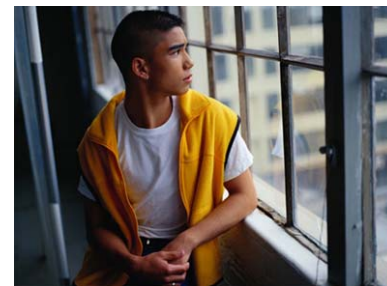


A Joint Report by the  
Task Force on Indigent Defense and the  
Texas Juvenile Probation Commission

# Indigent Defense in the Texas Juvenile Justice System

June 2007





# A Joint Report on Indigent Defense in the Texas Juvenile Justice System

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In compliance with the Americans with Disabilities Act, this document may be requested in alternative formats by contacting the Task Force on Indigent Defense or Texas Juvenile Probation Commission at the above address.

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## THE FAIR DEFENSE ACT



Enacted by the 77<sup>th</sup> Texas Legislature, the Fair Defense Act established a blueprint for meaningful interaction between State and local government. In accordance with the Act, every juvenile board in Texas must adopt a plan for the appointment of counsel for indigent juveniles. In exchange for State fiscal assistance, the local judiciary must report its plan for indigent defense to the Office of Court Administration.

County expenditures pertaining to indigent criminal defense must be reported annually. Local plans and county expenditure reports are published by the Task Force on their website and each county's juvenile defense plan is available online at <http://tfid.tamu.edu/Public/default.asp>.

According to Texas statutes, indigent defense plans must:

- **Provide for prompt appointment of attorneys to indigent juveniles.** If the child does not have counsel at the detention hearing and a determination was made to detain the child, the child is entitled to immediate representation of an attorney. The court must order the retention of an attorney or appoint an attorney [Texas Family Code Section 51.10(c)] If a determination was not made to detain the child, determinations of indigence are made on the filing of a petition if: (1) the child is released by intake; (2) the child is released at the initial detention hearing; or (3) the case was referred to the court without the child in custody [Texas Family Code Section 51.101(c)]. A juvenile court that makes a finding of indigence under Subsection 51.101(c) must appoint an attorney to represent the child on or before the fifth working day after the date the petition for adjudication or discretionary transfer hearing was served on the child [Texas Family Code Section 51.101(d)].
- **Determine whether a juvenile is indigent.** Under the Texas Family Code, a juvenile's indigency is determined according to his or her parents' resources, but the Code does not set out specific standards. Judges may base their indigency determination upon personal questioning of parents regarding their ability to afford

an attorney or statements by a probation or intake officer regarding the parents' financial situation.

- **Establish minimum attorney qualifications for appointment.** The juvenile board in each county shall adopt a plan that specifies the qualifications necessary for an attorney to be included on the appointment list to represent children in proceedings under Title III.

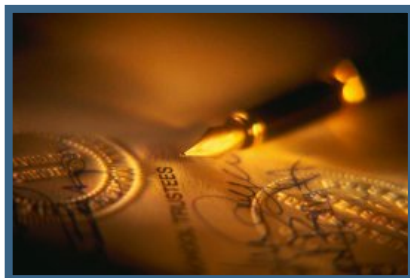


The plan must establish procedures for including and removing attorneys from the appointment list and appointing attorneys to individual cases. The plan must recognize the differences in qualifications and experience necessary for appointments in which the allegation is conduct indicating a need for supervision or delinquent conduct without commitment to the Texas Youth Commission (TYC); or delinquent conduct and commitment to TYC without a determinate sentence; or cases in which determinate sentence proceedings have been initiated or proceedings for discretionary transfer to criminal court have been initiated [Texas Family Code Section 51.102].

In addition, attorneys accepting appointments are required to annually obtain 6 hours of juvenile law continuing legal education (CLE) credit per Title 1, §174.2 of the Texas Administrative Code.

- **Institute a fair, neutral, and non-discriminatory attorney selection process.**

The juvenile board must establish a process that allocates appointments among qualified attorneys in a fair, neutral, and non-discriminatory manner. Code of Criminal Procedure Article 26.04(a) provides that a rotation system is the default system for appointing attorneys from the list of qualified attorneys. When a rotational system is used for appointments, “the court shall appoint attorneys from among the next five names on the appointment list in the order in which the attorneys’ names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order”. Code of Criminal Procedure Article 26.04(f) also allows for the court to appoint a public defender to represent an indigent juvenile, although such programs only exist in about 12 counties [Texas Code of Criminal Procedure Section 26.04(a), (b)].



