



# **Court-Appointed Legal Representation in Texas Child Protection Cases**

**A report by the  
Texas Indigent Defense Commission  
on behalf of the  
Texas Judicial Council**

**July 2022**

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# I. Executive Summary

Every year, the Texas child protection system affects tens of thousands of families. The consequences in these cases can be severe, including permanent family separation.

All children and many parents receive court-appointed counsel.<sup>i</sup> Funding, administration, and oversight falls almost entirely upon Texas's 254 counties. Consequently, legal representation of parents and children in child protection cases varies widely across the State.

For many years, there was no statewide data collection for court-appointed legal representation of families. The 86th Texas Legislature's passage of SB 560 changed that. For the first time, Texas counties must report information about their court-appointment systems in child protection cases.<sup>ii</sup> The Legislature directed the Texas Judicial Council (TJC) to gather this data. TJC then tasked the Texas Indigent Defense Commission (TIDC) with data collection and reporting.

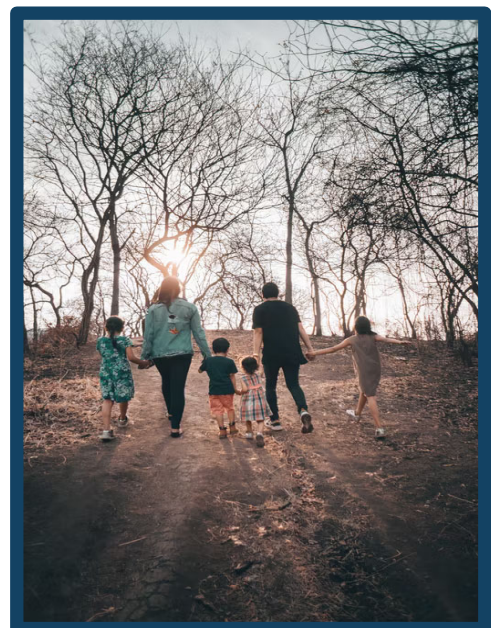
Under SB 560, counties are required to report expenditures and local judicial processes for court-ordered legal representation of children and parents. Specifically, county auditors and treasurers must annually submit expenditures and appointment data, and local administrative district judges must biennially report judicial processes for court-ordered legal representation of families in child protection cases.

The first year of data collected shows disparities in spending, capacity, oversight, and representation across Texas.

## Quick View of Court-Appointed Legal Representation for Families:

### Reporting

- 233 counties reported court-appointed legal representation of children and parent related expenditures for FY 21.
- 251 counties submitted a judicial plan to TIDC.
- 125 counties submitted a fee schedule or information related to attorney compensation.



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## Spending

- \$66,238,774 reported in total spending on court-appointed legal representation of children and parents in FY 21.
- As of July 1, 2022, 233 counties were not accessing their federal Title IV-E funds to support legal representation for children and parents in child protection cases.

## Local Systems and Procedures

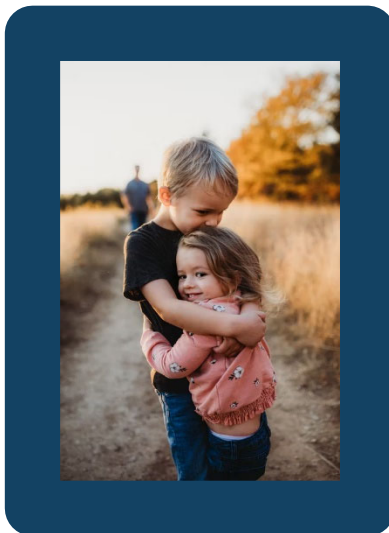
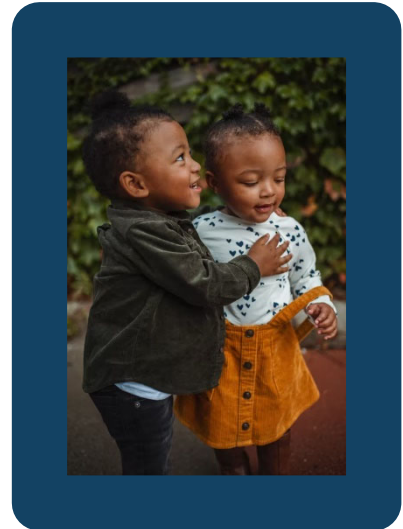
- 129 counties reported 10 or fewer attorneys on their court-appointment list for child protection cases.
- 36% of reporting counties do not require a formal application in order for an attorney to be added to the court-appointment list for child protection cases.
- 22% of reporting counties have no yearly procedures for attorneys to stay on the court-appointment list.
- 49% of reporting counties do not have a procedure to involuntarily remove attorneys.
- 15 counties reported appointing attorneys for children at the adversary hearing in temporary managing conservatorship cases, which is after the statutory requirement for timing of appointment.
- 83 counties reported appointing attorneys for parents, and 55 counties reported appointing attorneys for children at the initial Chapter 264 hearing in court ordered services cases, which is after the statutory requirement for timing of appointment.
- Reported data show inconsistent methods throughout the state for the appointment of appellate counsel.
- Reported data show wide variation in compensation amount and structure for attorneys appointed by the court to represent parents or children.
- Reported data show inconsistency throughout the state in methods for determining indigency of parents.

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## II. Introduction

Last year, 45,870 children were in the custody of the Texas Department of Family and Protective Services (TDFPS).<sup>iii</sup> Families named in a lawsuit filed by TDFPS can face severe outcomes, including permanent termination of a parent’s legal rights to their child, complete legal severance of the family relationship, and permanent parent-child separation. The publicly funded legal representation of parents and children affects tens of thousands of Texans every year.

The 86th Texas Legislature directed the Texas Judicial Council (TJC) to collect data about court-ordered legal representation for families in child protection cases. This is the first effort of its kind in Texas. While the legislation requires annual (fiscal data) and biennial (judicial process data) reporting, this first round of data collection is particularly important, as it sets a baseline for years to come.



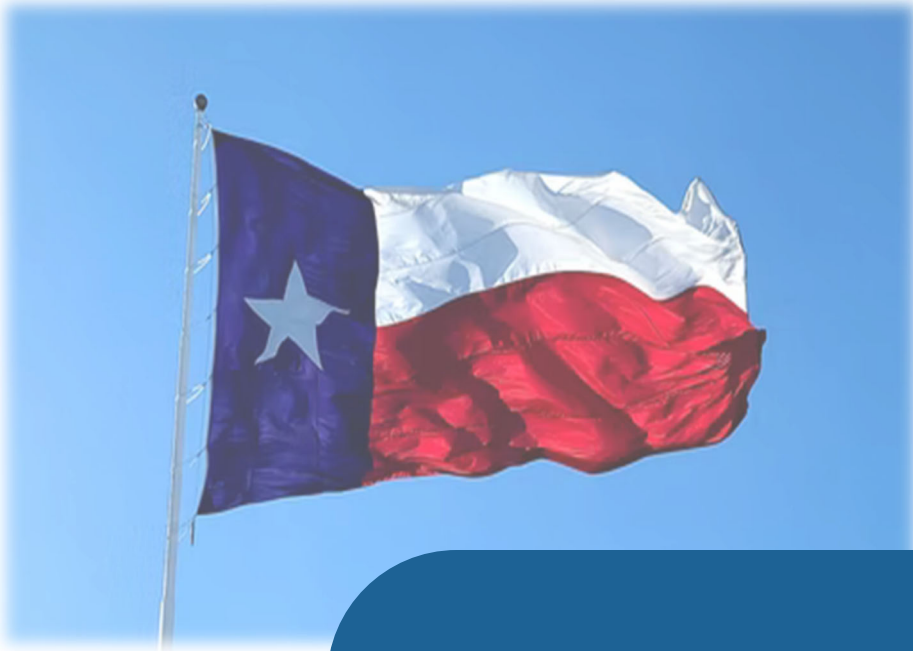
TJC tasked the Texas Indigent Defense Commission (TIDC)—a TJC standing committee—with collecting data and reporting findings. For over 20 years, TIDC has been the state entity that funds, oversees, and works to improve public defense in the State of Texas. TIDC’s longstanding focus on collecting data in court-appointed representation in criminal cases made it a logical partner for collecting data in court-appointed child protection cases.

Prior to the fall of 2021, Texas did not regularly or systematically collect data related to legal representation of children and parents in TDFPS cases. The Children’s Commission of the Supreme Court of Texas conducted surveys about family legal representation in 2011 and 2018; however, the information gathered was limited to those who responded to the survey. Past attempts at gathering data from counties regarding family representation in TDFPS cases have not had a statewide reach. The data gathered pursuant to SB 560 (86th Legislature) is essential to understanding legal representation of families in Texas.

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## County Reporting

92% of Texas counties submitted expenditure information and 98% of Texas counties submitted a judicial plan. The data in this report are based on reporting counties only.



233 counties reported expenditures for FY21.<sup>iv</sup>

224 counties reported court appointments for FY21.

248 counties submitted and approved a judicial plan by May 18, 2022.<sup>v</sup>

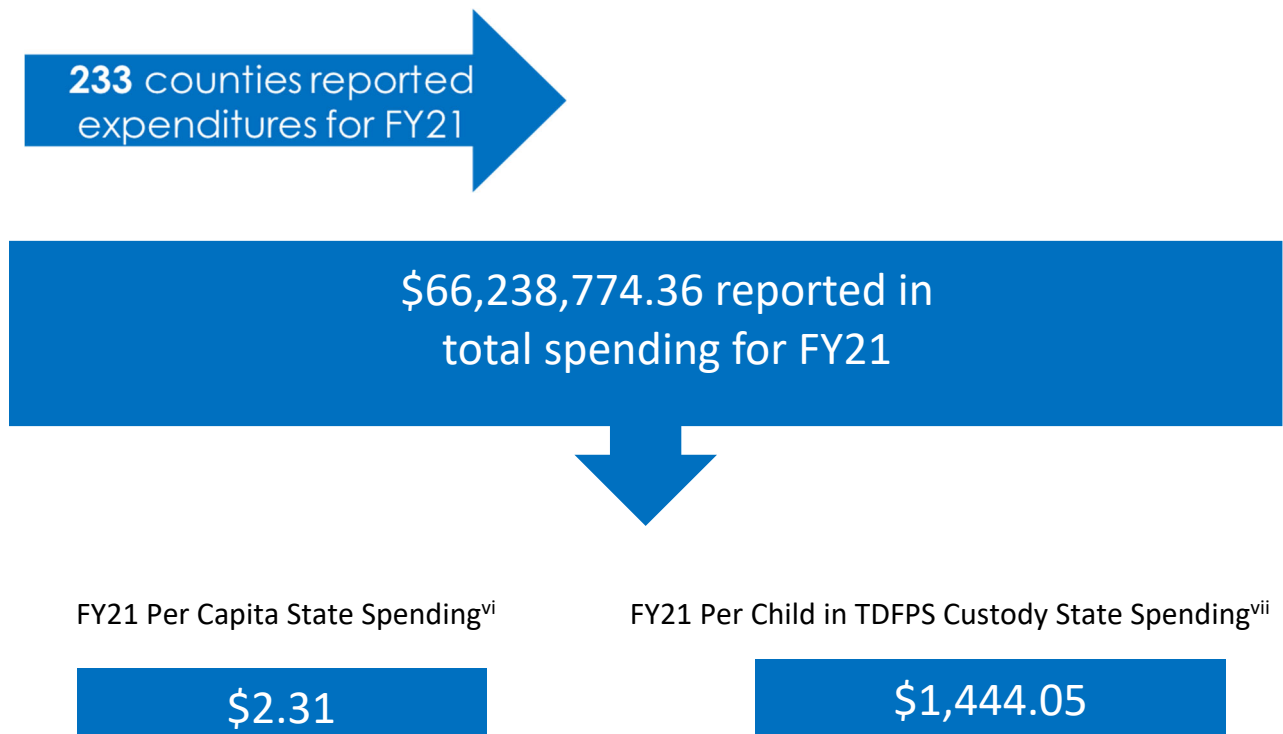
### III. Spending on Court-Ordered Legal Representation

When a court appoints an attorney for a child or a parent in a lawsuit filed against the parent by TDFPS, the legal representation is publicly funded. The State currently provides no funding for attorneys who are appointed by the court to represent children and parents in court cases filed by TDFPS. While the federal government provides some funding through Title IV-E of the Social Security Act for the court-ordered legal representation of children and parents in child protection cases, few counties (21) receive that funding. In most Texas counties, legal representation for children and parents is paid by county tax dollars.



