

FY28/29 Legislative Appropriations Request Proposed Exceptional Items for Consideration

Updated June 15, 2026

1. Build the Public Defense Workforce Pipeline **Cost: \$8.85 mil.**

***Issue:** Texas is running out of lawyers willing to provide indigent defense in rural and underserved communities. We must grow the next generation of public defense attorneys before the current generation retires.*

Components

- | | |
|---------------------------------------------------------------------|---------------|
| a. Rural & Underserved Internship Programs | \$1.74 mil. |
| b. Rural & Underserved Fellowship Programs | \$3.2 mil. |
| c. Law School Rural Regional Public Defender Office/Clinic | \$640,000 per |
| d. Rural & Underserved Startup Assistance for Private Practitioners | \$637,500 |
| e. Statewide Legal Incubator Program | \$2.63 mil. |

2. Fulfill TIDC's Family Protection Representation Mission **Cost: \$128.26 mil.**

***Issue:** Parents and children have the right to counsel if the State is seeking custody of a child. Counties pay for 100% of this representation in Child Protective Services cases. The result is poor pay rates and poor quality of representation in many counties, and an ever-shrinking number of lawyers willing to do this important work. State funding for grants and oversight of counties is needed to improve access to quality representation.*

- Request the equivalent of average annual county spending over the past 5 years: \$128.26 million for the biennium
- Includes 6 offices at a total cost of \$12 million
- Approximately \$52.1 million for formula grants tied to improvements

See Appendix for additional details.

3. Stabilize & Modernize Existing Public Defense Systems **Cost: \$64.1 mil.**

***Issue:** Even where public defender and managed assigned counsel offices exist, they are struggling to recruit and retain attorneys, and they operate with outdated resources and limited local funds. State assistance is needed to make rural salaries competitive, just as the State did with SB22 funds for rural prosecutors and law enforcement. Through investments in technology and artificial intelligence, public defense offices will be able to “do more with less.” To sustain TIDC’s Sustainability Grants, additional funds are needed to address inflationary pressures.*

Components

- | | |
|---------------------------------------------------------------------------------|--------------|
| a. Competitive salaries for public defense staff in rural and underserved areas | \$24.25 mil. |
| b. Technology and AI modernization to increase efficiency and capacity | \$3.2 mil. |
| c. New and expanded public defense offices to increase capacity | \$28 mil. |
| d. Address inflation | \$1.3 mil. |

4. Improve Rural Attorney Availability & Quality Through a Statewide Managed Assigned Counsel “Plus” Option **Cost: \$39.9 mil.**

***Issue:** Hundreds of smaller counties lack sufficient attorney capacity and administrative infrastructure to consistently provide access to quality representation. An opt-in statewide Managed Assigned Counsel program with state support for improving assigned counsel pay rates, and staff attorneys who can provide representation, will help address rural attorney shortages and improve quality.*

Components

- Coverage for approx. 28,000 felony, misdemeanor, and appellate criminal cases (25% of cases) for counties under 300,000 population that opt in
- State financial support to improve private assigned counsel pay rates
- Staff attorneys who will provide representation in approx. 1,500 cases

See Appendix for additional details.

5. Six (6) Full Time Employees at TIDC to Implement Family Protection Representation Program, TIDC’s Core Programs, and Statewide MAC Support **Cost: \$1.3 mil.**

Components

- a. 4 Family Protection Representation Staff
 - 1 Senior Policy Analyst to increase federal Title IV-E claims from counties
 - 1 Senior Policy Analyst to monitor county practices
 - 1 Grant Specialist if grant funds are appropriated
 - 1 Fiscal Monitor to monitor grants if appropriated
- b. 1 Administrative Assistant for TIDC’s Core Duties
- c. 1 Senior Policy Analyst for Statewide MAC if approved

Note: Amounts may change slightly in the final LAR due to changes in how FTE costs are calculated by OCA.

Additional LAR Requests

1. **Unexpended Balance (UB) Authority Between Biennia for General Revenue**
Because TIDC’s grants can extend multiple years due to delays in implementation or operational changes by counties, TIDC runs the very real risk of having General Revenue funds lapse before grant funds can be spent. UB authority would alleviate this risk and ensure that all funds appropriated to TIDC to assist counties are spent.
2. **Estimated Appropriation Authority for Fair Defense Account Funds**
Estimated appropriation authority would give TIDC the authority to spend funds deposited into the Fair Defense Account that exceed the amount the Legislature appropriates to TIDC. These funds can only be used by TIDC for indigent defense purposes. TIDC had this authority through FY2011, then it was removed during a tough budget year and has never been restored. Estimated appropriation authority would give TIDC the ability to provide more grant support to counties if the amounts deposited in the account exceed the appropriation amount for the fiscal year.

