



**CRIMINAL JUSTICE PLANNING**

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# ***Office of Child Representation***

## ***Cost Benefit Analysis***

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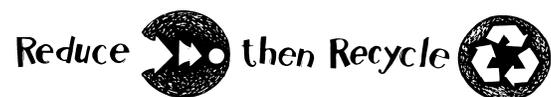


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## EXECUTIVE SUMMARY

In 2009, Travis County, with financial assistance from the Texas Supreme Court Commission of Children, Youth and Families, established the county's first Office of Child Representation and Office of Parental Representation. These two public defender offices represent indigent parents and children in Child Protective Services (CPS) cases brought by the State of Texas.

The cost-benefit analysis which follows this Executive Summary focuses on the Office of Child Representation.

In civil CPS cases, every child is provided an attorney. Until the OCR, this representation was provided by private attorneys who had qualified to be on the CAFA list and supplemented through an agreement with the Children's Rights Clinic twice per year. Private attorneys and the Children's Rights Clinic bill their time and qualified expenses on these cases to the county. Over the years, the amount budgeted for civil indigent defense has grown from \$1,970,155 in FY08 to \$2,409,784 in FY09, a 22% increase.

OCR was designed to represent the children involved in CPS cases. OCR is staffed with one Managing Attorney, three Staff Attorneys, one Paralegal, one Social Worker and two Legal Secretaries for administrative support. The annual budget is \$673,000, with partial funding provided by the Texas Supreme Court since inception in 2009. The contribution from the state will cease in FY11 and the OCR will be entirely funded by Travis County.

There were two primary purposes for developing the OCR. One was to increase the quality of representation and service provided to the children involved in CPS litigation. The second purpose of the OCR was to decrease the number of private attorney appointments in these cases, by which some measure of control could be gained over the ongoing growth of the indigent attorney fees expenditure budget.

Since inception, OCR has been appointed to represent a total of 413 cases (through February 2011).

The cost benefit analysis looked at these cases and associated appointments and came to the following conclusions:

- OCR has reduced the number of private attorney appointments for children. Civil courts data provided for this report indicate a 69% reduction in private attorney appointments for children between FY09 and FY10. During the same time frame, there was an increase of 11% in new CPS case filings.
- OCR attorneys cost an hourly rate of \$66.03 versus \$75.00 for private attorneys.

- OCR has only recently filled its paralegal slot, so an hourly rate for paralegal services is not available at this time, but it is expected that the paralegal services will be provided at an hourly rate that is less than those provided through private attorneys.
- The hourly rate for the entire office including support staff and operating costs is \$95.26.
- The OCR improves quality of representation, though successful outcomes are difficult to quantify through case closure or outcome measures since each case can be dramatically different. The OCR staff advocate for each client, working to find solutions or outcomes that will be in the best interest of each child and allow them the opportunities to grow and develop in a nurturing environment. When the parents may not be this solution, the OCR seeks out relatives and extended family.

The cost benefit analysis also attempts to provide a rationale for “turning off the faucet” for OCR when the caseload gets too high and it is believed to be a detriment to the well being of staff and the quality level of representation they can provide. It further attempts to determine whether it would be best to add additional attorneys for the OCR as opposed to paying private attorneys to handle the projected increase in case filings throughout the rest of FY11 and into FY12.

To those points, the analysis recommends that the OCR have no more than 209 active cases, which was established as the offices “breaking point” or point at which they would stop taking cases. An early warning sign was also establish; the OCR “threshold” of 190 active cases. This is the point at which the managing attorney should notify the court that normal appointment procedures may need to be curtailed and the judge can be more selective in appointing cases. The breaking point is 10% above the established threshold.

Additionally, to address current and future demand for these services, it is recommended that an additional attorney be added this fiscal year as a cost avoidance for an estimated increase in case filings and subsequent private attorney fees.

## I. OVERVIEW OF THE OFFICE OF CHILD REPRESENTATION

The Office of Child Representation (OCR) was established in 2009 to represent children involved in Child Protective Services (CPS) cases. Funding for the OCR was supplemented by a grant from the Texas Supreme Court Commission on Children, Youth and Families, with diminishing grant re-imbusement between fiscal years 2009 through 2011. In Fiscal Year 2012, there will be no grant re-imbusement and Travis County, if approved by the Commissioners Court, will fund the office in its entirety. The Office has positions for one Managing Attorney, three Staff Attorneys, one Social Worker, one Paralegal, and two legal secretaries. OCR receives case appointments from a District Judge. Cases handled by this office include COS, TMC, and PMC cases. (See Appendix A beginning on page 28 for more information on the attorney appointment process and CPS case types).

The original case target for OCR was 400 cases per year. A case for these purposes was not specifically defined. A case could be defined as one client or one legal case which may involve multiple clients. This target measure is being re-evaluated, as a single case appointment for the OCR often involves multiple clients. A case with multiple children typically requires more time for case preparation, client meetings, travel to visit clients, interviewing foster parents, doctors, teachers, etc. Additionally, while cases involving multiple children may start out with similar legal issues for all children, it is not uncommon for the children involved to end up with different legal issues, different hearing dates and different case deadlines. These factors can lead to an increase in time spent on the case.

There were two primary purposes for developing the OCR. One was to increase the quality of representation and service provided to the children involved in CPS litigation. The second purpose of the OCR was to decrease the number of private attorney appointments in these cases, by which some measure of control could be gained over the ongoing growth of the indigent attorney fees expenditure budget. The OCR has had an impact on the number of private attorney appointments which is believed to have driven the decrease in Civil Indigent Attorney Fees in FY10. This as well as the believed impact and cost avoidance in FY11 is discussed in Section IV, beginning on page 12.

One benefit to the OCR that is difficult to quantify is their added value through improved quality and efficiency of representation. OCR works closely as a team to ensure comprehensive services for their clients. They seek to increase safety, stability and permanency for clients through legal and case management services. The support staff in the office frees up attorneys and the social worker to spend more time working directly with the clients. The staff social worker provides vital client assessments and coordinates additional services for the clients. Additionally, the staff helps to develop strong working relationships with providers and helps to assess the appropriateness of potential client placements. The attorneys are subject matter experts regarding this system and are able to identify systemic issues that may affect their clients. A great deal of consistency in representation is achieved through staff attorneys and their case management processes. Attorneys regularly conduct team and individual case management staffings. Additionally, the OCR social work staff enhances the value of OCR's legal work by helping to ensure that clients' emotional, housing, educational and basic needs are met.

I. DEPARTMENT FUNDING AND BUDGET

**Table 1**

Description	FY10 Actual	FY11 Budgeted	FY12 Budgeted
<b>Salary</b>	\$422,966	\$484,285	\$484,285
<b>Fringe</b>	\$128,317	\$163,829	\$163,829
<b>Total Personnel</b>	\$551,283*	\$648,114	\$648,114
<b>Operating Expenses</b>	\$45,911	\$66,124	\$66,124
<b>Target</b>	<b>\$673,000</b>	<b>\$673,000</b>	<b>\$673,000</b>
<b>TOTAL ACTUAL BUDGET</b>	<b>\$597,194</b>	<b>\$714,238**</b>	<b>\$714,238</b>

\*There are significant salary savings in FY10 as a result of a vacant position for the entire year.

\*\*It is expected that FY11 Actual Expenditures will come in well below the budgeted amount as a result of salary savings year to date.

In FY11 the Commissioners Court approved an across the board 2.5% salary increase. Departments receiving grants were to cover the cost of this increase internally within their budgets. OCR was able to do this in FY11 still their budgeted amount is \$673,000. This should have taken their FY12 target budget from \$673,000 to \$714,238 as a result of the salary and fringe increases, however in FY12 the Budgeted amount is still \$673,000. In FY12, the department will no longer be receiving grant funding. The FY12 budget should reflect the current salary levels and adjusted fringe amounts so that the department does not begin the fiscal year in the negative and can better meet the FY12 required reduction amounts in their proposed budget.

Grant reimbursements to the OCR began in FY09. Because the office started taking cases a little later than originally anticipated, the grantor allowed the remaining FY09 monies to carry over into FY10. The reimbursement amounts to Travis County by the grantor are as follows:

- FY09 - \$84,344
- FY10 - \$239,662
- FY11 - \$50,000
- FY12 - \$0

Over three fiscal years, Travis County has received \$324,056 in grant monies for the start-up and partial operation of the Office of Child Representation.

## II. OCR CASE DATA

### I. CASES APPOINTED AND CLOSED FY09-FY11 (TD-THROUGH FEBRUARY 2011)

Data outlined in the table below are captured monthly by the OCR. This is data generated by the case management database built for both the OCR and the Office of Parental Representation (OPR) by Travis County ITS staff.

