

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

**Supporting Texas Family Code Amendments Related to
Indigent Parents Involved in Child Protective Services Cases**

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 Council embraces the principles that our nation promises justice for all, not just for those who can afford to pay for it; and

WHEREAS, parents involved in child protective services cases are entitled to a court appointed attorney when they are indigent and appear in opposition to the state's suit; and

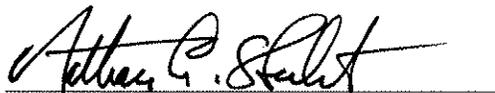
WHEREAS, Family Code Sections 107.013 and 263.201 should be amended to establish guidelines for determining indigence and clarify that parents are entitled to a court appointed attorney when they are indigent and appear in opposition to the state's suit, and

WHEREAS, Section 107.013 should be amended further to reorder the subsections for consistency and to clarify that when both parents of the child are entitled to the appointment of an attorney and the court finds that the interests of the parents are not in conflict and there is no history or pattern of past or present family violence by one parent directed against the other parent, a spouse, or a child of the parties, the court may appoint one attorney to represent the interests of both parents; and

WHEREAS, Section 107.0141 should be added to provide the option for courts to appoint attorneys for a limited period to assist with locating the parents, establishing indigence, and preparing for the Texas Family Code Chapter 262 Adversary Hearing; and

WHEREAS Section 262.201 would be amended to instruct any judge presiding over the Adversary Hearing to determine indigence and eligibility of the parent to have court appointed counsel prior to the commencement of the adversary hearing if the parent appears in opposition and states he or she is indigent.

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council supports the Supreme Court Children's Commission request for these amendments to the Texas Family Code.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

Contact: Tina Amberboy
Executive Director, Children's Commission
512-463-9352