APPENDIX

Following are additional details and explanation of cost calculations for the Exceptional Items described above.

1. Build the Public Defense Workforce Pipeline **Cost: \$8.85 mil.**

Components

a. Rural & Underserved Internship Programs **\$1.74 mil.**

\$867,810 per year (\$1.74 million biennium) to operate internship programs in 24 offices across rural and underserved areas, including up to 48 interns and a cohort bootcamp.

b. Rural & Underserved Fellowship Programs **\$3.2 mil.**

\$1.6 million per year (\$3.2 million biennium) to fund post-graduate fellowship programs with 15 fellows across rural and underserved areas, including a cohort bootcamp.

c. Law School Rural Regional Public Defender Office/ Clinic **\$640,000**

Add a rural regional public defender's office / clinical program at Texas law schools for \$320,000 per clinic per year (\$640,000 biennium).

d. Rural & Underserved Startup Assistance for Private Practitioners **\$637,500**

\$637,500 for start-up subsidies for 5 attorneys to build public defense practices in rural or underserved areas. Agreement provides an initial salary equivalent of \$85,000 annually and that amount steps down as the private practitioner grows their business. Step-downs in the amount of annual salary equivalent occur at key inflection points of 12 months, 18 months, and 24 months.

e. Statewide Legal Incubator Program **\$2.63 mil**

\$2.63 million for 20 attorneys in 2 regions to build public defense practices in rural and underserved areas, including a 12-month program of legal and small business training, mentorship, peer networking, resource hubs, webinars and recordings, and a clearinghouse to connect attorneys working in rural public defense who are looking to retire with potential attorneys to inherit their practice. This also includes 1 FTE to support the program operations and participating attorneys (\$142,276 annual, \$284,552 biennium).

2. Fulfill TIDC’s Family Protection Representation Mission **Cost: \$128.26 mil.**

Note: The TIDC Board at its June 12, 2026 meeting voted to request \$128.26 million for the biennium. The information below was provided to the Board to determine what level of funding it would choose to recommend.

Historical Background

In advance of the 89th Legislative session, the TIDC staff presented the board three options regarding the FPR LAR:

- 100% full annual match of the average of FY21, FY22, FY23 FPR county expenditures;
- 50% annual match of the average of FY21, FY22, and FY23 FPR county expenditures; and
- 37% annual match of the average of FY21, FY22, and FY23 FPR county expenditures. (37% was based on the percentage of the Texas CASA budget that was supported by the state)

The TIDC board voted to support the 3rd option and seek a 37% annual match of the average of FY21, 22, and 23 expenditures. The board also voted to submit a request seeking additional TIDC staff to support the FPR division.

The Legislature did not approve any of the FPR LAR.

90th Legislative Session FPR LAR Proposal

State Funds to Support FPR

TIDC now has five years of statewide county expenditure data showing money spent on FPR yearly. The five-year average yearly county spending amount is **\$64,129,545**.

Fiscal Year	County Expenditure Total
FY 21	\$66,238,774
FY 22	\$61,573,531
FY 23	\$62,780,536
FY 24	\$62,100,900
FY 25	\$67,953,986 (This is the near estimated total. All counties have submitted a report and TIDC staff have accepted 224 reports. There are still 30 outstanding reports due to errors that have not been resolved)



The Public Policy Research Institute at Texas A&M has created a model estimating statewide FPR costs. This model uses the number of children who are confirmed victims of child abuse and/or neglect in a year as a baseline for estimating cost. Using this tool and estimating 2 attorneys per confirmed victim of child abuse, the following total statewide yearly expenditures would be needed at the pay rates below for attorneys:

- \$1,200 per appointment per year - \$124,761,600
- \$2,500 per appointment per year - \$259,920,000

Both estimated rates of pay are low for the work that is needed to meet basic representation standards. CPS cases require many hours of work and attention to adequately meet a lawyer’s standard of representation. This model shows that the current statewide expenditures for FPR do not meet even a low threshold of pay for attorneys.

TIDC staff propose that the state provide funds to begin matching the financial burden the counties currently carry for FPR work. Below are three options to consider:

Match	Amount Per Year	Amount Per Biennium
100%	\$64,129,545	\$128,259,090
50%	\$32,064,772	\$64,129,545
40%	\$25,651,818	\$51,303,636

Note, Texas CASA received \$16,173,916.32, which accounted for 40% of its annual budget in FY25, from HHSC state grants. Texas CASA is an organization that provides Guardian Ad Litem to children and heavily relies on unpaid volunteers to do the work. Texas CASA does not provide any attorney services or legal representation to children.

