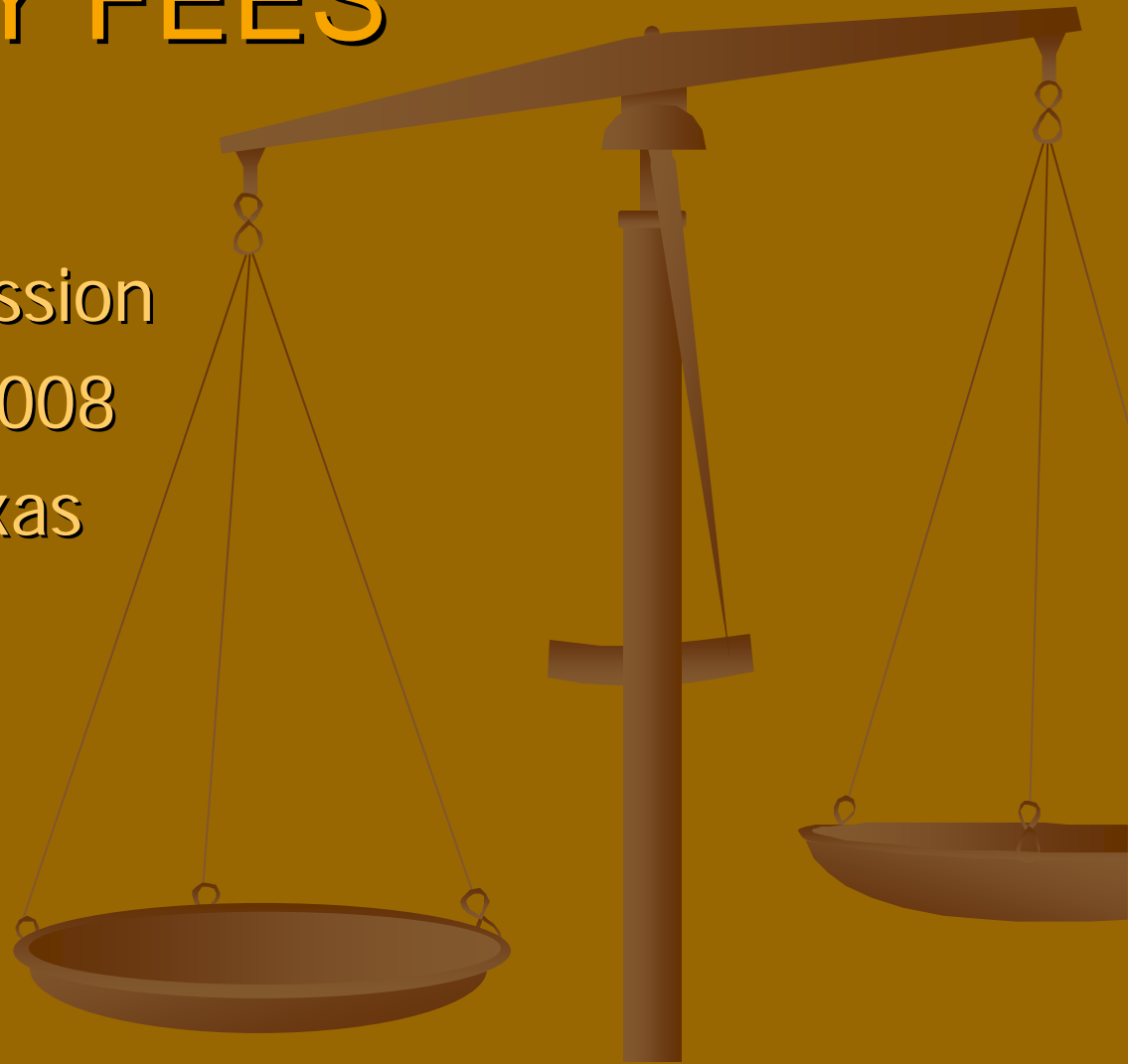


CIVIL INDIGENT ATTORNEY FEES