**Table 2**

	FY09	FY10	FY11 (TD)*	Grand Total
<b>Appointments</b>	<b>52</b>	<b>248</b>	<b>113</b>	<b>413</b>
<b>TMC</b>	<b>34</b>	<b>152</b>	<b>81</b>	<b>267</b>
<b>COS</b>	<b>15</b>	<b>86</b>	<b>32</b>	<b>133</b>
<b>PMC</b>	<b>3</b>	<b>10</b>	<b>0</b>	<b>13</b>
<b>Average Active Cases at the End of Month</b>	<b>30</b>	<b>124</b>	<b>235</b>	<b>244**</b>
<b>Average Active Clients at End of Month</b>	<b>57</b>	<b>234</b>	<b>453</b>	<b>427***</b>
<b>Cases Closed</b>	<b>6</b>	<b>96</b>	<b>60</b>	<b>162</b>
<b>Adoption</b>	<b>0</b>	<b>1</b>	<b>6</b>	<b>7</b>
<b>Case Closed-Conflict</b>	<b>3</b>	<b>33</b>	<b>24</b>	<b>60</b>
<b>Case Dismissed</b>	<b>1</b>	<b>34</b>	<b>14</b>	<b>49</b>
<b>Dept Awarded PMC</b>	<b>1</b>	<b>7</b>	<b>4</b>	<b>12</b>
<b>Dismissal of OCR-Case Continued</b>	<b>1</b>	<b>8</b>	<b>2</b>	<b>11</b>
<b>Family Reunification</b>	<b>0</b>	<b>7</b>	<b>6</b>	<b>13</b>
<b>Non-Parent Named Managing Conservator</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>10</b>

\*FY 11 to date is through February 2011.

\*\*Active as of February 2011.

\*\*\*Calculated based on the average of 1.8 clients per case since inception.

Successful outcomes look different for each OCR client. Certainly, in many cases family reunification can be a success and has been for many OCR clients. However, in some circumstances, due to the seriousness of the abuse or neglect that their client endured, a “forever home” with a relative or non-relative adoption might be the best outcome. Some older teenage clients that the OCR represents may not want to be adopted and instead the attorneys and social worker focus on helping their client

develop independent living skills as well as to develop a supportive network. The OCR also works with school-aged clients to develop stability and help their clients engage in school and recover school credits, thereby making progress toward graduation possible.

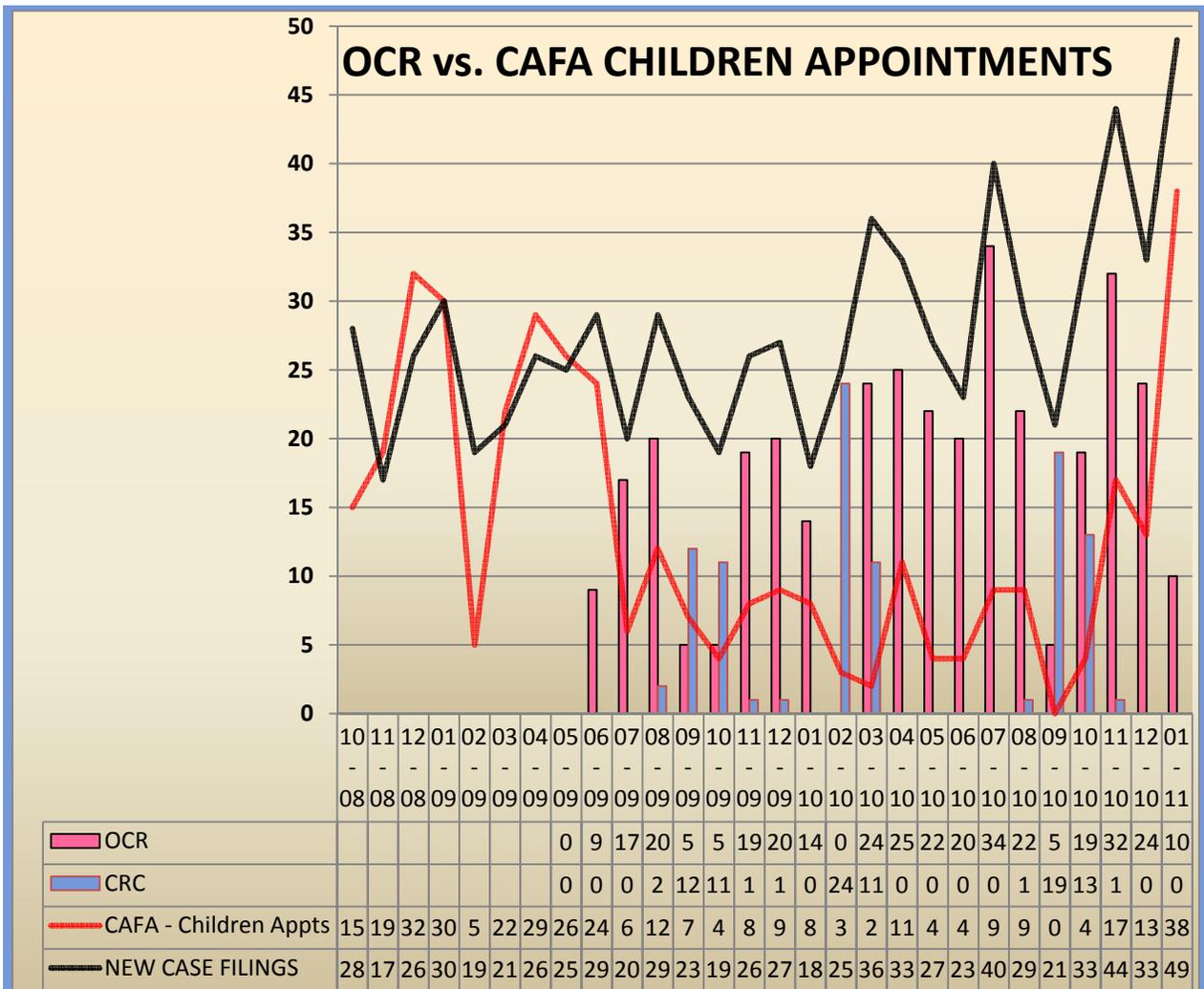
The OCR works to build healthy support for clients by asking the court to order music lessons, additional tutoring and extracurricular activities such as sports. The OCR team works to reunite clients with extended family members, advocates for medical and psychological evaluations for clients, and seeks family settings rather than residential treatment centers or group homes. Additionally, the OCR helps to identify relatives or family friends who can assist with supervising clients' visits with their parents so that these visits are not confined to rooms at the CPS office.

It is difficult to quantify what "success" looks like for OCR clients via case closure outcomes, because each client and their particular case can be dramatically different.

## *II. INTENDED IMPACT ON REDUCING PRIVATE ATTORNEY APPOINTMENTS*

A primary goal in creating both the Office of Child Representation (OCR) and the Office of Parental Representation (OPR) was to reduce the number of appointments to civil private attorneys, in turn reducing the Civil Indigent Attorney Fees for CPS cases. Chart 1 on the following page outlines appointments to the OCR and CAFA (Court Appointed Family Attorney/Private Attorney) appointments for children. Also included in the graph are appointments to the Children's Rights Clinic (CRC). Two times per year, the CRC takes cases through an agreement between the University of Texas and Travis County. While the CRC is paid the same as private attorneys at \$75 per hour, a majority of the hours that they bill are paralegal hours at \$30 per hour. During this time, OCR takes new appointments in cases where the CRC has a legal conflict or once the CRC has reached its capacity to take cases.

Chart 1



The appointment data used in the graph was provided by Civil Courts. There have been discrepancies in data definitions which have been resolved as of January 2011. However since the appointment process is manual it has not been possible to resolve historic discrepancies. Civil Court Administration OCR appointments here are slightly lower than those reported by the OCR from their database.

When the OCR is fully operational and taking cases, there is a noticeable decrease in the number of appointments made to private attorneys for the purposes of representing children. Beginning in January 2011, due to the OCR being at capacity and taking fewer cases, there was a spike in CAFA appointments. OCR Capacity is discussed in greater detail in Section III beginning on page 10. Another influence in the balance of cases to OCR and/or private attorneys is the increase in CPS case filings. Since October of 2010, there has been a steady increase in the number of new CPS case filings. This is discussed further in Section V beginning on page 14.

**III. ATTORNEY AND PARALEGAL CASELOADS AND HOURS**

During an analysis of civil indigent attorney fees conducted during the summer of FY10 and at the direction of the OPR/OCR Oversight Committee, it was decided to track OCR attorney and paralegal hours for a comparison to civil private attorneys. Through this analysis of hours it would be possible to calculate an hourly rate for attorney services provided through the OCR. This would aid Justice and Public Safety (JPS), Travis County Planning and Budget Office (PBO) and the Commissioners Court in making decisions as to the cost effectiveness of legal representation through a civil public defender office. Additionally, as CPS case filings continue to rise, if faced with the decision to either add money to the civil attorney line item or supplement attorneys within the OCR, the funding source would have enough information to aid them in making that decision.

The table below outlines the attorney and paralegal hours by fiscal year.

**Table 3**

OCR	FY09	FY10	FY11 (TD)**
<b>Atty/Managing Atty</b>	1,431	6,269	2,082
<b>Paralegal</b>	0	0	0
<b>TOTAL LEGAL HOURS</b>	1,431	6,269	2,082

\*FY09 data is June through September

\*\*FY11 to date data is through January 2011

Using FY10 hours since it is the only full fiscal year for the OCR, the table below outlines the salaries plus fringe benefits for both attorneys and paralegals and demonstrates the hourly rate associated with each.

