



FY2024

FAMILY PROTECTION REPRESENTATION

Data Report

December 2025

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Executive Summary

Texas has long valued the importance of family, parental rights, and the safety of children. When the government becomes involved with a family due to allegations of child abuse or neglect, the stakes are high, and it is critical that the necessary legal processes are followed to guarantee that the system meets its duties to children and families. Attorneys for parents and children in these cases serve a critical role in ensuring that the child protection system fulfills its responsibilities to keep children safe and maintain family integrity.

The Texas Indigent Defense Commission (TIDC) first became involved with court-appointed legal representation of children and parents in child protection cases in 2021 to assist with data collection efforts on behalf of the Texas Judicial Council. In September of 2023, after the passage of SB 2120 (88th Legislature)ⁱ, TIDC took on official responsibilities in this space, and the Family Protection Representation (FPR) division at TIDC was launched.

TIDC has been collecting FPR data since November 2021. Over the years, similar themes have emerged in the data, including large variations in spending among the counties and very low spending by a significant number of counties.ⁱⁱ The data collected for FY24 shows similar trends.

The FPR system is fully supported by county funds. The state provides no financial support for attorneys appointed to represent parents and children in child protection cases. TIDC's Legislative Appropriations Request to support FPR during the 89th Legislative session was not approved, and FPR continues to wholly rely on the financial support of county budgets.

The data in this report shows that spending disparities among the counties on FPR is significant. FPR spending should meet the needs of families regardless of where they reside. A family's county of residence should not affect the quality of legal representation they receive, and based on the wide disparities in county spending across the state, there are indicators this could be happening today.

Introduction

When a family is involved in a court case filed by the Texas Department of Family and Protective Services (DFPS), children and many parents have statutory rights to legal representation in Texas.ⁱⁱⁱ Family Protection Representation (FPR) is the publicly funded legal representation of children and parents involved in cases brought against a parent by DFPS.

TIDC has been collecting data regarding FPR since November 2021. This information is key to understanding the landscape of FPR in Texas. Beginning in 2021, counties are required to report their FPR expenditures by November 1.^{iv} Also beginning in 2021, counties must submit their FPR plan to TIDC by November 1 in odd-numbered years.^v Beginning in 2023, attorneys who accept FPR appointments are required to submit their percentage of practice time devoted to the work each year by October 15.^{vi} For FY24, TIDC received FPR expenditure reports and attorney practice time reports. FPR plans will not be reported again until the FY25 report.

Items of Notes in this Report:

- Total spending for FY24 is \$62,100,900.
- Statewide per capita spending is \$2.02.
- The county per capita range in spending is \$0.04 to \$16.96.
- 155 counties in Texas spent \$100,000 or less on FPR in FY24 and account for only 8% of the total share of state spending.
- Statewide total reported spending on appeals is just over \$1 million.
- There is a lack of attorneys who have been licensed in the last 10 years practicing in FPR.

The FPR system in Texas needs reform, financial support, and innovation. The information included in this report is a helpful tool in understanding a better way forward for families involved in DFPS cases.



FY24 Spending Summary

Total Statewide Spending: \$62,100,900

TIDC accepted Family Protection Representation (FPR) Indigent Defense Expenditure Reports (IDER) from 244 counties. Due to unresolved potential errors, TIDC did not accept an FPR IDER from nine counties. Of the 244 accepted reports, 20 counties did not report any FPR expenditures. Additionally, at the writing of this report, one county did not submit a report. Please note, the following expenditure information in this report is based on information from the 244 accepted reports.

Total reported statewide spending is slightly down from reported spending for FY23, but has remained consistent since FY22.