#### County Spending

For the first time in Texas history, counties are required to report how much they spend on legal representation for children and parents in child protection lawsuits. This data provides a clearer and more definitive picture of how much money is being spent on this legal representation.





Most funds are spent on attorney fees. Expenditures in other categories were reported in smaller numbers by some counties:

Expenditure Type	Dollar Amount
Assigned Counsel Attorney Fees	\$59,705,109.88
4 Counties reported Public Defender or County Legal Representation Office expenses	\$3,919,149.58
4 Counties reported Contract Counsel expenses	\$1,568,239.52
39 Counties reported Other Litigation Expenses	\$959,370.10
2 counties reported Managed Assigned Counsel Service expenses	\$66,148.18
2 Counties Reported Social Work Expenditures	\$11,919.78
4 Counties reported Expert Witness expenses	\$4,858.42
5 Counties reported Investigator expenses	\$3,978.90
<b>Total</b>	<b>\$66,238,774.36</b>

Table 1

To better understand these figures, comparing county spending is helpful. Below is expenditure information for the highest and lowest five county spenders.

**Top five county spending:**

County	\$ amount spent in FY21	\$ amount spent per child in legal custody	per capita spending
Harris	\$11,591,985.37	\$3,184.61	\$2.45
Travis	\$8,360,555.33	\$5,183.23	\$6.48
Dallas	\$3,448,561.46	\$1,035.91	\$1.32
Denton	\$3,335,181.13	\$3,570.85	\$3.67
Bexar	\$2,868,883.60	\$590.54	\$1.42

Table 2

**Lowest five county spending:**

County	\$ amount spent in FY21	\$ amount spent per child in legal custody	per capita spending
Delta	\$540.00	\$77.14	\$0.10
Hartley	\$1,440.00	\$160.00	\$0.26
Kinney	\$2,077.30	\$188.84	\$0.66
Cottle	\$3,637.50	\$519.64	\$2.63
Sherman	\$3,680.00	\$613.30	\$1.32

Table 3

To further compare these numbers, below is expenditure information for counties with the top five and lowest five spending amounts per child in legal custody of TDFPS in the county.

**Top five county spending per child in legal custody of TDFPS:**

County	\$ amount spent in FY21	\$ amount spent per child in legal custody	per capita spending
Travis	\$8,360,555.33	\$5,183.23	\$6.48
Coke	\$26,418.75	\$4,403.12	\$8.04
Fort Bend	\$654,798.06	\$3,658.08	\$0.79
Denton	\$3,335,181.13	\$3,570.85	\$3.67
Collin	\$1,545,370.41	\$3,374.17	\$1.45

Table 4

**Lowest five county spending per child in legal custody of TDFPS:**

County	\$ amount spent in FY21	\$ amount spent per child in legal custody	per capita spending
Delta	\$540.00	\$77.14	\$0.10
Webb	\$55,349.81	\$121.11	\$0.20
Maverick	\$8,980.25	\$154.83	\$0.15
Hartley	\$1,440.00	\$160.00	\$0.26
Red River	\$5,000.00	\$161.29	\$0.43

Table 5

*\*For a full table of county-by-county spending, please see Appendix B.*

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## *The Difficulty with Determining Appointment Numbers*

In addition to reporting expenditures, counties are required to report the numbers of court appointments made in their county for the legal representation of children and parents in child protection cases. Counties were asked to count an appointment at the time a final bill is submitted by an attorney. The total reported number of appointments statewide for FY 21 is 55,382. However, that number comes with a substantial caveat: many counties did not have systems in place to accurately capture this data. Indeed, 59 counties stated that they did not track appointments according to reporting instructions. In subsequent years, as counties refine their case management systems, this number should be more accurate.

### Challenges in Capturing Appointment Numbers

**Number of appointments** - One child protection court case often has multiple attorneys appointed. A county cannot rely solely on case counts to determine numbers of court appointments.

**Length of case** - Child protection court cases commonly last 12 – 18 months or longer. An attorney appointed to represent a child can remain on an appointment for years, long after the parent’s rights to the child have been terminated.

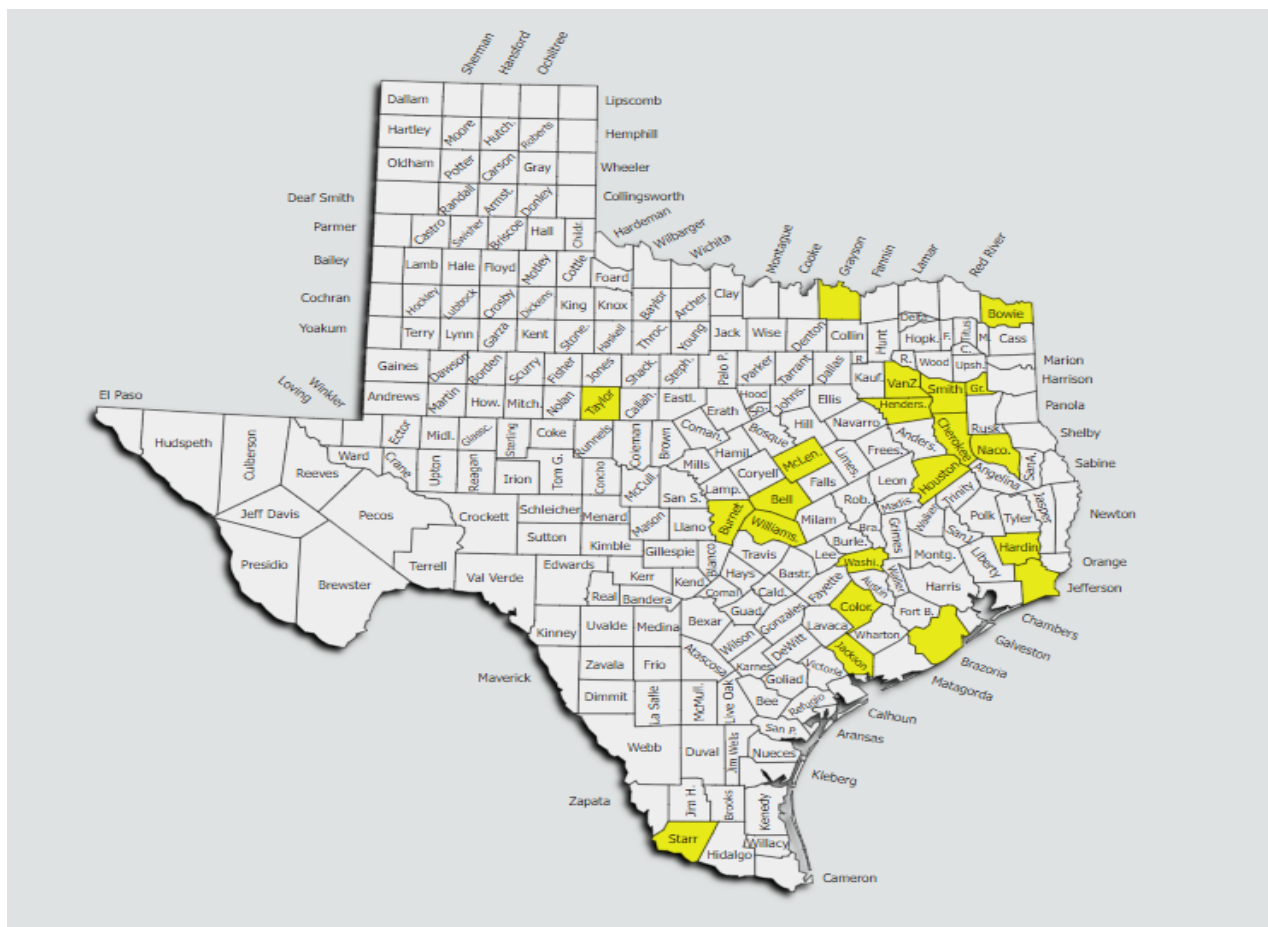
**Nature of billing** - Attorneys often submit multiple bills through the life of a child protection court case. In many cases, attorneys submit a final bill at different times depending on who they represent.

**Lack of systems** – Many counties did not have systems in place to determine if a bill submitted by a court appointed attorney was an initial bill, interim bill, or final bill.

## Title IV-E

The federal government provides limited funding for the legal representation of children and parents in child protection cases through Title IV-E.<sup>viii</sup> Title IV-E funds are an entitlement, which means that counties are entitled to reimbursement from the federal government for allowable expenses. Texas currently has a decentralized system, where each county must work with TDFPS to obtain its Title IV-E dollars. As of July 1, 2022, 233 counties were not accessing their Title IV-E dollars for legal representation of children and parents in child protection cases. Although the exact amount of unclaimed Title IV-E funds for Texas is unknown, estimates range from \$5,000,000 to \$10,000,000. Obstacles to greater Title IV-E funding include county awareness and state agency capacity.

**Map of Title IV-E Use to Fund Legal Representation  
of Children and Parents in Texas Child Protection Cases**



*\*counties in yellow are currently accessing IV-E funds for legal representation of parents and/or children in child protection cases*

Figure 1

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## IV. Right to Counsel in Child Protection Cases

There is no federally mandated right to counsel for children and parents involved in child protection court cases filed by state child welfare agencies. However, in certain circumstances, Texas affords both children and parents a statutory right to legal counsel in lawsuits filed by TDFPS.

### *Right to Counsel for Children*

In Texas, children are entitled to a court-appointed attorney when TDFPS files a lawsuit seeking at least one of the following:



Parent  
ordered to  
do services

Temporary  
Managing  
Conservatorship  
of child

Termination of  
parental rights

ix

A child in the permanent managing conservatorship of TDFPS may be entitled to a court-appointed attorney.<sup>x</sup>



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## ***Right to Counsel for Parents***

A parent is entitled to a court-appointed attorney in the following circumstances:

TDFPS files suit seeking at least one of the following:

- Legal custody of the child
- Termination of the parent's rights

### **AND**

At least one of the following applies:

- The parent is indigent pursuant to local county standards AND in opposition to the lawsuit filed by TDFPS, or
- The parent is cited by publication, or
- An alleged father is unknown or unlocated and has failed to register with the Texas Paternity Registry, or
- An alleged father has registered with the Texas Paternity Registry and attempts at personal service have been unsuccessful.<sup>xii</sup>

A parent is also entitled to an attorney in these additional circumstances:

Court Ordered Services:

- TDFPS is seeking that a parent be ordered by a court to do services, but is not seeking legal custody of the child, AND
- The parent is indigent pursuant to local county standards, AND
- The parent is in opposition to the suit.<sup>xii</sup>

Allegations of Inability to Care:

- TDFPS is seeking termination of the parent-child relationship, AND
- TDFPS alleges that the parent has a mental or emotional illness or mental deficiency that renders the parent unable to care for the child's physical, mental, and emotional needs, AND
- TDFPS alleges that the illness or deficiency will render the parent unable to care for the child until the child's 18<sup>th</sup> birthday.<sup>xiii</sup>

## V. Who Gets an Attorney and When?

Data reported by counties show variations in who can obtain a court-appointed attorney and when appointments occur.

