



Follow-up Review of Williamson County's Indigent Defense Systems

October 2025



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Mission: Protecting the right to counsel, improving public defense.

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Executive Summary

The Texas Indigent Defense Commission (TIDC) monitors local compliance with the Fair Defense Act (FDA) through policy reviews.¹ In this follow-up review, TIDC examined juvenile case files and applications for appointed counsel in felony and misdemeanor cases. TIDC found that Williamson County has addressed both findings made in the initial report. Williamson County does not need to respond to this report. TIDC thanks Williamson County officials and staff for their assistance in completing this review.

Background

In 2022, TIDC conducted its initial policy monitoring review of Williamson County. The report made two findings, the first dealing with methods for determining indigence, and the second dealing with the prompt appointment of counsel in juvenile cases. The County responded to the finding about indigence determinations by noting that the finding occurred when there was a different version of the indigent defense plan and different local procedures were in place. The County responded to the finding about timely juvenile appointments by stating that appointments would be made at the time of summons issuance, and parents would later provide financial information.

Table 1: History of Monitoring Findings

FDA Core Requirement	Description and Initial Year of Finding	Status After 2025 Review	
		Satisfied	Pending
2. Indigence Determinations	Indigence determinations sometimes considered the income of defendants who were not obligated to pay for the defendant's expenses. (2022)	✓ (2025)	
4. Prompt Appointment	Juvenile appointments did not meet TIDC's threshold (90% timely) when youths were released from custody. (2022)	✓ (2025)	

Program Assessment

TIDC's Policy Monitoring Rules require follow-up reviews of counties where the report included noncompliant findings.² Staff members Cody Huffman and Joel Lieurance conducted the follow-up review. The purpose of this review was to determine whether the 2022 report findings were addressed. The review consisted of site visits to Williamson County on July 22 and 29, 2025. TIDC relied on the following

¹ TEX. GOV'T CODE § 79.037(a)–(b).

² 1 TEX. ADMIN. CODE § 174.28(d)(3).

items in preparing this report: sample affidavits of indigence; juvenile case files; interviews with County staff; and the local indigent defense plans.

TIDC compared the core requirements of the FDA with the County's performance for each finding listed in the 2022 report. This review examined previous findings covering the following core FDA requirements:

- REQUIREMENT 2: DETERMINE INDIGENCE ACCORDING TO STANDARDS DIRECTED BY THE INDIGENT DEFENSE PLAN
- REQUIREMENT 4: APPOINT COUNSEL PROMPTLY

Requirement 2: Determine Indigence According to Standards Directed by the Indigent Defense Plan

Under Article 26.04(l) of the Code of Criminal Procedure, counties must adopt procedures and financial standards for determining whether a defendant is indigent. Article 26.04(m) lists the factors courts may consider in determining indigence:

In determining whether a defendant is indigent, the court or the courts' designee may consider the defendant's income, source of income, assets, property owned, outstanding obligations, necessary expenses, the number and ages of dependents, and spousal income that is available to the defendant. The court or the courts' designee may not consider whether the defendant has posted or is capable of posting bail, except to the extent that it reflects the defendant's financial circumstances as measured by the considerations listed in this subsection.

The local standards for determining indigence are set in each county's indigent defense plans. The ultimate test is whether the defendant is financially able to employ counsel.³ Some defendants may not meet the presumption under the local standard set in the plan, but still not have the financial ability to employ counsel.⁴

Indigence Standard in Adult Criminal Cases

For criminal cases in Williamson County, persons are presumed indigent if:

- 1) the accused is eligible for food stamps, Medicaid, Temporary Assistance for Needy Families (TANF), Supplemental Security Income (SSI), or public housing;
- 2) the accused is serving a sentence in a correctional facility or is residing in a public mental health facility;

³ TEX. CODE CRIM. PROC. ART. 1.051(b).

⁴ The Williamson County Adult Indigent Defense Plan (available at <http://tidc.tamu.edu/IDPlan/ViewPlan.aspx?PlanID=380>) sets a local presumptive test but also defines indigence as a person who is not financially able to employ counsel.