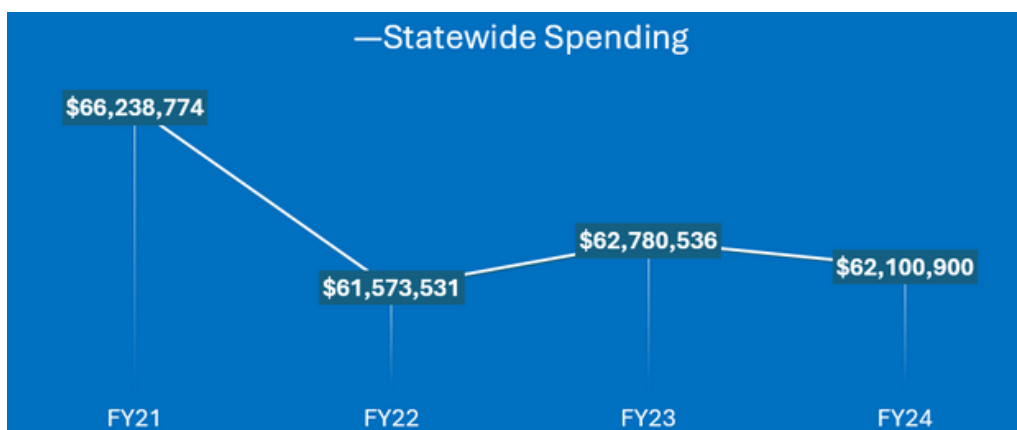


Figure 1

Per Capita Spending

Statewide Per Capita Spending: \$2.02

The statewide range of county per capita spending on FPR spans from \$0.04 to \$16.96.

Although many counties spend between \$2.00 and \$3.00 per capita, a significant number of counties spend less than \$1.00 per capita. Among the counties that reported FPR spending, 41 counties spend less than \$1.00 per capita. Within those 41 counties, 19 counties spend less than \$0.50 per capita.

An analysis of the breakdown of county per capita spending shows wide variation in spending throughout the state.

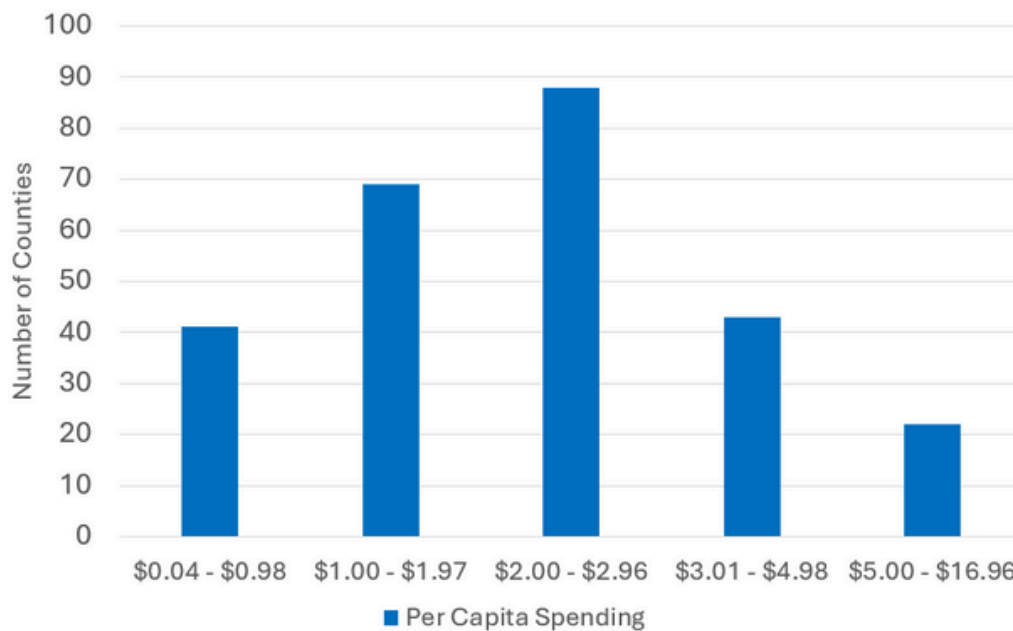


Figure 2

Statewide Share of Spending

The state has collectively spent over \$60 million each year on FPR over the last four fiscal years, but a significant number of counties spend very small amounts of money on this work.