- **Set out a standard attorney fee schedule, attorney fee voucher and explain how attorneys are to be paid.**

The juvenile board must establish an attorney fee schedule where attorneys are paid a reasonable fee for the following: time spent in court making an appearance; reasonable and necessary time spent out of court on the case, supported by documentation that the court requires; preparation of an appellate brief and preparation and presentation of oral argument to an appellate court; and preparation of a motion for rehearing. The fee schedule must also take into account reasonable and necessary overhead rates. The attorney must submit a fee voucher, which must be approved by the judge before a payment may be made. If the judge disapproves the requested amount, the judge shall make written findings stating the amount of payment and the reasons for any disapproval. An attorney whose request for payment is disapproved may appeal the disapproval. Code of Criminal Procedure Article 26.05(a)-(e). Counsel must also be reimbursed for reasonable and necessary investigation and expert witness

fees. Expenses incurred without prior court approval shall be reimbursed if the expenses were reasonably necessary and reasonably incurred [Code of Criminal Procedure Articles 26.05(d), 26.052(h)].



## THE TASK FORCE ON INDIGENT DEFENSE

The Task Force was developed to promote justice and fairness to all indigent persons accused of criminal conduct as provided by the United States Constitution, the Texas Constitution as well as State and Federal Law. The Task Force on Indigent Defense works to improve indigent defense services through fiscal assistance, accountability and professional support to State, local judicial, county, and municipal officials. The Task Force develops policies, standards, model forms and guidelines to provide defense services to indigent juveniles. The Task Force also collects publishes and analyzes county indigent defense plans.



## INFORMATION FOR FAMILIES AND JUVENILES



Juvenile law and procedure in Texas is a combination of laws drawn from several areas. Juvenile cases are significantly different from adult criminal cases and are actually a hybrid of civil and criminal law.

While the actual charges against a juvenile are brought by means of a civil lawsuit, the juvenile offender is given the same constitutional rights, privileges and protections that an adult criminal defendant possesses.

### Who Has the Right to an Attorney?

According to Texas Family Code Section 51.102(b)(1), juveniles have a constitutional right to counsel when they are in danger of losing their freedom, whether or not they can afford to pay a private attorney. *In re Gault*, 387 U.S. 1 (1967). This includes hearings on:

- Allegations are of conduct indicating a need for supervision;
- Allegations of delinquent conduct where TYC punishment is not possible (misdemeanor cases);
- Allegations of delinquent conduct where commitment to TYC is possible;
- Case in which determinate sentence proceedings have been initiated by grand jury approval; and
- Proceedings for discretionary transfer to criminal court have been initiated by certification petition or motion.

For these proceedings, a judge *must* appoint an attorney when parents cannot afford an attorney or when necessary to protect the best interest of the child.

Texas law requires courts to appoint an attorney to represent the interest of a child entitled to representation by an attorney, if:

- The child is not represented by an attorney;
- The court determines that the child's parent or other person responsible for support of the child is financially unable to employ an attorney to represent the child; and
- The child's right to representation by an attorney: has not been waived under Section 51.09 of the Family code; or may not be waived under Section 51.10(b).

A court *may* appoint an attorney in any case in which it deems representation necessary to protect the interests of the child.

### How Does a Judge Decide Who Cannot Afford an Attorney?

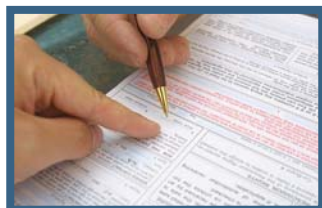
The rules of Article 26.04 of the Code of Criminal Procedure apply to juveniles; however, the income and assets of the person responsible for the child's support are used in determining whether the child is indigent [Texas Family Code Section 51.102(b)(1)].