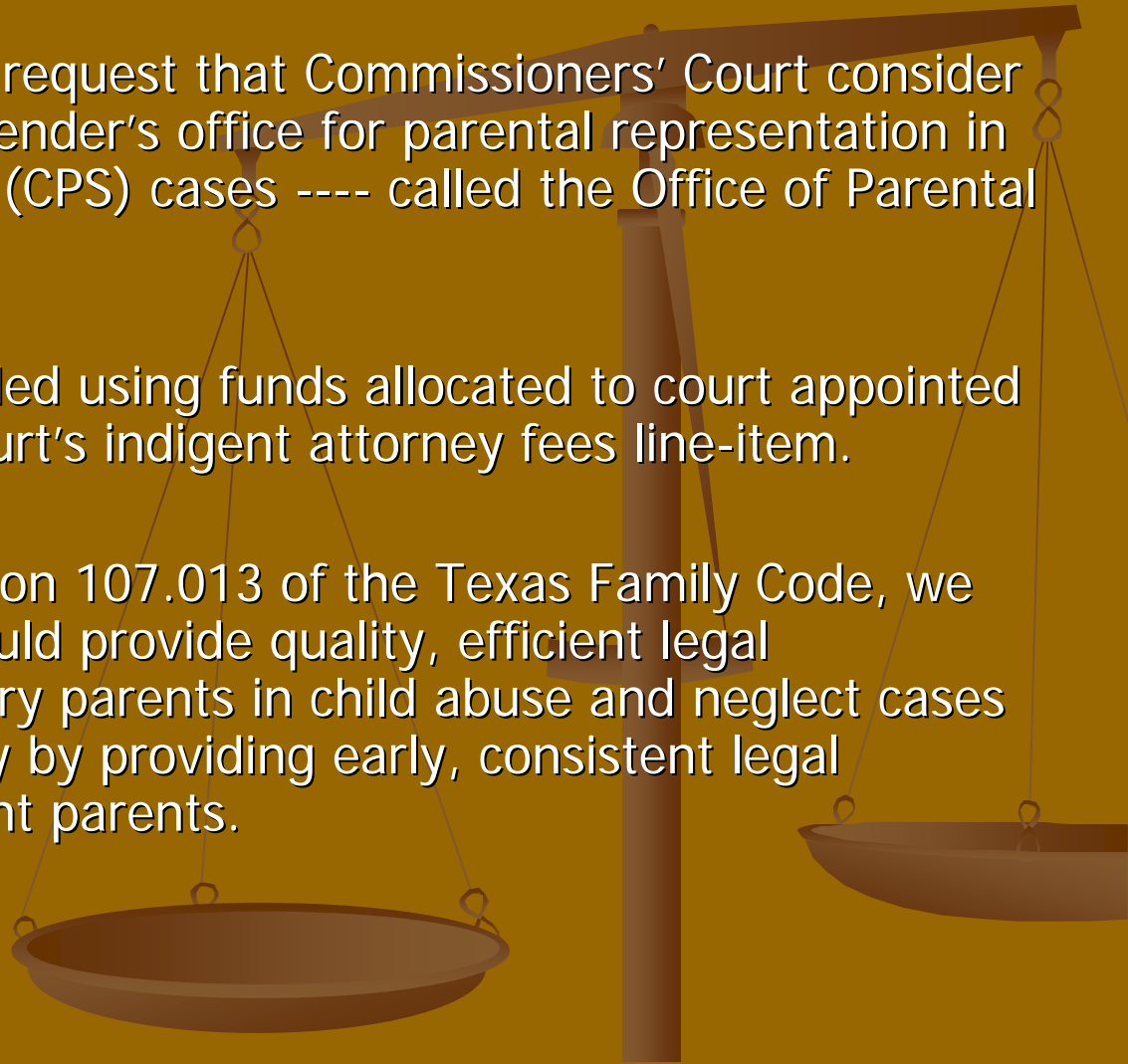
Civil Courts Work Session
Thursday, May 8, 2008
Travis County, Texas