In FY24, only 11 counties spent over \$1 million on FPR. The top 11 spending counties spent between \$1,000,069 and \$9,164,512. The middle 58 spending counties spent between \$100,121 and \$957,546. The bottom 155 spending counties spent between \$68.00 and \$99,689. Within the bottom spending group, 41 counties spent less than \$20,000 per year on FPR.

Although the counties that spent below \$100,00 represent a significant portion of Texas, this spending only accounts for 8% of the total spending on FPR for FY24.

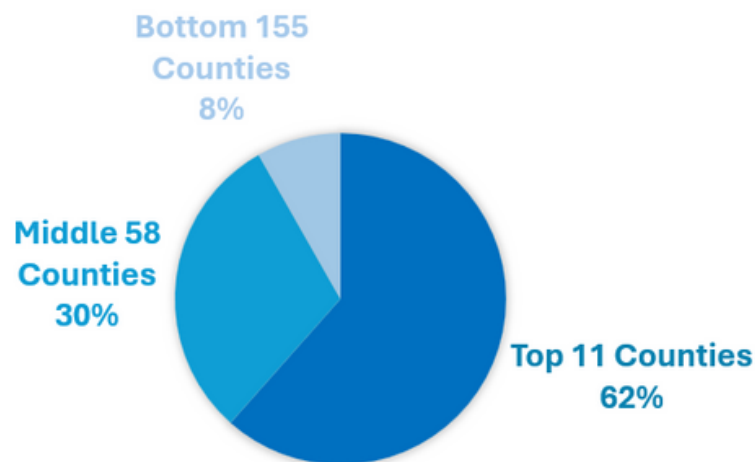


Figure 3

Statewide Share of Spending & DFPS Data Comparison

Every year, DFPS reports the number of children in conservatorship and family preservation services. Children in conservatorship are in the legal custody of DFPS. Family preservation cases are situations where a parent, either voluntarily or by court order, participates in services, but the child is not in the legal custody of DFPS.

For FY24, DFPS reported there were 28,008 children in the conservatorship of the agency.^{vii} In the same year, 61,062 children were involved in a family preservation case.^{viii}

Most children and many parents involved in conservatorship cases have a right to an attorney.^{ix} Additionally, all children and many parents involved in court-ordered family preservation cases have a right to an attorney.^x For every child with a right to an attorney, there is very often at least one parent who also has a right to an attorney. Each year, tens of thousands of children and parents involved in DFPS cases should have access to counsel pursuant to the Texas Family Code.

When looking at the top, middle, and bottom county spending groups discussed on page 7, and comparing with DFPS numbers of involved children in those same groups of counties, the bottom 155 counties have a higher percentage of children in conservatorship, family preservation, and number of legal removals of children^{xi} than the percentage of their overall spending costs.

A Note on Counties that Reported No Spending

Of the 20 counties that reported no spending, three counties had children in conservatorship, and 11 counties had children involved in a family preservation case.

Statewide Share of Spending & DFPS Data Comparison

Groups of Counties	Share of Total FPR Spending for FY24	Share of Children in DFPS Conservatorship in FY24	Share of Children Legally Removed by DFPS in FY24	Share of Children involved in Family Preservation Cases in FY24
Bottom 155 Spending Counties	8%	16%	16%	14%
Middle 58 Spending Counties	30%	35%	34%	34%
Top 11 Spending Counties	62%	49%	50%	52%

Table 1

At this time, the exact reasons for the disparity in spending and percentages of children involved in conservatorship and family preservation cases are unknown. However, current data shows that a significant number of families who live in over half of the counties in Texas face child protection cases with legal representation systems that have limited funding.



Systems for Providing Legal Representation

For over ten years, the Texas Family Code has allowed for the legal representation of children and parents in cases brought by DFPS to be provided by Offices of Child or Parent Representation and Managed Assigned Counsel Programs. Texas Family Code § 107.256 allows for the creation of an Office of Parent or Child Representation. Texas Family Code § 107.303 allows for the creation of a managed assigned counsel program.