**Table 4**

OCR	Salaries + Fringe	Hours Billed	Hourly Rate
<b>Attorneys (includes managing attorney)</b>	\$413,970	6,269	\$66.03
<b>Paralegals</b>	\$0	0	\$0
<b>Total OCR FY10 Expenditures</b>	<b>\$597,194</b>	<b>6,269</b>	<b>\$95.26</b>

Private Attorneys representing CPS cases are paid \$75 per hour for attorney services and \$30 for paralegal services. It is reported to JPS that there are some private attorneys who do not have paralegals or support staff and are billing for administrative work, such as copies, faxing, etc. at the attorney hourly rate.

Legal services within the OCR account for 68% of the office’s total budget. Using the FY10 total expenditures for the OCR of \$597,194, this includes support staff and operating costs, and calculating an hourly rate against the legal hours of 6,269 returns an hourly rate of \$95.26. Absent paralegal hours to

add to the attorney hours billed, it is difficult to offset cost of the office at an hourly rate cheaper than private attorneys. Had the OCR filled the paralegal position and the paralegal logged an average of 1,920 hours (estimated based on attorney hours per year on page 10) the total legal hours for the office in FY10 would have been 8,189 hours. This would have increased the total OCR expenditures in FY10 approximately \$50,000 for a senior paralegal plus fringe, taking the total expenditures in FY10 to \$647,194 but reducing the hourly rate to \$79.03.

#### *IV. SOCIAL WORK*

In addition to legal services, all OCR clients have access to social work services provided by an in-house licensed social worker. The staff social worker provides vital client assessments and coordinates additional services for the clients. Additionally, the social worker helps OCR develop strong working relationships with providers and helps assess the appropriateness of potential client placements.

During FY10, the OCR social worker had 406 clients referred from OCR attorneys and actively worked with 289 clients, carrying an average active caseload of 47 clients per month.

The social worker, during this same time frame, conducted 223 client visits;

- 19% at OCR
- 13% in the client home
- 22% at the detention center, and
- 45% classified as “other”

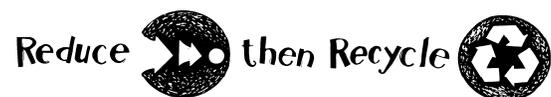
The “Other” location includes places such as the hospital, school, day care, etc.

Between July 2010 and September 2010, the social work staff and interns logged 475.35 hours of client work. FY11 to date, social work staff has logged 180.07 hours.

The OCR social work staff enhances the value of OCR’s legal work by helping to ensure that clients’ emotional, housing, educational and basic life skills needs are met. In addition, the social worker oversees the OCR social work intern program. This program allows OCR to collaborate with local educational institutions and expand the offices services.



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### III. CURRENT OCR CASELOAD THRESHOLDS

#### I. *DEFINING OCR CASELOAD THRESHOLDS/BREAKING POINTS*

JPS worked to define methodology for determining when the OCR had reached capacity and could no longer take new cases, until such time as they had closed cases and brought their active caseloads below the defined threshold.

To begin with, JPS looked at the total number of hours available in a year for attorneys to do legal work. Rather than starting at 2,080 hours, which works out to 173.3 hours per month per attorney or 563 hours total for the office (counting one quarter of the Managing Attorney's time toward legal work), JPS started out with 1,920 hours per year per attorney at 3.25 attorneys. This makes a difference of 160 hours annually per attorney and was done to account for:

- 11 County Holidays at 88 hours per year
- 1 week of vacation at 40 hours per year
- 4 days of training, CLE's or discretionary days at 32 hours per year

Using 1,920 as a starting point, each attorney would work 160 hours per month on legal/case work which calculates to a total of 520 hours per month for the office at 3.25 attorneys.

During the last 12 months (February 2010 through January 2011), the OCR has averaged 527 hours per month.

- High Month = 625.9 in September 2010
- Low Month = 414.4 in June 2009
- Median hours = 574.3

During the same time frame, the average active cases have been 190. JPS has defined this as the OCR's case threshold. When cases reach 190, the OCR active caseloads should be monitored closely to ensure that they are not reaching critical levels, where quality of work and attorney time may be compromised. A "breaking point" was defined at 10% above the defined threshold or 209 active cases. This would be the point where the OCR "turn off the faucet" and would not take cases until their caseloads get back to or below the threshold amount.

November 2010 through February 2011 the OCR has worked with caseloads above the "breaking point" of 209. At the breaking point calculating 3.25 attorneys for the office, the average attorney caseload would be 64 cases for the three full time attorneys and 17 cases for the managing attorney. Since November 2010, the three full time attorneys have carried caseloads in excess of 70, with the highest being 81 and the managing attorney has carried between 13 and 19 cases.

It is important to note that in order to maintain the caseloads above the breaking point FY11 to-date; attorneys have worked in excess of 40 hours per week. Sustained caseloads and hours at this level will

likely result in attorney burnout and costly turnover. Additionally, the average hours per case will decrease, as attorneys are stretched with higher caseloads. This can begin to impact the quality of representation.

JPS believes that the threshold and breaking point should be evaluated annually as case types can influence the length of time that cases are open. This is especially true for the OCR, as Permanent Managing Conservatorship (PMC) cases can remain open for years.

The OCR has also begun tracking the number of trials that are prepared for each month as well as the number of cases that actually go to trial or contested hearings. If there is a significant swing in trials and contested hearings, it can demand a great deal of the attorney's time to prepare for and attend which could affect the threshold and breaking point targets.

## IV. CIVIL INDIGENT DEFENSE - PRIVATE ATTORNEYS FOR CPS CASES

### I. HISTORY OF INDIGENT ATTORNEY FEE GROWTH

All invoices for Civil Indigent Attorneys are submitted through Civil Courts Administration. The invoices are entered into a database, reviewed for case accuracy and then sent to the judge for review and approval. Once approved, the invoices are routed to the Auditor's Office for payments.

The table below outlines the Civil Private Attorney line item for fiscal years 2008 through 2011 to date by budgeted amount, total expended (per H.T.E.) and total invoices.

**Table 5**

Civil Indigent Defense – Private Attorneys	FY08	FY09	FY10	FY11 (TD)*
<b>Budgeted (Includes Non-CPS Cases)</b>	\$1,970,155	\$2,409,784	\$2,271,287	\$1,207,622**
<b>H.T.E. Expenditures (Includes Non-CPS Cases)</b>	\$1,969,072	\$2,409,783	\$2,258,539	\$953,015
<b>Invoiced (CPS Cases ONLY)***</b>	\$1,661,559	\$2,003,773	\$1,772,507	\$769,223
<b>CPS Case Percentage</b>	84%	92%	87%	

\*FY11 to date is through February 2011 and the budgeted amount does not include accruals.

\*\*PBO added a \$400,000 earmark, taking the Civil Attorney Fees to \$1.6M for FY11. JPS, along with the Civil Courts brought a report with projections for FY11 to the Commissioners Court in the summer of 2010 showing that an additional \$400,000 may be necessary if the system inputs continued to rise.

\*\*\*The invoiced amount reflects all CPS invoices received, including mediation.

Between fiscal years 2008 and 2009 there was a 22% increase in the amount budgeted for Civil Indigent Attorneys, a 22% increase in H.T.E. expenditures and a 21% increase in CPS case invoices received. In FY2009, private attorneys received a \$15 per hour increase from \$60 per hour to \$75 per hour.

After the development of the Civil Public Defender Offices, between fiscal years 2009 and 2010, there was a 6% decrease in the amount budgeted, a 6% decrease in H.T.E. expenditures for Civil Indigent Attorneys and a 12% decrease in CPS case invoices received. This decrease was achieved during a year where the daily rate for mediators increased from \$750 plus expenses to \$900 per day. (Discussed further in Sub-Section II on page 13).

Based on the Civil Courts appointment data, there was an increase in new CPS Case filings of 11% between FY09 and FY10. During this same period, there was a 30% decrease in the number of private attorney appointments to mothers and a 69% decrease in the number of appointments made for representation of children. With these decreases in appointments, it is believed that the OCR and OPR had a reduction impact on the Civil Indigent Attorney Fees line item with an even higher impact on the number of CPS cases invoiced.

**II. CPS PRIVATE ATTORNEY BREAKDOWN FISCAL YEARS 2009-2011 (TO DATE)**

The data in Table 6 outlines invoices received during each of the listed fiscal years (FY11 is through February 2011). CRC is included in these totals. The table is broken in to two primary sections:

- Attorneys
- Mediators

As stated previously, private attorneys are reimbursed at an hourly rate of \$75 per hour for attorney services and \$30 per hour for paralegal services. Additionally, private attorneys may invoice to be reimbursed for certain expenses. Mediators are paid at a flat rate per mediation. In FY09 this rate was \$750 plus expenses, in FY10 it increased to \$900 with no allowable expenses and in FY11 it increased to \$1,050 with no allowable expenses. The raise in rate was negotiated after the private attorneys received a \$15 per hour increase in FY09, however it was agreed that the mediator increase would be incremental across two fiscal years.

