



To: Texas Judges Who Hear CPS Cases

**From: The Honorable Robin Sage and The Honorable Dean Rucker,
Jurists in Residence, Supreme Court Children's Commission**

Date: May 2, 2016

**RE: Judicial Guide to Advocate for and Ensure Adequate Funding for Legal
Representation in Child Protective Services Cases**

Each year, the State of Texas spends more than \$1.3 billion on child protective services.¹ In fiscal year 2015, Texas spent over \$402 million on foster care payments alone, averaging out to over \$13,000 per child in care.² But these dollars do not include the cost of legal representation of children and parents or the cost to the state and counties for the prosecution of CPS cases. Counties alone bear the costs associated with providing statutorily mandated legal representation for parents and children, and in many cases, for the employment of assistant county or district attorney to represent the Department of Family and Protective Services.

Judges are often called upon to explain to county commissioners, budget officers, and auditors the county obligations imposed by Texas Family Code mandates that govern court-appointed attorneys and associated legal fees. To assist with this task, the Children's Commission created a *Judicial Guide to Advocating for and Ensuring Adequate Funding for Legal Representation in Child Protective Services Cases* as well as a [PowerPoint Presentation](#) that can be adapted for use in meeting with local Commissioner's Court or County Budget Officers.

The *Guide* explains the law supporting early and upfront legal appointment criteria, the urgency associated with child protection cases, and the necessity of providing courts with adequate funding to efficiently and properly handle child protection dockets. It can also assist you in gathering information about how much your county spends each year on legal representation fees, and what it may anticipate going forward. The *Guide* also explains how to determine who prepares the budget for your county and the timing your county's budget preparation is also explained. Please link to the *Guide* here: <http://texaschildrenscommission.gov/media/68505/Final-Judicial-Guide-for-Adequate-Funding-for-Legal-Representation.pdf>

¹ Tex. Dep't of Family & Prot. Servs., *Annual Report and Data Book 2015*, at 119.

² *Id.* at 52.