



To: Texas Judges Hearing Child Protective Services Cases

From: Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration

Date: February 22, 2012

RE: Free Online Attorney Training on Representing
Parents in CPS Cases Offered by State Bar of Texas

In an effort to optimize the quality of legal services in CPS cases, the Children’s Commission embarked on a year-long study to assess how Texas courts provide representation to children and parents, and to make recommendations for improvement. In December 2010, the Children’s Commission issued an in-depth report that discusses legal representation in Texas and makes recommendations for improvement. [LRS Report](#). One of the findings in the report was that many jurisdictions did not require any training beyond the statutory 3-hour requirement for attorneys representing children. At the time, there was no statutory training requirement for parents’ attorneys and very little training materials regarding representation of parents readily available. In response to these concerns, during the last session the Texas Legislature amended Chapter 107 of the Family Code to clarify attorney training requirements and delineate duties for parent attorneys, who are now subject to disciplinary procedures if they fail to complete their duties. Please share this training opportunity information with the attorneys in your jurisdiction.

Q:	How was the Texas Family Code Amended?
A:	Section 107.0131 was added and became effective September 1, 2011. It provides enumerated duties for parents’ attorneys, including 3 hours of CLE training and the duty to meet with their client before each hearing.
Q:	What training is now available for parent attorneys?
A:	There is a 3.25 hours certification course to become eligible for court appointment as a parent attorney available online with the Texas Bar CLE, which can be linked to here: Representing Texas Parents in Abuse and Neglect Cases To register for the course you must be a registered user of the State Bar’s website. You can create an account (logon ID and password) and become a registered user for free – you do not have to be a member of the bar. At the checkout, select one of the \$100 off options that applies to you.
Q:	What does the online course cover?
A:	The course reviews the stages of a child protection case from the perspective of a parent's attorney, including advocacy tips when dealing with Reports of Abuse, Investigations, Filing of Suit, Services and Service Plans, Discovery, Statutory Hearings, Termination Trial, Appeal, and Post-termination Permanency Efforts. The material covers both state and federal statutory law, agency regulation and policy, and case law as well as identifying and addressing multidisciplinary issues and other ancillary legal issues that frequently arise in CPS cases, such as substance abuse, mental health, criminal matters, juvenile delinquency, and immigration issues.
Q:	What about ethics?
A:	Additionally, the course includes 1.0 hour of ethics and covers the ethical duties and obligations of an attorney serving in this type of case and potential issues that might arise. The ethical instruction includes discussion of the American Bar Association's standards of practice for attorneys who represent parents in abuse and neglect cases, as well as certain minimal standards and expectations for appointed attorneys in Texas courts.
Q:	Is there a fee to take the course?
A:	There is no charge to take the course as long as the person certifies that they are an attorney taking court appointed CPS cases, a full-time or retired judge in Texas, a Texas appellate court staff attorney, an Officer or Director of the State Bar of Texas or of TYLA or a member of the State Bar of Texas, a currently enrolled student, faculty, or staff member of a Texas ABA-accredited law school or awaiting notification of whether they passed the Texas bar exam.