**Table 6**

	FY09	FY10	Change 09-10	FY11 (TD)*	Total for Evaluation Period
<b>PRIVATE CPS ATTORNEYS</b>					
<b># of Cases Invoiced</b>	1,118	935	(183)	490	-
<b>Total Invoice Amount</b>	\$1,883,329	\$1,660,808	(\$222,521)	\$686,498	\$4,230,636
<b>Total Atty Hours</b>	25,452	21,315	(4,137)	8,746	55,513
<b>Total Paralegal Hours</b>	2,789	2,285	(504)	899	5,973
<b>Expenses</b>	\$18,332	\$15,877	(\$2,455)	\$5,164	\$39,372
<b>Ave Billing Per Case</b>	\$1,685	\$1,776	\$91.71	\$1,401	-
<b>MEDIATORS</b>					
<b># of Invoices</b>	139	128	(11)	86	353
<b>Total Amount</b>	\$120,443	\$111,699	(\$8,744)	\$82,725	\$314,867
<b>COMBINED CPS TOTAL INVOICES</b>					
<b>Total # Invoices</b>	3,196	2,507	(689)	865	6,568
<b>CPS GRAND TOTAL</b>	\$2,003,773	\$1,772,507	(\$231,266)	\$769,223	\$4,545,503

\*FY11 to date is through February 2011.

Again, with the decrease in applicable private attorney appointments, it is believed that the OCR and OPR had a reduction impact on the Civil Indigent Attorney Fees line. There was a 22% decrease in the number of CPS invoices received between FY09 and FY10 with a 12% decrease in the invoiced amount.

## V. CPS CASES

### I. NEW CASE FILING INCREASES

A concern for many months has been the alarming increase in new CPS case filings. In FY10, there was an 11% increase in new case filings over FY09. In the first four months of FY11, there has been a 77% increase in the number of new case filings over the first four months of FY10. The table below outlines new case filings and appointments to the OPR, OCR, Children's Rights Clinic (CRC) and all private attorney appointment types combined. Data in Tables 7-9 were by provided by the Civil Courts.

**Table 7**

FY2009													
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	FY Total
<b>OCR</b>	-	-	-	-	-	-	-	-	9	17	20	5	51
<b>OPR</b>	-	-	-	-	-	-	-	3	13	15	8	19	58
<b>CRC</b>	-	-	-	-	-	-	-	-	-	-	2	12	14
<b>Private Attorneys</b>	40	58	67	54	40	63	73	56	47	41	77	63	680
<b>Total Appts</b>	48	58	67	54	40	63	73	59	69	73	107	92	803
<b>NEW CPS FILINGS</b>	28	17	26	30	19	21	26	25	29	20	29	23	293

It is important to note that the number of appointments is often higher than the number of new case filings. This is a result of cases with multiple appointments (see Appendix A for more information on the appointment process) or older cases being re-appointed for various reasons. A pilot was conducted from 9-09 through 4-10, where private attorneys were appointed for the purposes of determining indigency which would increase appointments. Additionally, private attorney appointments are made for Citation by Publication which is the last effort to locate parents.

**Table 8**

FY2010													
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	FY Total
<b>OCR</b>	5	19	20	14	0	24	25	22	20	34	22	5	210
<b>OPR</b>	11	17	16	14	17	2	6	10	9	23	20	16	161
<b>CRC</b>	11	1	1	-	24	11	-	-	-	-	1	19	68
<b>Private Attorneys</b>	53	56	48	48	46	45	51	26	17	29	39	15	474
<b>Total Appts</b>	80	93	85	76	87	82	82	58	46	86	82	56	913
<b>NEW CPS FILINGS</b>	19	26	27	18	25	36	33	27	23	40	29	21	324

**Table 9**

FY2011													
	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	FY Total
<b>OCR</b>	19	32	24	10									85
<b>OPR</b>	20	24	8	6									58
<b>CRC</b>	13	1	-	-									14
<b>Private Attorneys</b>	27	65	43	104									239
<b>Total Appts</b>	79	122	75	120									382
<b>NEW CPS FILINGS</b>	33	44	33	49									159

Projections were done to estimate the potential growth or stabilization of new CPS filings for the remainder of FY11. This is necessary to better understand the impact to the resources of the OCR and OPR as well as to determine if these offices could continue to have a reduction impact on private attorney fees or whether the remainder of FY11 the offices would serve to simply provide cost avoidance.

Three projection models were completed for the last two 4-month periods of FY11. The High Model uses the average growth or reductions from each the last two 4-month periods during fiscal years 2009 and 2010. The Mid Model assumes that the last two thirds of FY11 will look the same as the first. The Low Model accepts that we are not exactly certain of the variables causing the remarkable growth during the first four months of FY11 and simply applies the 11% growth realized in FY10 to the last 8 months of FY11 and adds that net gain to the 159 cases from the first four months.

**Table 10**

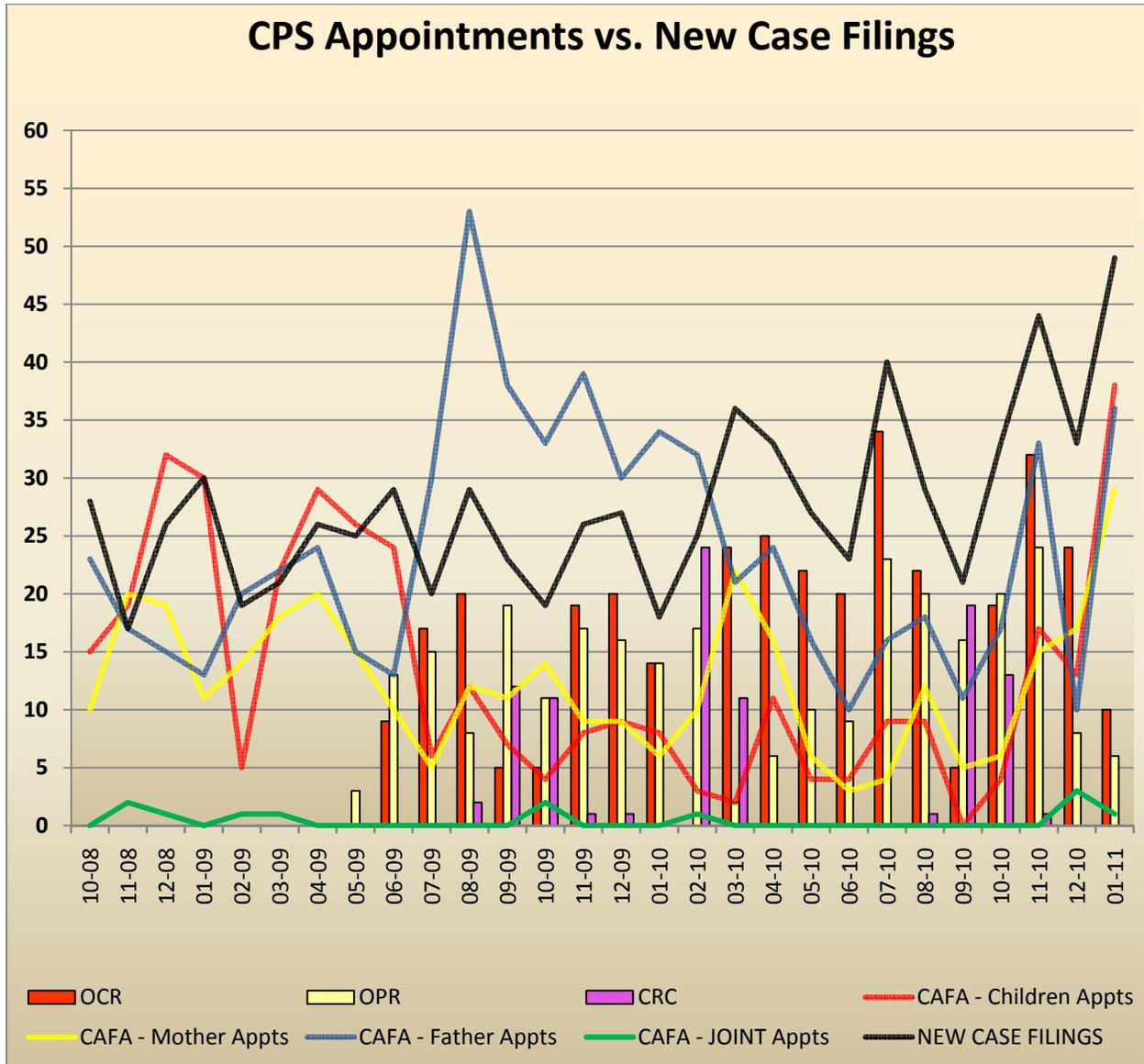
New CPS Cases	Period 1	Period 2	Period 3	FY Total	# over FY10	% growth
<b>High Model</b>	159	179	182	<b>520</b>	196	60%
<b>Mid Model</b>	159	159	159	<b>477</b>	153	47%
<b>Low Model</b>	159	130	130	<b>419</b>	95	29%

Any of these models would have significant impact on the system as a whole. Currently both the OCR and OPR are at capacity and have been scheduled to not take new cases since January 2011 (as discussed earlier in Section III on pages 10 and 11). In January, both offices took cases though at a reduced number and a noticeable spike in private attorney appointments occurred. Any cases appointed to either office once at the “breaking point” are done on a case by case basis – assigned by the judge.

Chart 2 on the following page demonstrates this impact. The OCR, OPR and CRC are represented as bars on the graph. Each of the private attorney appointment types are line plots and where directly

applicable to a public defender office, the line color is similar to that of the appropriate office. New CPS case filings are represented by a bold black line on the chart.

**Chart 2**



While quite crowded, the chart demonstrates when each of the civil public defender offices are up, running and taking cases; they are having the intended impact on their respectively relevant private attorney appointment type. However, clearly in January 2011, as the new CPS case filings increased the private attorney appointments in all categories spiked considerably as a result of the two public defender offices taking a reduced number of cases.

