

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Family Representation Committee Funding Recommendations

WHEREAS, the Texas Judicial Council was created under Chapter 71, Texas Government Code and is charged with improving the administration of justice; and

WHEREAS, the Council has charged its Family Representation Committee with studying the representation of parents and children in child welfare cases; and

WHEREAS, Texas statutes require that certain parents and most children have access to a court-appointed attorney in cases filed by DFPS; and

WHEREAS, Texas currently has an issue with both quality and quantity of attorneys in this type of case; and

WHEREAS, although these court-appointments are mandated in Texas statute, the state does not provide financial support for this work, requiring counties to shoulder this financial burden alone; and

WHEREAS, counties have varying financial abilities to cover these costs, resulting in inconsistent pay for the work throughout the state; and

WHEREAS, state funding is needed to fill the gap and ensure that parents and children have access to this critical legal representation; and

WHEREAS, at least 28 states, including Florida and California, provide some state funds to support legal representation in child protection cases; and

WHEREAS, the Legislature granted the Texas Indigent Defense Commission (TIDC) authority to fund family protection representation during the 88th Legislative Session; and

WHEREAS, although TIDC has had funding ability since September of 2023, no dedicated state funds have been provided by the Legislature to support this work; and

WHEREAS, any state funding provided for family protection representation would be helpful in providing critical support to a struggling family representation system; and

WHEREAS, that state funding should be offered in addition to current county spending, not in place of county spending; and

WHEREAS, to adequately meet the need for quality representation, the counties and the state should both provide financial support for the work;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council respectfully recommends that the Legislature provide funding to TIDC to support grants to counties (to supply funding beyond what the counties already invest) to improve the quality of legal representation in child welfare cases. Recipients of grant funding should be required to implement quality improvements as a condition of the grant.



Honorable Jimmy Blacklock
Chairman, Texas Judicial Council