### Who Gets an Attorney?

#### PARENTS



Whether a parent must receive court-appointed counsel turns on a county's indigency standard. There is no statewide standard for indigency in Texas. Due to this, a parent who has been sued by TDFPS regarding parental rights may qualify for an attorney in one county, but not another.

Many counties report using a combination of different methods for determining indigency. Many counties rely on a percentage of the federal poverty guidelines household income, liquid assets, or net income. Yet the measures still vary from county to county. For instance, one county may use 150% of the federal poverty guidelines, while another county may use 125%.

Reported Methods Used for Determining Indigency

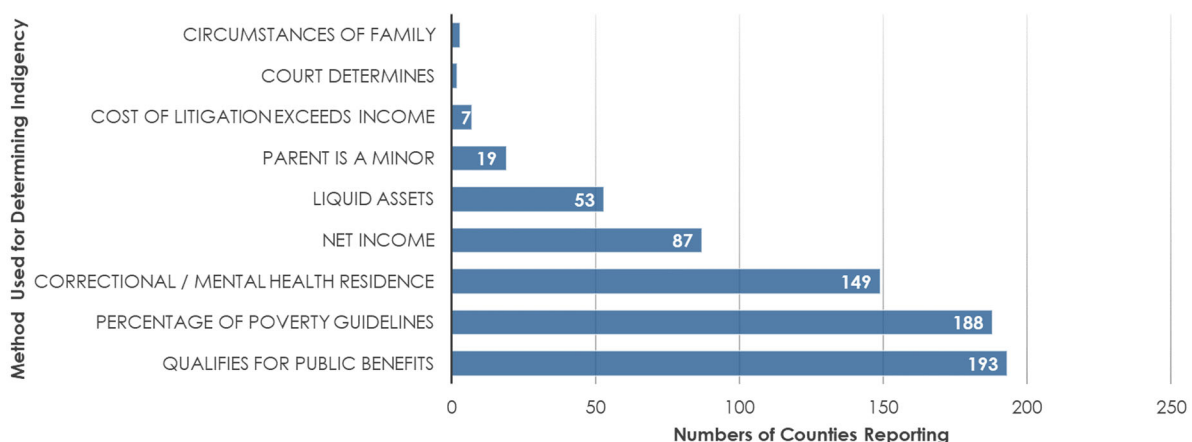


Figure 2

### Percentage of Poverty Guidelines Used to Determine Indigency

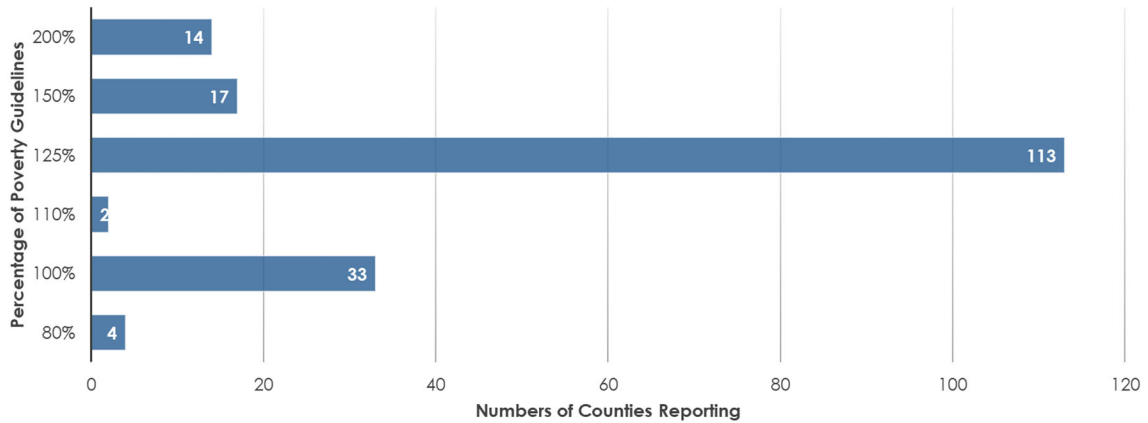


Figure 3

### Monthly Net Income Used to Determine Indigency

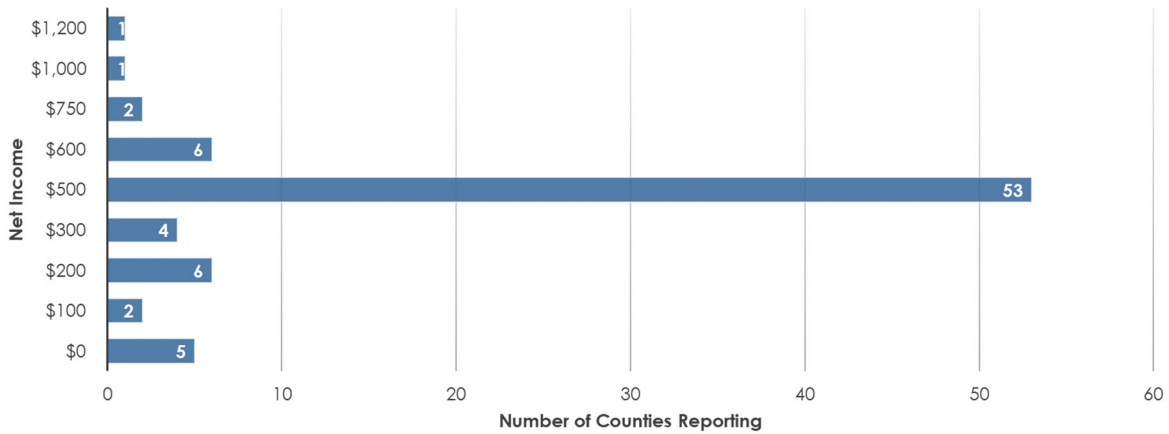


Figure 4

Sixty-three counties submitted a copy of their affidavit of indigence used to determine if a parent qualifies for an attorney in a child protection case. There is no uniform affidavit of indigence used in Texas to determine indigency of parents. Affidavits of indigence submitted show significant variations in local requirements for parents to obtain a court-appointed attorney in a child protection case.



## Notable Requirements from Submitted Affidavits of Indigence

Requirement	Counties Including on Affidavit of Indigence
Requests if parent has family or friends who can loan them money for legal representation	14
Requests if parent has attempted to obtain a loan for legal representation	20
Requests if parent has attempted to contact an attorney	32

Table 6

## CHILDREN

Children are entitled to an attorney in a suit filed by TDFPS seeking the termination of the child’s parent’s rights, conservatorship of the child, or that the child’s parent be ordered to do services.<sup>xiv</sup> However, once a child is in the permanent managing conservatorship of TDFPS, the child is only required to have an attorney ad litem if they do not have a guardian ad litem.<sup>xv</sup> A guardian ad litem is not required to be an attorney. The court may continue the appointment of both a guardian ad litem and an attorney ad litem, but it is not required to do so. A substantial number of counties reported continuing the appointment of an attorney ad litem for a child who is in the permanent managing conservatorship of TDFPS.



**Continued Appointment of Attorney Ad Litem  
when child in Permanent Managing Conservatorship of TDFPS**

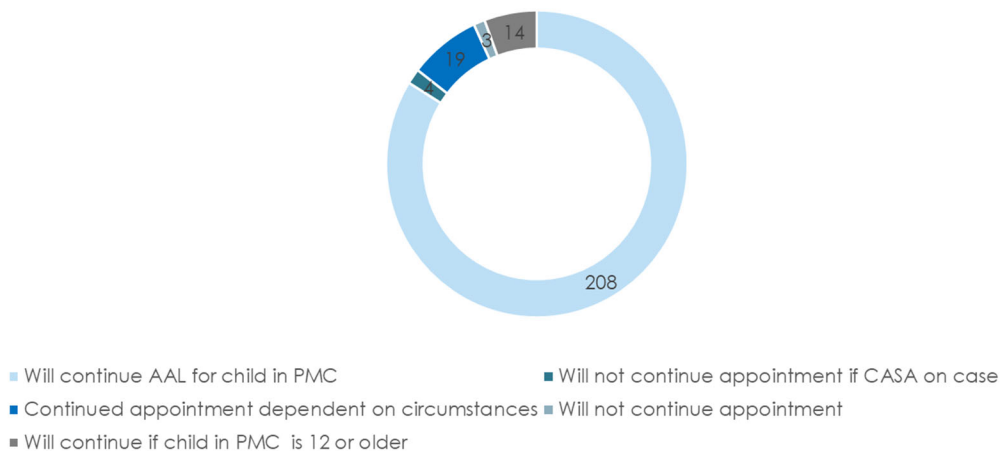


Figure 5

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## When Are Attorneys Appointed?

Texas statutes specify when courts should appoint attorneys for parents and children involved in lawsuits filed against the parent by TDFPS. Yet data reported by the counties show variation in the timing of appointments.

### CHILDREN

Courts must appoint an attorney for a child immediately after the filing of a lawsuit filed by TDFPS against the child's parent and before the initial hearing if TDFPS is seeking:

temporary managing conservatorship of the child,

termination of the parental rights of the child, or

that a parent to be ordered to comply with services.<sup>xvi</sup>



### PARENTS

Courts must appoint an attorney for a parent named as a Respondent in a lawsuit filed by TDFPS in the following circumstances:

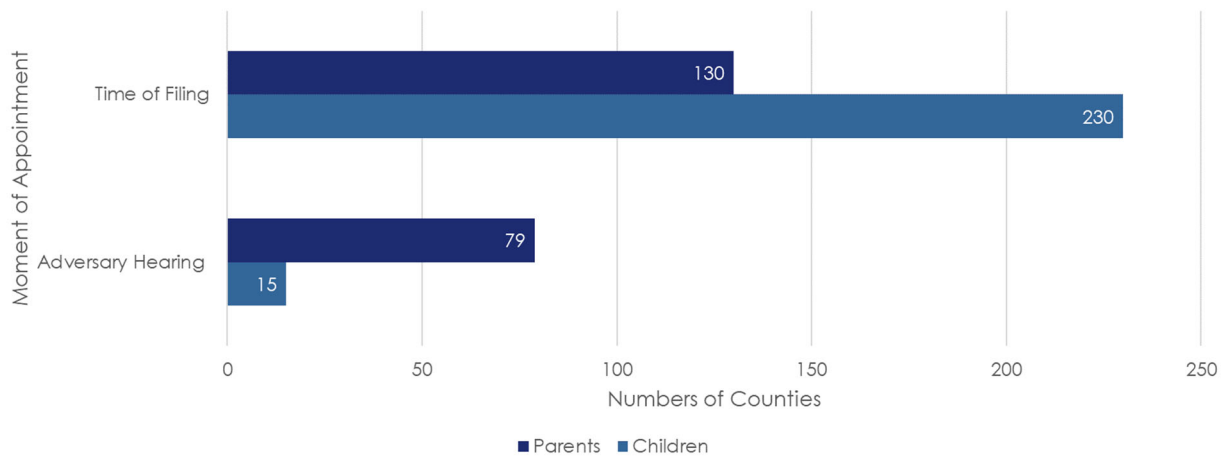
immediately after the filing of the suit and before the initial hearing when TDFPS is seeking a parent be ordered to do service but is not requesting legal custody of the child,<sup>xvii</sup> and

when TDFPS files a suit seeking the termination of a parent's rights or to be named a conservator of the parent's child at the parent's first appearance in court if the parent is determined to be indigent.<sup>xviii</sup>

Children must have an attorney appointed for them immediately after the filing of a lawsuit filed by TDFPS seeking the termination of parental rights or conservatorship of the child and before the full adversary hearing.<sup>xi</sup> Reported data show 15 counties do not appoint an attorney for a child until the adversary hearing.