**II. PROJECTING FY12 NEW CPS CASE FILINGS**

Historical data on new CPS case filings back to 2000 was collected to project any potential growth or reductions in FY12. This data is outlined in Table 11 below.

**Table 11**

FISCAL YEAR	CASES FILED	CHANGE FROM PRIOR	PERCENT CHANGE
FY2000	291		
FY2001	274	-17	-6%
FY2002	311	37	14%
FY2003	327	16	5%
FY2004	326	-1	0%
FY2005	<b>386</b>	<b>60</b>	<b>18%</b>
FY2006	<b>390</b>	<b>4</b>	<b>1%</b>
FY2007	323	-67	-17%
FY2008	281	-42	-13%
FY2009	293	12	4%
FY2010	324	31	11%

The peak year was FY06 with 390 new cases filed, which was only a slight increase from the year prior (FY05). As seen previously in Table 10 (also below in table 12), and based on experience to date, FY11 is shaping up to be a record year of growth within the past 11 years of experience. This has FY11 tracking FY05 and could mean that FY12 will be a year of small growth. The growth projection model for FY12 assumes a 2% increase from FY11, which is the average percentage of change across the entire sample and is consistent with the slight growth between FY05 and FY06. Table 12 below re-states the high, mid and low projection models for FY11. Table 13 outlines the projections for FY12 (change from both FY11 and FY10 is provided). The change from FY10 is important because it is the last complete fiscal year, additionally it is when the OPR and OCR both began to hit capacity in their respective offices.

**Table 12**

New CPS Cases	Period 1	Period 2	Period 3	FY Total	# over FY10	% growth
<b>High Model</b>	159	179	182	<b>520</b>	196	60%
<b>Mid Model</b>	159	159	159	<b>477</b>	153	47%
<b>Low Model</b>	159	130	130	<b>419</b>	95	29%

**Table 13**

FISCAL YEAR PROJECTED	NEW CASES FILED	CHANGE FROM FY11	PCT CHANGE	CHANGE FROM FY10	PCT CHANGE
<b>FY12 HIGH MODEL</b>	529	<b>9</b>	2%	<b>205</b>	<b>63%</b>
<b>FY12 MID MODEL</b>	485	<b>8</b>	2%	<b>161</b>	<b>50%</b>
<b>FY12 LOW MODEL</b>	426	<b>7</b>	2%	<b>102</b>	<b>31%</b>

The projections outlined in Table 13 on the previous page assumed that FY11 is tracking FY05 and that FY12 will be replacing FY06 as the new peak. Because there is insufficient data at this time to pinpoint what is causing the tremendous growth seen year to date in FY11 and because FY10 had reasonably high growth a second projection model was done for FY12 which assumes that FY11 will become the new peak and that FY12 may experience a decrease in new case filings from FY11. Table 14 below outlines this model, which shows a 17% decrease from the FY11 projections. As in Table 13, change from both FY10 and FY11 are shown.

**Table 14**

FISCAL YEAR PROJECTED	NEW CASES FILED	CHANGE FROM		CHANGE FROM	
		FY11	PCT CHANGE	FY10	PCT CHANGE
<b>FY12 HIGH MODEL</b>	431	<b>-89</b>	-17%	<b>107</b>	<b>33%</b>
<b>FY12 MID MODEL</b>	395	<b>-82</b>	-17%	<b>71</b>	<b>22%</b>
<b>FY12 LOW MODEL</b>	347	<b>-72</b>	-17%	<b>23</b>	<b>7%</b>

Even with a 17% decrease from the FY11 projected models, FY12 will still likely have a significant number of new CPS cases filed. Currently in FY11, the system is tracking to come in between the mid and high model (based on actual experience through March 2011). If these projections for FY11 hold true, either the small growth projected for FY12 or the reduction model projected for FY12 will have substantial growth over FY10, when the OPR and OCR hit capacity. These projections would mean that the offices will teeter at their “breaking points” for much of the coming fiscal year and that private attorney appointments will likely increase. This will cause an increase in private attorney invoices resulting in the need for additional monies in the Private Attorney line item for Civil Indigent Defense. Additionally, because CPS cases can stay open for such a long period of time appointments made in one year may be billed in future fiscal years. To help offset this, potential solutions and cost avoidance are discussed in Section VI, pages 24 and 25.

JPS will continue to closely monitor new CPS case filings and its impact on the OPR, OCR and private attorney appointments. Additionally, JPS will look at other factors contributing to the increases and report findings during the summer of 2011.

### **III. CAUSATION**

To glean a better understanding of potential reasons for the increases in new CPS case filings, data was requested from the Department of Family and Protective Services (the Department). The initial data set evaluated Region 7, which is a 30 county region including Travis County, and covers state fiscal years 2009 through 2011 to date. This data is provided in Appendix B on page 30.

There were nominal increases in physical and sexual abuse in Travis County during FY10; however, all other categories and the total number of confirmed victims were down. This does not explain the

increases seen in new CPS case filings for the civil courts. Because a confirmed allegation of abuse or neglect does not directly correlate to a court case being filed, JPS has requested additional data from the Department regarding the number of emergency removals and the number of cases where the Department was working with families to no avail and had to seek court intervention. This data was not available at the time of this report; however JPS will continue working to help quantify the increased inputs into the court system from CPS.

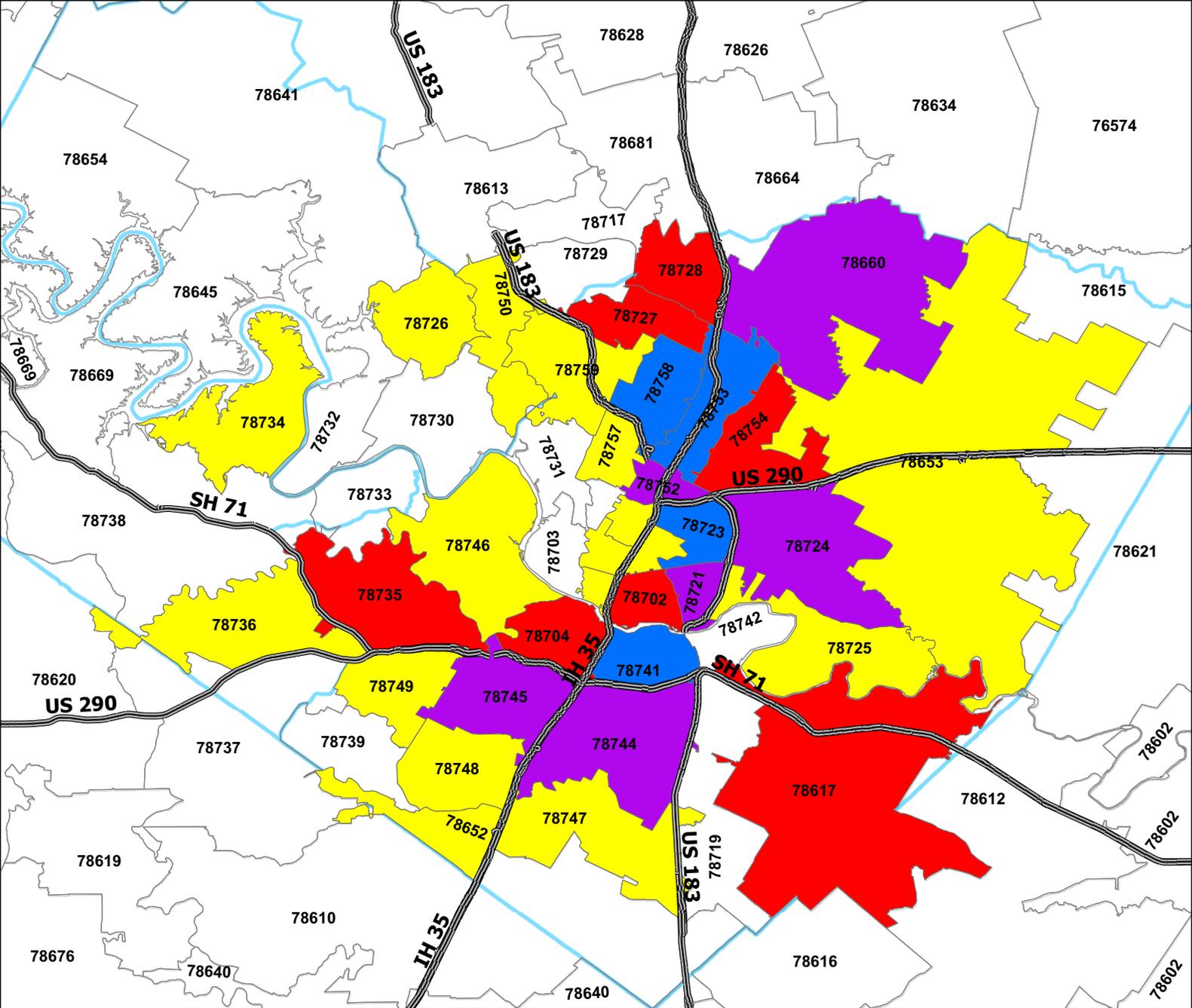
Through conversations with CPS and the courts, JPS learned that in the last five to six months it has been noted that the severity of the cases filed in the court system, whether abuse or neglect, has become more egregious. Playing in to whether or not a case is filed in the court system are factors such as the age of the victim and the severity of the abuse or neglect. This could explain why confirmed allegations may not be the best indicator of a correlation with new case filings in the court system. While the total number of confirmed allegations may be relatively stable, the severity of the abuse/neglect in many cases is driving the increased inputs for the courts.

