

Good afternoon ,

This is in response to the policy monitoring report findings of August 20, 2024. Specifically, TIDC requested follow up response regarding the following:

The timeliness of counsel appointments in cases involving service of a petition fell below TIDC's threshold of 90% timeliness. The County must implement practices that satisfy the time frames set in Section 51.101 of the Family Code (appointment of counsel or order to employ counsel occurring within five working days of petition service on the juvenile)

The Juvenile Court is aware that under Subsections 51.101(c) and (d) of the Family Code, once a petition is served on the youth, the court has five working days to appoint counsel or order the retention of counsel for the youth. Of 53 sample cases, counsel was timely appointed, or retained, in 43 of these cases (81% timely). Further, the Court is aware that this falls below TIDC's 90% threshold for timeliness, indicating that the County is not in substantial compliance with this requirement.

In January of 2023, the Juvenile Court and the Indigent Defense Coordinator amended the manner in which the way indigent defense counsel is appointed. The sample considered in the review predates the changes adopted by the Court and the Indigent Defense Coordinator. Specifically, Juvenile Probation is required to provide indigent defense application to the parents at the time a case is referred to the District Attorney's Office. At that point, the Court receives the RDA and creates a case in Odyssey. At that time, the Court sends both the RDA and the application for counsel to the Indigent Defense Coordinator. Effectively the application is considered and ruled upon contemporaneously with notice to the State of a juvenile case; this means that the question of representation is now addressed BEFORE the Petition is filed. There will always remain a handful of cases where parents refuse either to apply for counsel or retain counsel for their child. Such cases can and are being addressed through in-court proceedings, including but not limited to Contempt.

The Court is pleased that our Indigent Defense Coordinator and the Juvenile Justice system spotted this issue and moved of their own initiative to mitigate the potential harm to the Juveniles. It is our belief that these improvements have addressed the issue and will represent significant improvement to the score of any future reviews by TIDC. Further, the public should be assured that this team has moved quickly for the best interest of the juveniles and the public.

Best regards,

Chris Johnson
Juvenile Judge