Due to the strict requirement of an initial detention hearing within two working days, some counties may be unable to appoint counsel prior to the deadline. In those rare cases in which a child is not represented by counsel at the initial detention hearing and the child is detained, Section 51.10(c) requires the court to "immediately" appoint counsel or order parents to retain counsel if the court has determined they are financially able to do so. If parents can afford counsel, the juvenile court under Section 51.10(d) is required either to order parents to retain counsel or to appoint counsel and order parents to pay counsel fees. The board's plan should provide that these minimum standards for prompt appointment are complied with and set out who has responsibility for assuring compliance in the context of the local system. Once counsel is appointed, the juvenile's attorney may request a de novo detention hearing within 10 days of the initial detention hearing.

Indigency requirements differ from county to county depending on the county's juvenile defense plan. The determination of indigency for a juvenile is based on his or her parents' income and assets. Some common factors that courts consider include:

- **Institutionalization.** A juvenile is often considered indigent if he is currently serving a sentence in a correctional institution, residing in a public mental health facility or the subject of a proceeding in which admission or commitment to a mental health facility is sought.
- **Public Benefits.** Public benefits could be included as a factor in indigence determination by presuming a juvenile is eligible for appointment of counsel if he or his family have been determined eligible for public assistance such as food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, or public housing.
- **Substantial Hardship.** A juvenile may receive appointed counsel if he is unable to employ private counsel without substantial hardship to himself or his dependants. This standard generally applies if the juvenile fails to meet one of the more specific eligibility standards highlighted above.
- **Poverty guidelines.** Many jurisdictions use the poverty guidelines, which are established annually by the United States Department of Health and Human Services, when determining whether a juvenile is indigent. These guidelines are based upon net household income and vary by the size of the family. If the family income falls below a certain percentage of the federal poverty guidelines, such as 150%, then the juvenile will be found indigent.



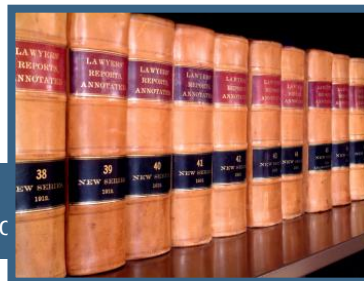
See also Texas Family Code § 51.10(f)(2)

## When Should Counsel Be Appointed?

June 2007



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Some cases are handled non-judicially. For example, deferred prosecution under Section 53.03(a) is a voluntary agreement made by the child, his or her parent, and the State.

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Counsel must be appointed within a certain number of days from the time of detention, intake, or filing of the petition depending on whether the juvenile is in custody.

**Appointment at detention hearing.** If a child is in custody when his or her first detention hearing is held, Section 51.10(f) requires the appointment of counsel when the court determines that the child's family cannot afford to employ counsel. Generally, counsel is routinely provided for unrepresented children at detention hearings since it is often difficult to quickly determine the family's financial capabilities.

A need for counsel arises when a child is detained due to the increased likelihood that judicial proceedings will be pursued. Under those circumstances, effective representation requires immediate appointment of counsel to enable prompt investigation of the facts and to press the release from detention when feasible. Likewise, once counsel is appointed there is an expectation of a continuation of representation. Under Section 51.101(a) an attorney appointed to represent a child at a detention hearing continues to represent that child if the child is detained, until the case is terminated or other counsel is provided.

**Appointment after adjudication or certification petition served when child not in custody.** Under some circumstances the appointment of counsel may be delayed or not required. If the juvenile was released by intake, at the initial detention hearing, or referred to the juvenile court without being in custody then there is no need under Section 51.101 for appointment of counsel unless or until a petition for adjudication or discretionary transfer is filed. Many juvenile cases result in non-judicial handling with no realistic risk of legal prejudice to the child; therefore, to conserve limited financial resources no legal counsel is required.

Attorney representation is not required for deferred prosecution and a petition is not required to be filed. If a petition is filed, then the court is required by Section 51.101 to determine indigency and appoint counsel not later than five working days after the petition is served on the child. If the child's whereabouts are unknown at the time the petition is filed then counsel is not required to be appointed until after the child is located and served with the petition

The juvenile board's indigent defense plan should detail the steps involved in determining indigency and the appointment of counsel. Some jurisdictions collect the financial information of the juvenile's family when the juvenile is brought into intake. The information is then maintained and transferred to the appointing judge if the child is detained and a detention hearing is ordered. If the child is released from detention, then the request for counsel would be provided to the appointing judge if the prosecutor files a petition in the case.

