



# What is the Texas Indigent Defense Commission?

*Protecting the right to counsel, improving public defense*



## About the Texas Indigent Defense Commission

The Texas Indigent Defense Commission protects liberty and families by ensuring that Texas and its 254 counties provide counsel as guaranteed by the United States and Texas Constitutions, and Texas statutes. **TIDC funds, oversees, and improves publicly funded representation for indigent people across the state.**

The 88th Legislature expanded TIDC's mandate to include family protection representation (Child Protective Services cases) with the passage of S.B. 2120. However, no funds were appropriated for TIDC to carry out these new duties. Even without additional funding, TIDC is improving family protection representation through data collection, trainings, and programs to increase the number and quality of lawyers practicing in family protection representation.

### TIDC works in three core areas:



**Adult Criminal Indigent Representation**



**Juvenile Delinquency Representation**



**Family Protection Representation**

### TIDC's work takes three main forms:



**Funding**

**Grants Team** collects data and audits county spending, screens counties for grant eligibility, disburses funds, and monitors counties for grant compliance and fiscal responsibility.



**Oversight**

**Oversight Team** analyzes collected public defense data and policies from all 254 counties, monitors and ensures county compliance with state law, and makes publicly available reports.

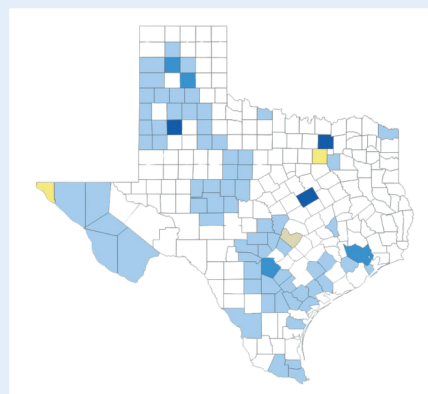


**Improvement**

**Improvement Team** works to better public defense through planning studies for new offices, mentoring, training, publications, and technical assistance to county stakeholders and public defense leaders.

## Systems of Representation as of December 2024

- **28** Public Defender Offices (PDO) covering 75 counties
- **7** Managed Assigned Counsel (MAC) offices covering 8 counties
- **82** counties covered by a PDO, MAC or both
- **2** counties with a Parental/Child Representation Division (PCRD) of the public defender office
- **178** counties covered by the Regional Public Defender Office for Capital Cases



- Only Assigned Counsel or Contract Defender
  - MAC
  - PDO
  - PDO & MAC
  - PDO With PCRD
  - PDO, MAC, OPR\*, & OCR\*
- \*Office of Child Representation  
\*Office of Parental Representation

# What is Indigent Criminal Defense? What is Family Protection Representation?

*Protecting the right to counsel, improving public defense*

## **Adult Criminal Indigent Defense & Juvenile Delinquency Representation**

The United States and Texas Constitutions guarantee attorneys are appointed to persons who cannot afford them. The right to appointed counsel applies when an indigent person faces potential incarceration. In Texas, if you are indigent and have been accused of a felony, Class A misdemeanor, Class B misdemeanors, or juvenile offense, you have the right to an attorney. You also have the right to an attorney on direct appeal and some other circumstances.

In a criminal case, the government must prove guilt beyond a reasonable doubt. Defense attorneys test the government's evidence and protect the person's right to due process. In our adversarial system, it is essential that both the defense and the prosecution are properly trained, supervised, and resourced.

## **Family Protection Representation**

The Texas Family Code gives children and certain parents a right to an attorney in civil legal cases alleging child abuse or neglect against a parent by the Department of Family and Protective Services (DFPS). Lawsuits brought against a parent by DFPS alleging child abuse or neglect are incredibly serious and have long-term effects on the families involved, including the possibility of permanent family separation. Providing families with access to high-quality legal counsel is a determining factor in whether the child protection system is able to protect children and keep safe families together.

## **By the Numbers**

### **FY23 Indigent Criminal & Juvenile Expenditures**

TIDC Grants  
\$39,864,761  
(9.62%)



Gross Indigent  
Defense Costs  
\$414,438,902  
(90.38%)

### **FY23 Indigent Criminal and Juvenile Cases Paid**



253,828 Felony Cases Paid  
(87% of felony cases disposed)



204,021 Misdemeanor Cases Paid  
(55% of misdemeanor cases disposed)



30,261 Juvenile Cases Paid

### **FY23 Family Protection Representation Expenditures**

State  
Expenditures  
\$0  
(0%)



County  
Expenditures  
\$62,780,536  
(100%)

### **FY23 Potential FPR Case Opportunities**



31,475 Children in Department of  
Family and Protective Services  
(DFPS) conservatorship



9,965 Children removed by DFPS

## **Have a question? Want to learn more?**

Contact TIDC to discuss our LAR and public defense needs across the state.

**Legislative Contact: Scott Ehlers, [sehlers@tidc.texas.gov](mailto:sehlers@tidc.texas.gov)**