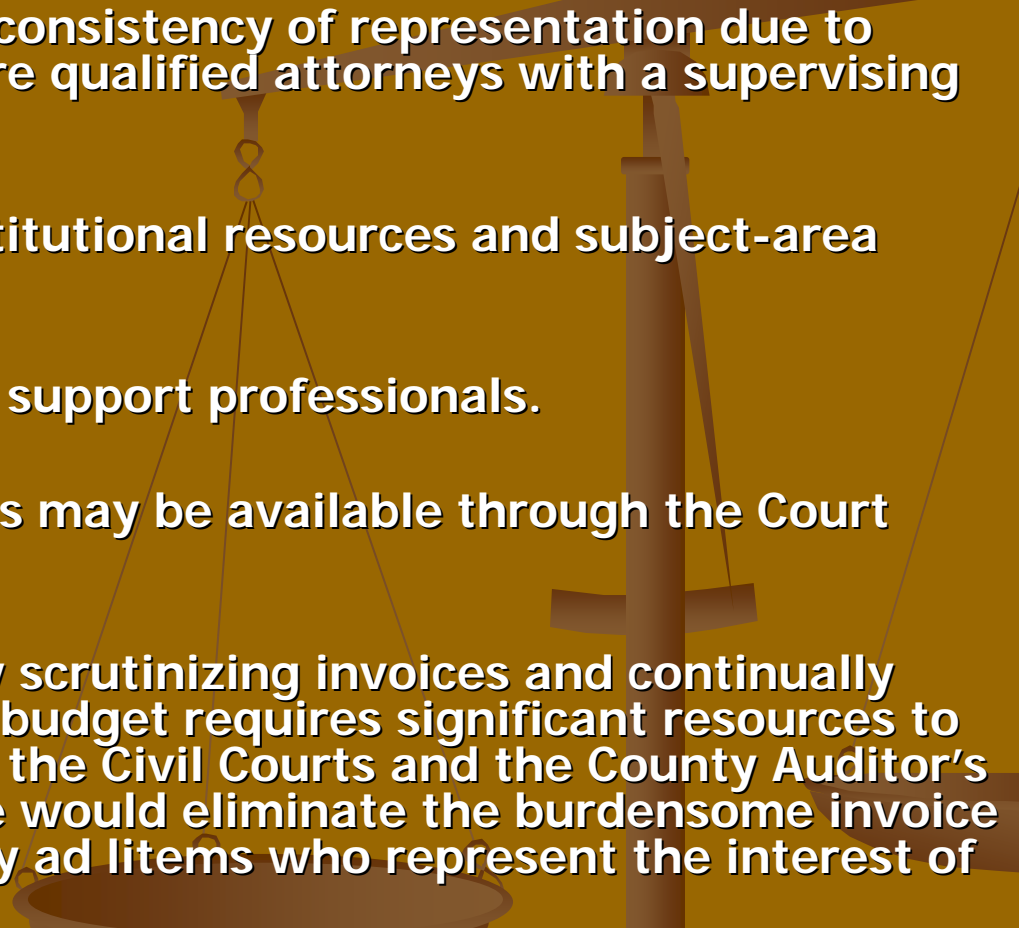
PROPOSED

Office of Parental Representation

- The Civil District Judges request that Commissioners' Court consider establishing a public defender's office for parental representation in child protective services (CPS) cases ---- called the Office of Parental Representation.
- This office could be funded using funds allocated to court appointed attorneys in the Civil Court's indigent attorney fees line-item.
- In compliance with Section 107.013 of the Texas Family Code, we believe this proposal would provide quality, efficient legal representation for primary parents in child abuse and neglect cases pending in Travis County by providing early, consistent legal representation to indigent parents.



Pros: Arguments in Favor of an Office of Parental Representation

- Improved quality and consistency of representation due to smaller number of more qualified attorneys with a supervising attorney.
 - Office will develop institutional resources and subject-area expertise.
 - Office can hire trained support professionals.
 - Grant for start-up costs may be available through the Court Improvement Project.
 - The process for closely scrutinizing invoices and continually striving to stay within budget requires significant resources to review and process by the Civil Courts and the County Auditor's Office. This new office would eliminate the burdensome invoice processing for attorney ad litem who represent the interest of primary parents.
- 

**Attorney Fee Representation Summary by Client Type
FY 2003 - 2007**

<u>Client Type</u>	<u>FY2007</u>		<u>FY 2006</u>		<u>FY 2005</u>		<u>FY 2004</u>		<u>FY 2003</u>	
	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>
CRC	94	\$ 90,443.00	88	\$ 79,944.00	36	\$ 22,158.00	90	\$ 67,338.00	69	\$ 68,890.00
Child	487	\$ 779,729.85	551	\$ 810,328.01	492	\$ 689,367.49	483	\$ 723,837.04	456	\$ 670,582.64
Mother	327	\$ 479,279.01	283	\$ 427,914.12	245	\$ 395,773.94	231	\$ 375,334.30	244	\$ 412,457.02
Father	230	\$ 275,290.29	178	\$ 172,097.86	205	\$ 205,907.07	171	\$ 208,731.42	166	\$ 204,065.96
Mediation	141	\$ 127,173.90	141	\$ 128,478.47	129	\$ 112,770.20	105	\$ 90,599.34	106	\$ 85,420.71