Under this system, the court will already have the information needed to make an indigency determination.

**Appointment after modification motion filed.** If a child is already on juvenile probation and a motion to modify is filed that seeks either revocation with commitment to TYC or a modification to require confinement in a secure local facility, then indigency must be determined upon filing the petition. If the family is determined to be indigent,

appointment of counsel made within five days of filing the motion. The obligation to determine indigency arises from filing a motion to modify, rather than from serving it.



If the motion to modify seeks revocation and commitment to the TYC, then under Family Code Sections 54.05(h) and 51.10(b)(4) legal counsel and a juvenile court hearing are required and cannot be waived. Likewise, if the motion seeks confinement in a secure facility for more than 30 days, then legal counsel and a hearing are required. However, if the motion seeks confinement in a secure facility for 30 days or less, then legal counsel is required under Section 51.101(e), but a hearing may be waived by the juvenile and his or her counsel under Section 54.05(h). Counsel is constitutionally required to be appointed in both adult and juvenile cases when a term of confinement is sought, even for short periods of confinement.

## Summary of time Limitations of When and in What Situations Counsel Must be Appointed to an Indigent Juveniles

If an attorney is appointed at the initial detention hearing and the child is detained, the attorney shall continue to represent the child until the case is terminated, the family retains an attorney, or a new attorney is appointed by the juvenile court. Release of the child from detention does not terminate the attorney's representation.



If there is an initial detention hearing without an attorney and the child is detained, the attorney appointed under Section 51.01(c) shall continue to represent the child until the case is terminated, the family retains an attorney, or a new attorney is appointed by the juvenile court. Release of the child from detention does not terminate the attorney's representation.

The juvenile court shall determine, on the filing of a petition, whether the child's family is indigent if:

- The child is released at intake;
- The child is released at the initial detention hearing; or
- The case was referred to the court without the child in custody if the court finds that the child's family is indigent, the court must appoint an attorney to represent the child on or before the fifth working day after the child is served with the petition for adjudication or discretionary.

## INFORMATION FOR ATTORNEYS

## Who Can Serve as Appointed Counsel?

Each juvenile board's plan states the requirements attorneys must meet to join the juvenile attorney appointment list or when the attorney may be removed from the list. Section 51.101(a)(1).

Each plan must also "recognize the differences in qualifications and experience necessary for appointments" to five different types of cases: (1) allegations of conduct indicating a need for supervision, (2) allegations of delinquent conduct in which commitment to TYC is not possible [misdemeanor cases without the required prior adjudications or contempt of a justice or municipal court], (3) allegations are of delinquent conduct in which indeterminate commitment to TYC is possible, (4) cases in which determinate sentence proceedings have been initiated by obtaining grand jury approval of a petition alleging a covered offense, and (5) cases in which proceedings for discretionary transfer to criminal court have been initiated by the filing of a certification petition or motion. Section 51.101(b)(2).



Article 26.04, Code of Criminal Procedure mandates that appointed attorneys:

- Apply to be included on an appointment list;
- Meet objective qualifications specified by the judges
- Meet applicable qualifications of Task Force on Indigent Defense; and
- Be approved by a majority of judges who established the appointment list.

Some factors often used to determine an attorney's objective qualifications to serve as appointed counsel in a juvenile case include:

- Number of years licensed to practice law;
- Number of prior juvenile cases;
- Number of prior juvenile cases of specified type;

- Continuing Legal Education (CLE) credits in juvenile law (6 hour minimum);
- Performance on any local examination in juvenile law;
- Whether attorney is certified in juvenile law by the Texas Board of Legal Specialization; and
- Opinion of a judge or referee before whom the attorney has appeared in regard to skill and diligence.

See Texas Family Code §51.101

**Notes on CLE Requirements.** Juvenile boards often permit self study, on-line courses, and/or independent study, which are permitted by Task Force rules.

- The Juvenile Law Section of the State Bar (<http://www.juvenilelaw.org/>) provides two conferences a year, generally one in February and one in July or August. These conferences are programs intended to assist juvenile justice practitioners with the basic fundamentals and principles of juvenile law.