- 3) the accused's household income is at or below 125% of the Federal Poverty Guidelines;
- 4) the difference between the accused's monthly net household income and reasonably necessary expenses is less than \$500; or
- 5) the accused's non-exempt assets do not exceed \$5,000 for felony cases or \$2,500 for misdemeanor cases.

Local Practices

Defendants who request counsel at magistration are interviewed by screeners from Pretrial Services. If defendants wish to request later, they can do so in court, by appointment with Pretrial Services, or through an online submission. Both Pretrial Services and the trial courts determine indigence.

TIDC examined 118 felony and misdemeanor cases filed in FY2024 (October 2023 – September 2024). Of these 118 cases, 92 included a counsel request (78% of the sample). A total of 78 of the 92 requesting defendants were found indigent (86% of requesters). Four of the financial affidavits were submitted online. TIDC found no cases in which indigence was denied for improper reasons. The indigence determinations appeared to follow the standards set in the indigent defense plan. Based on this examination, TIDC finds that Williamson County has addressed the past finding about its indigence determination procedures.

FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 2

Determination of Indigence

2022 FINDING 1: Indigence determinations must comply with Article 26.04(m) and *Abdnor v. State*. Indigence determinations may not consider the income of persons who are not legally bound to pay for the defendant's legal expenses. ***Successfully Addressed.***

Requirement 4: Appoint Counsel Promptly

Juvenile Cases

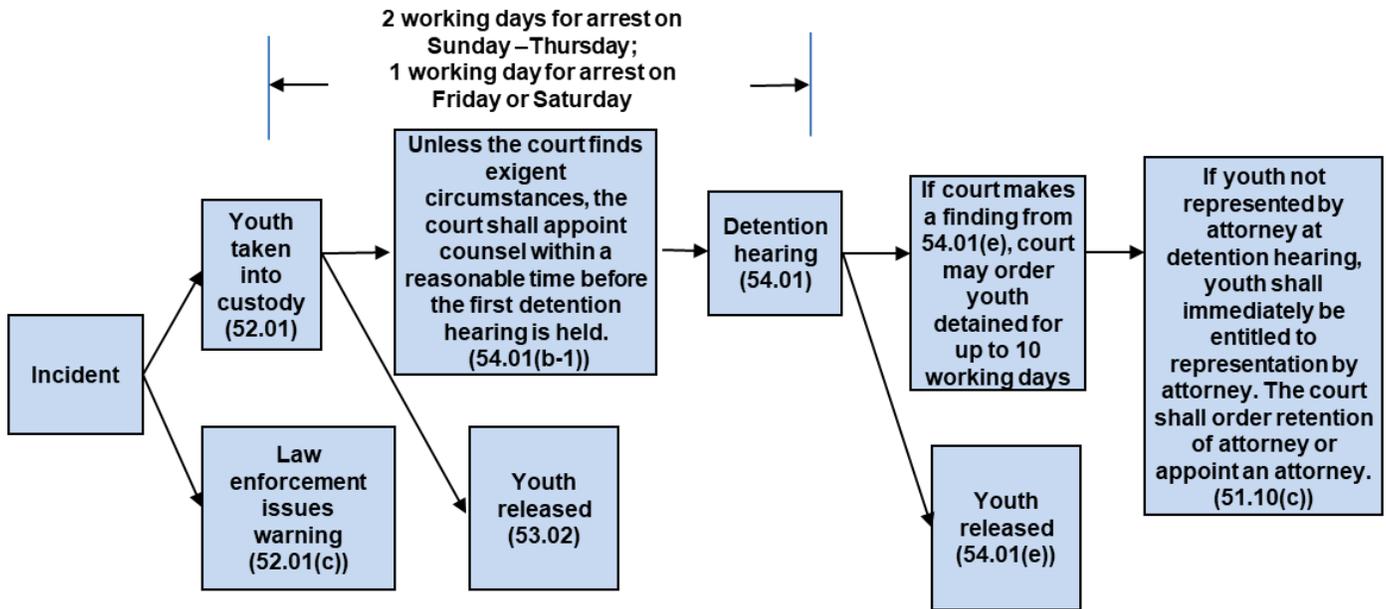
Counsel must be appointed for youths alleged to have engaged in delinquent conduct when the youth is brought to a detention hearing and when the youth is served with a copy of the petition alleging misconduct.⁵ Under Section 54.01(b-1) of the Family Code, unless the court finds the appointment of counsel is not feasible due to exigent circumstances, the court shall appoint counsel within a reasonable time before the first detention hearing. Under Subsections 51.101(c) and (d) of the Family

⁵ TEX. FAM. CODE § 51.10(f).