TIDC staff propose that the bulk of the funds go toward formula grants with conditions tied to improving FPR. In addition to the formula grants, staff propose that some of the money be set aside to support 4-6 competitive grants at an estimated cost of \$2 million each for offices of parent or child representation, rural regional office models, adding divisions to public defender offices, or MACs.

At each match level, TIDC proposes the following yearly grant breakdown:

Match	Number of Offices / MACs	Formula Grant Amount
100%	6 @ \$12 million	\$52,129,545
50%	5 @ \$10 million	\$22,064,772
40%	4 @ \$8 million	\$17,651,818

Note, state investment in legal representation for children and parents is eligible for Title IV-E reimbursement, which can be used to support the work and provide additional financial support.

TIDC Staff Requests for FPR

In addition to the funds being used to support FPR, TIDC staff requests additional FTEs to effectively carry out our statutory duties. The TIDC FPR division is currently handled by 1 Director, 1 Senior Policy Analyst, and 1 temporary grant funded Title IV-E Senior Policy Analyst. This amount of staff is not adequate to fulfill the required duties TIDC is responsible for in the FPR space.

TIDC proposes requesting the following FTEs:

- **1 Senior Policy Analyst** to move our currently temporarily grant-funded position into a full-time staff position focused on Title IV-E. If the Legislature does not provide an FTE to fill this position, eventually we will no longer be able to provide the excellent services in the Title IV-E space that we currently provide to counties and the Department of Family and Protective Services. If the Legislature only gives TIDC one thing in the FPR space, this should be it as this is a revenue generating position.
- **1 Senior Policy Analyst** to increase our monitoring capabilities. TIDC currently has 1 Senior Policy Analyst focused on building an FPR monitoring program. To grow this program, TIDC needs at least one additional Senior Policy Analyst.
- If the Legislature does provide grants funds to the counties, we will also require the following additional staff:
 - **1 Grant Specialist** – to assist with the grant program.
 - **1 Fiscal Monitor** – to monitor county fiscal activities and ensure that state funds are being spent as required.

3. Stabilize & Modernize Existing Public Defense Systems

Cost: \$64.1 mil.

Components

a. Competitive salaries for public defense staff in rural and underserved areas

\$24.25 mil.

\$12.125 million per year (\$24.25 million biennium) to increase the salary of public defense staff employed at a public defense office. This number is based on SB22 coverage (counties 300,000 population or less) and a single-county jurisdiction model of the SB 22 funding plan. SB 22 authorized an eligible annual award amount based on jurisdiction population in a three-tier model: \$100,000 if the jurisdiction has a population of less than 10,000; \$175,000 if the jurisdiction has a population of 10,000 or more and less than 50,000; or \$275,000 if the jurisdiction has a population of 50,000 or more and 300,000 or less.

b. Technology and AI modernization to increase efficiency and capacity

\$3.2 mil.

\$5.25 million per year (\$10.5 million biennium) for public defense offices to contract for innovative technology services from various providers. Examples of types of services include but are not limited to legal research, drafting, discovery review, trial preparation assistance, case management, administration of case and client, mitigation assistance, etc.

c. New and expanded public defense offices to increase capacity

\$28 mil.

Last session, TIDC requested \$35 million for this item and received \$8.7 million. The amount being requested is the difference, with some increase to account for inflation and higher costs relevant to rural practice like higher fuel costs.

d. Address inflation

\$1.3 mil.

\$1.35 million to offset inflationary pressures and maintain current level of support for existing rural offices being supported by TIDC's sustainability grants.

4. Improve Rural Attorney Availability & Quality Through a Statewide Managed Assigned Counsel “Plus” Option

Cost: \$39.9 mil.

Components

- Coverage for approx. 28,000 felony, misdemeanor, and appellate criminal cases (25% of cases) for counties under 300,000 population that opt in
- State financial support to improve private assigned counsel pay rates while counties pay their current fee schedule rates (no supplanting)
- Staff attorneys who will provide representation in approx. 1,500 cases
- Counties that opt-in must agree to remote proceedings for all but dispositive court settings (pleas, trials, suppression hearings, etc.)

Biennium 1 - FY28-29		
Year 1 – Ramp Up (30%)	MAC Operations & Staff Costs	\$11,521,632
	Assigned Counsel Costs	\$3,765,795
Year 2 – 100%	MAC Operations & Staff Costs	\$11,297,332
	Assigned Counsel Costs	\$13,349,398
Total Biennium Program Costs		\$39,934,158
Biennium 2 – FY30-31	Total Costs at current levels	\$49,293,461

5. Six (6) Full Time Employees at TIDC to Implement Family Protection Representation Program, TIDC’s Core Programs, and Statewide MAC Support

Cost: \$1,321,835

Components

- a. 4 Family Protection Representation Staff
 - 1 Senior Policy Analyst to increase federal Title IV-E claims from counties
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