Although formal representation models such as offices of parent and child representation, public defender offices, and managed assigned counsel programs provide many benefits for families and other child welfare stakeholders, Texas rarely uses these systems to provide family protection representation. In FY24, the overwhelming majority of legal representation for children and parents in child protection cases was delivered through lists of private assigned counsel appointed by each county's local court system. Only five counties in Texas provide family protection representation through a formal county-funded office model. Dallas and El Paso County provide some family protection representation through their public defender offices. Potter and Randall counties report providing representation to children through county-funded employees. Travis County is the only county in the state that operates official Offices of Parent and Child Representation.

Collectively, these county-funded office models cost \$5,077,400.41, which accounts for 8% of the total spending on FPR in FY24.

Further expansion of formalized county-funded office models will be key in supporting a strong family protection representation system that fulfills the statutory duties set out by the Legislature for this work. Supportive funding is necessary to assist counties in achieving models that meet the needs of families involved with DFPS.

Spending Category Breakdown

Beginning with the FY22 Family Protection Representation Indigent Defense Expenditure Report, counties were asked to submit their expenditures and appointments divided into six different categories: custodial parents, non-custodial parents, non-parent conservators, children, adult appeals, and children appeals. For the FY24 report, most counties were able to report expenditure information in the requested categories; however, 11 counties were unable to do so and are not included in the numbers in the chart below.

Collectively, the state spent slightly more on providing legal representation to children than to parents. Non-parent conservators do not have a right to an attorney, and reported spending in this category is very low – only \$3,388.00. As this amount is very low, that category is not reflected in the graphic below. Additionally, reported spending in appeals reflects a small portion of total spending on family protection representation.

Spending Breakdown

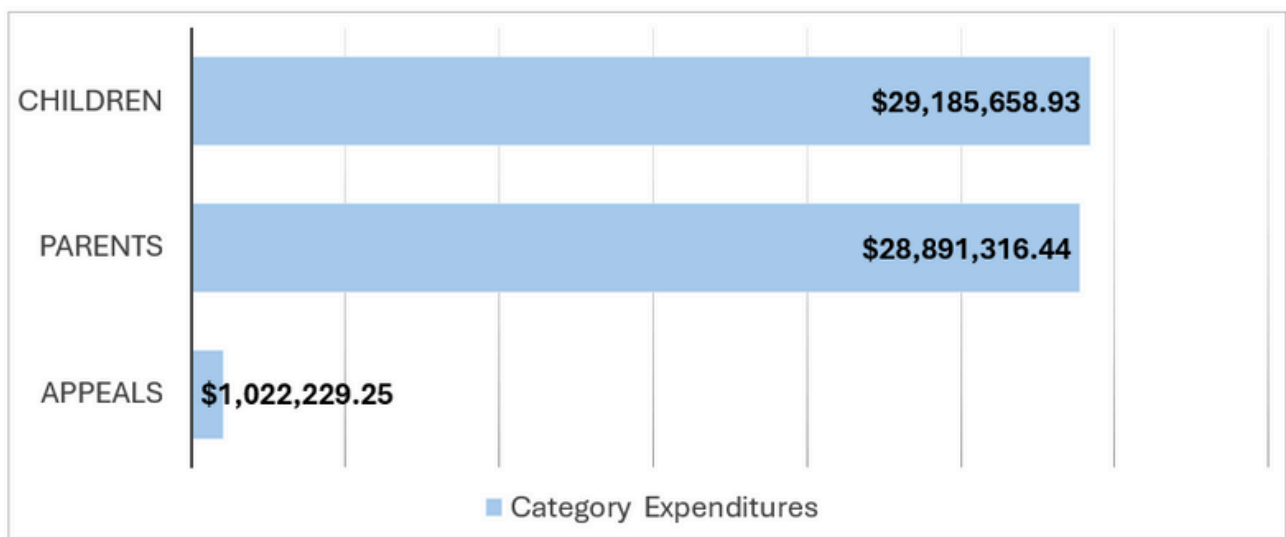


Figure 4



Appointments

Child protection cases can be complex and often involve multiple parties. Commonly, a case may require the appointment of a lawyer for a mother, a lawyer for a father, and a lawyer for the children involved in the case. Depending on the circumstances, a child protection case may need many more lawyers appointed than three if there are multiple fathers involved and/or conflicts of interest among siblings. Additionally, child protection cases can last well over a year, and appointments of attorneys on the case can conclude at different times depending on the circumstances of the person the attorney represents. Given these factors, determining an accurate number of appointments each fiscal year has been a challenge.