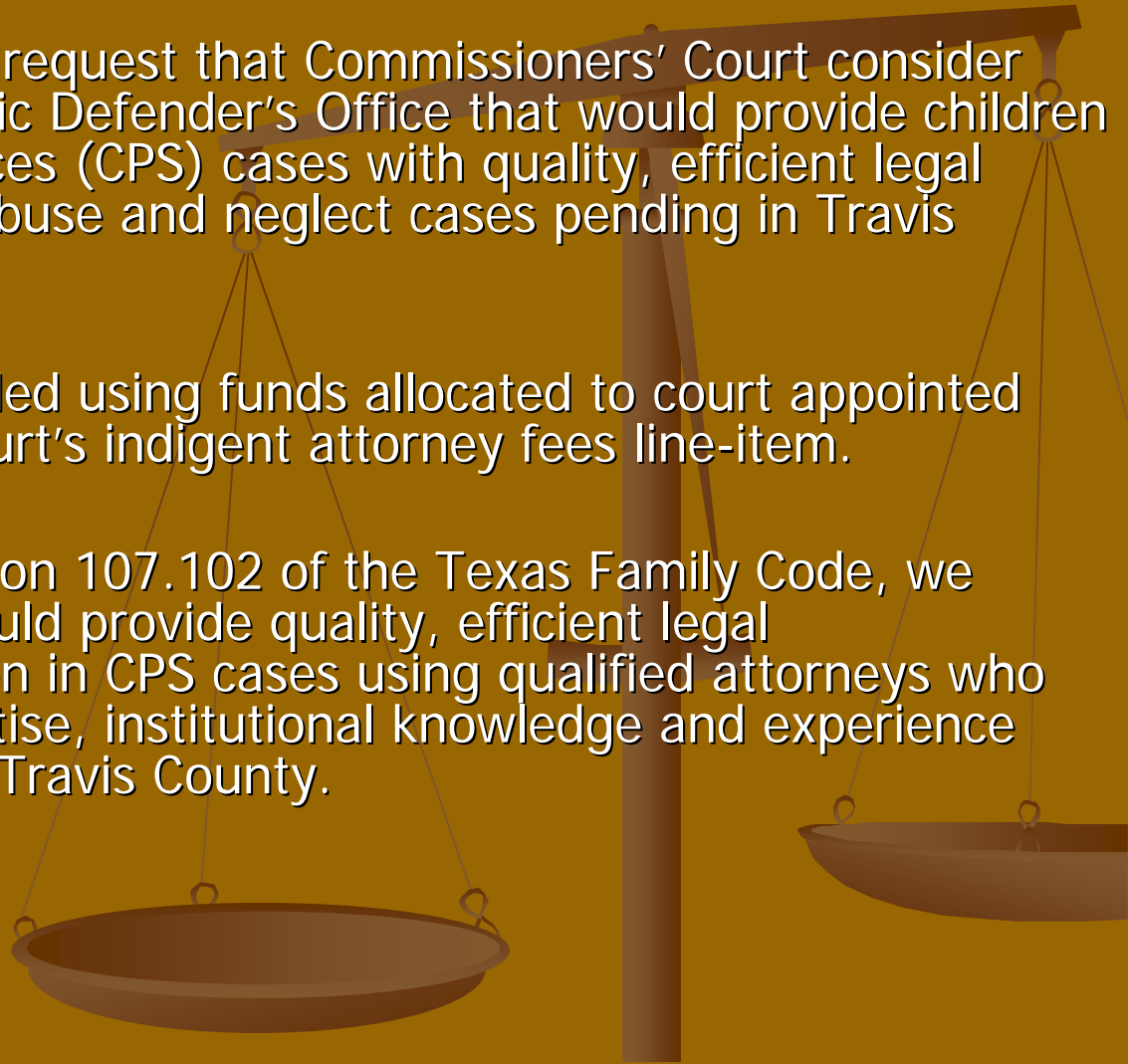
**Projections for Office of Parental Representation
FY 2009 thru FY 2013**

	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
<u>\$60 per Hour</u>					
Fees @ \$60 per hour without Office of Parental Representation	\$598,999	\$646,606	\$697,996	\$753,470	\$813,354
Office of Parental Representation	\$756,968	\$670,489	\$687,174	\$704,359	\$722,060
- Projected Cases	320	329	337	347	359
- Caseload Ability	400	400	400	400	400
- Total Employees	8	8	8	8	8
<u>\$75 per Hour</u>					
Fees @ \$75 per hour without Office of Parental Representation	\$748,749	\$808,258	\$872,495	\$941,838	\$1,016,693
Office of Parental Representation	\$756,968	\$670,489	\$687,174	\$704,359	\$722,060
- Projected Cases	320	329	337	347	359
- Caseload Ability	400	400	400	400	400
- Total Employees	8	8	8	8	8
<u>\$100 per Hour</u>					
Fees @ \$100 per hour without Office of Parental Representation	\$1,000,328	\$1,079,832	\$1,165,653	\$1,258,295	\$1,358,301
Office of Parental Representation	\$756,968	\$670,489	\$687,174	\$704,359	\$722,060
- Projected Cases	320	329	337	347	359
- Caseload Ability	400	400	400	400	400
- Total Employees	8	8	8	8	8