Regardless of why the new case filings are increasing, the courts are burdened with ensuring these cases are heard and adequately represented. The choices available to the courts for appointments, in the majority of CPS cases, are CAFA attorneys and/or the two public defender offices. Continued input increases for the courts will impact caseloads at the two public defender offices and can have a significant impact in CAFA attorney appointments, thereby increasing the cost for civil indigent defense.

#### *IV. CPS REMOVALS IN TRAVIS COUNTY*

The map on the following page demonstrates CPS Removals in Travis County during state FY10. The data for the map was provided by the Department of Family and Protective Services and is broken out by zip code. There were a total of 494 removals during FY10, however a removal zip code was only provided on 348 of the 494. The removal map only includes the 348 with zip codes provided.

# FY10 Removals - Travis County



Represented in this map:

**Number of Removals = 348**

There were 494 total removals in FY10, however, 146 of them did not have a zip code for the removal.

## Removals by Zip Code

== Major Hwys

**Count\_**

0

1 - 7

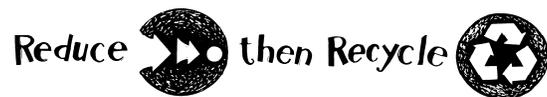
8 - 13

14 - 22

23 - 34



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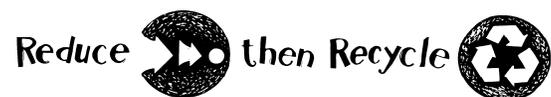
## V. CPS PLACEMENTS

The following two pages are maps demonstrating the placement by zip code of 490 of the total 494 removals from Travis County in FY10. The first map, on the next page is a statewide glimpse of Travis County removals. This map illustrates that some children removed from their homes are sometimes placed a great distance from Travis County.

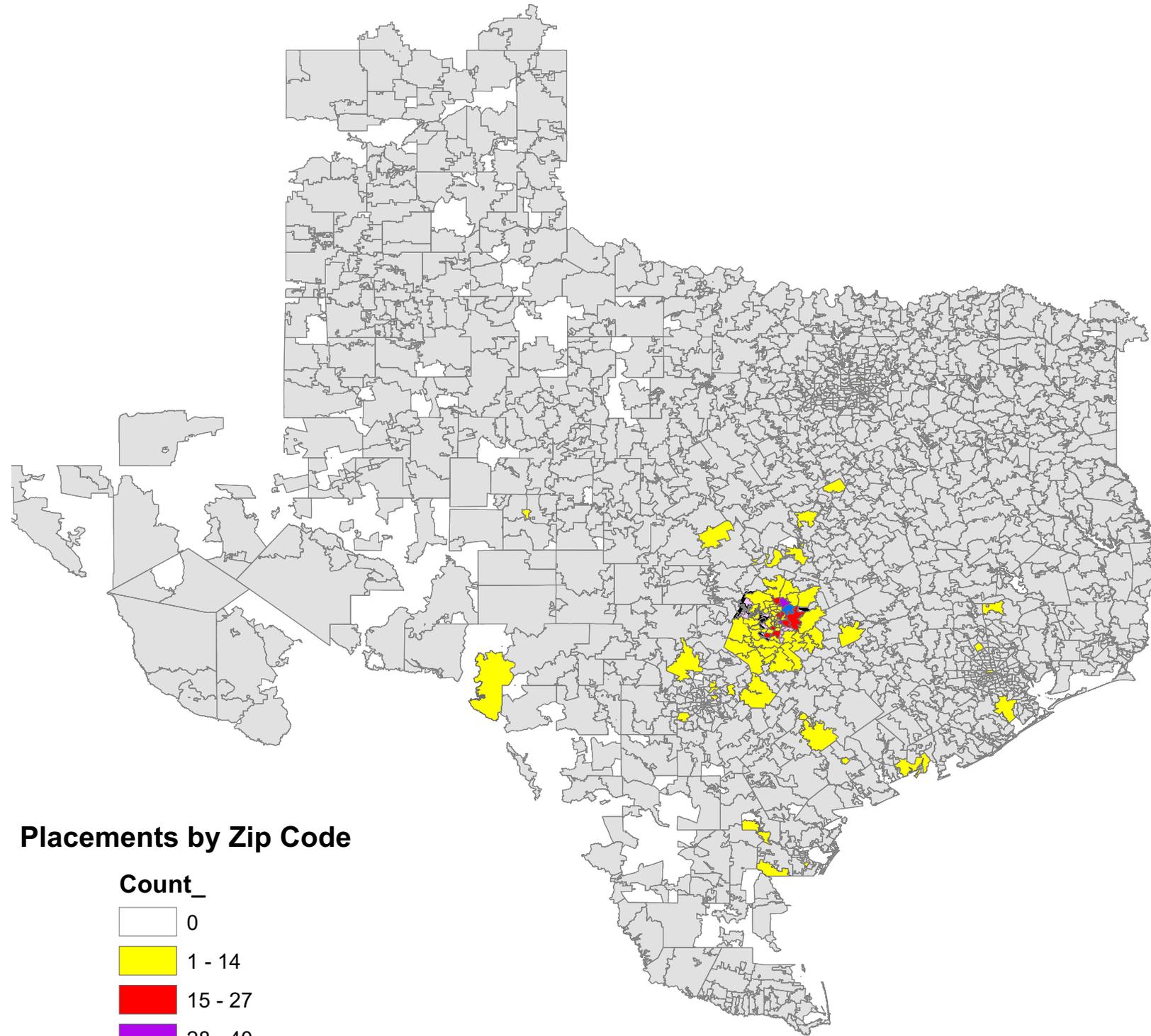
The second placement map on page 23 is a zoomed in view of Travis County and zip codes immediately adjacent to Travis County. A majority of placements occur either within Travis County or slightly north in Williamson County.



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# FY10 Placements - Statewide (Based on Travis County Removals)



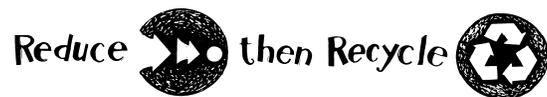
Represented in this Map:

**Number of Placements = 490**

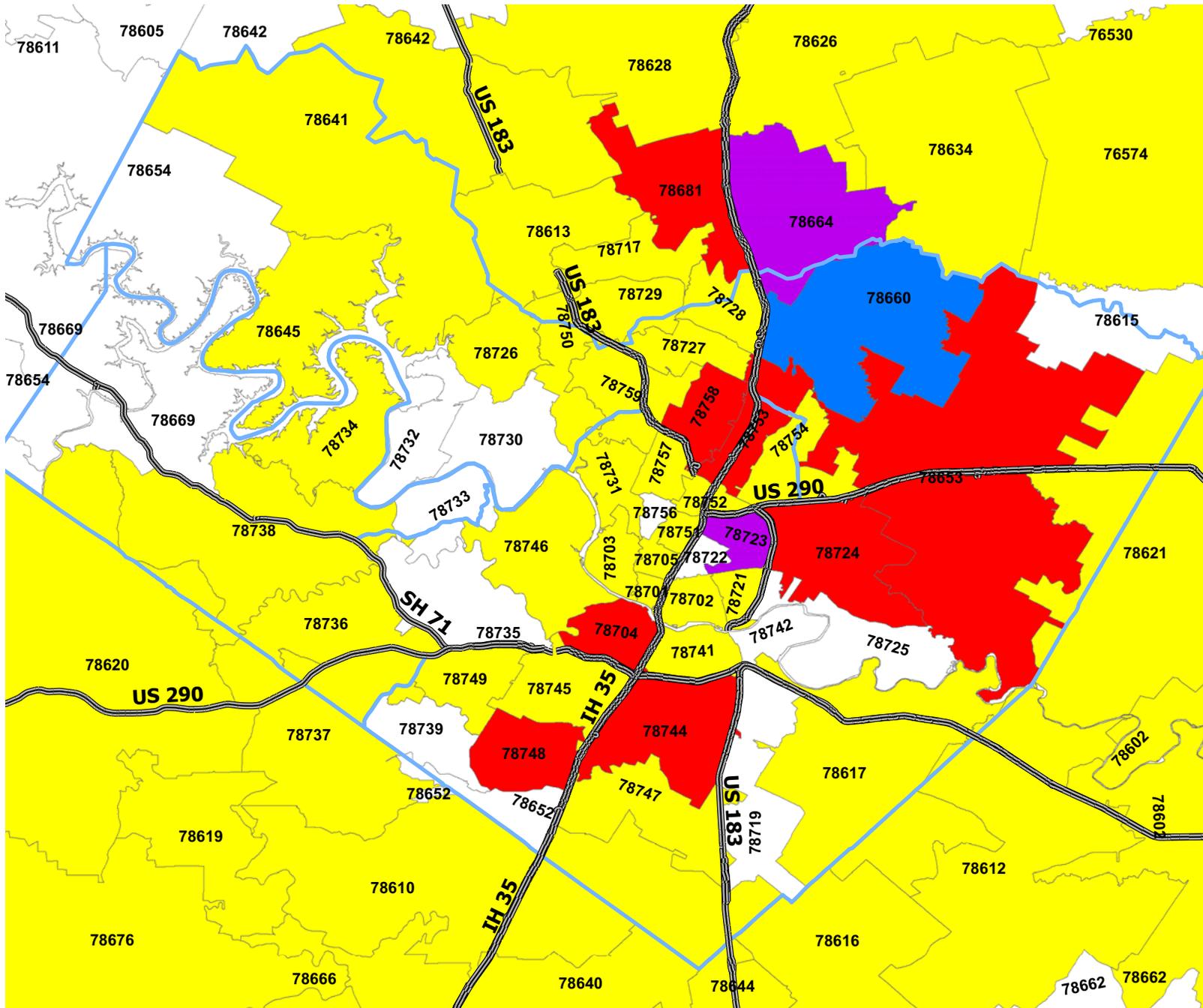
There were 494 total placements in FY10, however, 4 of them did not have a zip code for placement.



