



# INDIGENT DEFENSE EXPENDITURE MANUAL

**FISCAL YEAR 2024**

Updated September 2024



## Reporting Manual for:

- Adult Criminal and Juvenile Delinquency Indigent Defense Expenditure Report
- Family Protection Representation Indigent Defense Expenditure Report
- Office of Court Administration's Expenditures for Court Interpretation Services Report

## Reporting Period:

**October 1, 2023 -  
September 30, 2024**

## Due Date:

**November 1, 2024**

# Executive Summary

The Texas Indigent Defense Commission (TIDC) is excited to introduce a new data website along with a revised guide to assist you in completing the annual Indigent Defense Expenditure Report (IDER). This summary highlights some key changes to the reporting process and due dates for reports.

All Texas counties are required to submit the Indigent Defense Expenditures Report annually to the Texas Indigent Defense Commission by Government Code §§ 79.036(e) and 79.0365(d).

## Key Changes for FY2024 Reporting

- 1) New Website Layout
- 2) New Steps (OCA Interpreter Report, Public Defense Office Salaries)

OCA Interpreter's Report: TIDC is collecting data on interpreter utilization on behalf of the Office of Court Administration (OCA) pursuant to Texas Government Code Section 57.002 (h). OCA's reporting instructions can be found [here](#). Please contact OCA's Data and Research Division at [Judinfo@txcourts.gov](mailto:Judinfo@txcourts.gov) with any questions about the data being reported.

Public Defense Office Salaries: TIDC is collecting data on public defense office employee positions and salaries. Both public defender's offices and managed assigned counsel programs should complete this report. Officials will likely need to work with the leadership of the office to complete this step.

- 3) New data elements in various steps (e.g., MAC Administrative Expenditures)
- 4) New Family Protection Representation (FPR) IDER – CPS appointments and expenditures will now be reported on a separate court report for each court, not as part of the Adult Criminal & Juvenile IDER Court Reports. Appointments and expenditures must be categorized by appointment type: custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeal.
- 5) Removed Indigent Defense Increased Administrative Expenditure Report Addendum
- 6) All fields must have a numerical value. No blank fields are allowed. If you have no cases/appointments, expenditures, etc. to report, enter 0.

## Reporting Period and Due Date

Counties submit data for the past fiscal year in the IDER.

**Reporting Period: October 1, 2023 – September 30, 2024**

**Due Date: November 1, 2024.**

### Officials Responsible for Filing Reports

The county auditor is responsible for preparing and filing these reports. If a county does not have an auditor, the commissioner's court designates the person responsible for the report, generally the county treasurer.

Thank you for your work.

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# History and Importance of the IDER

## What is the Indigent Defense Expenditure Report?

All Texas counties are required to submit the Indigent Defense Expenditure Report (IDER) annually to the Texas Indigent Defense Commission by Government Code §§ 79.036(e) and 79.0365(d). This report includes all eligible criminal and juvenile delinquency indigent defense expenditures, case counts and attorney information for each court, sorted by level of case, type of expenditure and attorney. Counties will also report data for each court on parent and child representation associated with Child Protective Services (CPS) cases, pursuant to Government Code § 79.0365(d).

The IDER captures criminal and juvenile delinquency indigent defense expenditures for attorney fees, investigators, expert witnesses, and other direct litigation costs. The passage of House Bill 1318 by the 83rd Legislature amended Government Code § 79.036 and required counties to break down that data by attorney. The passage of Senate Bill 560 by the 86th Legislature added requirements to report expenditures and appointment data regarding cases filed against a parent by the Texas Department of Family and Protective Services (TDFPS). Additional information on allowable and unallowable costs is provided later in this manual. The report is organized by court. Counties must track and report expenditures, case counts (for criminal & juvenile cases), appointment counts (for family protection representation cases) and attorney information separately for each court.

**Criminal and Juvenile Indigent Defense Defined --** Indigent defense refers to the legal requirement under the U.S. and Texas Constitutions and Texas statute for the government to provide an attorney and other defense costs on behalf of adult defendants and juvenile respondents whose life or liberty are at stake and who are financially unable to employ an attorney (Tex. Code of Crim. Proc., Article 1.051(b)) or pay other defense costs.

**Family Protection Representation (FPR) Defined –** Family protection representation is the court-appointed legal representation of children and indigent parents in cases brought by TDFPS alleging child abuse and/or neglect against a parent. Texas statute requires that a court must appoint an attorney for a child who is named in a Suit Affecting the Parent-Child Relationship (SAPCR) filed by TDFPS seeking termination of a parent's rights to the child and/or conservatorship of the child and for an indigent parent who appears in opposition to the suit. Additionally, in SAPCRs filed by TDFPS, Texas statute requires that a court appoint an attorney for a parent cited by publication, unknown fathers, different types of alleged fathers, and parents who are alleged to have a mental deficiency making them unable to care for their child. Courts are also statutorily required to appoint an attorney for children and parents named in suits filed by TDFPS seeking that a parent be ordered by a court to complete services. The IDER includes expenditure data regarding court-ordered representation in family representation cases separated into representation categories. Please note, these cases are commonly referred to in local court systems as "Child Protective Services (CPS) cases."

**Due Date and Reporting Period –**

The report must be submitted by **November 1, 2024**, and covers the reporting period of **October 1, 2023, through September 30, 2024**.

**Officials Responsible for Filing** – The county auditor is responsible for preparing and filing the IDER. If a county does not have an auditor, the commissioner’s court designates the person responsible for the report, generally the county treasurer. This person may be referred to as the County Financial Official.

### Why is the IDER Important?

Each year the Commission distributes formula grants to Texas counties to be used to support indigent defense programs. The criminal and juvenile delinquency indigent defense expenses (attorney fees or public defender costs, investigation expenses, expert witness costs and other direct litigation costs) reported in the IDER are used in the calculation of the Formula Grant in each subsequent year.

The data is also used as the basis for policy evaluation and decisions of the Commission. Accurate data collection and timely submission of the report are essential to ensure that limited indigent defense resources are used effectively. Errors in the IDER could result in counties being awarded more funds in the Formula Grant and may result in a reduction in award or return of grant funds. The data is made available to the public online at: <http://tidc.tamu.edu/public>.

Many local governments have experienced increases in costs associated with legal representation in child protection cases. The data collection regarding appointments in child protection cases documents the growing pressure this legal representation places on county budgets and will help policymakers take steps to ensure quality court-ordered representation for both children and parents. The passage of SB 2120 by the 88th Legislature allows TIDC to take on a more significant role in court-ordered legal representation of children and parents. The data will be available to the Legislature and other policymakers as they allocate resources in the future.

# Getting Started – Preparing for IDER Submission

## Summary: Preparation Checklist

### Criminal/Juvenile Delinquency Indigent Defense Expenditure Report

1. Collect case and expense information for each court from the county's general ledger or invoices for payments made to represent indigent defendants or juvenile respondents.
2. Review the information to ensure that expenditures related to indigent defense in criminal and juvenile delinquency cases are separated from expenditures for parent or child representation related to Child Protective Services cases.
3. Ensure that general government costs and any court costs other than criminal indigent defense are excluded.

### Family Protection Representation (FPR) Indigent Defense Expenditure Report

1. Collect appointment and expense information for each court from the county's general ledger or invoices for payments made for legal representation of parents, non-parent conservators, and children associated with Child Protective Services (CPS) cases.
2. Review the information to ensure that expenditures related to indigent defense in criminal and juvenile delinquency cases are separated from expenditures for legal representation related to CPS cases.
3. Ensure that general government costs and any court costs other than legal representation of parents, non-parent conservators, and children in CPS cases are excluded.

### Office of Court Administration's Expenditures for Court Interpretation Services Report

1. Collect (1) the number of interpreters appointed; (2) the number of interpreters appointed for parties or witnesses who are indigent; (3) the amount of money the county spent to provide court-ordered interpretation services; and (4) number of parties that filed a statement of inability to afford payment of court costs.

OCA's full reporting instruction can be found [here](#).

OCA's FAQ can be found [here](#).

OCA's sample template can be found [here](#) (Excel) and [here](#) (PDF).

The Texas Indigent Defense Commission is collecting data on interpreter utilization on behalf of the Office of Court Administration (OCA) pursuant to Texas Government Code Section 57.002 (h). Please contact OCA's Data and Research Division at [Judinfo@txcourts.gov](mailto:Judinfo@txcourts.gov) with any questions about the data being reported.

## Identifying Allowable Costs (Eligible Expenditures)

The IDER is organized by court and must be submitted for every court in the county that hears criminal or juvenile delinquency cases and/or CPS cases.

### 3 Reports – Separate Your Data Appropriately

This report includes 3 reporting forms:

- (1) Adult Criminal and Juvenile Delinquency Indigent Defense Expenditure Report
- (2) Family Protection Representation Indigent Defense Expenditure Report
- (3) OCA Interpreter's Report

The Adult Criminal and Juvenile Delinquency IDER and the Family Protection Representation IDER require data to be submitted separately by court. It is very important to ensure that reports properly distinguish between these case/appointment types and expenditures and case/appointments counts are reported in the appropriate subject-matter report section. No other types of cases or expenses should be included on the IDER.

The Criminal and Juvenile Delinquency Indigent Defense Court Report tracks expenses for legal services provided in the county to indigent defendants and juvenile respondents during each fiscal year in four categories: 1) attorney fees; 2) investigation expenses; 3) expert witness expenses; and 4) other litigation expenses. Additionally, the Commission requires that expenses be sorted by case type: capital, non-capital felony, misdemeanor, juvenile, felony appeals, misdemeanor appeals, and juvenile appeals. On the criminal and juvenile delinquency report only, counties must also complete the Attorney Detail, which breaks down attorney fees and case counts per attorney. The Commission may permit certain cases and expenditures to be reported under magistrate courts or as case filed with no court identified.

The Family Protection Representation Court Report tracks expenditures for legal services provided in the county to parties in CPS matters in five expense categories: 1) attorney fees; 2) social worker expenditures; 3) expert witness expenditures 4) investigation expenditures; and 5) other litigation expenses. Appointments and expenditures must be categorized by the following representation categories: custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeal. New this year, counties may complete the Attorney Detail, which breaks down attorney fees and appointments per attorney, but are not required to do so.

