

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

Family Representation Committee Quality of Representation 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, termination of parental rights is one of the most serious consequences courts can render against someone and is often referred to as the death penalty of civil cases; and

WHEREAS, the severity of these cases demands that families involved have access to high-quality counsel; and

WHEREAS, the need for quality counsel extends beyond the trial courts and into appellate level advocacy, where parents face the last attempt available to preserve their parental rights; and

WHEREAS, in a suit filed by a governmental entity requesting termination of the parent-child relationship, the Family Code affords a child and an indigent parent an attorney; and

WHEREAS, the current system for delivering court-appointed counsel to indigent parents and children in appeals of termination cases is provided through a decentralized county-based model; and

WHEREAS, each county is required to recruit, retain, and pay attorneys who are qualified and willing to accept these court-appointments for appeals; and

WHEREAS, many counties struggle to find qualified attorneys who are willing and able to accept these appointments; and

WHEREAS, in their biennial Family Protection Representation Plan submitted to the Texas Indigent Defense Commission (TIDC) in 2025, over 60% of the counties in the state reported access to three or fewer attorneys available to accept court-appointed appeals in child

welfare cases, with 8 counties reporting 0 attorneys, 59 counties reporting one attorney, 46 counties reporting 2 attorneys, and 48 counties reporting 3 attorneys; and

WHEREAS, pay throughout the state is inconsistent, with some counties paying hourly rates and some paying flat rates; and

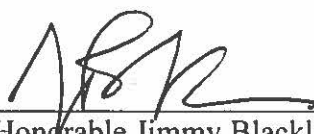
WHEREAS, the creation of a statewide appellate Managed Assigned Counsel (MAC) program funded by the state providing appellate counsel in child welfare cases will address both the capacity and quality issues that currently exist in the system; and

WHEREAS, the program will relatedly remove pressure on local courts to find attorneys who are both qualified and willing to accept these appeals; and

WHEREAS, state funding to support the work will allow for pay to be standardized throughout the State, which will eliminate the problem of certain counties offering below-market compensation, and thus attorneys being less willing (or unwilling) to handle appeals in those counties; and

WHEREAS, a structured statewide program would offer a resource for support and training to attorneys handling this type of work across the state, which would lead to improvements at the trial level in addition to at the appellate level;

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council respectfully recommends that the Legislature establish and fund a statewide appellate Managed Assigned Counsel program to improve the quality of legal representation in child welfare cases.



Honorable Jimmy Blacklock
Chairman, Texas Judicial Council