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# FY10 Placements - Travis County (Based on Travis County Removals)



Represented in this Map:

**Number of Placements = 490**

There were 494 total placements in FY10, however, 4 of them did not have a zip code for placement.

## Placements by Zip Code

Count\_

0

1 - 14

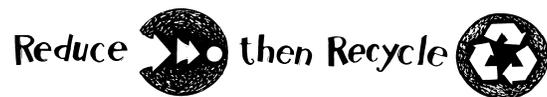
15 - 27

28 - 40

41 - 54



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## VI. IMPACT ON PRIVATE ATTORNEY APPOINTMENTS WHEN THE OCR IS NOT TAKING CASES

### I. IMPACT OF THE OCR "TURNING OFF THE FAUCET"

While the OCR has been above their "breaking point" for most of FY11, January was the first month that they reduced the number of appointments. As seen in Chart 2 on page 16, this had an impact on the increase in appointments to private attorneys for the purpose of representing children.

In FY10 there was an average of six private attorney appointments to represent children per month and five to the CRC. This increased to 18 private attorney appointments and three CRC appointments per month in FY11, in part because the OCR reduced availability for appointments and in part because of the significant increase in new CPS case filings. Currently the OCR is not taking cases, except for when specifically requested by the judge. At the average case closure rate of 12 per month it will be June before they could take cases. Before the OCR stopped regularly taking cases, they were appointed to an average of 18 cases per month. This plus the average private attorney appointments (including CRC) to date per month of 21 would take the total appointments for children to 39 per month. The table below outlines what the remainder of FY11 might look like with regard to appointments to both the OCR and private attorneys for representation of children only.

**Table 15**

OCR	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	FY Total
<b>Appts</b>	19	32	24	10	3	0	0	0	10	10	12	12	<b>132</b>
<b>Closures</b>	8	22	11	14	6	12	12	12	12	12	12	12	<b>145</b>
<b>Ave Active</b>	208	227	247	248	244	232	220	208	206	204	204	204	<b>221</b>
<b>Private Atty</b>	17	18	13	38	*	39	39	39	29	29	27	27	<b>313</b>

Adding a single attorney to the OCR would increase the breaking point to 273 active cases. The current threshold for the OCR is 190 and the breaking point is 209 (10% above threshold). Currently, at the breaking point, the average cases per attorney are 64 at 3.25 attorneys. If another attorney was added there would be 4.25 attorneys taking cases, times 64 cases per attorney, moving the office's breaking point to 273 cases. This is the point where the office would stop taking cases. The table below demonstrates, based on average appointments to children this fiscal year and average OCR closures, what the remainder of FY11 might look like for all appointments for representation of children with the addition of another attorney in OCR.

**Table 16**

OCR	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	FY Total
<b>Appts</b>	19	32	24	10	3	0	0	19	19	25	25	25	<b>201</b>
<b>Closures</b>	8	22	11	14	6	12	12	12	12	12	12	12	<b>145</b>
<b>Ave Active</b>	208	227	247	248	244	232	220	227	234	247	260	273	<b>239</b>
<b>Private Atty</b>	17	18	13	38	*	39	39	20	20	14	14	14	<b>244</b>

Adding a single attorney to the OCR increases their threshold and breaking point which allows them to take 69 cases more in FY2011 than without. This also decreases private attorney by 69, based on the average appointments for the purpose of representing children. Using the cumulative average billing per case, for the representation of children from the CPS civil attorney invoices submitted FY07-FY09, of \$2,264.05 this would be cost avoidance in the private attorney line of \$156,219.45. (See Appendix C on page 30 for a detailed outline of average billings per case). After calculating the cost of an Attorney V (including benefits) of \$84,511.00 there is overall savings/cost avoidance to the County of \$71,708.45. This not only helps to manage appointments throughout the rest of FY11, it builds manageable capacity within the OCR so that during years where the new CPS case filings are more stable the OCR can better off set the need for private attorney appointments to represent children.

It is important to point out that these projections assume that the remainder of FY11 will look like the first four months. Should the higher projection model regarding new CPS filings prevail, the need for additional private attorney appointments for the representation of children will be necessary. However, should the lower projection model occur, with the addition of a single attorney it is likely that the OCR could absorb most of the additional private attorney appointments for children and the cost avoidance through reduced private attorney appointments could be greater.

Grappling with the balance of active caseloads and when to turn the “faucet” on and off will be an ongoing effort for the OCR and JPS. While inputs into the system continue to occur at a higher rate than the OCR can absorb and because the duration of these types of cases is so long, causing a situation where the OCR closes approximately 34% of cases appointed (since inception through FY10), this will likely be an issue that will be re-evaluated every year.

## VII. CONCLUSIONS/RECOMMENDATIONS

### I. CONCLUSIONS

The Office of Child Representation is meeting the first objective of its office by reducing the number of private attorney appointments in the area in which it has impact, appointments for the representation of children.

Additionally, OCR is providing high quality outcomes. Successful outcomes look different for each child and the OCR tailors their approach to each case with each child in mind. Staff with the OCR are tremendous advocates for each client, working to find solutions or outcomes that will be in the best interest of each child and allow them the opportunities to grow and develop in a nurturing environment. When the parents may not be this solution, the OCR seeks out relatives and extended family.

Based on the first full fiscal year of operation (FY10), the OCR, when compared to private attorneys, provides legal representation at a cheaper hourly rate. The OCR attorney hourly rate in FY10 was \$66.03, compared to \$75 per hour for private attorneys. When encompassing the entire cost of the office, this hourly rate is \$95.26, however now that the OCR has hired a paralegal to add to the legal services/hours billed, it is believed that this rate will decrease. It is estimated that if a paralegal had been working during FY10, the combined legal services provided would have helped to offset the cost of the OCR with an hourly rate for the entire office of \$79.03.

New CPS case filings are rising, and with that indigent appointments will rise as well. It is believed that the costs are more easily controlled within a Public Defender Office. Across the entire evaluation sample, FY09 through February 2011, a single private attorney invoiced \$312,906.08. Over a 29 month period, that is \$10,789.86 per month. Two attorneys invoiced between \$200,000 and \$300,000 and 14 attorneys invoiced between \$100,000 and \$200,000.

### II. RECOMMENDATIONS

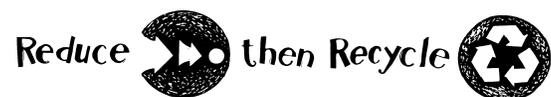
It is recommended that the Commissioners Court continue funding the Office of Child Representation. The office is meeting or exceeding expected outcomes.

It is also recommended that Justice and Public Safety work with the Planning and Budget Office to increase funding in the FY12 Budget for the OCR to account for the 2.5% cost of living increases received in FY11 along with other County departments. While the office was still considered a "grant" office in FY11, the office was approximately 93% County funded, as the reimbursement by the Texas Supreme Court was only roughly 7% of the total budget.

Lastly, it is recommended that the Commissioners Court consider adding a single attorney to the Office of Child Representation within FY11. This additional attorney will help offset the need for private attorney appointments to represent children in CPS cases and, as discussed on pages 24 and 25, will create a cost avoidance and/or savings within the civil private attorney fees.



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### *OVERVIEW OF THE APPOINTMENT PROCESS*

Just as an indigent criminal defendant is entitled to a court-appointed attorney, an indigent person who is facing termination of his or her parental rights in a CPS case or facing CPS taking conservatorship of their child is legally entitled to an attorney appointed by the court. Parents who are not opposed to the lawsuit filed, that is that they are not contesting the CPS action, are not appointed an attorney. To request a court-appointed attorney, a parent must submit an “Affidavit of Indigence and Request for Court Appointed Attorney” to the court and, based on this and any relevant information presented at a hearing on the matter, the judge makes a determination about whether the parent qualifies for appointed counsel. In general, the local practice in the civil and criminal courts is that, to qualify for indigent status a parent’s income must be within 150% of the federal poverty guidelines. If a parent is alleged to have the “inability to care for the child/ren” due to a mental or emotional illness or mental deficiency, the parent is automatically appointed an attorney by the court in accordance with statutory requirements. Additionally, if a parent is a minor, they are presumed indigent and are automatically appointed an attorney by the court.

Children who are the subjects of a CPS case are legally entitled to a court-appointed attorney without having to establish indigence.