The 87th Legislature amended the required participation statute in the Texas Family Code to codify when the courts must appoint attorneys for parents and children named in these lawsuits filed by TDFPS. The Texas Family Code now requires that a court appoint an attorney for both a parent and a child immediately after the filing of a lawsuit filed by TDFPS seeking that a parent be ordered to do services and before the first hearing.<sup>xx</sup> Reported data show that many counties have not implemented this new requirement with 83 counties reporting they do not appoint an attorney for a parent and 55 counties reporting they do not appoint an attorney for a child in a required participation case until the initial hearing.

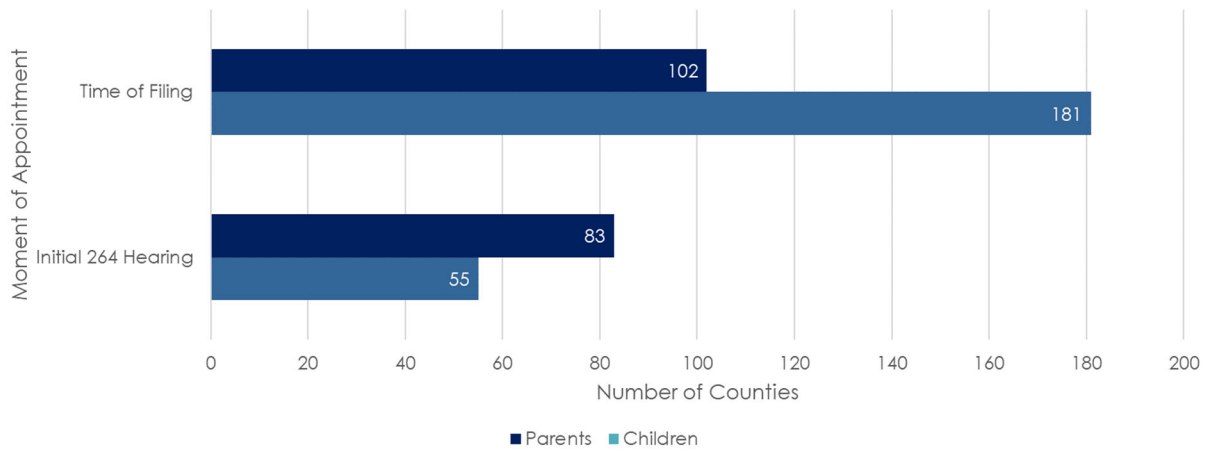
**Timing of Appointments of Attorneys in Temporary Managing Conservatorship Cases Filed by TDFPS**



xxi

Figure 6

## Timing of Appointments of Attorneys in Court-Ordered Services Cases Filed by TDFPS



xxii

Figure 7

## Appeals

A court must continue the appointment of an attorney for a parent in a lawsuit filed by TDFPS seeking termination of parental rights or conservatorship of the child until the lawsuit is dismissed, all appeals in connection with termination of parental rights have been exhausted or waived, or the attorney is relieved of their duties or replaced by another attorney.<sup>xxiii</sup> Local Administrative District Judges were asked for their local procedures to appoint appellate counsel for parents and 230 counties provided information.

### Notable Procedures for Parent to Obtain Appellate Counsel

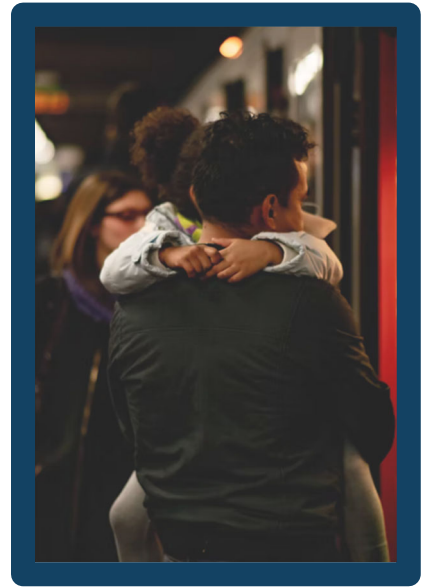
Procedure	Number of Counties Reporting
Trial counsel remains on case	103
Appellate counsel appointed after notice of appeal is filed	73
Appellate counsel substituted if trial counsel requests	37
Appellate counsel substituted when “needed” or “necessary”	33
Appellate counsel substituted if parent requests	21
Appellate counsel substituted upon finding of good cause by the court	9

Table 7

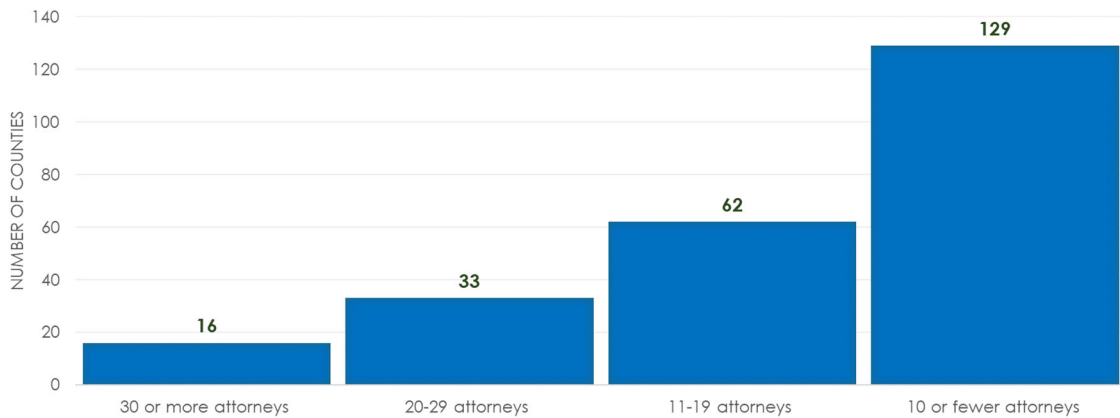
## VI. Local Capacity

Lawsuits filed by TDFPS against parents often require multiple attorneys on one case. Commonly, a TDFPS court case will require at least three, and often more, attorneys to provide adequate legal representation for the children and parents in the case. The overwhelming majority of Texas counties (243) report relying on an ad hoc private assigned counsel system as their primary source for court-ordered representation in TDFPS cases.

Many Texas counties face an attorney shortage for child protection cases. Fifty-nine counties (23%) report six or fewer attorneys on their child protection court appointment list. Only 48 Texas counties report 20 or more attorneys.



**Numbers of attorneys on local county court-appointment lists for legal representation of children and parents in TDFPS cases**



xxiv  
*Figure 8*

## VII. Attorney Oversight

There is no statewide oversight system in Texas for the publicly funded legal representation of children and parents in child protection cases. Oversight occurs on a county-by-county basis, and usually by local judges. Data collected show that there are not uniform standards for how appointment lists are created and maintained.



Additionally, only five counties report having a caseload cap. Of those, one county reports a cap of 50 open cases, and four counties report a caseload cap of 25 open cases. The remaining counties allow attorneys to accept an unlimited number of cases.

### *Joining an Appointment List*

Each county implements its own system for how attorneys join their child protection court appointment lists. Other than completing Continuing Legal Education (CLE), there are no statewide standard requirements for attorneys who wish to join local county lists for the legal representation of children and parents in TDFPS cases.<sup>xxv</sup> Reported data show variations in requirements to join lists.

### Counties that Require an Application to Join their Child Protection Court Appointment List

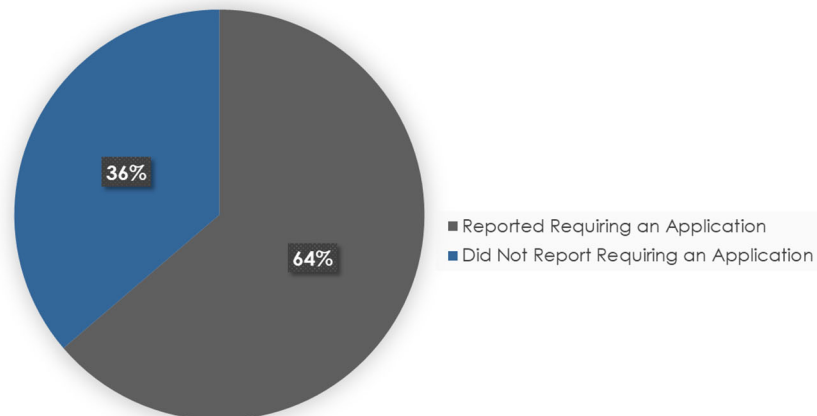


Figure 9

## Hours of Required CLE to Join County Court Appointment Lists

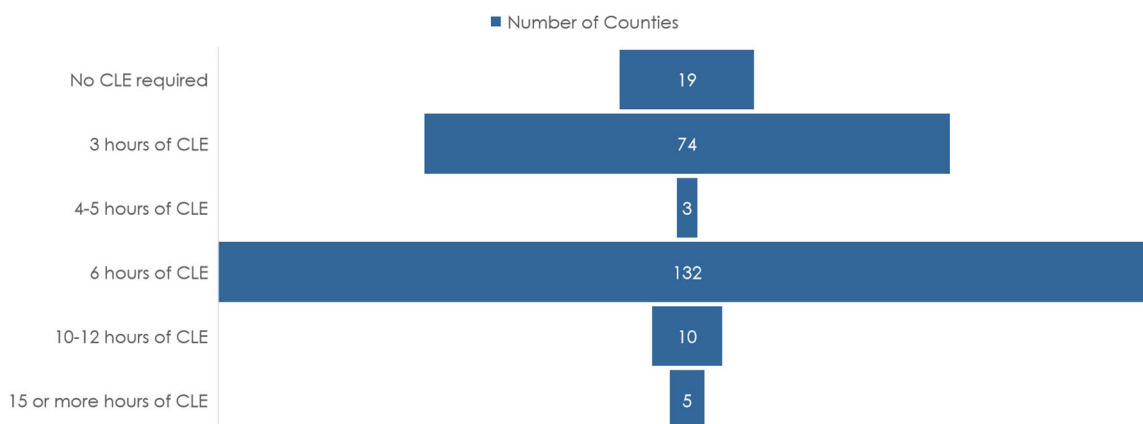
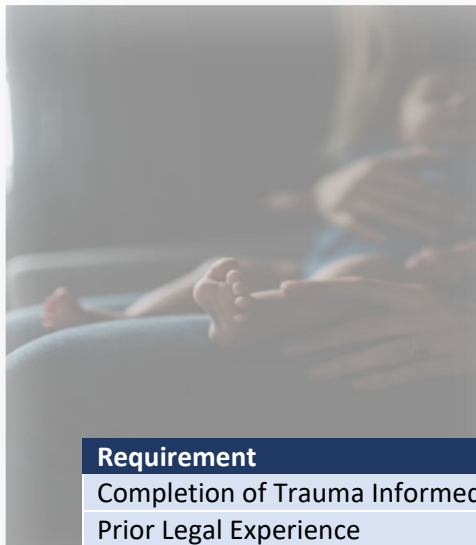


Figure 10

xxvii



## Other Notable Requirements to Join County Court Appointment List

Requirement	Counties Reporting
Completion of Trauma Informed Training CLE	142
Prior Legal Experience	46
Residency Requirement	34
Observation of Court	6
Mentorship Program	5

Table 8

## Maintaining the Appointment List

Like joining a court-appointment list, other than CLE, there are no statewide standard requirements to stay on an appointment list.<sup>xxviii</sup> Additionally, reported data show disparities among counties regarding processes to remove attorneys from appointment lists.