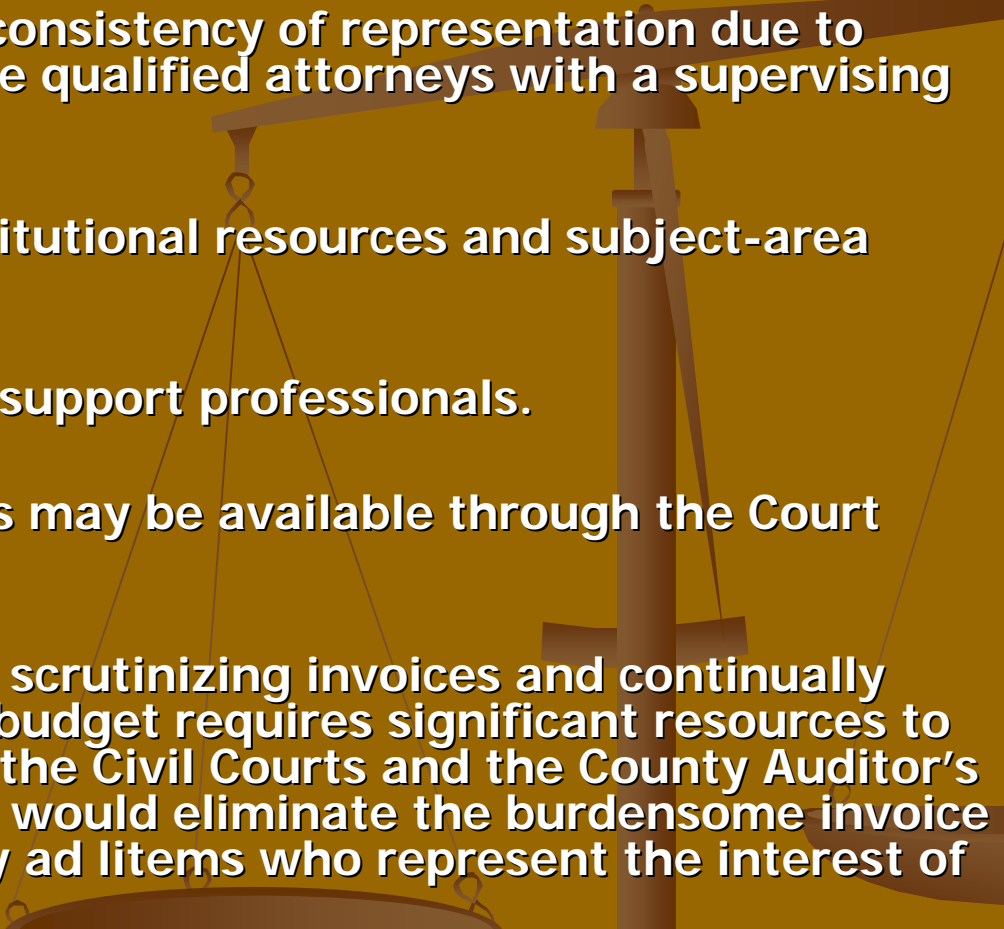
PROPOSED

Child Public Defender's Office

- The Civil District Judges request that Commissioners' Court consider establishing a Child Public Defender's Office that would provide children in Child Protective Services (CPS) cases with quality, efficient legal representation in child abuse and neglect cases pending in Travis County.
- This office could be funded using funds allocated to court appointed attorneys in the Civil Court's indigent attorney fees line-item.
- In compliance with Section 107.102 of the Texas Family Code, we believe this proposal would provide quality, efficient legal representation to children in CPS cases using qualified attorneys who have subject area expertise, institutional knowledge and experience with the CPS dockets in Travis County.



Pros: Arguments in Favor of a Child Public Defender's Office

- Improved quality and consistency of representation due to smaller number of more qualified attorneys with a supervising attorney.
 - Office will develop institutional resources and subject-area expertise.
 - Office can hire trained support professionals.
 - Grant for start-up costs may be available through the Court Improvement Project.
 - The process for closely scrutinizing invoices and continually striving to stay within budget requires significant resources to review and process by the Civil Courts and the County Auditor's Office. This new office would eliminate the burdensome invoice processing for attorney ad litem who represent the interest of primary parents.
- 