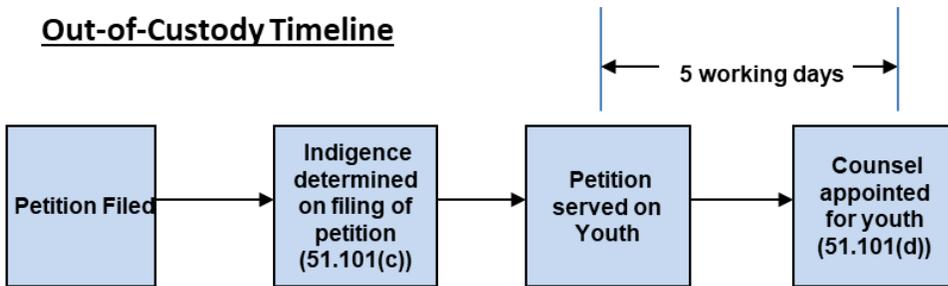
Code, once a petition is served on the youth, the court has five working days to appoint counsel or order the retention of counsel for the youth.⁶

Figure: Timeline for Appointment of Counsel in Juvenile Cases

In-Custody Timeline



Out-of-Custody Timeline



Appointment After Service of the Petition

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 50 sample cases, 49 involved service of the

⁶ If the person responsible for the youth fails to retain counsel, under Section 51.10(b) of the Family Code, the youth’s right to representation by an attorney shall not be waived in

- (1) a hearing to consider transfer to criminal court as required by Section 54.02;
- (2) an adjudication hearing as required by Section 54.03;
- (3) a disposition hearing as required by Section 54.04;
- (4) a hearing prior to commitment to the Texas Juvenile Justice Department as a modified disposition in accordance with Section 54.05(f); or
- (5) hearings required by Chapter 55.

Under Section 51.10(e), the court may appoint counsel and order the person responsible for the youth to pay a reasonable attorney’s fee set by the court.

petition on the youth. Counsel was timely appointed (or timely retained) for all of these cases (**100% timely**). This exceeds TIDC’s 90% threshold. TIDC commends Williamson County for their procedures that ensure timely presence of counsel in juvenile cases.

Table 2: Times to Appointment in Juvenile Cases

	Sample Size	Number from Sample	Percent
Total juvenile cases examined	50		
TIMELINESS OF COUNSEL APPOINTMENTS FOR DETENTION HEARINGS			
Case files with detention hearings		47	
Cases with attorney present at initial hearing		47	100%
TIMELINESS OF COUNSEL APPOINTMENTS WHERE YOUTH SERVED WITH A PETITION			
Case files in which youth served with a petition	49		
Counsel appointed within 5 working days of service		40	
Indigence denied or counsel retained within 5 working days of service ⁷		9	
Total cases with timely presence of counsel		49	100%
Cases where counsel not present in a timely fashion		0	0%

RECOMMENDATION FOR REQUIREMENT 4

Appoint Counsel Promptly

2022 FINDING 2 (JUVENILE CASES): For cases in which the youth is not detained, Williamson County’s juvenile appointment process did not meet TIDC’s threshold for appointment of counsel (90% timely). Section 51.101(d) of the Family Code requires the appointment of counsel within five working days of petition service on the youth. The County must implement procedures that ensure timely appointments of counsel in cases in which a petition is served on the youth. *Successfully Addressed.*

Conclusion

TIDC thanks Williamson County officials and staff for their assistance in completing this review. Williamson County has successfully addressed the findings made in the 2022 policy monitoring report. The County does not need to respond to this report. TIDC commends Williamson County officials for their commitment to improving local indigent defense practices.

⁷ TIDC considered a denial of indigence to be synonymous with an order to retain counsel.