**Percentage of Counties that Have Yearly Procedures for Attorneys to Remain on the Court-Appointment List**

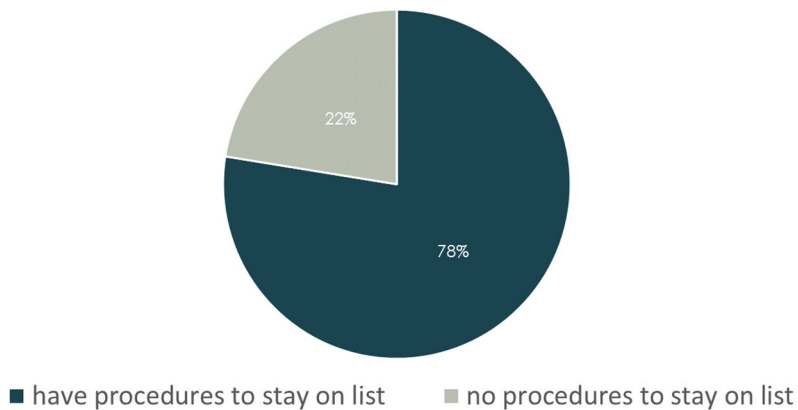


Figure 11

**Percentage of Counties with Yearly Procedures to Remain on the Court-Appointment List and Require CLE Plus Additional Actions**

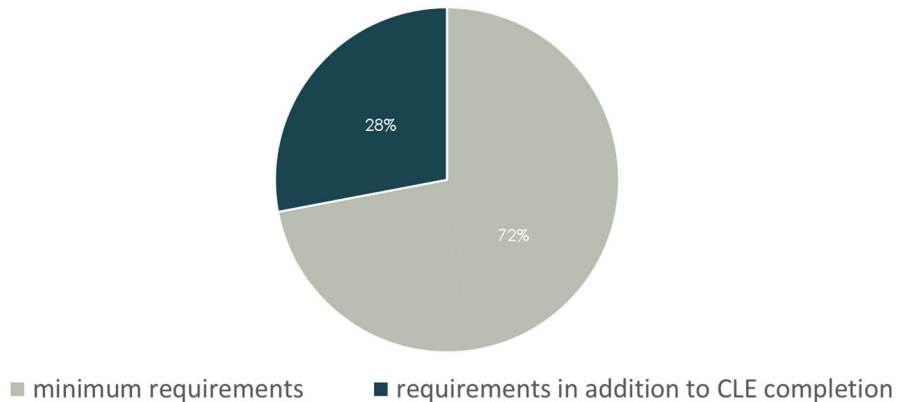


Figure 12



## Procedures for Involuntary Removal from Court-Appointment List

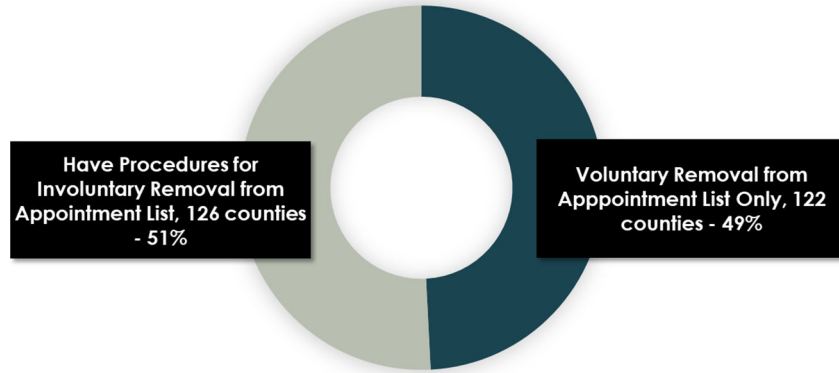


Figure 13

Reported data show that a significant number of counties have no procedures to stay on their appointment lists, and many of those that do only require completion of continuing legal education. Additionally, in nearly half of the 248 counties that provided a plan, there is no procedure for the involuntary removal of an attorney from the appointment list.

### Case Assignment

Generally, courts are required to assign court appointments for the legal representation of parents and children to attorneys through a rotational system.<sup>xxix</sup> However, courts may assign outside the required order if an exception applies.<sup>xxx</sup> Counties were asked to report reasons why they would assign an attorney from the wheel out of order, and 127 counties submitted a response.

### Reasons for Appointing an Attorney Out of Order from the Appointment List

Reason	Counties Reporting
Prior Representation of Client	84
Past Trauma History of Client	48
Current Representation of Client in a Pending Case	43
Case or Need Based	56
Good Cause	27
Attorney Caseload	17

Table 9

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## VIII. Attorney Compensation

Texas has no standard for how court-appointed attorneys who represent children and parents in Texas are paid. Attorney compensation for court-appointed legal counsel in child protection cases varies across the state. Reported data show significant variations in hourly rates, capped rates, and flat fees.

Although all counties were required to submit their fee schedule, only 125 counties submitted information related to attorney compensation in their child protection plans. All data shared below is based on the reported data set.\*

*\*For a list of counties that did or did not submit data relevant to attorney compensation, please see Appendix C.*



### ***Hourly Rates, Capped Rates, and Flat Fees***

Some Texas counties pay attorneys using flat fees, capped rates, or hourly rates. Some counties use a combination of these three payment types. Flat fees are those that pay an attorney a set amount, regardless of the amount of work completed for specific tasks in a case. Capped rates allow fees for a specific task only up to a certain amount. Hourly rates are billed by attorneys by the hour for work completed on a case.

**Types of Payment Mechanisms Used**

Payment Mechanism	Number of Counties Reporting
Hourly rate only	62
Flat fee only	5
Combination of flat fee, capped and hourly rates	15
Combination of flat fee and capped rates	1
Combination of flat fee and hourly rates	28
Combination of capped and hourly rates	9

xxx

Table 10

## Hourly Rate Range

Hourly rates allow an attorney to bill for time worked on a case. Counties that reported use of an hourly rate use this payment method in varying ways. Some counties have a general hourly rate, while others use varying hourly rates for different types of work. Reported data show a wide range of hourly rates used throughout the state to pay court-appointed legal counsel of families.

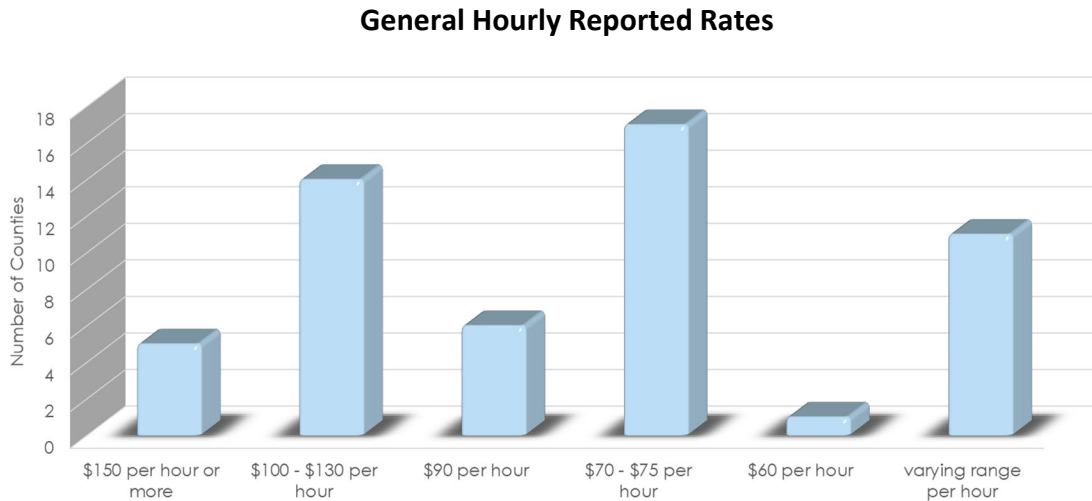


Figure 14

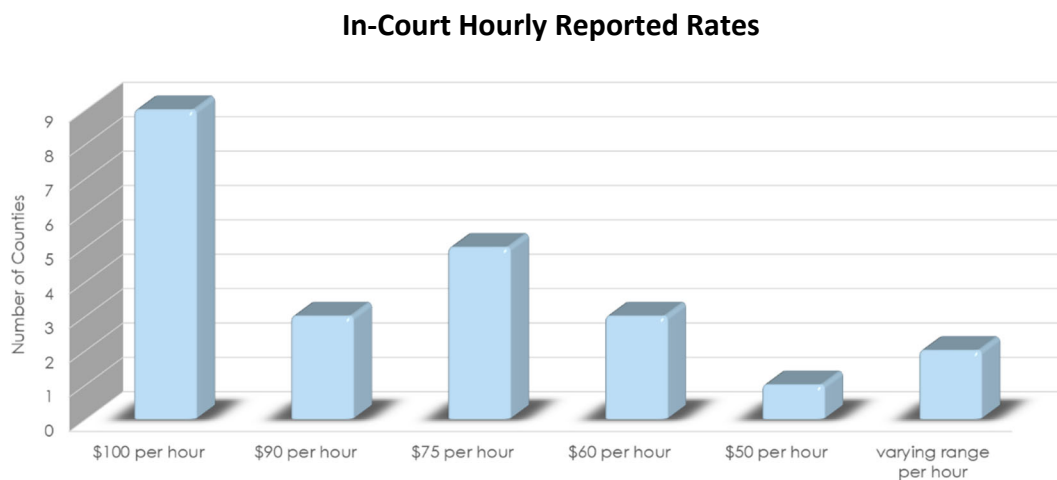


Figure 15

### Out-of-Court Hourly Reported Rates

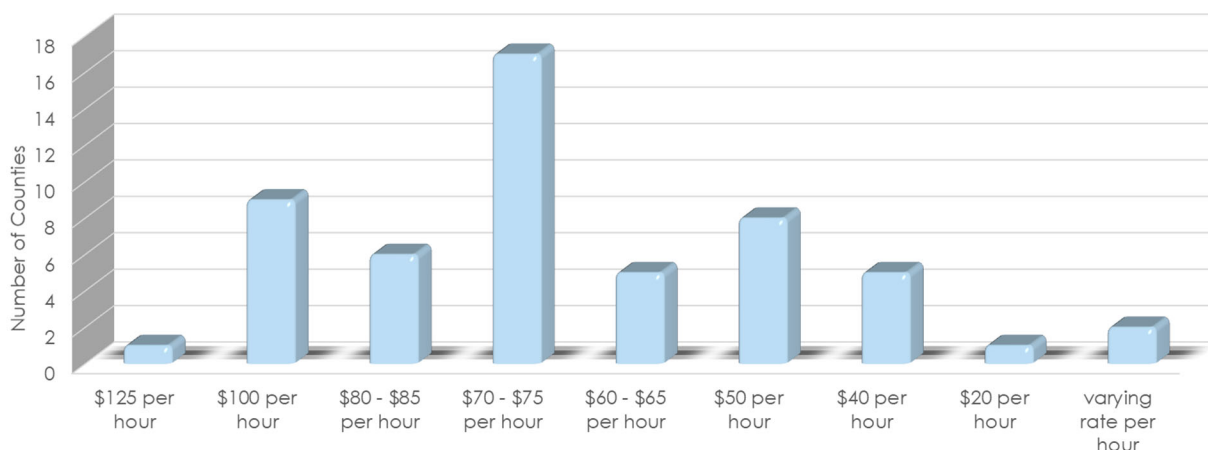


Figure 16

### Capped Rate Range

Capped rates establish a limit for how much an attorney may receive in payment for a task, regardless of the amount of time or work the task requires. Much like hourly rates and flat fees, the use and implementation of capped rates varies widely across the state.