Counties are asked to report an appointment one time each year an expenditure is paid on the appointment. For example, in a case where the court appoints a lawyer for a mother, a lawyer for a father, and a lawyer for a child, the county should report three appointments for the fiscal year if each of those attorneys is paid for their work on the case in the year. Some counties have experienced challenges reporting appointments; however, over time, the numbers reported appear to be more accurate.

Statewide Number of Appointments Reported: 44,404

Statewide Amount Paid Per Appointment: \$1,398.54

When evaluating county per appointment spending, the range is significant: \$68.00 – \$6,624.00. Within this range, 111 counties paid less than \$1,000 per appointment. Within that group, 31 counties paid less than \$500 per appointment. Although per-appointment spending is a rough estimate, these numbers can be used as a general indicator of what an attorney may receive in one fiscal year for their work representing an appointed client in a child protection case. Some child protection cases can be very complex, require many hours of work, and last well over one year. Payment of \$1,000 for an entire year to represent a court-appointed client in a child protection case is often not enough to cover the true amount of work that is required.



Attorney Practice Time Report

Beginning in October 2023, attorneys who accept appointments from the court to represent parents and/or children in cases brought against a parent by DFPS are required to report the percentage of their practice spent on this work. Reports are now due by October 15 of each year. Reports received in 2024 reflect only the second year of gathering this information, but provide key pieces of data to better understand the landscape of family protection representation. Although not all attorneys who practice FPR submitted a report, the size of the data set provides important insights into the work.

A very small number of attorneys report exclusively dedicating their practice to FPR. As expenditure reports indicate, nearly all FPR work is completed by private assigned counsel. These attorneys very commonly accept cases in various fields of law. The small number of attorneys who report working 100% on FPR shows that the state lacks a strong number of true subject matter experts in the field.

Attorneys reporting some FPR time in 2023: **1,010**

Attorneys reporting 100% FPR time in 2023: **76**

Attorneys reporting some FPR time in 2024: **1,054**

Attorneys reporting 100% FPR time in 2024: **67**

Attorney Practice Time Report

Matching the attorneys who submitted a practice time report with their bar licensure year shows that there are fewer attorneys licensed in the last 10 years who accept FPR appointments than those who have practiced for much longer. The aging bar combined with lower numbers of newer attorneys practicing in this field is a warning that counties may not be able to fulfill their statutory obligations to provide legal representation for children and parents involved in child protection cases in the future if the current system, without additional financial support, continues.