- CLE hours may carry over two years, i.e. you can earn 12 hours one year and carry the extra 6 over to the next year.

Some counties have chosen to implement different requirements in conjunction with the seriousness of the case, i.e. a transfer to criminal court case may require 10 CLE hours and minimum of 6 years experience, while a supervision case may only require 6 CLE hours and 1 year of experience

### How Will an Attorney Be Selected from the Appointment List?

Texas Family Code §51.102 provides juvenile boards for each county must adopt a plan that specifies the qualifications necessary for an attorney to be included on an appointment list from which attorneys are appointed to represent children in proceedings under this title. In addition, this section establishes the procedures for including attorneys on the appointment list and removing attorneys from the list and appointing attorneys from the appointment list to individual cases.

Under the Texas Family Code Section 51.102(b), the juvenile board's plan must, "to the extent practicable," comply with the requirements of Article 26.04 of the Code of Criminal Procedure. Article 26.04 outlines the criminal appointment system. Many of the provisions in Article 26.04 are not applicable to juvenile proceedings; therefore, "to the extent practicable" was added to Section 51.102 to include juvenile proceedings. The juvenile board plan is specifically different than the adult criminal requirements of Section 51.102(b). First, the child's indigency is determined by the assets and income of the parent or other person responsible for the support of the child, not by the child's assets and income. Secondly, if an alternative plan is adopted, the juvenile board must adopt it, not the juvenile court judge or judges.



Article 26.04(a) sets out the requirement of rotational appointment from a public appointment list:

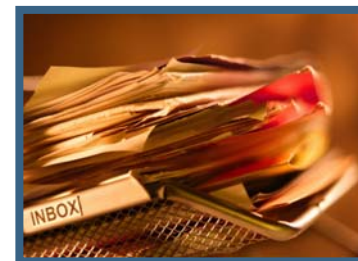
A court shall appoint an attorney from a public appointment list using a system of rotation, unless the court appoints an attorney under Subsection (f), (h), or (i). The court shall appoint attorneys from among the next five names on the appointment list in the order in which the attorneys' names appear on the list, unless the court makes a finding of good cause on the record for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in order on the list.

Subsection (f) provides for appointment of a staff attorney of a public defender's office in counties with such an office. Subsection (i) permits a court to appoint an attorney in a felony case from the appointment list of any county in the administrative judicial region, thereby increasing the pool of attorneys qualified for appointment in serious cases.

Subsection (h) authorizes a judge to appoint an attorney from an alternative program in a county in which an alternative program has been adopted. Subsection (g) sets out the requirements for an alternative program for the appointment of counsel in criminal cases. Most of its requirements are not applicable to juvenile cases. Subsection (g)(1)(B) provides that an alternative program may "use a multi-county appointment list using a system of rotation." This is designed for rural counties with few lawyers and for counties in which the county seat may be located near another county so that the natural area for appointing counsel extends into the next county and permits out-of-county appointments to be made in all cases, not just in felonies.

A juvenile board that wishes to have a multi-county appointment list may do so by designating its plan as an alternative program. Any alternative program must be approved by the presiding judge of the administrative judicial region. Such approval is not a step that is required for a "standard" plan.

An alternative program may, under Subsection (g)(1)(A), provide for a mixed system of appointed counsel and contract lawyers for indigent defense services. In criminal cases, there may be one alternative program for felony cases and another for misdemeanor cases or one program for both.



However, the availability of an alternative program under subsection (g) is not an authorization for each juvenile court judge to adopt his or her own appointment system. The Fair Defense Act was intended to end the practice of each judge adopting individualized plans. Subsection (g) only authorizes the adoption of a "countywide alternative program by a formal action in which two-thirds of the judges of the courts vote to establish the alternative program." Section 51.102(b)(1)(B) requires that an alternative program must be established by the entire juvenile board, not by a judge or judges sitting in juvenile cases.

If an alternative program is adopted by the juvenile board, the juvenile court is not required to make appointments in the rotational fashion required under the standard program. However, any alternative program must, under Subsection (g)(2)(D), assure that "appointments are reasonably and impartially allocated among qualified attorneys" to prevent judicial favoritism.