**Attorney Fee Representation Summary by Client Type
FY 2003 - 2007**

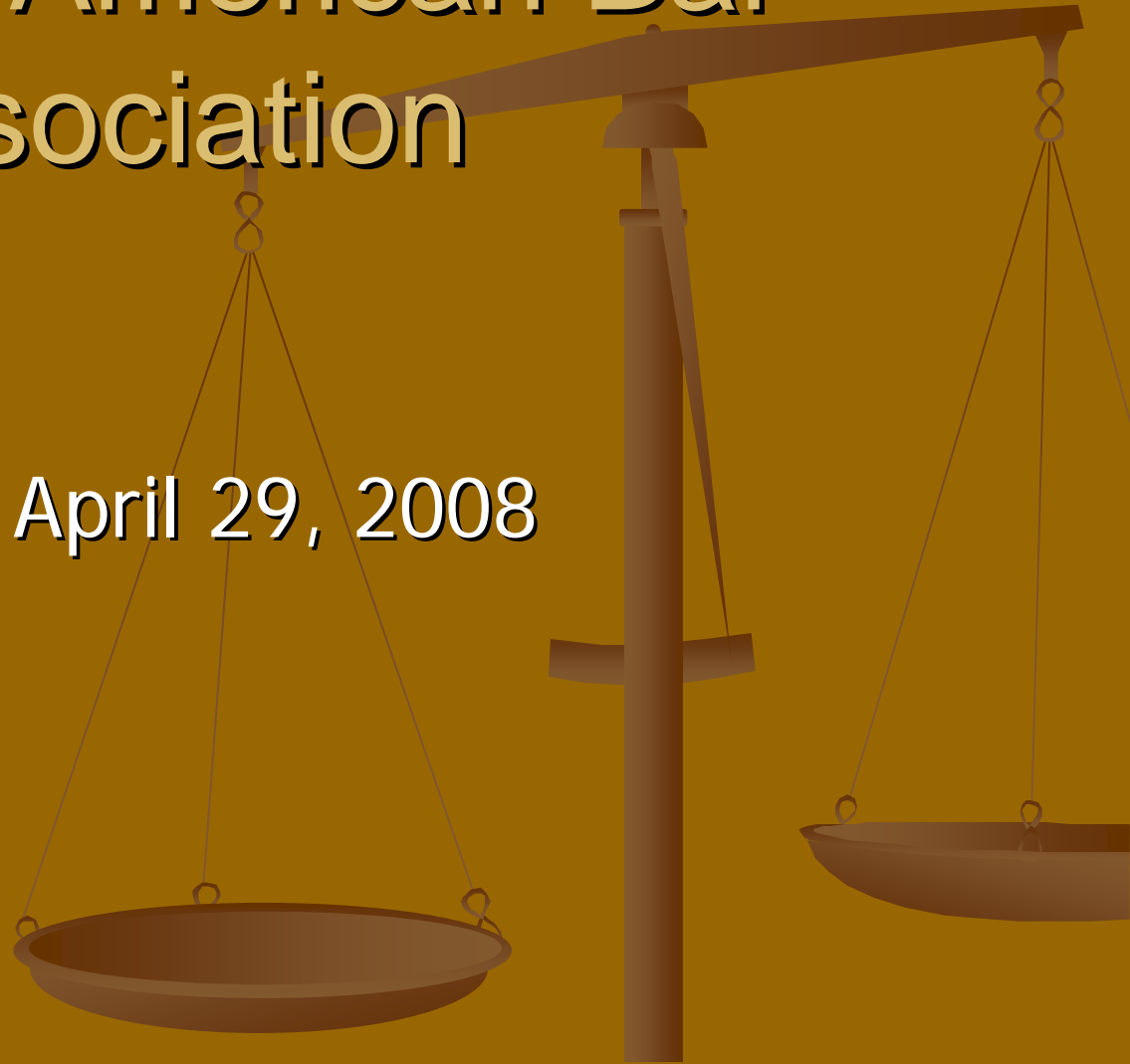
<u>Client Type</u>	<u>FY2007</u>		<u>FY 2006</u>		<u>FY 2005</u>		<u>FY 2004</u>		<u>FY 2003</u>	
	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>	<u>Cases</u>	<u>Fees</u>
CRC	94	\$ 90,443.00	88	\$ 79,944.00	36	\$ 22,158.00	90	\$ 67,338.00	69	\$ 68,890.00
Child	487	\$ 779,729.85	551	\$ 810,328.01	492	\$ 689,367.49	483	\$ 723,837.04	456	\$ 670,582.64
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Mediation	141	\$ 127,173.90	141	\$ 128,478.47	129	\$ 112,770.20	105	\$ 90,599.34	106	\$ 85,420.71