## What are Allowable Costs?

**Allowable Costs** – are the costs that may be reported in each IDER and are eligible for all TIDC grants. Also referred to as **Eligible Costs**. See the definition of Allowable Costs for each report:

**Allowable Costs for Adult Criminal and Juvenile Delinquency IDER** include direct costs paid by the county or managed assigned counsel program on behalf of a defendant or juvenile respondent to provide a defense to the charges brought by the State, to provide mitigating evidence related to the commission of a crime, or to assist in an appeal after a conviction. This includes:

- attorney fees,
- licensed investigator fees,
- expert witness fees,
- lab fees incurred by the defense,
- transcript fees (only when prepared for the defense in connection with an appeal or when necessary to preparing a defense),
- mental health defense experts (NOT examinations for competency to stand trial),
- immigration status impact consultation (i.e., Padilla consultations regarding the immigration-related collateral consequences of plea or conviction), and
- other costs paid by the county to assist the defendant in mounting his or her defense against the charges brought by the State.

Indigent defense expenses otherwise required to be reported that may be funded wholly or partially by TIDC grants.

**Allowable Costs for the Family Protection Representation IDER** include direct costs paid by the county or managed assigned counsel program to provide legal representation for a party or a child in a suit affecting the parent-child relationship or a suit requesting that a parent be ordered by a court to complete services filed by the Texas Department of Family and Protective Services (i.e., CPS cases). This includes:

- attorney fees,
- social worker costs,
- expert witness costs,
- investigation costs, and
- other litigation expenses necessary to provide the legal representation.

## What are Unallowable Costs?

TIDC has adopted the [Texas Grant Management Standards](https://comptroller.texas.gov/purchasing/docs/grant-management-reader.pdf) (TxGMS) to provide guidance on eligibility of costs and unallowable costs for all Commission grants. The same principles are used to report counties' indigent defense costs (See TxGMS for more detail regarding unallowable costs and standard financial management principles: <https://comptroller.texas.gov/purchasing/docs/grant-management-reader.pdf>)

Specifically, in accordance with statute, TxGMS, and/or Commission policy, the following costs are not allowable and should not be included in any section of the IDER:

- **General government costs;**
- **Costs of law enforcement, prosecution, incarceration, or supervision;**
- **Replacing existing county funding with grant funds** (supplanting);
- **Prosecution costs** such as attorney fees, licensed investigator fees, expert witness fees, lab fees, transcript fees, mental health evaluations, sociological evaluations, copying fees, or any other costs paid by the county to prosecute a defendant or represent the Texas Department of Family and Protective Services;
- **Cost of operating court systems** including docketing, general case management systems, or court and administrative personnel unrelated to the provision of indigent defense or family protection representation;
- **Court reporters** – The routine fees and costs associated with court reporting are not allowable. Counties that expend additional funds for transcription fees (statement of facts) on behalf of an indigent defendant, a parent, or a child’s appeal or when otherwise prepared for the defense, a parent, or child as necessary in defending a case may claim the additional direct costs as “Other Litigation Expenses”.
- **Court Interpreters** – Interpreters are required to be provided by courts regardless of a person’s indigent status; therefore, it is considered a general government cost;
- **Evaluations of competency to stand trial;**
- **Expenses, including equipment used for county offices, not directly involved in the provision of indigent defense services** (e.g., computer for prosecutor’s office; expert witness or mental health evaluation provided for the prosecution, etc.;
- **Indirect costs** such as cost allocation plans, general county administration, human resources, or other administrative fees.
- **Some Civil Cases** – Prior to FY2021, the IDER did not allow reporting of any civil cases other than payments to attorneys appointed to represent juveniles on cases arising from Title 3 of the Texas Family Code (Juvenile Justice Code). Counties now report data on one category of civil case expense: parent and child representation in connection with CPS cases. Each court now has an individual court expenditure report for indigent defense of adult criminal and juvenile delinquency cases and an individual court expenditure report for parent and child representation in connection with CPS cases. Except for the reporting of court-ordered appointments in CPS cases filed by TDFPS and related expenditures in the designated sections, no other civil cases should be reported on the IDER. Civil case- related expenditures that should NOT be included on any section of the IDER include child support enforcement and associated contempt cases, domestic violence intervention and protection

not filed by TDFPS, various civil county-appointed *ad litem* (probate or other civil matter) not filed by TDFPS, or *in forma pauperis* civil cases.

### Eligibility of Mental Health Evaluation Expert Fees on the Criminal and Juvenile Delinquency Sections

Generally, **experts requested and hired by the defense to conduct a psychological evaluation** are considered **eligible** indigent defense expenditures and **should be included in the Expert Witness sections** of the IDER.

Not all psychological evaluations of a defendant who is indigent are eligible, however. For example, **competency evaluations ordered by the court** are **not eligible** defense costs.

To determine whether fees for mental health experts are eligible indigent defense expenditure to include on the IDER, auditors should determine whether the expert was working for the defense under derivative attorney-client privilege to assist in the criminal defense of indigent defendants.

If the expert fees in question were initiated through **an *ex parte* motion by the defense**, the resulting reports would be privileged information provided to the defense attorney and these **costs should be included on the IDER**.

By contrast, **psychological evaluations ordered by the court** which yield expert reports made **available directly to the court or to all parties** are **not eligible** indigent defense expenditures. While an order granting an *ex parte* defense motion requesting funds for a mental health defense expert is generally sufficient to establish eligibility as an indigent defense expenditure, evaluations of competency to stand trial are **not eligible** indigent defense expenditures regardless of the origin of the referral for the competency evaluation.

### How to Allocate Allowable/Eligible Costs

Counties must follow allocation guidelines established in TxGMS for grant fund use when completing the report. If indigent defense grant or county funds are used to pay for goods or services that benefit other programs in addition to indigent defense, the cost of those goods and services must be allocated among the programs so that grant funds are not used for or credited to purposes unrelated to the indigent defense program. As with any grant fund, allocation documentation must be maintained locally and available for review.

## How to Report Case Counts and Appointment Counts

Each court report captures expenditures and the number of cases (in the criminal report) or the number of appointments (in the family protection representation report) by case type. All cases where an attorney is appointed to represent a criminal defendant or juvenile respondent must be counted and reported on the IDER at the time they are concluded.

### When to count a case or appointment?

#### **Counting Cases – Criminal and Juvenile Delinquency IDER**

**For criminal and juvenile delinquency cases**, this is when the case is paid after final disposition in the assigned counsel, managed assigned counsel and contract counsel systems. (Cases are counted when disposed in the public defender system.)

In criminal cases, the law requires that attorneys be appointed within one to three working days (depending on the size of county) of a defendant's request being transferred by the magistrate to the local appointing authority (typically a judge). This is prior to the information or indictment being filed in most jurisdictions. When an attorney is appointed on a case that the prosecutor does not file or dismisses and the county pays for the legal services, then the money paid and the case(s) should be included in the IDER under the court of the judge that authorized the payment. Public defenders should count these unfiled and dismissed cases as disposed. In criminal matters, one defendant often has multiple cases and multiple levels of representation on an invoice submitted by an attorney or counted disposed by a public defender.

**In criminal and juvenile matters, counting cases should not be confused with counting attorney fee vouchers or payments.** Each **case** reflected on the invoice or disposed by final order by the public defender must be counted in its proper category. To meet the statutory requirement, counties must use processes where invoices are itemized to reflect each of the cases and expenses that correspond to the fee schedule adopted by the judges in the local indigent defense plan.

Fiscal officers should prepare the IDER based on the financial records in their offices. A cause number or group of cause numbers attributed to one defendant may have several distinct appointments and representation events. For example, a defendant with three original cases on an invoice may have probation revoked on one case and have an appeal all in the same year using the same cause number.

### Definition of “Case” for Criminal and Juvenile Delinquency IDER

The number of criminal cases reported should be based on the number of defendants named in an indictment or information (*documents filed to bring charges against a person*). That is:

- (1) If a single indictment or information names more than one defendant, there is more than one case. For example, if three defendants are named in one indictment, count this as three cases.
- (2) If the same defendant is charged in more than one indictment or information, there is more than one case: as an example, if the same person is named in four separate indictments, count this as four cases.
- (3) Finally, if an indictment or information contains more than one count (Article 21.24, Texas Code of Criminal Procedure), report this as one case and report the case under the category for the most serious offense alleged.”

### Counting Appointments – Family Protection Representation IDER

**Family protection representation appointments** should be counted **one time per fiscal year that expenditures are paid on the appointment**. For example, in a fiscal year there is one CPS case that has a court-appointed attorney for the child, a court-appointed attorney for a non-custodial parent, and a court-appointed attorney for a custodial parent. Each attorney is paid five times during the fiscal year for their work on the case. In this example, you will report one appointment for a child, one appointment for a non-custodial parent, and one appointment for a custodial parent for the fiscal year.

**In family protection representation matters, counting appointments should also not be confused with counting cases, vouchers, or payments.** CPS cases will often have more than one attorney appointed in the case. Additionally, attorneys submit multiple vouchers during their representation and appointments can last for multiple years. In past fiscal years, counties tracked when a family protection representation voucher represented final billing to report total number of appointments. Beginning in FY2023, the requirements changed. Counties should now report an appointment one time per fiscal year expenditures are paid on the appointment.

## Definition of “Appointment” for FPR IDER

Family protection representation appointments should be counted one time per fiscal year that expenditures are paid on the appointment. That is:

If a single CPS case involves more than court-appointment paid in the fiscal year, there is more than one appointment.

For example, in a fiscal year, there is one CPS case that has a court-appointed attorney for the child, a court-appointed attorney for a non-custodial parent, and a court-appointed attorney for a custodial parent. Each attorney is paid five times during the fiscal year for their work on the case. In this example, you will report one appointment for a child, one appointment for a non-custodial parent, and one appointment for a custodial parent for the fiscal year.

## How to Count Cases for the Adult Criminal and Juvenile Delinquency IDER

The number of cases and appointments reported must be associated with the expenses reported.<sup>1</sup>

### Adult Criminal/Juvenile Delinquency Indigent Defense Categories

**Juvenile Cases** - Cases where the attorney fee vouchers reveal that the cases paid are reported as juvenile cases, regardless of offense level or classification.

**Juvenile Appeals** – Cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus). Motions to modify disposition are counted above as juvenile cases.

**Capital Murder Cases** – Cases where the defendant is charged with capital murder. Interim payments are common for capital cases. While capital case expenditures should always be reported in the year made, the case should be counted only in the year the case is finally disposed.

**Adult Felony Cases** – Cases where the attorney fee vouchers reveal that the cases paid are reported as felonies. This includes motions to revoke community supervision (probation) cases classified as felonies. This figure should exclude capital murder cases since they are reported separately.

