Resolution Spotlight

The Resolutions adopted by the members of the County Judges and Commissioners Association of Texas (CJCAT) at the Annual Conference originate among members of Commissioners Courts and serve as the CJCAT Legislative Platform.

State Funds for Indigent Representation in Child Protective Services Cases
County Judge or Commissioner → CJCAT → Legislature

When the Texas Department of Family and Protective Services (DFPS) is called to investigate alleged abuse or neglect of a child, many times the investigation leads to the removal of the child from the home and family to ensure the child's safety and well-being. Once a judge signs a court order granting DFPS conservatorship and places the child in state foster care, the State of Texas stands in the shoes of the parent until the child exits the foster care system. **The court that grants DFPS conservatorship of the child or children is also required to appoint legal counsel to all children and indigent parents. This appointment of legal counsel is mandatory.**

- Section 107.012 of the Texas Family Code requires appointment of an attorney ad litem for a child involved in a Child Protective Services (CPS) case within 14 days after the child is removed from his or her home.
- Family Code Sections 107.013, 107.0131, 107.0132, 107.014, and 107.0141 govern the various types of attorney appointments for parents involved in CPS cases.

The Texas Fair Defense Act of 2001 requires all Texas courts to establish procedures to provide court-appointed lawyers for indigent defendants. This legislation also established the Texas Indigent Defense Commission to oversee indigent defense services and provide state grants to counties. However, these grants do not apply to legal representation for indigent parents in CPS cases. **Consequently, counties continue to fund 100 percent of these costs, confirmed CJCAT Legislative Director Rick Thompson.**

"Providing legal representation in CPS cases is an essential state responsibility, but the current system is funding that representation through county property taxes, creating a state-mandated property tax increase," said Menard County Judge Brandon Corbin.

"The Texas Legislature expanded mandatory attorney ad litem appointments in 2025 through Senate Bill 1838 and established more specific compensation requirements that impacted local control," Corbin continued. "These state requirements reinforce the need for dependable state funding so that counties can fulfill the state legal obligations without placing unpredictable costs on local property tax payers."

"Jasper County is among those that expends a great deal of local taxpayer funds supplementing what should be the state's full responsibility," shared Jasper County Judge Mark Allen.

From Jan. 1, 2026, through Oct. 15 of this year, Jasper County taxpayers have funded $141,078.75 for representation in CPS cases. Costs to the taxpayers over the last five years were as follows:

- 2025: $131,550.25
- 2024: $205,947.54
- 2023: $168,720.72
- 2022: $204,010.91
- 2021: $182,258.82

"This state-mandated property tax increase also goes beyond the direct out-of-pocket costs to local taxpayers by placing additional scheduling burdens on local county-funded court coordinators and the court bailiff personnel who are often brought in on overtime to provide court security for visiting judges," Allen observed. "The State of Texas does not offset any of these costs, which must be budgeted for locally by each county. Unfortunately, this is just one of many state-mandated property tax increases handed down to local county governments with no funding provided to offset the costs of implementation. This is just another pea hidden in the endless shell game that the state forces each county and local taxpayer to play."

The challenge is both the expense itself and the difficulty of anticipating it when preparing a county budget, Corbin reiterated.

Menard County reported the following indigent CPS expenditures the last few fiscal years:

- 2026: $4,785.50
- 2025: $0.00
- 2024: $68.00

"These figures demonstrate why past spending is not a reliable predictor of future obligations," Corbin explained. A year with no expenditures does not eliminate the potential for thousands of dollars in required expenses the following year.

"For a county with a limited tax base, this volatility makes it nearly impossible to forecast an appropriate budget allocation," Corbin emphasized. "We must either tax and hold scarce local dollars for expenses that may not materialize, or accommodate unbudgeted costs alongside other essential county services." For context, Menard County is in the bottom 10 in the state in valuation, and the entire ad valorem tax generated 2.6 million dollars this year.

"Our expenditures may be modest compared with those of larger counties, but I could show you similar trends for mental health detentions, indigent burials, and many other state-mandated services the counties perform that make prudent budgeting extremely difficult," Corbin elaborated. "Protecting children and ensuring fair legal representation are state responsibilities. When the state establishes these requirements, it should provide dependable funding to carry them out."

The County Judges and Commissioners Association of Texas worked with Commissioners Courts to develop and adopt the following Resolution:

State Funds for Indigent Representation in Child Protective Services Cases

WHEREAS, Texas counties are mandated by state law to provide legal representation for indigent parents, children, guardians, or any individual withstanding in Child Protective Services (CPS) cases; and

WHEREAS, counties across the State of Texas reported spending over $64 million in Fiscal Year 2025 to fulfill these state-mandated legal requirements, a financial burden borne entirely by local property tax payers; and

WHEREAS, the cost of legal representation in CPS cases continues to rise due to the increasing complexity of litigation, the shortage of qualified attorneys in rural areas, and the necessity of early legal intervention to prevent children from entering the foster care system;

NOW, THEREFORE, BE IT RESOLVED that the County Judges and Commissioners Association of Texas does hereby request that the Texas Legislature establish a formula grant program and fully fund the cost for Family Protection Representation, which has cost county property tax payers over $244 million from 2021 through 2025.