**Projections for Child Public Defender Office
FY 2009 thru FY 2013**

	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>FY 2013</u>
<u>\$60 per Hour</u>					
Fees @ \$60 per hour without Child Public Defender Office	\$754,522	\$769,916	\$785,624	\$801,653	\$818,009
Child Public Defender Office	\$754,930	\$668,058	\$685,708	\$703,888	\$722,613
- Projected Cases	352	361	370	381	394
- Caseload Ability	400	400	400	400	400
- Total Employees	8	8	8	8	8
<u>\$75 per Hour</u>					
Fees @ \$75 per hour without Child Public Defender Office	\$943,153	\$962,395	\$982,030	\$1,002,066	\$1,022,511
Child Public Defender Office	\$754,930	\$668,058	\$685,708	\$703,888	\$722,613
- Projected Cases	352	361	370	381	394
- Caseload Ability	400	400	400	400	400
- Total Employees	8	8	8	8	8
<u>\$100 per Hour</u>					
Fees @ \$100 per hour without Child Public Defender Office	\$1,260,052	\$1,283,450	\$1,311,992	\$1,338,761	\$1,366,075
Child Public Defender Office	\$754,930	\$668,058	\$685,708	\$703,888	\$722,613
- Projected Cases	352	361	370	381	394
- Caseload Ability	400	400	400	400	400
- Total Employees	8	8	8	8	8

Letter of Support from the American Bar Association

Date April 29, 2008



ABA Letter

Apr-30-08 04:05pm From-ABA Center on Children and the Law

2026621755

T-804 P.002/003 F-298



A PROGRAM OF THE
YOUNG LAWYERS DIVISION

AMERICAN BAR ASSOCIATION

Center on Children
and the Law

740 15th Street, NW, 5th Floor
Washington, D.C. 20005-1022
(202) 662-1720 Fax (202) 662-1755
ccchildlaw@abanet.org
<http://www.abanet.org/child>

April 29, 2008

Conner Hall
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Arlene M. Horowitz, Associate Director
Shirley Ruffalo
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Clare Smith Chambers
Darlene Chaudron
Janice Criswell-Ryan
Paula Kephthach
Mark Hunter
Sally Smith
Odra L. Sifony
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Amy Marie Luchini
William Lantz
Tom Marshall
Lorraine Weingart
Linda L. Ryan
Brenda Pratt
Nancy Leung Oshida
Chaitanya
Doris Edward Kay
Chaitanya-Rishi
Sunita Gokhale
Board of Governors (Chair)
Richard J. Gilbert
Madison Nelson

To Travis County Commissioner's Court:

I am pleased to write this letter in support of your plan to open law offices charged with the representation of parents and children in your child abuse and neglect system. Such a centralized approach is one that we at the ABA Center on Children and the Law highly recommend. It is also the model recommended by the committee who helped draft the **Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases** (http://www.abanet.org/child/rccli/parent_standards_passed.doc).

The qualities of a centralized office that tend to improve representation, and therefore outcomes for children and families, include:

- A mission focused on forming relationships with clients and spending time on the client's case to provide the best possible representation
- Attorneys with reasonable caseloads which allows time for preparing cases, not just being in court
- Supervision for attorneys handling cases
- Training, both before an attorney starts taking cases and throughout the attorney's tenure at the office
- Support staff including administrative support, paralegals, parent advocates, investigators and social workers
- Ability to cover more meetings with clients such as case planning meetings or school meetings
- Managers who can be involved in systemic reform in a jurisdiction
- Attorneys benefit from the support of colleagues, for example they can discuss case strategy in preparing a difficult case
- Clients believe they have someone "one their side"

There is no doubt that children and families involved in the child welfare system have greater success with their cases when they are assigned attorneys early in their cases, when the same attorney represents them throughout the life of their cases, and when the attorneys are well-trained and have the time to be involved in all aspects of the cases, not just in court. Centralized law offices generally provide these features to clients, children reach permanency sooner and all parties report greater satisfaction with the system.

Apr-30-08 04:05pm From-ABA Center on Children and the Law

2026621755

T-804 P.003/003 F-298

In addition to the attorney standards referenced above, please also refer to Standards of Practice for Lawyers Who Represent Children in Child Abuse and Neglect Cases <http://www.abanet.org/child/rccli/repstandwhole.pdf>.

If you have any questions or need further information, please don't hesitate to contact me.