**Adult Misdemeanor Cases** – Cases where the attorney fee vouchers reveal that the cases paid are reported as misdemeanors. This includes

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<sup>1</sup> When interim payments on a case are made, it is possible to report expenditures in multiple fiscal years, but the corresponding case or appointment is only reported in the year the case was disposed or the representation concluded.

motions to revoke community supervision (probation) cases classified as misdemeanors.

**Felony Appeals** – Cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus). Motions to revoke probation are counted above as felony cases.

**Misdemeanor Appeals** - Cases where the attorney fee vouchers reveal that the cases being paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writ of habeas corpus). Motions to revoke probation are counted above as misdemeanor cases.

Cases with multiple attorneys appointed will be reported as one case for the court portion of the report and one case for each attorney on the court attorney detail portion of the report. In cases where attorneys within a law firm perform incidental tasks associated with case representation (such as stand in for a single hearing or providing direction to parents, etc.), report the case under the originally assigned contract attorney.

Indigent defense cases and expenditures required to be reported by statute that are funded wholly or partially by TIDC grants must still be included in the IDER.

### Special Cases

**Writs of habeas corpus** filed in connection with a criminal case in which charges were not filed within statutory time limits should not be counted as separate cases from the underlying criminal case, even though the writ may have its own cause number. Expenditures associated with such writs are eligible indigent defense costs.

**Out-of-state extradition cases** should be categorized in the court where the payment was issued. Whenever possible, classify the expense in the best-known corresponding case level. Usually, extradition cases are capital or non-capital felony cases. A footnote on the report indicating the prevalence of these cases can be included but is not required. There may be other cases in jurisdictions that are similar in nature to out-of-state extraditions that could also be captured in this box.

**Appointments for motion to revoke community supervision (probation)** are considered separate cases for the purposes of the IDER. There is usually a lapse in time from the original case to the subsequent revocation hearing. These cases usually have the same cause number and can occur in the same fiscal year. Appeals to a revocation of community supervision would be counted as a separate appeal.

**Unfiled drug court, pre-trial release, or pre-trial diversion cases** that have a court appointed attorney are counted in the court where the payment was issued. Whenever possible, classify the expense in the best-known corresponding case level. If the activity is part of existing district or statutory county court processes, report the case and attorney

payment information in that court.

**Appeals** must be counted as a separate case from the original trial level case. Appeals from an order revoking community supervision (probation) are counted as an appeal.

**Appointments for Limited Scope Representation at Article 15.17 Magistration Hearings or Automatic Bail Review Hearings** – Counties that appoint private defense counsel for the limited purpose of representation at the Article 15.17 magistration hearing or automatic bail review hearing and separately from any appointments for the underlying case should track the number of defendants represented and associated attorney fees for each attorney. This data should be reported in the **Limited Scope of Representation Addendum** of the IDER. Counties that do not have expenditures for these types of limited scope representation should not complete this addendum.

Please contact TIDC with questions regarding the applicability of this addendum to a county's particular circumstances. If the same attorney or a different attorney is appointed to represent a defendant beyond the Article 15.17 magistration hearing, the case should also be counted and attorney fees for the subsequent representation should be recorded under the court in which the case is disposed. (Counties that provide this type of representation with public defenders should consult the FY2024 Public Defender Addendum to the IDER Manual.)

## How to Count Appointments for the Family Protection Representation IDER

Counties will count an appointment of an attorney for a parent or a child one time per fiscal year expenditures are paid on the appointment. Any qualification of the reported number of appointments may be explained in the notes field of the family protection representation court report.

Counties must categorize the appointment counts by the following categories:

- **Custodial Parent**
- **Non-Custodial Parent (including Alleged Fathers and Unknown Fathers)**
- **Non-Parent Conservator**
- **Children**
- **Adult Appeal**
- **Children Appeal**

### Family Protection Representation Categories

**Custodial Parents Appointment** – an individual appointment

(1) for a mother or father (if paternity is established) and the child is living with that parent at the time of legal case filing;  
or

(2) for both a mother and father living with the child at time of legal filing, regardless of paternity establishment.

This does not include representation during an appeal.

**Non-Custodial Parents Appointment** – an individual appointment

- (1) for a mother or father (if paternity is established) and the child is not living with that parent at the time of legal filing;
- (2) for both a mother and father (regardless of paternity establishment) and the child is not living with them at the time of legal filing; or
- (3) to represent an unknown father (identity unknown), unlocated father (identity known, location unknown), or alleged fathers (paternity not established).

This does not include representation during an appeal.

**Non-Parent Conservators Appointment** – an appointment

- (1) for a person who is not a parent and has previously been named on a court order as the conservator of the child before the filing of the suit by DPFS.

Residence of the child at the time of legal filing is immaterial.

This does not include adoptive parents.

This does not include representation during an appeal.

**Children Appointment** – an appointment for a child or sibling group.

Representation does not occur during the pendency of an appeal.

**Adult Appeals Appointment** – the representation of a mother, father, or Non-Parent Conservator during an appeal.

**Children Appeals Appointment** – the representation of a child or sibling group during an appeal.

## Reporting for Different Types of Attorney Selection Methods

Statute requires that counties report indigent defense expenditures and case information associated with those expenditures regardless of appointment system – assigned counsel, managed assigned counsel, contract, or public defender. This is not a duplication of data collected by the Office of Court Administration through the district and county clerks' monthly court activity reports. **A county that reports the attorney appointment data by utilizing information obtained from the district or county clerks rather than the attorney fee voucher from auditor's/treasurer's office has not correctly completed this report.**

### Counsel Type for Adult Criminal and Juvenile IDER

Under Article 26.05(c) of the Code of Criminal Procedure, "*...No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable approves the payment.*" The information reported must be consistent with the fee schedule adopted by the courts for each level of case. Invoices approved by a judge or director must include at a minimum: 1) the payee; 2) the service(s) provided which must include the case(s) level by type; 3) the date(s); and 4) the amount. Public defenders do not use invoices. The only way that a fiscal officer will be able to reconcile courts, attorneys, and amounts or to establish veracity of the IDER is to list the cause numbers of the cases disposed for a specific defendant for any of the following systems:

The **Assigned Counsel** system requires a payment to be made to a defendant's appointed counsel after the attorney submits an invoice to the court and the court approves the invoice. In this way, the number of cases disposed and related payments can both be included in the IDER. Cases disposed under Improvement Grant-funded programs must be included in this portion of the report. Report interim payments in the year they are made, however only count the case or appointment upon final disposition or conclusion of representation.

The **Contract Attorney** system requires periodic payment of the amount specified in the contract regardless of the number of cases handled or the workload involved in the period. Article 26.05 (c), Texas Code of Criminal Procedure applies to contract systems since "*no payment*" can be made without an itemized invoice. Automatic contract payment distributions without attorneys' invoices would not meet the standard set by this statute. Counties must adopt an invoice that meets the statutory requirement and provides the data to complete the IDER and should clearly indicate which cases were disposed. If invoices also include information on non-capital cases that were worked on but not disposed, counties must implement procedures to ensure that IDER case counts are based on disposed cases only. Contract expenditures and the number of cases disposed must both be reported in the IDER. Contract systems must have a written policy

instructing contract attorneys when cases will be counted as disposed on the invoice submitted each month (examples: disposition by court; when judgment is filed; at time of brief or at appeals court disposition, etc.). Cases disposed under TIDC grant funded programs should be included in this portion of the report.

The **Public Defender Office** (as described in Article 26.44, Texas Code of Criminal Procedure) handles cases as a county department or non-profit corporation. Both expenditures and cases disposed must be reported in the IDER. This requires a case management or tracking system to report the cases disposed for the corresponding expenditure period. Counties that have attorneys representing clients with multiple case levels must track time to properly assign costs in the IDER. Counties must develop policies to ensure that the number of cases reported by the public defender are accurate and consistent with the same period as the expenses. Cases disposed under Improvement Grant-funded programs must be included in this portion of the report. Expenditures will be reported in a separate public defender addendum.

The **Managed Assigned Counsel** (as described in Article 26.47, Texas Code of Criminal Procedure; may be referred to as a “private defender”) program provides that an entity created by the county and courts manage the indigent defense process. Amounts paid are reported for all court pages on the “managed assigned counsel” line for the four report categories (attorney expenses, investigation expenses, expert witness expenses, or other litigation expenses). Cases will be reported under the “managed assigned counsel” column by case level. The administrative costs associated with the managing attorney, investigators, social workers, and other non-attorney support staff, need to be reported in the county’s managed assigned counsel administrative expense page. The county auditor must meet the requirements of reporting even if the county’s contract requires payments to attorneys and other legal services providers to be made by an outside party. Cases disposed under Improvement Grant-funded programs must be included in this portion of the report.

<b>Types of Attorney Selection Methods</b>		
<b>Type</b>	<b>Accounts Payable Instrument</b>	<b>Method to Count Cases</b>
Assigned Counsel System	Invoice submitted by attorney on each case or defendant and approved by judge	Use cases paid as reported on attorney fee voucher (Cases marked for final payment if interim payments are permitted)
Contract Attorneys	Invoice submitted by attorney for each period and approved by judge	Use cases disposed as reported for attorney fee voucher period

Public Defender Office	No invoice submitted. PD salaries paid sorted by case level (Capital, felony, misdemeanor, juvenile, and appeals). See Public Defender Office Supplemental Instructions at the end of this Manual.	Cases disposed tracked on PD database and reported to auditor.
Managed Assigned Counsel System	Invoice submitted by attorney on each case or defendant and approved by the director of the program. County fiscal officers may need to depend upon contractors or intergovernmental agreements, but still have the legal obligation to perform duties under Texas Government Code 79.036 and must develop procedures to ensure that data is correct. Invoice or salaries paid for managing attorney and non-attorney support staff is reported on Managed Assigned Counsel Addendum to the IDER.	Use cases paid as reported on attorney fee voucher. (Cases marked for final payment if interim payments are permitted)

### Counsel Type for Family Protection Representation

Most counties provide legal representation in CPS cases by appointing private attorneys. Such appointments and associated expenditures should be categorized under **Assigned Counsel**.

If the county contracts with an attorney or firm in advance to provide representation for persons in CPS cases during a specified period, such appointments and associated expenditures should be categorized under **Contract Attorney**.

A small number of counties provide representation in some CPS matters through a dedicated office or a division of a public defender office. Appointment should be reported in the court reports and categorized under one of the following institutional categories: **Public Defender Office, Office of Child Representation, Office of Parent Representation**. Program expenditures for such programs should be reported in the appropriate institutional addendum: **Public Defender Office, Office of Child Representation, or Office of Parent Representation Addendum** in the FPR IDER.

