF TEXAS**

**RESOLUTION**

**of the**

**TEXAS JUDICIAL COUNCIL**

**Civil Justice Committee Family Protection Legal Representation Recommendations**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, the Civil Justice Committee was charged with studying the landscape of the Texas civil justice system and recommending any necessary reforms to improve access to justice in Texas courts; and

WHEREAS, every year the Texas child protection system affects tens of thousands of families; and

WHEREAS, the consequences in these cases can be severe, including permanent family separation; and

WHEREAS, funding, administration, and oversight of appointed counsel in CPS cases falls almost entirely upon Texas's 254 counties; and

WHEREAS, legal representation of parents and children in child protection cases varies widely across Texas; and

WHEREAS, prior to the 86th Legislature's passage of SB 560 there was no statewide data collection for court-appointed legal representation of families; and

WHEREAS, Texas counties must now report information about their court-appointed systems in child protection cases; and

WHEREAS, the Legislature directed the Texas Judicial Council to gather CPS court-appointment data; and

WHEREAS, the Texas Judicial Council tasked the Texas Indigent Defense Commission

with SB 560 data collection and reporting; and

WHEREAS, one of TIDC's core functions in oversight of the indigent defense system is the collection of indigent defense data from all 254 counties and from attorneys paid for court appointments; and

WHEREAS, under SB 560, counties are required to report expenditures and local judicial processes for court-ordered legal representation of children and parents in CPS cases; and

WHEREAS, TIDC successfully mapped CPS data collection onto its indigent defense data collection infrastructure, allowing for timely collection of CPS appointment data; and

WHEREAS, the initial round of data reported to TIDC shows substantial variation through Texas in spending on court-ordered legal representation in CPS cases; and

WHEREAS, the data show disparities in CPS attorney availability and in local practice in CPS attorney appointment system oversight and administration; and

WHEREAS, reported data show wide variation in compensation amount and structure for attorneys appointed to represent parents or children; and

WHEREAS, reported data show inconsistency throughout Texas in methods for determining the indigency of parents in CPS cases;

WHEREAS, TIDC is well-suited to collect CPS appointment data and oversee the CPS attorney appointment system due to its existing indigent defense oversight infrastructure;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council requests the Legislature establish a Family Protection Legal Representation Program within the Texas Indigent Defense Commission.



Honorable Nathan L. Hecht  
Chair, Texas Judicial Council