Attorney Practice Time Report & Bar Licensure Year

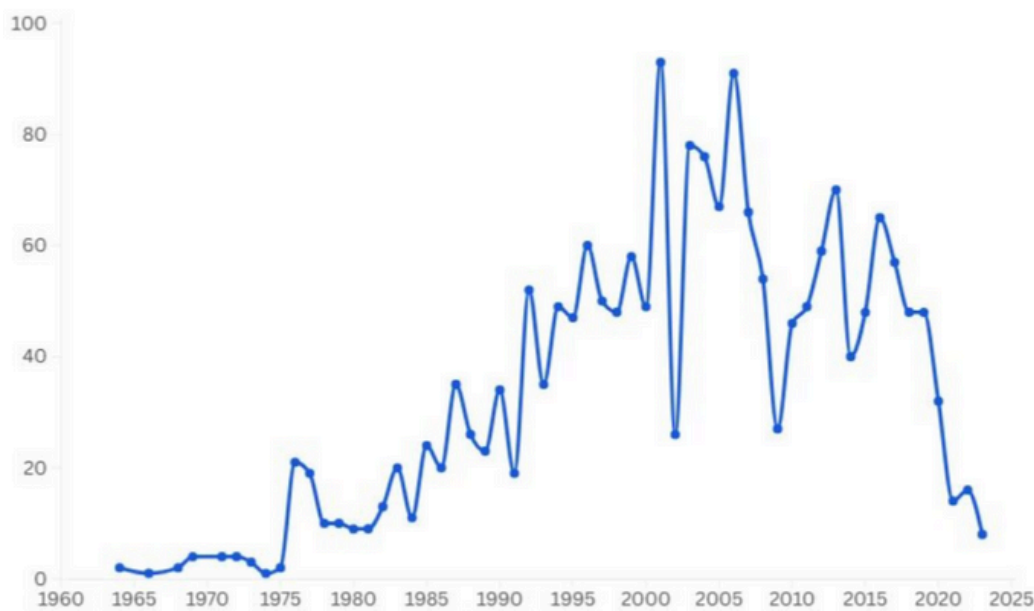


Figure 5

Conclusion

DFPS bears an immense responsibility to children and families. In Texas, the child protection system must keep children safe while also keeping families together when possible. These interests are paramount to the well-being of children but can sometimes be difficult to meet in practice. Attorneys for children and parents in cases brought by DFPS are an integral and necessary piece of a strong child protection system.

Texas recognizes the importance of attorneys for families in child protection cases and has codified both a parent's and a child's right to counsel in the Texas Family Code.^{xii} Although these rights are codified in Texas statutes, the Legislature has left the financial responsibility for payment of attorneys for parents and children largely up to the counties. The decentralized, county-based nature of the FPR system results in inconsistent pay for attorneys who are willing to do this invaluable work.

Additionally, FPR is largely practiced by private assigned counsel. Texas lacks formal systems for providing FPR in models such as Offices of Parent or Child Representation. Data from FY24 shows that there is a deficit of attorneys who provide FPR and have been licensed in the last 10 years. The shortage of structured systems for representation and inconsistent pay could be contributing factors to difficulties in attracting newer attorneys to this work. As the bar ages and attorneys leave the field, attracting newer attorneys to child protection law will be critical in keeping children safe and keeping families together.

Ultimately, additional funding from the state is needed to fully achieve an FPR system that fulfills its obligations to families.



Appendix A

County Spending & Appointments Table

County	Spending	Appointments
Anderson	\$71,853	28
Andrews	\$29,760	42
Angelina	\$395,127	299
Aransas	\$42,586	53
Archer	\$16,899	8
Armstrong	\$6,100	10
Atascosa	\$99,539	117
Austin	\$11,287	19
Bailey	\$13,440	52
Bandera	\$114,900	59
Bastrop	\$361,495	249

County	Spending	Appointments
Bee	\$114,858	18
Bell	\$1,280,559	998
Bexar	\$4,385,517	4709
Blanco	\$35,118	31
Borden	\$0	0
Bosque	\$21,023	31
Bowie	\$193,391	173
Brazoria	\$545,580	365
Brazos	\$463,699	386
Brewster	\$11,330	3
Briscoe	\$3,640	4
Brooks	\$18,482	14
Brown	\$100,120	67

County	Spending	Appointments
Burleson	\$34,895	46
Burnet	\$182,774	168
Caldwell	\$100,419	120
Calhoun	\$34,875	20
Callahan	\$63,723	49
Cameron	\$455,475	329
Camp	\$78,254	44
Carson	\$8,295	13
Cass	\$73,550	236
Castro	\$10,687	19
Chambers	\$61,665	39
Cherokee	\$90,321	102
Childress	\$1,162	3

County	Spending	Appointments
Clay	\$30,878	17
Cochran	\$3,600	5
Coke	\$5,542	1
Coleman	\$49,127	30
Collin	\$1,000,069	524
Collingsworth	\$1,550	4
Colorado	\$4,775	5
Comal	\$406,215	305
Comanche	\$107,813	132
Concho	\$0	0
Cooke	\$74,490	40
Coryell	\$204,601	199
Cottle	\$16,961	8