#### Capped Rate Range for Attendance at Court Hearings

Capped Rate per Court Hearing	Number of Counties Reporting
\$500 per day per adversary hearing	1
\$425 per contested adversary hearing	1
\$380 per permanency pre-trial hearing	1
\$325 per permanency pre-trial hearing or representation of an absent in a hearing	1
\$300 per uncontested adversary hearing	1
\$250 per status or permanency hearing	1
\$240 per adversary, status, or permanency hearing	1
\$225 per day	1
\$212.50 per initial motion to participate, adversary, status, or permanency hearing	1
\$200 per status or permanency hearing	1
\$175 per motion to participate compliance hearing	1

Table 11

### Capped Rate Range for Attendance at Trial

Capped Rate for Trial Attendance	Number of Counties Reporting
\$2,500 per trial if more than 5 days	1
\$850 per day	3
\$750 per bench trial	1
\$600 per contested trial	1
\$550 per day	2
\$500 per day	2
\$450 per trial	1
\$440 per trial	1
\$400 per uncontested trial	1
\$300 per half day	2

Table 12

### Flat Fee Range

Flat fees pay attorneys a set amount for a specific task, regardless of how much time or work is required for the task. Counties that report using flat fees to pay attorneys utilize this payment mechanism in varying ways. Data reported show inconsistencies throughout the State in flat fee payments.

### Flat Fee Range for Attendance at Court Hearings

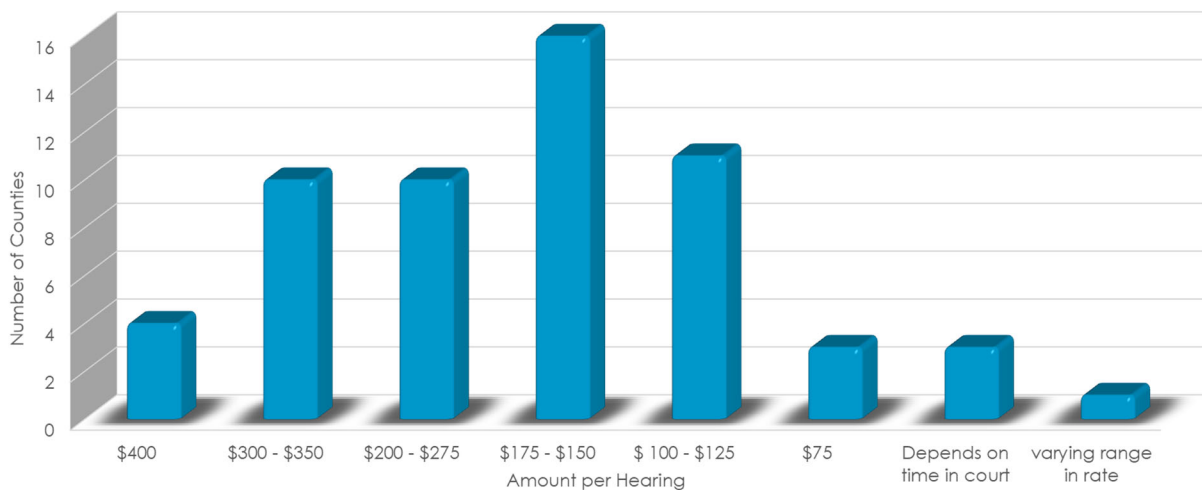


Figure 17

### Daily Flat Fee Range for Attendance at a Final Trial

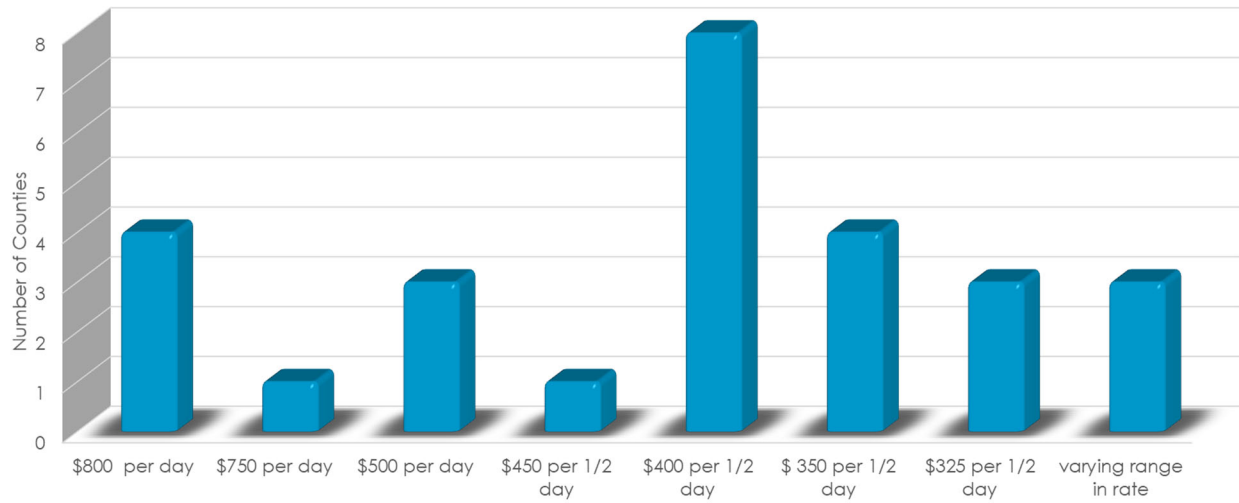


Figure 18

### Flat Fee for Contested Trials

Flat Fee per Contested Trial	Number of Counties Reporting
\$600	2
\$500	1
\$400	2
\$200 - \$500 (varying)	2
\$300	2
\$275	2

Table 13

*\*For further information related to attorney compensation, please see Appendix D.*

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## IX. Conclusion

Court-appointed legal representation affects tens of thousands of families every year in Texas. Obtaining data from counties to better understand local court-appointment processes is a good first step toward positive change in the child protection legal system.

This first round of data reporting shows substantial variation throughout the state in spending on court-ordered legal representation and local practice in the oversight and administration of appointment systems. The quality and effectiveness of counsel that parents and children receive may drastically vary from county to county.

Child protection cases have the profound power to permanently impact a family, a parent, and a child. Quality legal counsel can positively impact a family's future. The data that has been gathered thus far is beneficial in gaining a clear picture of the legal representation that families receive in a child protection case.



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## Appendix A

### *Method for Gathering Data*

TIDC has worked with the Public Policy Research Institute at Texas A&M University (PPRI) in developing a website for data collection regarding indigent criminal defense from counties. Starting in 2021, PPRI began working with TIDC to create an addition to the existing indigent defense data collection website and added sections for the court-ordered legal representation of children and parents in child protection cases.

Data regarding expenditures and local judicial plans for legal representation of children and parents in child protection cases was due on November 1, 2021. County Auditors and Treasurers were responsible for submitting the expenditure data and Local Administrative District Judges were responsible for submission and approval of their county's judicial plan.

For the first year of reporting, fiscal year 2021, county Auditors and Treasurers were only required to report total appointments and expenditures for court-appointed legal representation of children and parents in TDFPS cases. For the fiscal year 2022 report, counties will be required to report expenditures and appointments within the following categories: custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and child appeal. Local Administrative District Judges will not be required to report another Child Protective Services plan until 2023.



Multiple trainings about reporting expenditures and appointment counts for court-ordered family legal representation have been provided for county Auditors and Treasurers. Judges were informed of their duty to report and detailed instructions for reporting were provided in the mail, via email, and online. TIDC conducted outreach to any counties who did not submit the required data by the submission deadline. TIDC aided any counties that required help in completing their report and reviewed all data that was submitted.



## Appendix B

### County Spending

Definition of terms:

**\$ amount spent in FY21** – total amount spent by the county on court-appointed legal representation of children and parents in fiscal year 2021.

**\$ amount spent per child** – total amount spent by the county on court-appointed legal representation of children and parents divided by total number of children in the legal custody of TDFPS in the county.

**per capita spending** – total amount spent by the county on court-appointed legal representation of children and parents divided by total census population for the county.

County	\$ spent in FY21	\$ spent per child	per capita spending
Anderson	\$69,070.40	\$373.35	1.19
Andrews	\$34,916.75	\$793.56	1.87
Angelina	\$312,984.63	\$1,541.79	3.62
Aransas	\$62,637.00	\$639.15	2.62
Archer	\$20,230.08	\$1,685.84	2.36
Atascosa	\$230,699.75	\$1,003.04	4.71
Austin	\$59,177.50	\$2,191.75	1.96
Bailey	\$39,795.00	\$1,105.41	5.76
Bandera	\$64,416.85	\$1,215.41	3.08
Bastrop	\$226,531.52	\$1,034.39	2.33
Baylor	\$33,129.17	\$1,380.38	9.56
Bee	\$134,125.75	\$1,117.71	4.32
Bell	\$900,627.64	\$499.79	2.42
Bexar	\$2,868,883.60	\$590.54	1.42
Blanco	\$43,712.06	\$2,185.60	3.8
Bosque	\$85,593.76	\$1,097.35	4.69
Bowie	\$206,375.76	\$1,394.43	2.22
Brazoria	\$753,820.47	\$2,504.38	2.02
Brazos	\$587,679.00	\$1,908.00	2.51
Brooks	\$36,167.35	\$904.18	5.11
Brown	\$211,588.87	\$734.68	5.55
Burleson	\$150,455.00	\$1,979.67	8.52
Burnet	\$256,601.59	\$1,350.53	5.22
Caldwell	\$127,923.78	\$913.74	2.78
Calhoun	\$67,833.17	\$1,507.40	3.37
Callahan	\$58,654.00	\$1,247.95	4.27
Cameron	\$709,730.00	\$1,182.88	1.68
Camp	\$92,708.95	\$2,261.00	7.43
Carson	\$16,470.00	\$1,176.42	2.83
Cass	\$69,312.00	\$936.64	2.43
Castro	\$9,150.00	\$571.87	1.24