A small number of counties provide representation in CPS cases through a full-time county employee. A **County Employee** is a full-time employee that represents children and/or parents in CPS cases filed against a parent by TDFPS and is treated like any other county employee, including but not limited to employee salary, employee benefits, and employee requirements. This does not include employees of an Office of Child Representation, Office of Parent Representation, or a Public Defender Office. Appointment should be reported in the court reports and categorized under **County Employee**. County expenditures for this employee should be reported in the **County Employee Addendum** of the FPR IDER.

While no counties currently provide family protection representation through a

managed assigned counsel program as described above, they could in the future and the **Managed Assigned Counsel** category is available in the family protection representation report.

<b>Types of Attorney Selection</b>		
<b>Type</b>	<b>Accounts Payable Instrument</b>	<b>Method to Count Appointments</b>
Assigned Counsel System	Invoice submitted by attorney on an appointment and approved by judge	Counties are asked to report an appointment one time per year if expenditures are paid toward the appointment during the fiscal year.
Contract Attorneys	Invoice submitted by attorney for each period and approved by judge	Counties are asked to report an appointment one time per year if expenditures are paid toward the appointment during the fiscal year.
Full-time County Employee	No invoice submitted. Employee salaries paid sorted by appointment type (Custodial Parent, Non-Custodial Parent (including Alleged Fathers and Unknown Fathers), Non-Parent Conservator, Children, Adult Appeal, Children Appeal). See Office Supplement to the IDER Manual	Appointments tracked on Office database and reported to auditor
Public Defender Office	No invoice submitted. Office salaries paid sorted by appointment type (Custodial Parent, Non-Custodial Parent (including Alleged Fathers and Unknown Fathers), Non-Parent Conservator, Children, Adult Appeal, Children Appeal). See Office to the IDER Manual	Appointments tracked on Office database and reported to auditor
Office of Child Representation	No invoice submitted. Office salaries paid sorted by appointment type Custodial Parent, Non-Custodial Parent (including Alleged Fathers and Unknown Fathers), Non-Parent Conservator, Children, Adult Appeal, Children Appeal). See Office Supplement to the IDER Manual	Appointments tracked on Office database and reported to auditor

Office of Parent Representation	No invoice submitted. Office salaries paid sorted by appointment type Custodial Parent, Non-Custodial Parent (including Alleged Fathers and Unknown Fathers), Non-Parent Conservator, Children, Adult Appeal, Children Appeal). See Office Supplement to the IDER Manual	Appointments tracked on Office database and reported to auditor
Managed Assigned Counsel System	Invoice submitted by attorney on an appointment and approved by the director of the program. County fiscal officers may need to depend upon contractors or intergovernmental agreements, but still have the legal obligation to perform duties under Texas Government Code 79.0365 and must develop procedures to ensure that data is correct. Invoice or salaries paid for managing attorney and non-attorney support staff is reported on Managed Assigned Counsel Addendum to the IDER.	Counties are asked to report an appointment one time per year if expenditures are paid toward the appointment during the fiscal year.

## How to Report for Counties with Public Defender Offices

A supplemental reporting manual has been developed to address IDER issues that are unique to counties with public defender offices. **Counties with public defender offices must use the forms and methods described in the Office Supplemental Manual.** For assistance with reporting for public defender offices, contact TIDC's Grant Program Manager.

## How to Report for Counties that Administer or Participate in Regional Indigent Defense Programs

Counties that participate in regional public defender offices or other regional indigent defense programs have special reporting requirements.

### Regional Public Defender's Office for Capital Cases

**Regional Public Defender Office for Capital Cases** is an opt-in program, available to most Texas counties, providing representation in death penalty cases. Participating counties execute interlocal agreements with the office and pay an annual participation fee. Participating counties will report their participation fee in the **Regional Indigent Defense Programs** step of the Adult Criminal and Juvenile Delinquency IDER.

Participating counties will report cases and case-specific expenditures for expert witnesses and other litigation expenditures for cases handled by the Regional Public Defender Office for Capital Cases in the Regional Public Defender Office for Capital Cases row in the Capital Murder category of the relevant **Court Reports** step of the Adult Criminal and Juvenile Delinquency IDER.

### Other Regional Public Defender Office

Counties may participate in a non-capital regional public defender office or other non-capital regional indigent defense program. Counties have special reporting requirements depending on whether the county is the administrative (i.e., "host") county or a participating county.

The administrative county reports all the regional program's expenditures on the regional program addendum form of the Adult Criminal and Juvenile Delinquency IDER and the case counts for their own county's cases disposed by the regional program on the respective court reports. The administrative county must provide to participating counties the number of cases disposed by the regional program for each court in each county, itemized by attorney. Regional administrative counties must report any fund balance from counties that paid them or carryover funds from third party providers in the **Regional Indigent Defense Programs** section of the Adult Criminal and Juvenile Delinquency IDER.

The participating counties report their payments to the administrative county in the

**Regional Indigent Defense Programs** section of the Adult Criminal and Juvenile Delinquency IDER. Participating counties report their counts of cases handled by the regional program in the appropriate court report of the Adult Criminal and Juvenile Delinquency IDER.

## Other Requirements

### Monitoring and Auditing

The Commission operates a fiscal monitoring program to ensure accurate reporting and to assist counties in meeting requirements. Records must be made available to the Commission or its designees upon request. (See Texas Administrative Code, Title 1, Rule §173.401 for more details.)

### Record Retention Requirements

Counties must maintain records related to the report activity for at least three years after the end of the submission of the report. Counties operating a Managed Assigned Counsel Program must require through Contract the records be maintained for at least three years after the end of the submission of the report. Records may be stored electronically.

### Include All Eligible Expenditures

All indigent defense and family protection representation expenses made by the county, including eligible costs reimbursed under TIDC grants, must be included in this report. General government costs may not be allocated to indigent defense.

## Contact Information

**Adult Criminal and Juvenile Delinquency Expenditure Report Content, Accounting Issues, General Policy Questions**

**Debra Stewart**

Fiscal Analyst

[dstewart@tidc.texas.gov](mailto:dstewart@tidc.texas.gov)

512-936-7561 (Direct)

**Edwin Colfax**

Director of Grant Funding

[ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov)

512-463-2508 (Direct)

**Connecting to Website (username, password) and Technical Difficulties:**

**Public Policy Research Institute**

[tidc@tamu.edu](mailto:tidc@tamu.edu)

(979) 845-6754

**Family Protection Representation (CPS) Expenditure Report**

**Crystal Leff-Piñon**

Director of Family Protection Representation

[cpsdata-info@tidc.texas.gov](mailto:cpsdata-info@tidc.texas.gov)

737-279-9461 (Direct)

# How to Submit the IDER Reports

## Summary: IDER Submission Checklist

### Criminal/Juvenile Delinquency Indigent Defense Expenditure Report

1. Log into TIDC's data collection webpage [tidc.it.tamu.edu](http://tidc.it.tamu.edu) and enter case counts and expenditure data for each court with adult criminal and juvenile delinquency indigent defense.
2. Enter attorney details for criminal and juvenile delinquency indigent defense sections for each court by clicking the Attorney Detail Report link on each court page or by uploading an [Excel worksheet](#) with attorney details for all courts following strict [template requirements](#). (The CPS report does not require attorney detail breakdowns).
3. Confirm the court page information and the countywide totals against the general ledger totals from county records.
4. Complete other sections of the IDER as applicable.
5. Click the **Submit** button to submit this IDER section. Complete the other IDER reports to successfully complete your submission.

### Family Protection Representation Indigent Defense Expenditure Report

1. Log into TIDC's data collection webpage [tidc.it.tamu.edu](http://tidc.it.tamu.edu) and enter appointment counts and expenditure data for each court with court-appointed legal representation of parents, non-parent conservators and children in CPS cases.
2. Confirm the court page information and the countywide totals against the general ledger totals from county records.
3. Complete other sections of the IDER as applicable.
4. Click the **Submit** button to submit this IDER section. Complete the other IDER reports to successfully complete your submission.

### Office of Court Administration's Expenditures for Court Interpretation Services Report

1. Log into TIDC's data collection webpage [ADD WEBSITE LINK], follow OCA's full reporting instructions, and enter the relevant data.

OCA's full reporting instruction can be found [here](#).

OCA's FAQ can be found [here](#).

OCA's sample template can be found [here](#) (Excel) and [here](#) (PDF).

The Texas Indigent Defense Commission is collecting data on interpreter utilization on behalf of the Office of Court Administration (OCA) pursuant to Texas Government Code Section 57.002 (h). Please contact OCA's Data and Research Division at [Judinfo@txcourts.gov](mailto:Judinfo@txcourts.gov) with any questions about the data being reported.

2. Click the **Submit** button to submit this IDER section. Complete the other IDER reports to successfully complete your submission.

If you experience any technical difficulties with the website or instructions provided below, contact PPRI at [tfdc@tamu.edu](mailto:tfdc@tamu.edu) or (979) 845-6754.

## How to Navigate the Data Website

### Login

Go to TIDC's data portal [tidc.it.tamu.edu](https://tidc.it.tamu.edu). Click the Login button to log in with your username and password. If you have an account through the old TIDC reporting website (<https://tidc.tamu.edu/>), then you will need a new password.

If you have a username but need a new password, click the Login button and select Forget Password. Enter your email address to receive the Reset Pass

If you do not have a username and password, you can request on by clicking the Request New User. To request a new user account, please email [tfdc@tamu.edu](mailto:tfdc@tamu.edu). This can take up to 1 business day to complete.

### County Dashboard

The **County Dashboard** is the home page after you log in to the website. You will find the IDER at the top of the **County Dashboard** with three report sections: **Adult Criminal and Juvenile Delinquency IDER**, **Family Protection Representation IDER**, and **OCA Interpreter Report**. To successful submit the IDER, you must submit all 3 sections.

Zavala County Dashboard

#### County Information

Has Public Defenders Office: No	Has Managed Assigned Counsel Office: No	Hosts a Public Defense Office: No
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#### Adult Criminal & Juvenile Delinquency

You have completed 1 out of 6 total items for the Adult Criminal & Juvenile Delinquency IDER section. Click the Continue button to resume your progress.

[Continue](#)

#### Family Protection Representation

You have not started the Family Protection Representation IDER section. Click the Start button to get started.