Sincerely,

Mimi Laver
Director Legal Education and
Director of the National Project to Improve Representation for Parents Involved
in the Child Welfare System
ABA Center on Children and the Law
202-662-1736
laverm@staff.abanet.org

Court Improvement Program (CIP) Grant



Intent to Submit an Application

April 24, 2008

CIP Notice to Proceed



THE SUPREME COURT OF TEXAS TASK FORCE ON FOSTER CARE

201 WEST 14TH STREET, ROOM 104 • P. O. BOX 122-48 • AUSTIN, TEXAS 78711-2066
TELEPHONE 512-463-9352 • FACSIMILE 512-936-2308

CHAIR
HON. JOHN SPECIA

EXECUTIVE DIRECTOR
TINA AMBERBOY

Court Improvement Program (CIP) Notice to Proceed With Full Application CFDA Number: 93.586

Program Title: Office of Parent Representation	
Name:	Darlene Byrne
Title:	Judge
Organization:	Travis County, Texas
Address:	P.O. Box 1748
	Austin, Texas 78767
Phone:	512.854.9313
Fax:	512.854.9332
E-mail:	Darlene.Byrne@co.travis.tx.us

The Intent to Submit an Application (ISA) was received on April 24, 2008

The CIP Grant Administrator has reviewed the ISA and determined that the idea or concept presented in the ISA is substantially consistent with the strategic plan of CIP. Please use the attached application to present the details of the planned project. This letter is not a guarantee to fund the project.

Please consider the following comments before writing the full application: _____

- 1) Provide a resolution from the commissioners court with the full application along with any local letters of support;
- 2) Include information on how this office will provide representation to parents. Include an explanation of the role the office will play in indigence screening, if any.
- 3) Provide information on and examples of standards of representation such as legal education, experience, and practice standards. Also include a clear commitment that the Parent law office will institute written policy and procedure for the office before representation begins;

CIP – Notice to Proceed

Page 2

- 4) The evaluation section of the application should be consistent with evidence based practices, and should account for the possibility of divergent needs of the stakeholders (parents, county, courts, state, etc...). Be sure and explain clearly how the program will measure success;
- 5) Please address how conflicts of interest will be handled within the Office of Parent Representation office and as they might related to the Office of Child Representation;
- 6) Please submit the application by May 31, 2008 so that it may be considered by the Basic Project Committee and submitted to the Commission for consideration at its June 27, 2008 meeting.

Thank you for the submission and we hope to see your application soon.

Respectfully,

Bryan Wilson
Grant Administrator

SUMMARY – CIP GRANT

SUMMARY – CIP GRANT

The Supreme Court receives federal grants each year to cultivate better judicial and attorney training, innovative technology solutions, and various local and statewide projects aimed at improving courts that hear child abuse and neglect cases.

The Basic CIP Grant is available to state court systems to conduct assessments of their foster care and adoption laws and judicial processes and to develop and implement plans for system improvement.

CIP is seeking applications for funding to implement or support the following project:

Office of Parental Representation. Texas Family Code Section 107.013 requires the Court to appoint an attorney to represent the legal interests of an indigent parent when Child Protective Services seeks Temporary Managing Conservatorship of a child or termination of parental rights. CIP is seeking to fund an effort that would evaluate whether a public defender type of office is an efficient way for a county to handle attorney appointments under 107.013. The project would include a requirement that the applicant track data and assess the financial impact of Texas Family Code Section 107.013(a) and (c) in the county or region where the Office of Parental Representation will be located. This project directly addresses Basic CIP Strategy 2.1.

CIP would like to examine the possibility that parents who are provided legal representation at the outset of a case will experience a greater protection of due process rights, rights to timely notice and service, more timely participation in the case because of awareness regarding their rights, whether a custodial or non-custodial parent, and input into the family service plan and the review of those plans prior to review hearings. Earlier appointment of legal counsel may help promote the more-timely involvement of non-custodial fathers and their families because a well-trained attorney can assist their client with Texas Family Code Section 261.307, which requires a parent or person with custody of a child to identify relatives who could provide care, including a non-custodial parent. Legal representation will also help ensure more timely notice and service to non-custodial and incarcerated parents because the attorney of record is a party entitled to notice under Texas Rule of Civil Procedure 21. Legal representation also facilitates the timeliness of proceedings, including participation in the development of the family service plan applicable to their client because a better-crafted service plan that more specifically meets the needs of the parent can result in a more timely resolution of a case. Legal representation also ensures that a parent receives due process, which in turn ensures the integrity of the process and is more likely to result in a less assailable final order. In the short term, legal representation for parents can help ensure the stability of children in foster care.

SUMMARY – CIP GRANT

While CIP does not have a strategy that specifically addresses the representation of children through a public defender-type office, CIP believes that a project of this nature is falls within its broader strategy of improving courts that hear child abuse and neglect cases. And, utilizing a public defender-type office that handles the representation of children has been identified by the National Association of Counsel for Children as a best practice.

Depending on the proposal and subject to availability of funds CIP staff can recommend up to 250K dollars in seed money for up to three years for this project.