County	\$ spent in FY21	\$ spent per child	per capita spending
Chambers	\$38,166.57	\$1,156.56	0.81
Cherokee	\$78,534.35	\$370.44	1.55
Childress	\$40,693.18	\$1,565.12	6.1
Clay	\$57,194.60	\$2,287.78	5.59
Cochran	\$18,000.00	\$2,000.00	6.26
Coke	\$26,418.75	\$4,403.12	8.04
Coleman	\$59,605.49	\$1,453.79	7.75
Collin	\$1,545,370.41	\$3,374.17	1.45
Collingsworth	\$14,336.25	\$1,024.01	5.4
Colorado	\$11,053.36	\$581.75	0.53
Comal	\$349,666.72	\$1,142.70	2.16
Comanche	\$14,762.50	\$410.06	1.08
Concho	\$3,698.25	\$462.28	1.11
Cooke	\$83,615.00	\$696.79	2
Coryell	\$324,995.57	\$939.29	1.00
Cottle	\$3,637.50	\$519.64	2.63
Crane	\$8,805.00	\$807.62	1.88
Crockett	\$6,461.00	\$497.00	2.08
Crosby	\$19,325.23	\$805.21	3.76
Dallam	\$22,395.70	\$447.91	3.14
Dallas	3,448,561.46	1,035.91	1.32
Dawson	\$33,622.61	\$960.64	2.69
Deaf Smith	\$27,117.00	\$677.92	1.45
Delta	\$540.00	\$77.14	0.10
Denton	\$3,335,181.13	\$3,570.85	3.67
DeWitt	\$49,168.46	\$1,170.67	2.48
Dickens	\$6,322.64	\$1,055.44	3.56
Dimmit	\$31,043.17	\$689.84	3.60
Donley	\$19,993.92	\$1,537.99	6.16
Duval	\$25,650.00	434.75	2.61
Eastland	\$49,650.41	\$670.95	2.80
Ector	\$587,383.75	\$1,350.30	3.55
El Paso	\$684,091.00	\$1,143.96	0.79
Ellis	\$184,209.72	\$2,331.76	0.95
Erath	\$33,698.50	\$581.00	0.79
Falls	\$104,086.00	\$1,334.43	6.13
Fannin	\$334,848.67	\$3,189.03	9.38
Fayette	\$21,360.52	\$314.12	0.87
Fisher	\$11,312.00	\$754.13	3.08
Floyd	\$14,502.44	\$2,071.77	2.57
Foard	\$3,794.50	\$542.07	3.46
Fort Bend	\$654,798.06	\$3,658.08	0.79
Franklin	\$6,675.00	\$238.39	0.64
Freestone	\$22,491.75	\$441.01	1.15
Frio	\$83,880.00	\$847.27	4.56
Gaines	\$13,406.08	\$496.52	0.62
Galveston	\$1,178,748.00	\$2,279.97	3.36

County	\$ spent in FY21	\$ spent per child	per capita spending
Garza	\$7,291.86	\$428.93	1.25
Gillespie	\$30,549.73	\$1,797.04	1.14
Goliad	\$49,984.76	\$3,332.31	7.12
Gonzales	\$15,479.00	\$595.34	0.78
Gray	\$104,510.00	\$810.15	4.92
Grayson	\$246,035.10	\$872.46	1.81
Gregg	\$132,161.65	\$273.06	1.06
Grimes	\$71,234.25	\$1,369.88	2.43
Guadalupe	\$82,870.90	\$739.91	0.47
Hale	\$37,600.00	\$413.18	1.15
Hall	\$20,603.00	\$1,030.15	7.29
Hamilton	\$8,867.10	\$422.24	1.07
Hardin	\$307,036.39	\$1,785.09	5.46
Harris	\$11,591,985.37	\$3,184.61	2.45
Harrison	\$101,391.16	\$645.80	1.47
Hartley	\$1,440.00	\$160.00	0.26
Haskell	\$23,009.25	\$605.50	4.24
Hays	\$482,696.25	\$1,001.44	2.00
Henderson	\$532,543.62	\$1,471.11	6.48
Hidalgo	\$843,020.00	\$1,289.02	0.96
Hill	\$79,647.90	560.90	2.22
Hockley	\$136,200.00	\$1,640.96	6.32
Hood	\$110,506.70	\$986.66	1.79
Hopkins	\$48,150.00	\$472.05	1.30
Houston	\$64,425.75	\$1,314.81	2.91
Howard	\$115,801.16	\$1,092.46	3.32
Hunt	\$555,763.55	\$1,963.82	5.56
Hutchinson	\$147,875.50	\$1,524.48	7.17
Irion	\$6,622.50	\$827.81	4.37
Jack	\$43,284.41	\$2,546.14	5.10
Jackson	\$59,857.89	\$1,617.78	4.07
Jasper	\$169,957.08	\$1,716.73	5.15
Jefferson	\$272,136.46	\$505.82	1.06
Jim Hogg	\$9,600.00	\$640.00	1.98
Jim Wells	\$117,933.60	\$951.07	3.03
Johnson	\$339,601.27	\$1,321.40	1.88
Jones	\$65,079.18	\$803.44	3.30
Karnes	\$62,512.41	\$1,420.73	4.24
Kaufman	\$297,911.36	\$1,601.67	2.05
Kendall	\$41,996.69	\$1,555.43	0.94
Kerr	\$124,886.47	\$1,314.59	2.37
Kimble	\$6,272.00	\$696.88	1.46
Kinney	\$2,077.30	\$188.84	0.66
Kleberg	\$34,525.00	\$466.55	1.11
Knox	\$17,599.32	\$2,199.91	4.80
La Salle	\$20,359.25	\$1,017.96	3.05
Lamar	\$82,633.50	\$415.24	1.65

County	\$ spent in FY21	\$ spent per child	per capita spending
Lamb	\$11,800.00	\$380.64	0.90
Lampasas	\$99,174.10	\$819.62	4.58
Lavaca	\$17,370.56	\$694.82	0.85
Lee	\$68,376.00	\$1,314.92	3.91
Leon	\$9,577.50	\$299.29	0.54
Liberty	\$345,688.00	\$1,920.48	3.77
Limestone	\$40,818.75	\$559.16	1.84
Lipscomb	\$6,285.00	\$897.85	2.05
Live Oak	\$26,291.75	\$2,190.97	2.31
Llano	\$152,971.40	\$1,092.65	7.14
Lubbock	\$676,200.94	\$656.50	2.17
Lynn	\$8,596.53	\$537.28	1.53
Madison	\$35,265.58	\$1,259.48	2.62
Marion	\$18,464.25	\$461.60	1.89
Martin	\$11,006.25	\$917.18	2.10
Mason	\$6,122.50	\$556.59	1.54
Matagorda	\$64,666.15	\$743.28	1.78
Maverick	\$8,980.25	\$154.83	0.15
McCulloch	\$26,893.50	\$611.21	3.52
McLennan	\$1,372,702.00	\$1,114.20	5.26
Medina	\$134,009.02	\$1,098.43	2.64
Menard	\$14,030.65	\$1,403.65	7.15
Midland	\$139,218.18	\$782.12	0.82
Milam	\$60,493.35	\$530.64	2.44
Mills	\$14,799.30	\$923.70	3.31
Mitchell	\$16,661.25	\$462.81	1.85
Montague	\$166,948.18	\$2,419.53	8.36
Montgomery	\$1,248,852.14	\$2,131.14	2.01
Morris	\$81,305.44	\$1,729.90	6.79
Nacogdoches	\$59,497.06	\$254.26	0.92
Navarro	\$50,827.50	\$643.38	0.96
Newton	\$34,192.50	\$1,628.21	2.79
Nolan	\$64,884.15	\$623.88	4.40
Nueces	\$658,951.29	\$784.46	1.86
Ochiltree	\$30,717.00	\$1,228.68	3.06
Orange	\$506,485.57	\$1,933.15	5.97
Palo Pinto	\$92,368.20	\$607.68	3.25
Panola	\$72,882.00	\$971.76	3.24
Parker	\$410,000.67	\$1,620.55	2.76
Parmer	\$11,690.00	\$1,461.25	1.18
Pecos	\$58,476.02	\$859.94	3.84
Polk	\$54,797.66	\$498.16	1.09
Potter	\$608,811.64	\$1,104.92	5.13
Rains	\$47,068.29	\$1,272.12	3.86
Randall	\$194,752.00	\$760.75	1.38
Real	\$14,485.00	\$1,810.62	5.25
Red River	\$5,000.00	\$161.29	0.43

County	\$ spent in FY21	\$ spent per child	per capita spending
Reeves	\$9,930.00	\$275.83	0.67
Refugio	\$65,262.57	\$2,330.80	9.68
Robertson	\$145,712.10	\$1,517.83	8.69
Rockwall	\$109,081.38	\$982.71	1.01
Runnels	\$20,968.75	\$748.88	2.11
Rusk	\$108,738.85	\$782.29	2.08
Sabine	\$37,799.25	\$1,145.43	3.82
San Augustine	\$17,255.00	\$750.21	2.17
San Jacinto	\$38,361.00	\$816.19	1.39
San Patricio	\$167,346.00	\$1,230.48	2.43
San Saba	\$29,672.25	\$1,098.97	5.17
Schleicher	\$11,216.25	\$1,602.32	4.57
Scurry	\$36,000.00	\$521.73	2.12
Shackelford	\$12,414.33	\$1,379.37	3.99
Shelby	\$9,511.75	\$166.87	0.39
Sherman	\$3,680.00	\$613.30	1.32
Smith	\$810,000.00	\$1,436.17	3.46
Somervell	\$7,775.00	\$431.94	0.84
Starr	\$44,329.50	\$515.45	0.67
Stephens	\$56,639.44	\$1,827.07	6.22
Sutton	\$15,010.53	\$938.15	4.45
Swisher	\$19,700.00	\$635.48	2.82
Tarrant	\$2,695,661.96	\$1,318.81	1.27
Taylor	\$1,810,978.14	\$2,392.30	12.64
Terry	\$47,342.19	\$1,315.06	4.00
Titus	\$80,448.71	\$1,411.38	2.57
Tom Green	\$609,602.96	\$1,143.72	5.07
Travis	\$8,360,555.33	\$5,183.23	6.48
Trinity	\$33,761.00	\$844.02	2.48
Tyler	\$49,474.50	\$1,009.68	2.49
Upshur	\$102,171.41	\$672.18	2.49
Upton	\$11,993.00	\$1,332.55	3.62
Uvalde	\$67,991.18	\$1,172.26	2.76
Val Verde	\$62,405.27	\$1,057.71	1.31
Van Zandt	\$410,834.76	\$1,947.08	6.90
Victoria	\$269,239.53	\$1,380.71	2.94
Walker	\$32,999.31	\$634.60	0.43
Waller	\$115,916.15	\$2,972.20	2.04
Ward	\$45,483.83	\$668.87	3.90
Washington	\$113,560.00	\$1,720.60	3.17
Webb	\$55,349.81	\$121.11	0.20
Wharton	\$75,599.98	\$1,511.99	1.81
Wheeler	\$5,540.00	\$692.50	1.11
Wichita	\$271,071.61	\$585.46	2.09
Wilbarger	\$69,346.30	\$1,238.32	5.38
Willacy	\$59,700.00	\$1,194.00	2.96
Williamson	\$589,716.14	\$1,699.47	0.96

County	\$ spent in FY21	\$ spent per child	per capita spending
Wilson	\$83,052.25	\$1,038.15	1.66
Winkler	\$16,086.52	\$574.51	2.06
Wise	\$263,602.23	\$1,678.99	3.44
Wood	\$118,835.76	\$1,165.05	2.65
Yoakum	\$6,200.00	\$620.00	0.80
Young	\$84,658.10	\$1,343.77	4.73

No Spending Reported and No Children in Legal Custody of TDFPS in the County for FY21
Armstrong
Borden
Edwards
Glasscock
Kenedy
Kent
King
Loving
Motley
Roberts
Terrell

No Spending Reported, More than 5 children in Legal Custody of TDFPS in the County for FY21
Hardeman
Moore
Zapata
Zavala

Small Spending Reported, No Children in Legal Custody of TDFPS in the County for FY21
Oldham

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## Appendix C

### Counties that Reported Attorney Compensation Information or Fee Schedules Relevant to Court-Appointed Representation of Children and Parents in Child Protection Cases