[Start](#)

#### OCA Interpretation Services Report

You have completed 1 out of 1 total items for the OCA Interpretation Services Report IDER section. Click the Download PDF button to download the IDER section PDF.

[Download PDF](#)

#### IDER Submission Status

IDER Section	Status
Adult Criminal & Juvenile Delinquency	<a href="#">In Progress</a>
Family Protection Representation	<a href="#">Not Started</a>
OCA Interpretation Services Report	<a href="#">Submitted</a>

You can view the status of each section in the IDER Submission Status Table on the **County Dashboard**.

IDER Submission Status	
IDER Section	Status
Adult Criminal & Juvenile Delinquency	In Progress
Family Protection Representation	Submitted
OCA Interpretation Services Report	Not Started

Your IDER submission is considered complete after TIDC staff review and approve the submission.

You may visit the Dashboard to check the status of your submission.

### Dashboard Status:

**Not Started** – means you have not started this report. Click on the Start button to start the report.

**In Progress** – means you have started but not submitted a complete report. Click on the Continue button to continue working on the report.

**Submitted** – means you have submitted your report for TIDC review.

**Under Review** – means TIDC staff are reviewing your report. If TIDC staff have questions, they will reach out to you.

**Accepted** – means your report has been reviewed and accepted. You have successfully completed your report for this fiscal year. Thank you!

### Report Sections

Prompts and buttons will change under each Report on the Dashboard as you progress:

- **Not Started** indicates that you have not started a section.
- **In Progress** indicates that you have started but not completed a section.
- **Submit** will appear under the sections when each section is completed and ready for approval from County Financial Officer.
- **Download PDF** will appear after each section is completed and submitted by the County Financial Officer.

You may access the Dashboard at any time by clicking Dashboard in the left side menu under the TIDC logo. Note that clicking Dashboard will return you to the Dashboard and will not save your progress. It is highly recommended to Save Progress before leaving a step in the checklist.

By clicking on the **Start** button in each section, you will navigate to the Checklist of

Steps needed to successfully submit that IDER.

## Report Checklists

After selecting a report to enter data for, you will see the report **Checklist**. The **Checklist** is the list of **Steps** necessary to submit that report. Not all Steps will be visible when you initial start the report. After you complete the first three Steps, the remaining Steps of the report will be available.

You can return to the **Checklist** at any time by clicking **Back to Checklist** within each **Step**.

**IDER Checklist**  
Victoria County  
Adult Criminal and Juvenile Delinquency  
October 1, 2023 - September 30, 2024

*You have completed 3 out of 9 for this section of the IDER. Once you have completed all 9 steps, you will be able to review /submit this section of the IDER.*

 Confirm Current User Completed	 Confirm Contacts Completed	 Attorney Selection and Accounting Method Completed
 Court Reports Not Started	 Limited Scope of Representation Not Started	 Reimbursements Not Started
 Public Defender Office Addendum Not Started	 Regional Indigent Defense Programs Not Started	 Public Defense Office Salaries Not Started

[Back to Dashboard](#)

## Moving through the Steps of the IDER Sections

Throughout the IDER, you will have three options at the bottom of each step to move through the report:

**Back to Checklist:** You may return to the report Checklist at any time by clicking Back to Checklist. When you click Back to Checklist, entered data does not save automatically. It is recommended to click Save Progress before clicking Back to Checklist to save any information entered.

**Save Progress:** If you want to save information entered but are not ready to complete the Step, you may use the Save Progress button to save your work. This does not mark the Step as complete. To return to the Checklist, click Back to Checklist.

**Complete Step:** Once you have entered all required data on any Step, you may click Complete Step to save the data and complete the Step. This will mark the Step complete on the Checklist.

**\*All required fields must have a value. No blank fields are allowed. If you have no cases/appointments, expenditures, etc. to report, enter 0.\***

## Notes

On each Step of the IDER, you will see the **IDER Notes** section with a button to **Add**

**Note.** You may use this section to leave notes for you and your team or for TIDC staff. For example, if your team member starts working on the IDER but has a question for the financial officer on a specific section, the team member could make leave a note in that section. Another example includes if the financial offices is not able to submit data as required for the IDER reporting, you would provide an explanation in the notes box.

## How to Change Which County You Are Entering Data For

The county auditor is responsible for preparing and filing these reports. If a county does not have an auditor, the commissioner's court designates the person responsible for the report, such as the county treasurer. Some individuals are responsible for submitting these reports for multiple counties.

If you are responsible for more than one county, you may change counties by using the **Change County** dropdown box on the left side of the screen under the TIDC logo. If you do not see a county you are authorized to enter data for, please contact [tfdc@tamu.edu](mailto:tfdc@tamu.edu).

## Can Multiple Users Enter Data on the Same Report?

Yes! Multiple authorized individuals from the same county may log in to the data portal, enter data, and make updates. Each user must have their own account. To Request a New User, please email [tfdc@tamu.edu](mailto:tfdc@tamu.edu). This can take up to 1 business day to complete. However, only the County Financial Officer is authorized to submit the reports.

It is important to use the Save Progress to ensure your changes save when working collaborative on the IDER.

## Submitting the Adult Criminal and Juvenile Delinquency IDER

The Adult Criminal and Juvenile Delinquency IDER records county expenditures and number of cases for indigent criminal and juvenile delinquency cases. Important words about this report.

Please complete the following steps to submit the Adult Criminal and Juvenile Delinquency IDER.

### Initial Steps – 1-2-3

You will be required to complete the following three steps of the IDER before you can access the remaining steps of the IDER for the county:

#### **Confirm Current User**

TIDC requires every person who enters data for the IDER do so under their unique login. If you are logged in under someone else's account, you will be asked to submit

your information to obtain your unique login. Once you click Complete Step, you will receive an email with information on how to login and continue submitting the IDER.

### **Confirm Contacts**

On this Step you will confirm both the county financial officer and who TIDC should contact for any questions related to the current IDER.

### **Attorney Selection and Accounting Method**

On this Step, you will answer questions about the type(s) of attorney selection the county uses, whether the county participates in the Regional Public Defender's Office for Capital Cases, and which accounting methods the county uses.

Once all three Steps, (Confirm Current User, Confirm Contacts, Attorney Selection Process) are completed, you may continue to the next required Steps for the Adult Criminal and Juvenile Delinquency IDER.

## **Court Reports**

### **Summary**

The Court Report records the expenses and number of cases by court for legal services provided to indigent defendants and juvenile delinquency respondents during each fiscal year. Expenditures are sorted by case type, expenditure category, and attorney selection process.

Case Types: Capital, Non-Capital Felony, Misdemeanor, Juvenile, Felony Appeals, Misdemeanor Appeals, and Juvenile Appeals

Expenditure Categories: Attorney Fees; Investigation Expenses; Expert Witness Expenses; and Other Litigation Expenses

Attorney Selection Process: Assigned Counsel, Contract Counsel, Managed Assigned Counsel, Public Defender's Office

The report also includes the **Attorney Detail Report**, which records attorney fees and case counts by attorney. The Commission may permit certain cases and expenditures to be reported under magistrate courts or as case filed with no court identified.

### **Court Reports: Status**

In the Court Report step, each court will have a status for the IDER. There are four statuses: Not Started, Needs Review, In Progress, and Completed. Only Court Reports with Not Started and Completed statuses will be able to Complete Step.

**Not Started** indicates that you have not started entering data for this court. If the court does not hear relevant cases, you may leave it in the Not Started status. You may successfully complete this step with courts in the Not Started status.

**In Progress** indicates that you have started but not completed the individual court report.

**Needs Review** indicates that you have started entering data for the court, but there is an error. Errors must be resolved before completing the step. Common errors including reported expenditures in the court report and the attorney detail report do not match, fewer cases reported in the attorney detail report than in the court report, more cases reported in the attorney detail report than in the court report without providing an explanation.

**Complete** indicates that you have completed the individual court report.

Status	Court Listing Court	Court Report			Attorney Detail Report		Differences	
		Total Expenditures	Attorney Fees	Total Cases	Attorney Fees	Total Cases	Attorney Fees	Cases
Complete	1st District Court (321210001)	\$0.00	\$0.00	0	\$0.00	0	\$0.00	0
In Progress	1A District Court (321212001)	\$0.00	\$0.00	0	\$0.00	0	\$0.00	0
Not Started	County Court (521210001)							

### How to Complete a Court Report

- (1) Select each court under Court Listing to report expenses and/or cases.
- (2) Answer the questions on the page and enter related expenses and/or cases by expenditure category and attorney selection method. **If the court does not have any cases or expenditures to report for each active box, enter “0”.**

If applicable, all expenditures related to representation by and paid for by an Office should be reported in the appropriate Office Addendum. Office case numbers are included in the Court Report.\*reflects that all expenditures related to representation provided by an Office should be reported in the appropriate Office Addendum.

- (3) Complete the Attorney Detail Report for this individual court. There is also an option to import all Attorney Detail Reporting Data for all courts at once. See the Attorney Detail Report section for details.
- (4) Once the individual court report is complete, click Complete Step and it will return you to Court Reports Page.
- (5) Repeat this process until all court statuses are listed as Not Started or Complete.
- (6) After you have finished the individual court reports, click Complete Step to finalize this Step and return to the IDER Checklist.

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

To have a court added or removed from the court listing below, email [tidc@tamu.edu](mailto:tidc@tamu.edu).

## Court Report: Details

### Individual Court Report Page

The statute requires that the information be reported by court. The county's accounts payable system must capture case and expenditure data by each court over which each judge presides. Financial officers must use an attorney fee voucher to capture data required and attribute both expense and case data to the court of the judge who approved payment and/or disposed the case. Payments authorized by visiting judges and magistrates will be attributed to the judge for whom they were serving at the time of payment approval. This is a fiscal collection issue and does not affect issues of judicial administration related to case filings and blended dockets.

If the financial officer is not able to submit the data in the manner prescribed in this manual, please provide an explanation in the IDER Notes section.

Failure to report for each court could result in suspension of grant payments and possibly loss of grant funds. If a county believes it has authority to combine court reports rather than to separate expenses for specific courts, then the county must provide written justification why it believes it is exempt from the IDER statute. The county must provide statutory citation to the exemption and any supporting documents. Otherwise, each court in the county hearing criminal or juvenile delinquency matters must report case and expenditure data as described in these instructions based on the model of *no payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.*

### Category of Services

To complete the court reports for criminal indigent defense, determine from the attorney fee vouchers or general ledger summary what type of expenses (assigned counsel, contract, managed assigned counsel, or public defender) each court pays and which of the reportable expenses (investigator expenses, expert witness, or other direct litigation cost) are associated with the attorney payments.