In CPS cases, the presiding judge may, as appropriate, appoint:

- Office of Child Representation (OCR),
- Office of Parental Representation (OPR),
- The University of Texas School of Law’s Children’s Rights Clinic (CRC) ,
- Private Attorneys, and/or
- Disability Rights Texas (formerly Advocacy, Inc.)

CPS cases usually require multiple attorney appointments. Here are the initial appointments for a typical case:

- Child/ren: OCR or CRC is appointed, depending on whether the CRC is accepting cases at the time. If OCR or CRC has a legal conflict at the time of appointment, a private attorney is appointed. If a conflict arises between the legal interests of the children in a case, a private attorney will be appointed.
- Primary parent: OPR is appointed. If OPR has a legal conflict at the time of appointment, a private attorney is appointed.
- Additional parent: A private attorney is appointed for each indigent parent who legally qualifies for an attorney.

Types of cases:

**Court Ordered Services (COS)** – CPS begins working with families, in most cases, without court involvement. Services to families may be provided through the Family Based Safety Services (FBSS) division of CPS. If this FBSS intervention is not successful, formal court orders for compliance with services may be sought by CPS and authorized by the presiding judge. When services are ordered in this manner (known as a “Court Ordered Services” case), attorney appointments are always made for the children and often made for the indigent parents depending on the circumstances of the case and whether CPS has pled alternate grounds seeking conservatorship and/or termination of parental rights. During the COS case, if issues are not resolved or if at any point a child is believed to be in danger, CPS may ask the judge to award temporary managing conservatorship (TMC) of the children to CPS.

**Temporary Managing Conservatorship (TMC)** These cases typically begin with an ex-parte application to remove a child or when a COS case leads to non-emergency removal. TMC cases are statutorily limited in duration to 365 days except under specific circumstances provided by law. During a TMC case, hearings must be held at specific intervals, including Status Hearings and Permanency Hearings.

**Permanent Managing Conservatorship (PMC)** – If CPS (DFPS) is named as the managing conservator of a child at the time a final order is entered, this case becomes known as a PMC case. Children in the PMC of the DFPS are often referred to as being in long term foster care because they have not yet achieved a legal permanency outcome such as adoption. Hearings in PMC cases are typically held every four months. In some cases, the attorney who represented the children in the TMC case will be appointed to remain on the case during the PMC phase due to ongoing legal issues. More frequently, the TMC attorney is dismissed during the TMC phase at the time of final order. If a child does not have an attorney in a PMC case, specific legal issues may arise that require the appointment of an attorney. As a result of appointments in PMC cases, attorneys may bill on cases that were opened years before. Appointments made during the PMC phase are typically for the purpose of representing children and parents rarely have attorneys in PMC. Primarily, PMC appointments are made to OCR, CRC, and private attorneys.

## APPENDIX B

The table below is of confirmed allegations and victims of abuse and/or neglect provided by the Department.

**Table 17**

CPS DATA	FY09			FY10			FY11 (TD)*		
	Travis	Region	% of Region	Travis	Region	% of Region	Travis	Region	% of Region
<b>Physical Abuse</b>	293	1,187	<b>25%</b>	301	1,178	<b>26%</b>	127	463	<b>27%</b>
<b>Sexual Abuse</b>	153	654	23%	156	620	<b>25%</b>	42	239	18%
<b>Emotional Abuse</b>	13	59	22%	5	41	12%	11	24	<b>46%</b>
<b>Abandonment</b>	10	20	<b>50%</b>	3	10	<b>30%</b>	1	3	<b>33%</b>
<b>Medical Neglect</b>	27	169	16%	22	122	18%	22	61	<b>36%</b>
<b>Physical Neglect</b>	51	517	10%	62	452	14%	28	166	17%
<b>Neglectful Supervision</b>	1,363	4,675	<b>29%</b>	1,346	4,474	<b>30%</b>	596	2,091	<b>29%</b>
<b>Refuse Parental Resp.</b>	37	102	<b>26%</b>	25	85	<b>29%</b>	11	36	<b>31%</b>
<b>Total Confirmed Types of Abuse or Neglect</b>	1,947	7,383	<b>26%</b>	1,920	6,982	<b>27%</b>	838	3,083	<b>27%</b>
<b>Total Confirmed Victims</b>	1,777	6,485	<b>27%</b>	1,735	6,377	<b>27%</b>	726	2,695	<b>27%</b>
<b>Types of Abuse per Confirmed Victim</b>	1.10	1.14		1.11	1.09		1.15	1.14	

\*FY11 to date is September 2010 through 2/7/2011.

As a percentage of the region, the total confirmed types of Abuse or Neglect increased slightly in FY11. Marked in bold blue are where Travis County's share of the total region in each area was 25% or higher. All categories but 4 in FY09 were 25% or higher, all but 3 in FY10 and FY11 to date are all but 2. Travis County's proportion of the types of abuse or neglect is growing.

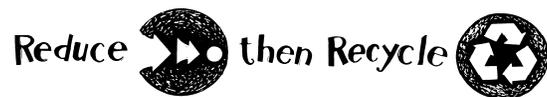
Each confirmed victim is counted for each unique type of confirmed abuse or neglect, therefore total allegations is greater than confirmed victims.

The 30 counties making up Region 7 are:

- Bastrop
- Bell
- Blanco
- Bosque
- Brazos
- Burleson
- Burnet
- Caldwell
- Coryell
- Falls
- Fayette
- Freestone
- Grimes
- Hamilton
- Hays
- Hill
- Lampasas
- Lee
- Leon
- Limestone
- Llano
- Madison
- McClennan
- Milam
- Mills
- Robertson
- San Saba
- Travis
- Washington
- Williamson



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**AVERAGE BILLING PER CASE BY APPOINTMENT TYPE - FISCAL YEARS 2007 - 2009**

	Private Attorney Invoice Submission For <b>CHILD/REN</b> Representation	Private Attorney Invoice Submission For <b>MOTHER</b> Representation	Private Attorney Invoice Submission For <b>FATHER</b> Representation	Private Attorney Invoice Submission For <b>JOINT</b> Representation	Mediation Invoice Submission
Total of All Invoices Submitted FY07-FY09	\$ 2,429,327.78	\$ 1,547,556.32	\$ 1,049,987.94	\$ 58,582.69	\$ 366,920.56
Average Billing Per Case Per Fiscal Year					
FY07	\$ 1,509.19	\$ 1,485.76	\$ 1,192.69	\$ 1,161.87	\$ 901.94
FY08	\$ 1,538.25	\$ 1,553.24	\$ 1,420.08	\$ 1,148.01	\$ 944.89
FY09	\$ 1,932.34	\$ 2,117.38	\$ 1,842.90	\$ 1,426.52	\$ 973.78
Number of Cases	1,073	660	538	35	373
<b>Cumulative Average Billing per Case (across all three FY's)</b>	<b>\$ 2,264.05</b>	<b>\$ 2,344.78</b>	<b>\$ 1,951.65</b>	<b>\$ 1,673.79</b>	<b>\$ 983.70</b>
Cases with Invoice Submission in:					
1 year	Count 737 % of Total Cases 69%	Count 443 % of Total Cases 67%	Count 382 % of Total Cases 71%	Count 21 % of Total Cases 60%	Count 355 % of Total Cases 95%
2 years	Count 265 % of Total Cases 25%	Count 191 % of Total Cases 29%	Count 143 % of Total Cases 27%	Count 13 % of Total Cases 37%	Count 18 % of Total Cases 5%
All 3 years	Count 71 % of Total Cases 7%	Count 26 % of Total Cases 4%	Count 13 % of Total Cases 2%	Count 1 % of Total Cases 3%	Count 0 % of Total Cases 0%
Cases with Invoice Submission in:					
1 year	Total of Invoices \$1,001,463.19 % of total Invoices 41%	Total of Invoices \$760,869.06 % of total Invoices 49%	Total of Invoices \$497,635.41 % of total Invoices 47%	Total of Invoices \$27,245.19 % of total Invoices 47%	Total of Invoices \$333,884.45 % of total Invoices 91%
2 years	Total of Invoices \$1,000,052.71 % of total Invoices 41%	Total of Invoices \$648,540.87 % of total Invoices 42%	Total of Invoices \$460,363.85 % of total Invoices 44%	Total of Invoices \$29,885.02 % of total Invoices 51%	Total of Invoices \$33,036.11 % of total Invoices 9%
All 3 years	Total of Invoices \$427,811.88 % of total Invoices 18%	Total of Invoices \$138,146.39 % of total Invoices 9%	Total of Invoices \$91,988.68 % of total Invoices 9%	Total of Invoices \$1,452.48 % of total Invoices 2%	Total of Invoices \$- % of total Invoices 0%
	Total of Invoices \$2,429,327.78	Total of Invoices \$1,547,556.32	Total of Invoices \$1,049,987.94	Total of Invoices \$58,582.69	Total of Invoices \$366,920.56
AVE billing per case if invoice submission occurs in:					
1 year	\$ 1,358.84	\$ 1,717.54	\$ 1,302.71	\$ 1,297.39	\$ 940.52
2 years	\$ 3,773.78	\$ 3,395.50	\$ 3,219.33	\$ 2,298.85	\$ 1,835.34
All 3 years	\$ 6,025.52	\$ 5,313.32	\$ 7,076.05	\$ 1,452.48	N/A