Juvenile board plans with multi-county jurisdiction should work with each county in the board's jurisdiction. A single plan may be adopted to cover all counties with individual variations, or an individual plan may be adopted by the juvenile board for each county. Any plan, for any county, in a juvenile board's jurisdiction is required to be approved by the entire juvenile board.

There must be an affirmative vote of at least a majority of the members of the juvenile board for a plan to be approved by the board. Government Code Section 311.013.

## When Can an Attorney Be Removed from the Appointment List?



Only the juvenile board has the authority to remove an attorney from the appointment list. As with adding an attorney to the list, it must do so by a majority vote. A juvenile court judge who has good cause to believe that an attorney should be removed under board standards has the power to remove an attorney from an appointment and not make

further appointments pending full board action within a reasonable time. The finding of good cause must be entered on the record. Two sections address specific conduct that can be used as the basis to remove an attorney from the list, Code of Criminal Procedure Articles 26.04(k) and 26.05(e).

## How Are Appointed Attorneys Paid?

An attorney appointed to represent the interests of a child will be paid from the general fund of the county in which the proceedings were instituted. The Texas Family Code, Section 51.10 requires for appointed counsel in juvenile court to be paid the same as appointed counsel for juveniles in criminal court for comparable work in comparable cases. The county's juvenile board is required to adopt a fee schedule



based on the fee schedule adopted by the criminal court judges.

Article 26.05(c), Code of Criminal Procedure, provides:

Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates. The fee schedule must take into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates. It must also provide a form for the appointed counsel to itemize the types of services performed.

If an attorney submits a payment voucher that is cut by the trial judge, Article 26.05(c) provides mechanism to appeal. The attorney can appeal the trial court's decision to the administrative judicial region presiding judge, whose decision on the matter is final. The juvenile board's plan should recognize that same process of appeal.

The attorney fee schedule for each county may be viewed online at <http://tfid.tamu.edu/IDPlans/Feedocuments.asp>.

## INFORMATION FOR COUNTIES AND JUVENILE BOARDS

### What Must a County Include in its Juvenile Indigent Defense Plan?



#### Requirements for the Attorney Appointment List:

- List of eligible attorneys is created and posted;
- Qualifications for attorneys to be on the appointment list is specified with differences in accordance with the five levels recognized by law;
- Procedures for including attorneys on the list is specified;
- Procedures for removing attorneys from the list is specified;
- Procedures for appointing attorneys on the list to cases and for payment is specified; and
- The requirements of the plan complies with the Code of Criminal Procedure to the extent feasible.

Family Code Section 51.101  
Code of Criminal Procedure Article 26.04

#### Standard Appointment or Alternate Appointment Program is Implemented:

- Article 26.04 is complied with “to the extent practicable.”
- The standard rotational appointment is as follows:
  - The court shall appoint an attorney from the next five names on the appointment list, unless there is good cause for appointing the attorney out of order.
  - When an attorney is appointed out of order, the attorney next on the list that was not appointed should stay on the list as the next available attorney.

- Article 26.04 allows the county to appoint counsel from a public defenders office if available, from a list that merges two counties if in rural area, or to have two separate appointment lists for felony and misdemeanor cases.
- An alternative program may:
  - Implement a mixed system of appointed attorneys and contract attorneys;
  - A majority of the juvenile board must vote to approve a mixed system; and
  - A mixed system is available and not mandatory countywide.

Family Code Section 51.101  
Code of Criminal Procedure Article 26.04

#### Reporting Requirements for Indigent Defense Information:

(a) In each county, not later than November 1 of each odd-numbered year and in the form and manner prescribed by the Task Force on Indigent Defense, the following information shall be prepared and provided to the Office of Court Administration of the Texas Judicial System:

- (1) a copy of all formal and informal rules and forms that describe the procedures used in the county to provide indigent defendants with counsel in accordance with the Code of Criminal Procedure, including the schedule of fees required under Article 26.05 of that code;
- (2) any revisions to rules or forms previously submitted to the office of court administration under this section; or
- (3) verification that rules and forms previously submitted to the office of court administration under this section still remain in effect.