For the Public Defender Office, only list investigator expenses, expert witness, or other direct litigation cost authorized by the court and paid by the county for a public defender. The attorney salaries and investigator expenses, expert witness, or other direct litigation cost paid by the Public Defender's Office will have separate reports in the Public Defender Addendum to the IDER. If the court uses more than one type of attorney appointment method, then please ensure the reported data is entered in the appropriate row for each attorney appointment method.

**Important:** Some judges/courts allow attorneys to submit the attorney fee voucher with the investigator, expert witness, and other direct litigation costs included in the invoice. In accordance with the reporting statute, the financial officer must separate these expenses for reporting purposes.

## Attorney Detail Report

The Attorney Detail Report records attorney fees and case counts by attorney and case type. The Commission may permit certain cases and expenditures to be reported under magistrate courts or as case filed with no court identified.

You can either enter Attorney Detail Reports for each court individually or import Attorney Detail Reports for all courts through an [Excel template](#) that meets [strict template](#) requirements.

**Amounts on the Attorney Level Detail portion of the reports should only include attorney fees paid, not reimbursements to the attorney for other case expenses.**

### How to Complete an Attorney Detail Report – 2 Options

**\*Note: Please only use one of these methods to submit and update your Attorney Detail Report as necessary. \***

#### Enter Attorney Details One Court at a Time

- (1) After clicking on an individual court report, click Attorney Detail Report at the bottom of the page to start the Attorney Detail Report for this court.

Attorney Detail Report

To add the attorney details for this court, click **Attorney Detail Report** button below.

You will need to provide the attorney bar number, number of disposed cases, and attorney fees by case type for each attorney.

**Attorney Detail Report** 

Click **Complete Step** to finalize this step and return to the IDER Checklist.

**Save Progress** will save your information and allow you to update later.

**Back to Courts List** **Save Progress** **Complete Step**

- (2) To enter attorney details one at a time, click Add New Attorney.

Click Add New Attorney to start an attorney detail entry.

Amounts on the Attorney Level Detail portion of the reports should only include attorney fees paid, not reimbursements to the attorney for other case expenses.

For attorneys working at Public Defender's Office, enter 0 in the Total Attorney Fees Paid box.

 **Add New Attorney** **Back to Court Expenditures**

Bar Card	Attorney Name	Juvenile Cases Paid	Capital Murder Cases Paid	Adult Non-Capital Felony Cases Paid	Adult Misdemeanor Cases Paid	Juvenile Appeals Cases Paid	Felony Appeals Cases Paid	Misdemeanor Appeals Cases Paid	Total Attorney Fees Paid
Totals		0	0	0	0	0	0	0	0

- (3) Input the attorney bar number, number of cases paid, and attorney fees by case type. Attorney Name will automatically populate once you enter the Bar Car Number. If the Attorney Name does not appear, please email

[tfdc@tamu.edu](mailto:tfdc@tamu.edu).

(4) Click Save Attorney Detail to submit the attorney details for that attorney.

Bar Card Number * ? <input type="text"/>	Attorney Name * <input type="text"/>	Total Attorney Fees Paid * ? <input type="text"/>	
Juvenile Delinquency Cases Paid * ? <input type="text"/>	Capital Murder Cases Paid * ? <input type="text"/>	Adult Non-Capital Felony Cases Paid * ? <input type="text"/>	Adult Misdemeanor Cases Paid * ? <input type="text"/>
Juvenile Appeals Cases Paid * ? <input type="text"/>	Adult Felony Appeals Cases Paid * ? <input type="text"/>	Adult Misdemeanor Appeals Cases Paid * ? <input type="text"/>	
<input type="button" value="Save Attorney Detail"/>		<input type="button" value="Cancel"/>	

(5) If you need to edit an individual attorney detail line, click on the yellow Pencil button to edit. Once your edit is complete, click Save Attorney Detail to save those changes. To delete an individual attorney detail line, click on the red trash can button to delete. You will need to confirm the deletion in the pop-up confirmation box before the line will be removed.

### Attorney Detail List

Bar Card	Attorney Name	Juvenile Cases Paid	Capital Murder Cases Paid	Adult Non-Capital Felony Cases Paid	Adult Misdemeanor Cases Paid	Juvenile Appeals Cases Paid	Felony Appeals Cases Paid	Misdemeanor Appeals Cases Paid	Total Attorney Fees Paid	
99999999	Primer Record Tester	1	0	5	4	0	0	1	\$20,000.00	 
Totals		1	0	5	4	0	0	1	\$20,000.00	

### Delete Confirmation Box

**tfdc-test.it.tamu.edu says**

Are you sure you want to delete the Attorney Detail Primer Record Tester?

<input type="button" value="OK"/>	<input type="button" value="Cancel"/>
-----------------------------------	---------------------------------------

(6) Repeat this process until you have entered all attorneys for the individual court for the fiscal year.

(7) You may review the list of attorneys entered on this page. Click Back to Court Expenditures to save the Attorney Detail Report and return to the individual Court Expenditure Report.

### Import Attorney Details for All Court through Excel Template

- (1) To import attorney details from a spreadsheet, click Import Attorney Detail Report on the top of the Court Reports Step.

**Court Reports**  
**Armstrong County**  
Adult Criminal and Juvenile Delinquency (IDER)  
October 1, 2023 - September 30, 2024

Select each court under Court Listing to open the individual court report page and enter expenses and/or cases.

Answer the questions on the page and enter related expenses and/or cases by expenditure category and attorney selection method.

Once the individual court report is complete, click "Complete Step" to return to this page.

Repeat this process until all courts listed are complete.

If applicable, all expenditures related to Public Defender Office representation should be reported in the Public Defender Office Addendum. Public Defender Office cases are included in the Court Report.

**Attorney Detail Report**

Select each court under Court Listing and look for the Attorney Detail Report section to enter this report for each court. The Attorney Detail Report shows the number of cases paid and attorney fees paid for each attorney for criminal and juvenile delinquency cases by case type.

Alternatively, the Attorney Detail Report for a county can be uploaded via an Excel spreadsheet that matches strict template requirements. To import attorney details for all courts from a spreadsheet, click Import Attorney Detail Report. Use the [template](#) and follow all [instructions](#) before importing the attorney details.

[Import Attorney Detail Report](#) 

- (2) Use the [template](#) and follow all instructions before importing the attorney details. See the **Details Section** below for [template requirements](#) and instructions.
- (3) Click **Upload ADR** to submit the Attorney Details for all courts. \*Note: You will not see the Attorney Details for each Court Expenditure Report until the Court is moved out of the **Not Started** Status. To do this, click on the court name, and click **Save Progress**.

#### Upload Attorney Detail Report

No file chosen

Upload a file in XLS or XLSX format using the above button.

[Upload ADR](#) [Back to Court List](#)

- (4) Click **Back to Court List** to finalize this Step and return to the Court Reports Listing.
- (5) If you need to edit your submission, simply upload a new file using the same process outlined above.

### **Attorney Detail Report: Details and Template Requirements**

Each county is required to submit an attorney-level detail report for each court showing the number of cases paid for each attorney for criminal and juvenile delinquency cases (sorted by case level) and total attorney fees paid to each attorney. (The attorney level detail portion of the court expenditure report should not be confused with the **Attorney Practice Time Report**.)

The amounts reported on the attorney level detail portion of the court expenditure reports should **only include attorney fees paid, not payments that may have been made to attorneys that are reimbursements for other expenses the attorney may have incurred, such as for investigators, experts, or other litigation expenses.** The amounts reported should only reflect the underlying detail of attorney fees paid that is reported for each court.

Counties report the aggregate number of cases paid by case level (Juvenile, Capital Murder, Adult Felony, Adult Misdemeanor, Juvenile Appeals, Felony Appeals, and Misdemeanor Appeals). Using the same case levels, the Attorney Detail of the court expenditure report must include the number of disposed cases paid to each attorney by court and the total amount paid to each attorney for the period of October 1 – September 30 for the preceding fiscal year. **Coordination with the Chief Public Defender and Managed Assigned Counsel Program Director is needed to complete the report in counties with such programs.**

The case numbers for each attorney and total attorney fees paid to each attorney must be **submitted separately for each court.**

To import Attorney Detail Report using the [Excel template](#), the file must meet strict [template standards](#). The following fields are included in the online reporting system and on the Reporting Template:

FiscalYear	CourtID
BarCard	AttorneyName
JuvenileCasesPaid	CapitalMurderCasesPaid
AdultFelonyCasesPaid	AdultMisdemeanorCasesPaid
JuvenileAppealsCasesPaid	FelonyAppealsCasesPaid
MisdemeanorAppealsCasesPaid	TotalPaid

The template will be used to import the data into the database and, if this submission method is used, the file must meet the following requirements.

- (1) First, the column names must match the [template](#) so that the data can be mapped properly to the fields in the database.
- (2) The data in the columns must be in the proper format.
- (3) A numeric field cannot contain extraneous dollar signs or comments.
- (4) The file should not contain any header rows other than the first row with the column titles and there should not be any extra rows for totals, subtotals, or notes.
- (5) For numeric fields that have no value, such as juvenile case counts for an attorney that only has adult cases, enter a zero. Do not use other representations for null values.

- (6) The key fields for the fiscal year, court ID, and Bar Card Number must be populated for every row in the data and not just included for the first row in a group as in visual reports.
- (7) Please see the [template description](#) for details on the data types and data dictionary of the fields.

## Limited Scope of Representation

Limited Scope of Representation records the number of defendants represented and associated attorney fees for each attorney appointed for the limited purpose of representation at the Article 15.17 magistration hearing or automatic bail review hearing. These appointments are separate from appointment on the underlying case.

Counties should complete this addendum ONLY if they provide limited scope defense representation specifically for Article 15.17 Magistration hearings and/or Automatic Bail Review Hearings. Representation is considered "limited scope" when it is provided separately from any appointment to represent a defendant against alleged offenses. If unsure, contact TIDC for assistance.

### How to Complete the Limited Scope of Representation Step

- (1) Answer the questions on the page and enter related expenses and/or number of defendants by attorney selection method.
- (2) Click Complete Step to finalize this step and return to the IDER Checklist.

