



Policy Monitor Report – Review of Hidalgo County Indigent Defense Systems

Initial Report Released: May 5, 2009

2011 Follow-up Letter Regarding Appointment Distributions Sent: February 11, 2011

2014 Follow-up Report Released: June 3, 2014

August 2017 Board Meeting – Hidalgo Monitoring Report Closed: August 24, 2017

Summary of Findings

Appoint Counsel Promptly

2009 Recommendation: The juvenile plan must be updated to list the required times for appointment of juvenile counsel. **(Resolved with 2009 Report Response)**

2009 Recommendation: The juvenile detention hearing form would more accurately track the detention hearing if a space were available on the form that lists the name of the juvenile attorney present. **(Resolved with 2009 Report Response)**

2009 Recommendation: Appointed juvenile attorneys must represent their clients at juvenile detention hearings, as well as all other types of hearings unless they are replaced by a new court appointed attorney or another attorney is retained. These attorneys must be given proper notice of detention hearings. **(Resolved with 2009 Report Response)**

Fair, Neutral, and Nondiscriminatory Attorney Selection Process

2009 Recommendation: The jurisdiction may use a single attorney for all non-represented juveniles at detention hearings, however it must procure their services through a bidding process and written contract per the Task Force on Indigent Defense's contract defender rules in (1 TAC §§174.10 - 174.25). **(Resolved after 2014 Follow-up Report Released)**

2009 Recommendation: Hidalgo County needs to review its attorney selection processes to ensure that a fair, neutral, and non-discriminatory appointment system is present. The distribution of appointments could be made more even if: (1) the rotational wheel were to apply to in-court appointments and (2) the appointing judges appoint counsel based on the order of the attorneys of the list and not from any of the top five attorneys on the list (unless good cause is found for deviating from this order). **(Resolved with August 2017 Board Motion)**