(b) Except as provided by Subsection (c):

(1) the local administrative district judge in each county, or the person designated by the judge, shall perform the action required by Subsection (a) with respect to all rules and forms adopted by the judges of the district courts trying felony cases in the county; and

(2) the local administrative statutory county court judge in each county, or the person designated by the judge, shall perform the action required by Subsection (a) with respect to all rules and forms adopted by the judges of the county courts and statutory county courts trying misdemeanor cases in the county.

(c) If the judges of two or more levels of courts described by Subsection (b) adopt the same formal and informal rules and forms, the local administrative judge serving the courts having jurisdiction over offenses with the highest classification of punishment, or the person designated by the judge, shall perform the action required by Subsection (a).

(d) The chair of the juvenile board in each county, or the person designated by the chair, shall perform the action required by Subsection (a) with respect to all rules and forms adopted by the juvenile board.

(e) In each county, the county auditor, or the person designated by the commissioners court if the county does not have a county auditor, shall prepare and

send to the Office of Court Administration of the Texas Judicial System in the form and manner prescribed by the Task Force on Indigent Defense and on a monthly, quarterly, or annual basis, with respect to legal services provided in the county to indigent defendants during each fiscal year, information showing the total amount expended by the county to provide indigent defense services and an analysis of the amount expended by the county:

(1) in each district, county, statutory county, and appellate court;

(2) in cases for which a private attorney is appointed for an indigent defendant;

(3) in cases for which a public defender is appointed for an indigent defendant;

(4) in cases for which counsel is appointed for an indigent juvenile under Section 51.10(f), Family Code; and

(5) for investigation expenses, expert witness expenses, or other litigation expenses.

(f) As a duty of office, each district and county clerk shall cooperate with the county auditor or the person designated by the commissioners court and the commissioners court in retrieving information required to be sent to the Office of Court Administration of the Texas Judicial System under this section and under a reporting plan developed by the Task Force on Indigent Defense under Section 71.061(a).

Government Code Section 71.0351

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## APPENDIX A: JUVENILE BOARD STATUTES

There are several statutes that are relevant to the juvenile board's task, including:

- Texas Family Code Section 51.10. Establishes the right to counsel in juvenile cases and provides some of the procedures needed to implement that right.
- Texas Family Code Section 51.101. Provides details as to timeliness of appointments and the continuing obligations of appointed counsel to represent a juvenile client.
- Texas Family Code Section 51.101. Sets out the basic requirements that a juvenile board's appointment of counsel plan must meet.
- Code of Criminal Procedure Article 26.04. Sets out plan requirements in criminal cases and to which a juvenile's board's plan must adhere "to the extent practicable;"
- Code of Criminal Procedure Article 26.05. Sets out the systems to be used for payment of the costs of indigent defense; and
- Texas Government Code Section 71.0351. Sets out the plan reporting requirements.

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## APPENDIX B: FURTHER RESEARCH REFERENCES

Letter from Professor Robert Dawson, University of Texas School of Law, [http://www.texasappleseed.net/pdf/projects\\_fairDefenseJ\\_fairdefact.pdf](http://www.texasappleseed.net/pdf/projects_fairDefenseJ_fairdefact.pdf).

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Texas Appleseed Foundation, Navegando el Sistema de Justicia para Menores: Un Manual para Menores de Edad y Sus Familias (2003), [http://www.texasappleseed.net/pdf/hbook\\_Juvenile\\_family\\_SP\\_Navegando.pdf](http://www.texasappleseed.net/pdf/hbook_Juvenile_family_SP_Navegando.pdf).

Texas Appleseed Foundation, Navigating the Juvenile Justice System: A Handbook for Juveniles and Their Families (2004), [http://www.texasappleseed.net/pdf/hbook\\_Juvenile\\_family\\_Navigating.pdf](http://www.texasappleseed.net/pdf/hbook_Juvenile_family_Navigating.pdf).

Texas Appleseed Foundation, Selling Justice Short: Juvenile Indigent Defense in Texas (2000), [http://www.texasappleseed.net/pdf/projects\\_fairDefenseJ\\_sellshort.pdf](http://www.texasappleseed.net/pdf/projects_fairDefenseJ_sellshort.pdf).