County	Spending	Appointments
Crane	\$0	0
Crockett	\$13,248	2
Crosby	\$12,493	24
Culberson	\$9,828	3
Dallam	\$17,560	35
Dallas	\$4,313,967	2,424
Dawson	\$4,013	7
Deaf Smith	\$12,857	30
Delta	\$2,225	6
Denton	\$2,246,747	439
DeWitt	\$86,317	47
Dickens	\$2,556	3
Donley	\$10,412	11

County	Spending	Appointments
Duval	\$23,075	60
Eastland	\$129,164	317
Ector	\$356,652	722
Edwards	\$777	1
El Paso	\$817,741	619
Ellis	\$292,217	195
Erath	\$45,906	114
Falls	\$142,663	80
Fannin	\$93,994	63
Fayette	\$31,897	22
Fisher	\$4,241	4
Floyd	\$5,040	18
Foard	\$0	0

County	Spending	Appointments
Fort Bend	\$626,129	182
Franklin	\$3,750	30
Freestone	\$15,011	18
Frio	\$62,817	127
Gaines	\$9,315	13
Galveston	\$747,852	499
Garza	\$7,922	12
Gillespie	\$51,559	30
Glasscock	\$0	0
Goliad	\$9,199	6
Gonzales	\$49,675	84
Gray	\$85,664	83
Grayson	\$154,616	157

County	Spending	Appointments
Gregg	\$267,222	317
Grimes	\$13,679	15
Guadalupe	\$149,924	220
Hale	\$83,486	72
Hall	\$11,140	11
Hamilton	\$48,692	50
Hansford	\$5,890	7
Hardeman	\$2,110	5
Hardin	\$219,420	119
Harris	\$9,164,511	4795
Harrison	\$72,620	115
Hartley	\$2,045	8
Haskell	\$28,702	31

County	Spending	Appointments
Hays	\$402,488	528
Hemphill	\$5,840	10
Henderson	\$420,258	230
Hidalgo	\$745,002	592
Hill	\$201,450	150
Hockley	\$33,230	40
Hood	\$140,084	245
Houston	\$19,829	13
Howard	\$59,398	58
Hudspeth	\$1,728	2
Hunt	\$284,044	85
Hutchinson	\$99,638	124
Irion	\$0	0

County	Spending	Appointments
Jack	\$19,243	21
Jackson	\$41,366	19
Jasper	\$60,611	138
Jeff Davis	\$0	0
Jefferson	\$339,435	541
Jim Hogg	\$7,200	16
Jim Wells	\$60,609	160
Johnson	\$321,544	430
Jones	\$50,328	24
Karnes	\$19,690	26
Kaufman	\$374,850	210
Kenedy	\$0	0
Kent	\$0	0

County	Spending	Appointments
Kerr	\$112,388	92
Kimble	\$16,448.81	9
King	\$0	0
Kinney	\$0	0
Kleberg	\$73,975	261
Knox	\$26,285	6
Lamar	\$120,820	613
Lamb	\$21,995	35
Lampasas	\$122,659	112
Lavaca	\$26,046	102
Lee	\$24,520	31
Leon	\$8,046	6
Liberty	\$154,320	109

County	Spending	Appointments
Limestone	\$60,317	48
Lipscomb	\$560	1
Live Oak	\$24,775	7
Llano	\$122,763	119
Loving	\$0	0
Lubbock	\$957,545	974
Lynn	\$28,008	26
Madison	\$38,112	41
Marion	\$18,728	27
Martin	\$10,454	11
Mason	\$680	1
Matagorda	\$146,788	173
McCulloch	\$66,371	45

County	Spending	Appointments
McLennan	\$1,035,360	1,092
McMullen	\$0	0
Medina	\$171,670	87
Menard	\$68	1
Midland	\$99,416	96
Milam	\$87,307	46
Mills	\$19,837	12
Mitchell	\$23,334	33
Montague	\$98,619	52
Montgomery	\$729,582	677
Moore	\$20,200	28
Morris	\$91,799	41
Motley	\$5,820	4