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

### Limited Scope of Representation: Details

Counties that appoint private defense counsel for the limited purpose of representation at the Article 15.17 magistration hearing or automatic bail review hearing and separately from any appointments for the underlying case should track the number of defendants represented and associated attorney fees for each attorney. This data should be reported in the **Limited Scope of Representation Addendum** of the IDER. Counties that do not have expenditures for these types of limited scope representation should not complete this addendum.

Please contact TIDC with questions regarding the applicability of this addendum to a county's particular circumstances. If the same attorney or a different attorney is appointed to represent a defendant beyond the Article 15.17 magistration hearing, the case should also be counted and attorney fees for the subsequent representation should be recorded under the court in which the case is disposed. (Counties that provide this type of representation with public defenders should consult the FY2024 Public Defender Addendum to the IDER Manual.)

## Reimbursements

Reimbursements record any funds deposited into the county's accounts specific sources (State Comptroller for 11.071 writs of habeas corpus costs; reimbursements of indigent defense costs from defendants; private or other government grant funding for indigent defense costs). Contact TIDC with any questions.

**Do not report TIDC grant payments in this section.**

### How to Complete the Reimbursements Step

- (1) Answer the questions on the page and enter amounts received/collected.
- (2) Click Complete Step to finalize this step and return to the IDER Checklist.

Reimbursements

Did your county receive any funds from the State Comptroller for 11.071 writs of habeas corpus costs? \* ?

No  Yes

Total Amount Received \*

Did your county collect any reimbursements of indigent defense costs from defendants? \* ?

No  Yes

Total Amount Collected \* ?

Other than TIDC funds, did your county receive any funds from private or other government grants for indigent defense costs? \* ?

No  Yes

Total Amount Received \*

Source \*

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

## Managed Assigned Counsel Administrative Expenditures

Managed Assigned Counsel Administrative Expenditures records the administrative and personnel costs for managing attorneys, investigators, mental health (MH) professionals (social worker, caseworker), administrative staff, and/or mitigation employees. **Do not include the cost of private counsel appointed through the MAC in this step.**

This addendum will only appear in counties with managed assigned counsel systems. Contact TIDC if you believe the county should report MAC Administrative Expenditures and the MAC Administrative Expenditure Addendum does not appear

in your IDER Checklist.

Reported costs must be related to indigent defense and follow cost principles established in the Texas Grant Management Standards.

### How to Complete the Managed Assigned Counsel Administrative Expenditures Step

- (1) Complete the MAC Salary & Fringe Benefit Costs by entering the total salary and benefit amounts by the following personnel types: Attorneys, Investigators, Mental Health (MH) Professionals (Social Worker, Caseworker), Administrative, and/or Mitigation.

MAC Salary & Fringe Benefit Costs

Attorney(s) ? Investigator(s) ? Mitigation ? MH Professionals (SW/CW) ? Administrative ?

Total MAC Salary & Fringe Benefit Costs: \$0.00

- (2) Complete the Administrative Expenditures section by entering the amounts in the following categories: Personnel, Staff Travel and Training, Equipment, and Other Direct Operating Expenditures.

Administrative Expenditures

Expenditures

Staff Travel and Training ? Equipment ? Other Direct Operating Expenditures ?

Total Administrative Expenditures \$0.00

- (3) Click Complete Step to finalize this step and return to the IDER Checklist.

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

### Managed Assigned Counsel Administrative Expenditures: Details

The managed assigned counsel (as described in Article 26.047, Texas Code of Criminal Procedure; may be referred to as a “private defender”) program provides that an entity created by the county and courts manage the indigent defense process. Amounts paid are reported for all court pages on the “managed assigned

counsel” line for the four report categories (attorney expenses, investigation expenses, expert witness expenses, or other litigation expenses). Cases will be reported under the “managed assigned counsel” column by case level. The administrative costs associated with the managing attorney, investigators, social workers, and other non-attorney support staff, need to be reported in the county’s managed assigned counsel administrative expense page. The county auditor must meet the requirements of reporting even if the county’s contract requires payments to attorneys and other legal services providers to be made by an outside party. Cases disposed under Improvement Grant-funded programs must be included in this portion of the report.

## Public Defender Office Addendum

Public Defender Office Addendum records expenditures paid for by the public defender’s office in the following categories: Salary and Fringe Benefit Allocations by Personnel Type, Non-Personnel Expenses, Indirect Expenditures.

### How to Complete the Public Defender Office Addendum Step

- (1) Answer the questions on the page and enter relevant amounts.
- (2) **Salary and Fringe Benefits Allocation:** Answer the questions on the page and enter salary and fringe benefits totals by case type in the following personnel categories: Attorney(s), Investigator(s), Mitigation Specialist(s), Mental Health (MH) Professionals (Social Worker, Caseworker), and Support Staff.

#### Salary and Fringe Benefits Allocation

*In this section you will allocate personnel expenses (salary and fringe benefits) across representation and position types.*

Salary and Fringe Benefits Costs means the combination of salary and fringe based on actual or estimated time spent working on each case type. To capture these average costs requires that each public defender county report how salaries are allocated between different types of cases based on time. For example, if a person spends all her time on felony cases, 100% of her salary payments can be allocated to felony cases. If a person splits time between types of cases, her salary should be split according to how the Chief Public Defender documents or estimates each person’s time was spent.

Were there any salary and fringe benefits costs for Juvenile Delinquency cases? 

No  Yes

Were there any salary and fringe benefits costs for Juvenile Delinquency Appeals cases? 

No  Yes

Were there any salary and fringe benefits costs for Capital Murder cases? 

No  Yes

Were there any salary and fringe benefits costs for Adult Non Capital Felony cases? 

No  Yes

Were there any salary and fringe benefits costs for Adult Misdemeanor cases? 

No  Yes

Were there any salary and fringe benefits costs for Adult Felony Appeals cases? 

No  Yes

Were there any salary and fringe benefits costs for Adult Misdemeanor Appeals cases? 

No  Yes

Were there any salary and fringe benefits costs for Limited Scope Article 15.17 Magstration Hearing or Automatic Bail Review Hearings? 

No  Yes

- (3) **Non-Personnel Expenses:** Answer the questions on the page and enter any relevant amounts. This section includes investigator expenses, expert witness, or other direct litigation cost paid by the public defender's office, not the county.

Non-personnel Expenses

Were there any other administrative costs? 

No  Yes

Were there any public defender court related costs? 

No  Yes

- (4) **Indirect Expenditures:** Enter any relevant amounts, if applicable.

Indirect Expenditures

Public Defender Indirect Rate 

Public Defender Indirect Costs 

Approving Agency 

- (5) Click Complete Step to finalize this step and return to the IDER Checklist.

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

## Regional Indigent Defense Programs

Counties that participate in regional public defender offices or other regional indigent defense programs have special reporting requirements. Counties will only see options for potentially relevant programs. Counties may enter data regarding administering a local, non-capital regional public defender's office, or participation in the **Regional Public Defender Office for Capital Cases** or a local, non-capital regional public defender's office.

### How to Complete the Regional Indigent Defense Program Step

- (1) Review the questions on the page and, if applicable, enter relevant amounts. If not, enter 0 in the payment amount boxes.
- (2) Click Complete Step to finalize this step and return to the IDER Checklist.

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

## Public Defense Office Salaries

Public Defense Offices Salaries records public defense office employee salaries, positions, and other information relevant to employee compensation. Both Public Defender Offices and Managed Assigned Counsel Programs should complete this report. Officials will likely need to work with the Chief or Director of the Office to

complete this step.

## How to Complete the Public Defense Office Salaries Step

- (1) To create a new position type, select Add Position. Complete the position details and save to add a position type to the position list. Note: If you need to remove a position type, please reach out to PPRI at [tfdc@tamu.edu](mailto:tfdc@tamu.edu).

### Public Defense Office Positions

*Public Defense Office Salaries must be completed by programs receiving TIDC Improvement Grant funds as it is a condition of the grant funding. For programs that did not receive TIDC Improvement Grant funds in the past fiscal year, this report is optional.*

**Reporting Instructions**

Enter public defense offices positions, salaries, and employees here.

Click the Add Position to add the type of position, the minimum and maximum salaries for the position type, and the number of authorized positions available at your office.

Click the Add Employee to add employees in authorized positions.

All data entered should be reflective of the past fiscal year:  
October 1, 2023 - September 30, 2024

[+ Add Position](#) [+ Add Employee](#) [View Employees](#)

- (2) To enter a new employee, select Add Employee. Select a position type from the drop down. Complete employee detail and save employee to add the employee to the employee list.
- (3) To view existing employees, select View Employees. To view existing positions, you may view the existing positions list on the Public Defense Office Positions.

### Employees List Example:

**PDO Employees**

To verify your office's employee list, use the "View Employees" button. This option allows you to view and/or edit the information entered.

[+ Add Position](#) [+ Add Employee](#) [Back to Position List](#)

Name	Position	Type	Hire Date	Initial Salary	Current Salary	Supervisor	
Ace Attorney	Felony Attorney	Full Time	04/09/2024	\$67,000.00	\$90,000.00	No	<a href="#">Edit</a> <a href="#">Delete</a>
Matt Maddog	Felony Attorney	Part Time	09/04/2019	\$45,000.00	\$100,000.00	No	<a href="#">Edit</a> <a href="#">Delete</a>

[Add Note to TIDC](#)

### Positions List Example:

Title	Type	Minimum Salary	Maximum Salary	Filled / Total	
Felony Attorney	Attorney: Trial/Line Attorney	\$60,000.00	\$120,000.00	2 / 2	

Click **Complete Step** to finalize this step and return to the IDER Checklist.

**Save Progress** will save your information and allow you to update later.

Back to Checklist
Save Progress
Complete Step
  
Add Note to TIDC

(4) Click Complete Step to finalize this step and return to the IDER Checklist.

Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

## Submitting the Family Protection Representation IDER

The Family Protection Representation IDER records county expenditures and appointments in child protection cases (CPS cases) filed by the Texas Department of Family and Protection Services (TDPFS).

Please complete the following steps to submit the Family Protection Representation IDER.

### Initial Steps – 1-2-3

You will be required to complete the following three steps of the IDER before you can access the remaining steps of the IDER for the county:

#### Confirm Current User

TIDC requires every person who enters data for the IDER do so under their unique login. If you are logged in under someone else’s account, you will be asked to submit your information to obtain your unique login. Once you click Complete Step your login information will be sent to the provided email.

#### Confirm Contacts

On this step you will confirm both the county financial officer and who TIDC should contact for any questions related to the current IDER.

#### Method of Family Protection Representation

On this Step, you will answer questions about the type(s) of attorney selection the county uses and whether the county has a system to track Family Protection Representation expenditures.