Andrews	Edwards	Kent	Real
Angelina	Ellis	Kerr	Rockwall
Aransas	Fannin	Kimble	Shelby
Archer	Foard	King	Smith
Atascosa	Fort Bend	Knox	Somervell
Bandera	Franklin	La Salle	Starr
Bastrop	Frio	Lamar	Stephens
Baylor	Gaines	Lamb	Stonewall
Bexar	Garza	Lee	Sutton
Bosque	Gillespie	Liberty	Swisher
Bowie	Glasscock	Lubbock	Taylor
Brazoria	Grimes	Lynn	Terrell
Brazos	Hale	Madison	Terry
Brooks	Hansford	Marion	Throckmorton
Burleson	Hardeman	Martin	Titus
Cameron	Harris	Mason	Tom Green
Camp	Haskell	McCulloch	Travis
Cass	Hays	Medina	Upshur
Castro	Henderson	Menard	Upton
Chambers	Hidalgo	Midland	Uvalde
Clay	Hill	Milam	Val Verde
Collin	Hood	Montague	Walker
Comal	Hopkins	Morris	Waller
Comanche	Howard	Nacogdoches	Washington
Cooke	Hunt	Navarro	Wharton
Cottle	Hutchinson	Ochiltree	Wichita
Crockett	Jefferson	Palo Pinto	Wilbarger
Dawson	Jim Wells	Panola	Willacy
Delta	Johnson	Pecos	Williamson
Denton	Karnes	Rains	Wilson
Eastland	Kendall	Reagan	Yoakum
			Young

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**Counties that Did Not Report Attorney Compensation Information or Fee Schedules Relevant to Court-Appointed Representation of Children and Parents in Child Protection Cases**

Anderson	Donley	Kaufman	Refugio
Armstrong	Duval	Kenedy	Roberts
Austin	Ector	Kinney	Robertson
Bailey	El Paso	Kleberg	Runnels
Bee	Erath	Lamb	Rusk
Bell	Falls	Lampasas	Sabine
Blanco	Fayette	Lavaca	San Augustine
Borden	Floyd	Leon	San Jacinto
Brewster	Freestone	Limestone	San Patricio
Briscoe	Galveston	Lipscomb	San Saba
Brown	Goliad	Live Oak	Schleicher
Burnet	Gonzales	Llano	Scurry
Caldwell	Gray	Loving	Shackelford
Calhoun	Grayson	Martin	Sherman
Callahan	Gregg	Matagorda	Sterling
Carson	Guadalupe	McLennan	Tarrant
Cherokee	Hall	McMullen	Trinity
Childress	Hamilton	Mills	Tyler
Cochran	Hardin	Montgomery	Van Zandt
Coke	Harrison	Moore	Victoria
Coleman	Hartley	Motley	Ward
Collingsworth	Hemphill	Newton	Webb
Colorado	Hockley	Nueces	Wheeler
Concho	Houston	Oldham	Winkler
Coryell	Hudspeth	Orange	Wise
Crane	Irion	Parker	Wood
Culberson	Jack	Parmer	Zapata
Dallam	Jackson	Polk	
Dallas	Jasper	Potter	
Deaf Smith	Jeff Davis	Presidio	
Dewitt	Jim Hogg	Randall	
Dickens	Jones	Reeves	



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## Appendix D

### ***Additional Attorney Compensation Information***

*\*Seven counties reported using subjective criteria as a basis for court-appointed attorney compensation.*

#### **Total Capped Rate for Entire Case**

Capped Rate	Number of Counties Reporting
\$3,000 per case if there is no case management plan	6
\$2,500 per case unless extraordinary circumstances exist	4
\$2,000 per case with Associate Judge approval	1

Table 14

#### **Capped Hourly Rates**

Hourly Rate	Number of Counties Reporting
Permission from court needs for more than 10 hours of pre-trial work	3
35 hours per appeal	1
25 hours for out of court time per case	1
20 hours per appeal	2
10 hours for out of court time per case unless there is prior permission	1
10 hours of trial preparation per case	1

Table 15

#### **Capped Out of Court Rates**

Hourly Rate	Number of Counties Reporting
Permission from court needs for more than 10 hours of pre-trial work	3
35 hours per appeal	1
25 hours for out of court time per case	1
20 hours per appeal	2
10 hours for out of court time per case unless there is prior permission	1
10 hours of trial preparation per case	1

Table 16

## Other Capped Rates

Capped Rate Mechanism	Number of Counties Reporting
\$6,000 per appeal	1
\$3,000 per appeal	1
\$1,200 per appeal	1
\$1,000 per appeal for case tried to a jury	1
\$500 per case for investigation and expert fees	1
\$150 per drafting of final order	3

Table 17

## Other Flat Fees

Flat Fee Mechanism	Number of Counties Reporting
\$75 per legal staffing at DFPS	1
\$80 per out of county travel for flat fee cases	3
\$125 per 1st case of day and \$75 for each additional case of day at permanency planning team meeting	5
\$150 per 1st case of day and \$75 for each additional case of day at permanency planning team meeting	2
\$250 per attendance at status conference	1
\$250 per attendance at permanency conference	2
\$250 per attendance at mediation	1
\$400 per attendance at mediation	1
\$1,250 per appeal	1
\$1,500 per appeal	1
\$2,500 per appeal	2
\$4,000 per appeal	2
\$8,500 per month for contract attorneys	1

Table 18

## Hourly Trial Attendance Rates

Hourly Rate	Number of Counties Reporting
\$150 per hour	1
\$125 per hour	1
\$100 per hour	4
\$95 per hour	1
\$75 per hour	1
\$70 per hour	1

Table 19

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## Hourly Mediation Attendance Rates

Hourly Rate	Number of Counties Reporting
\$100 per hour	3
\$75 per hour	5

Table 20

## Hourly Appellate Rates

Hourly Rate	Number of Counties Reporting
\$170 per hour	3
\$125 per hour	5
\$100 - \$150 per hour	1
\$100 per hour unless court cannot find attorney to take the case	3
\$100 per hour	1
\$75 per hour	5
\$70 per hour	1
\$60 per hour	1
\$50 per hour	7
\$40 - \$100 per hour	1
Based on criminal defense rate	1

Table 21

## Travel Expenses

Payment Mechanism	Number of Counties Reporting
Hourly Rate for Travel Paid	14
Mileage Paid	25

Table 22

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## APPENDIX E

Data was reviewed, collected, and compiled before May 18, 2022. Fisher, Mitchell, and Nolan Counties submitted their information after May 18, 2022. Due to this, information for these 3 counties was not included in the report above. Below is information from the submitted judicial plans.

### Fisher, Mitchell, and Nolan Counties

- More than one appointment list for CPS attorneys.
- Attorneys are not required to complete a mentorship or apprenticeship prior to being added to the list.
- Application required to be added to the appointment list.
- No procedure to involuntarily remove an attorney from the list.
- Only requirement to stay on list is to be in good standing with the State Bar of Texas.
- No caseload cap.
- Assigned Counsel is primary method of attorney selection.
- Parents and children are appointed attorneys in Temporary Managing Conservatorship Cases at the Ex Parte Hearing.
- Court will continue the appointment of an attorney for a child who is in the Permanent Managing Conservatorship of TDFPS.
- Application for court appointed counsel is required for appointment of appellate attorney.

### Fisher and Nolan Counties

- 6 attorneys are on the court appointment list.
- Parents and children are appointed attorneys in Court Ordered Services / Motions to Participate cases at the Ex Parte Hearing.

### Mitchell and Nolan Counties

- Indigency determinations are based on qualifying for public benefits, net income (0.00), or residence in a mental health or correctional facility.

### Fisher County

- Indigency determination based on qualifying for public benefits or residence in a mental health or correctional facility.

### Mitchell County

- 5 attorneys are on the court appointment list
- Children are appointed attorneys in Court Ordered Services / Motions to Participate cases at the Ex Parte Hearing. The answer for parents was blank.

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## END NOTES

<sup>i</sup> See TFC §§ 107.012, 107.013, 161.003 & 264.203

<sup>ii</sup> See TGC § 71.0355

<sup>iii</sup> DFPS data book

[https://www.dfps.state.tx.us/About\\_DFPS/Data\\_Book/Child\\_Protective\\_Services/Conservatorship/Children\\_in\\_Conservatorship.asp](https://www.dfps.state.tx.us/About_DFPS/Data_Book/Child_Protective_Services/Conservatorship/Children_in_Conservatorship.asp)

<sup>iv</sup> The following counties did not report expenditures for legal representation of children and parents in FY21: Armstrong, Borden, Brewster, Culberson, Edwards, Glasscock, Hardeman, Hemphill, Hudspeth, Jeff Davis, Kenedy, Kent, King, Loving, Moore, Motley, Roberts, Terrell, Zapata, Zavala.

<sup>v</sup> The following counties did not submit and approve a judicial plan by May 18, 2022: Dimmitt, Fisher, Maverick, Mitchell, Nolan, Zavala.

<sup>vi</sup> Per capita spending was determined by dividing the most recent census data for Texas state population with total reported county spending.

<sup>vii</sup> Per child spending was determined by dividing the total number of children reported by TDFPS to be in their legal custody for FY21 with total reported county spending.

<sup>viii</sup> See Children's Bureau Technical Bulletin: *Frequently Asked Questions: Independent Legal Representation (2020)*. Available at <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/07/Technical-Bulletin-FAQs-on-Independent-Legal-Representation.pdf>

<sup>ix</sup> TFC §§ 107.012 & 264.203

<sup>x</sup> TFC § 107.016

<sup>xi</sup> TFC § 107.013

<sup>xii</sup> TFC § 264.203

<sup>xiii</sup> TFC § 161.003

<sup>xiv</sup> TFC §§ 107.012 & 264.203

<sup>xv</sup> TFC § 107.016

<sup>xvi</sup> See TFC §§ 107.012, 264.203

<sup>xvii</sup> TFC § 264.203

<sup>xviii</sup> TFC § 107.013

<sup>xix</sup> TFC § 107.012

<sup>xx</sup> TFC § 264.203

<sup>xxi</sup> 36 counties reported they appoint attorneys for parents in between court settings, 3 counties did not answer when they appoint attorneys for children in TMC cases, 2 counties did not answer when they appoint attorneys for parents in TMC cases, and 1 county appoints attorneys for parents in TMC cases at different times depending on the court the case is assigned to.

<sup>xxii</sup> 42 counties reported appointing attorneys for parents in COS cases between court settings, 15 counties reported appointing attorneys for parents in COS cases at review hearings, 7 counties reported appointing attorneys for children in COS cases at review hearings, 4 counties did not answer when they appoint attorneys for children in COS cases, 4 counties did not answer when they appoint attorneys for parents in COS cases, 2 counties appoint attorneys for parents in COS cases at different times depending on the court the case is assigned to, and 1 county appoints attorneys for children in COS cases at different times depending on the court the case is assigned to.

<sup>xxiii</sup> TFC § 107.016

<sup>xxiv</sup> 8 counties left number of attorneys on their appointment list blank

<sup>xxv</sup> A minimum of three hours of CLE about representing children is required to represent children and a minimum of three hours of CLE about representing parents is required to represent parents, unless the court believes the attorney's experience is equivalent to the CLE pursuant to TFC §§ 107.004 (b), 107.131(a)(1)(I).

<sup>xxvi</sup> 8 counties reported ambiguous information and it was unclear if they required an application or not.

<sup>xxvii</sup> 3 counties reported a CLE requirement to join their appointment list, but did not specify the amount of hours. 2 counties gave narrative answers indicating they had a CLE requirement, but the number is unknown.

<sup>xxviii</sup> Annually, a minimum of three hours of CLE about representing children and trauma informed care training is required to represent children and a minimum of three hours of CLE about representing parents is required to represent parents pursuant to TFC §§ 107.004(b-1), 107.0131(c).

<sup>xxix</sup> Texas Government Code § 37.004

<sup>xxx</sup> *Id.*

<sup>xxxi</sup> 5 counties provided ambiguous information related to whether or not they used an hourly rate.