County	Spending	Appointments
Nacogdoches	\$29,858	26
Navarro	\$128,096	54
Newton	\$47,608	33
Nolan	\$79,050	104
Ochiltree	\$13,300	14
Oldham	\$880	2
Orange	\$227,028	196
Palo Pinto	\$54,073	113
Panola	\$60,275	66
Parker	\$593,234	222
Parmer	\$16,453	16
Pecos	\$46,157	41
Polk	\$85,913	106

County	Spending	Appointments
Potter	\$468,533	853
Presidio	\$3,830	1
Randall	\$454,391	387
Reagan	\$2,295	3
Real	\$0	0
Red River	\$14,844	41
Reeves	\$16,367	24
Refugio	\$16,235	6
Roberts	\$0	0
Robertson	\$191,056	133
Rockwall	\$68,861	76
Runnels	\$20,354	13
Rusk	\$61,150	136

County	Spending	Appointments
Sabine	\$4,307	8
San Augustine	\$15,810	8
San Patricio	\$95,797	92
San Saba	\$21,065	35
Schleicher	\$0	0
Scurry	\$84,641	63
Shackelford	\$0	0
Shelby	\$28,742	58
Sherman	\$9,160	16
Smith	\$950,000	877
Somervell	\$29,092	44
Starr	\$150,907	103
Stephens	\$28,441	37

County	Spending	Appointments
Sterling	\$4,923	2
Stonewall	\$0	0
Sutton	\$3,408	3
Swisher	\$31,700	36
Tarrant	\$3,363,011	2,403
Taylor	\$2,484,067	1,421
Terrell	\$0	0
Terry	\$18,900	24
Throckmorton	\$0	0
Titus	\$84,295	66
Tom Green	\$378,975	158
Travis	\$7,905,155	1,724
Trinity	\$35,900	57

County	Spending	Appointments
Tyler	\$79,328	60
Upshur	\$62,398	203
Upton	\$2,072	4
Uvalde	\$21,383	27
Val Verde	\$92,513	40
Van Zandt	\$272,978	196
Victoria	\$305,794	153
Walker	\$22,465	18
Waller	\$37,602	31
Ward	\$30,580	38
Washington	\$46,199	44
Webb	\$45,530	41
Wharton	\$125,996	123

County	Spending	Appointments
Wheeler	\$8,280	11
Wichita	\$571,201	1,282
Wilbarger	\$50,295	49
Willacy	\$32,650	72
Williamson	\$1,046,395	559
Wilson	\$39,264	49
Winkler	\$8,885	12
Wise	\$292,822	173
Wood	\$139,284	142
Yoakum	\$9,600	9
Young	\$37,304	25
Zapata	\$11,825	17

Appendix B

Unapproved Reports & No Report Submission

Counties that submitted a family protection representation expenditure report, but the report was not approved due to unresolved possible errors in the report:

Baylor

Dimmitt

Hopkins

Kendall

Maverick

Nueces

Rains

San Jacinto

Zavala

Counties that did not submit a family protection representation expenditure report:

La Salle

Appendix B

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End Notes

- i. <https://capitol.texas.gov/tlodocs/88R/billtext/pdf/SB02120F.pdf#navpanes=0>
- ii. See FY21, FY22, and FY23 data reports at <https://www.tidc.texas.gov/family-representation/>
- iii. See Texas Family Code §§ 107.012, 107.0125, 107.013, 161.003, and 264.203.
- iv. Texas Government Code § 79.0365
- v. Texas Family Code § 79.0365
- vi. Texas Family Code §107.0042
- vii. See https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Services/Conservatorship/Children_in_Conservatorship.asp
- viii. See https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Services/Family_Preservation/Children_Served.asp
- ix. See Texas Family Code §§ 107.012, 107.0125, 107.013, 161.003.
- x. See Texas Family Code § 264.203.
- xi. See https://www.dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Services/Conservatorship/Removals.asp for numbers of removals of children in FY24.
- xii. See Texas Family Code §§ 107.012, 107.0125, 107.013, 161.003, and 264.203.