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July 27, 2012

Jim Bethke, Director
Texas Indigent Defense Commission
205 W. 14th Street, Suite 600
Austin, TX 78701

Mr. Bethke:

I'm writing in response to the TIDC *Review of Harris County's Indigent Defense Systems for Juveniles, April 25, 2012*. Overall, the findings appear to reflect well on Harris County's system. However, we are responding per TAC § 174.28 to the comment regarding Core Requirement 4: "Recommendation: For cases in which the juvenile is not detained, Harris County must implement procedures that ensure timely appointments of counsel."

The TIDC review includes as Appendix D a letter from Harris County Juvenile Probation Department Director Tom Brooks describing the procedures in place at the time of the audit. The letter states, "The Juvenile Probation Department will modify its present procedures to make sure the child/family is contacted and a financial statement is obtained within seven days of assignment. The information will then be forwarded to the individual court coordinator so that an attorney can be assigned if applicable."

The procedural change referenced in Mr. Brooks' letter has now been in place since November, 2011. Attached to this letter you will find the current Harris County Juvenile Probation Department Policy and Procedure regarding Financial Statements. We believe this change addresses the Commission's recommendation and that Harris County's current procedures will ensure timely appointment of counsel for juveniles in detention.

If you have questions or need anything additional, please do not hesitate to let us know.

Sincerely,

Ed Emmett


County Judge

Attachment: Harris County Juvenile Probation Department Policy and Procedure regarding Financial Statements

cc: Tom Brooks, Director, Harris County Juvenile Probation
Hon. Glenn Devlin, Judge 313th District Court
Hon. John Phillips, Judge 314th District Court
Hon. Michael Schneider, Judge 314th District Court
Clay Bowman, District Courts Administrator
Alex Bunin, Harris County Public Defender



HARRIS COUNTY JUVENILE PROBATION Intake/Court Services Operating Procedure

Revised Date: July 9, 2012		Related Standards:	
Approved By: 		ACA:	TJPC:
Section: Court Services	Title: Financial Statements		

POLICY

Financial Statements are to be completed on every youth pending court within seven days of case assignment to the Court JPO. It is the responsibility of the assigned Court Officer or designee to obtain a family's financial information, complete the financial statement and submit the financial statement to the Agency Representative on the date of completion. The Agency Representative will then log in and submit all financial statements received to the Court Coordinators twice a day.

PROCEDURE

In order to assure the timely appointment of Defense attorneys, the IV-E screeners will now assist in obtaining financials on all new cases assigned to Court Services. The screener will place the completed financial statements in the designated Agency Representatives boxes and will braid a copy in the folder. The IV-E screeners will make three attempts to reach the family and will document all attempts on the referral receipt/and or form that has been generated.

JPOs need to document all of the attempts in activities in JIMS2 and must put the actual date that the FSO was submitted as well. It will be imperative to submit financial statements that you individually obtain the same day that the information is gathered. **Please do not hold onto them.** Intake will continue to complete financial statements on youth released/detained.

Screeners are to return files to the Staff Services offices.

The Agency Representatives/Assistants are to log in all financial statements and submit them to the Coordinator of each designated Court twice a day. The Coordinators of each Court will process and assign Attorneys based on information obtained from the financial statements.

Financial statements must be completed on all intake level release or detention cases, to include children that are in the custody (TMC or PMC) of DFPS. The financial statement must be as complete as possible. In the event a child is in DFPS custody, note whether the agency is TMC or PMC. If they are PMC (Permanent Managing Conservators) or parental rights have been terminated, note that finding. If they are merely TMC, (Temporary Managing Conservators), then you must gather financial information about the income of the parents.

Section: Court Services	Financial Statements
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Each section of the financial statement form should be completed and checked with the family as closely as possible as to the validity of the income, expenses, and number of dependents.

Indicate on the form who the dependents are - i.e., three children, one grandchild, two parents, and the youth; it is important to always include the parents and the youth. Special circumstances may be listed on the additional comments section of financial statement. If a child is in the custody of the Texas Department of Family & Protective Services (TDFPS) or resides with a guardian, request an attorney for this respondent.

If a parent is unemployed, the Court Officer should ask whether any other income, such as unemployment benefits or workman's compensation is being received. Aid for Dependent Children, Social Security, Food Stamps, etc. qualifies a family for a Court Appointed Attorney.

A copy of the financial statement should be kept in the youth's master file. In addition, a copy of the financial statement must also accompany the court packet submitted to the agency representatives for the court hearing.

If the case is a no contact memo (please see Policy and Procedure for No-Contact Memos), a blank financial statement with the youth's name, petition number, court date and the letters "NC" at the top of the form must also be submitted.

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Updated 4/29/09 by B6J
Terri McGee 01/20/10
Updated March 10, 2010
Updated December 1, 2011
Updated July 6, 2012 TAM
Approved July 9, 2012 T2B