Family Protection Representation expenditures and appointments on the Indigent Defense Expenditure Report must be categorized in the following ways: Custodial Parents, Non-Custodial Parents, Non-Parent Conservator, Children, Adult Appeal, Children Appeal. **If your county does not have a**

**system to organize the expenditures and appointments in this manner, you will be unable to complete the Indigent Defense Expenditure Report as required and will be asked to submit total expenditure and appointment information in this section.**

Once all three steps, (Confirm Current User, Confirm Contacts, Method of Family Protection Representation) are completed, you may continue to the next required steps for the Family Protection Representation IDER, Court Report.

## Court Report

The Court Report records the expenses and number of appointments by court for court-appointed legal representation in CPS cases during each fiscal year. Expenditures are sorted by appointment type, expenditure category, and method of Family Protection Representation.

Appointment Types: Custodial Parents, Non-Custodial Parents, Non-Parent Conservator, Children, Adult Appeal, Child Appeal

Expenditure Categories: Attorney Fees; Social Workers, Expert Witness, Investigator, Other Litigation

Method of Family Protection Representation: Assigned Counsel, Contract Counsel, Public Defender Office, Office of Child Representation, Office of Parent Representation, Full-Time County Employee, Managed Assigned Counsel

Counties are asked to report an appointment one time per year if expenditures are paid toward the appointment during the fiscal year.

To have a court added or removed from the court listing below, email [tidc@tamu.edu](mailto:tidc@tamu.edu).

### **Court Reports: Status**

In the Court Report step, each court will have a status for the IDER. There are four statuses: Not Started, Needs Review, In Progress, and Completed. Only Court Reports with Not Started and Completed statuses will be able to Complete Step.

**Not Started** indicates that you have not started entering data for this court. If the court does not hear relevant cases, you may leave it in the Not Started status. You may successfully complete this step with courts in the Not Started status.

**In Progress** indicates that you have started but not completed the individual court report.

**Needs Review** indicates that you have started entering data for the court, but there is an error. Errors must be resolved before completing the step.

Common errors including reported expenditures in the court report and the attorney detail report do not match, fewer cases reported in the attorney detail report than in the court report, more cases reported in the attorney detail report than in the court report without providing an explanation.

**Complete** indicates that you have completed the individual court report.

### **How to Complete the Court Report Step**

- (1) Select each court under Court Listing to open the individual court report page and enter expenses and/or appointments.
- (2) Answer the questions on the page and enter related expenses and/or appointments by expenditure category and attorney selection method. **If the court does not have any cases or expenditures to report for each active box, enter “0”.**

If applicable, all expenditures related to representation by and paid for by an Office should be reported in the appropriate Office Addendum. Office appointment numbers are included in the Court Report.

- (3) \*Optional Step\*: Complete the Attorney Detail Report for this individual court. There is also an option to import all Attorney Detail Reporting Data for all courts at once. See the Attorney Detail Report section for details. The Attorney Detail Report is **optional** for the Family Protection Representation IDER this year.
- (4) Once the individual court report is complete, click “Complete Step” and it will return you to Court Reports Page.
- (5) Repeat this process until all court statuses are listed as Not Started or Complete.
- (6) Click Complete Step to finalize this step and return to the IDER Checklist. Save Progress will save your information and allow you to update later. Save Progress will not complete the step for the IDER.

### **Attorney Detail Report**

**This step is optional for FY24 FPR IDER reporting.**

The Attorney Detail Report records attorney fees and case counts by attorney and case type. The Commission may permit certain cases and expenditures to be reported under magistrate courts or as case filed with no court identified.

You can either enter Attorney Detail Reports for each court individually or import Attorney Detail Reports for all courts through an [Excel template](#) that meets [strict template](#) requirements.

**Amounts on the Attorney Level Detail portion of the reports should only include attorney fees paid, not reimbursements to the attorney for other case expenses.**

## How to Complete an Attorney Detail Report – 2 Options

**\*Note: Please only use one of these methods to submit and update your Attorney Detail Report as necessary. \***

### Enter Attorney Details One Court at a Time

- (1) After clicking on an individual court report, click Attorney Detail Report at the bottom of the page to start the Attorney Detail Report for this court.

Attorney Detail Report

To add the attorney details for this court, click **Attorney Detail Report** button below.

*You will need to provide the attorney bar number, number of disposed cases, and attorney fees by case type for each attorney.*

**Attorney Detail Report** 

Click **Complete Step** to finalize this step and return to the IDER Checklist.

**Save Progress** will save your information and allow you to update later.

Back to Courts List
Save Progress
Complete Step

- (2) To enter attorney details one at a time, click Add New Attorney.

Click Add New Attorney to start an attorney detail entry.

Amounts on the Attorney Level Detail portion of the reports should only include attorney fees paid, not reimbursements to the attorney for other case expenses.

For attorneys working at Public Defender's Office, enter 0 in the Total Attorney Fees Paid box.

Add New Attorney
Back to Court Expenditures



Bar Card	Attorney Name	Juvenile Cases Paid	Capital Murder Cases Paid	Adult Non-Capital Felony Cases Paid	Adult Misdemeanor Cases Paid	Juvenile Appeals Cases Paid	Felony Appeals Cases Paid	Misdemeanor Appeals Cases Paid	Total Attorney Fees Paid
Totals		0	0	0	0	0	0	0	0

- (3) Input the attorney bar number, number of cases paid, and attorney fees by case type. Attorney Name will automatically populate once you enter the Bar Car Number. If the Attorney Name does not appear, please email [tidc@tamu.edu](mailto:tidc@tamu.edu).

- (4) Click Save Attorney Detail to submit the attorney details for that attorney.

Bar Card Number \* 

Attorney Name \*

Total Attorney Fees Paid \* 

Juvenile Delinquency Cases Paid \* 

Capital Murder Cases Paid \* 

Adult Non-Capital Felony Cases Paid \* 

Adult Misdemeanor Cases Paid \* 

Juvenile Appeals Cases Paid \* 

Adult Felony Appeals Cases Paid \* 

Adult Misdemeanor Appeals Cases Paid \* 

Save Attorney Detail
Cancel

- (5) If you need to edit an individual attorney detail line, click on the yellow Pencil button to edit. Once your edit is complete, click Save Attorney Detail to save those changes. To delete an individual attorney detail line, click on the red trash can button to delete. You will need to confirm the deletion in the pop-up confirmation box before the line will be removed.

**Attorney Detail List**

Bar Card	Attorney Name	Juvenile Cases Paid	Capital Murder Cases Paid	Adult Non-Capital Felony Cases Paid	Adult Misdemeanor Cases Paid	Juvenile Appeals Cases Paid	Felony Appeals Cases Paid	Misdemeanor Appeals Cases Paid	Total Attorney Fees Paid	
99999999	Primer Record Tester	1	0	5	4	0	0	1	\$20,000.00	 
Totals		1	0	5	4	0	0	1	\$20,000.00	

**Delete Confirmation Box**

**tidc-test.it.tamu.edu says**

Are you sure you want to delete the Attorney Detail Primer Record Tester?

- (6) Repeat this process until you have entered all attorneys for the individual court for the fiscal year.
- (7) You may review the list of attorneys entered on this page. Click Back to Court Expenditures to save the Attorney Detail Report and return to the individual Court Expenditure Report.

**Import Attorney Details for All Court through Excel Template  
(see next page)**

- (1) To import attorney details from a spreadsheet, click Import Attorney Detail Report on the top of the Court Reports Step.

**Court Reports**  
**Armstrong County**  
Adult Criminal and Juvenile Delinquency (IDER)  
October 1, 2023 - September 30, 2024

Select each court under Court Listing to open the individual court report page and enter expenses and/or cases.

Answer the questions on the page and enter related expenses and/or cases by expenditure category and attorney selection method.

Once the individual court report is complete, click "Complete Step" to return to this page.

Repeat this process until all courts listed are complete.

If applicable, all expenditures related to Public Defender Office representation should be reported in the Public Defender Office Addendum. Public Defender Office cases are included in the Court Report.

**Attorney Detail Report**

Select each court under Court Listing and look for the Attorney Detail Report section to enter this report for each court. The Attorney Detail Report shows the number of cases paid and attorney fees paid for each attorney for criminal and juvenile delinquency cases by case type.

Alternatively, the Attorney Detail Report for a county can be uploaded via an Excel spreadsheet that matches strict template requirements. To import attorney details for all courts from a spreadsheet, click Import Attorney Detail Report. Use the [template](#) and follow all [instructions](#) before importing the attorney details.

[Import Attorney Detail Report](#) 

- (2) Use the [template](#) and follow all instructions before importing the attorney details. See the **Details Section** below for [template requirements](#) and instructions.

#### Upload Attorney Detail Report

No file chosen

Upload a file in XLS or XLSX format using the above button.

[Upload ADR](#) [Back to Court List](#)

- (3) Click **Upload ADR** to submit the Attorney Details for all courts. \*Note: You will not see the Attorney Details for each Court Expenditure Report until the Court is moved out of the **Not Started** Status. To do this, click on the court name, and click **Save Progress**.
- (4) Click **Back to Court List** to finalize this Step and return to the Court Reports Listing.
- (5) If you need to edit your submission, simply upload a new file using the same process outlined above.

### Addendums: Public Defender Office, Office of Child Representation, Office of Parent Representation, County Employee

Each Office must report how attorney and other salaries are allocated between different types of cases based on time spent. The Chief of the Office must estimate or provide actual time salary allocation for attorneys serving as managers and include them with the proper attorney category as well.

## How to Complete the Office or County Employee Addendum(s) Step(s)

- (1) Answer the questions on the page and enter relevant amounts.
- (2) **Salary and Fringe Benefits Allocation:** Answer the questions on the page and enter salary and fringe benefits totals by case type in the following personnel categories: Attorney(s), Social Worker(s), Investigator(s) and Administrative Support.

### Office of Parent Representation Salary and Fringe Benefits Allocation

In this section you will allocate personnel expenses (salary and fringe benefits) across representation and position types.

Were there any salary and fringe benefits costs for Custodial Parents appointments? ?

No  Yes

Attorney(s) ?

Social Worker(s) ?

Investigator(s) ?

Administrative Support ?

Were there any salary and fringe benefits costs for Non Custodial Parents appointments? ?

No  Yes

Attorney(s) ?

Social Worker(s) ?

Investigator(s) ?

Administrative Support ?

- (3) **Non-Personnel Expenses:** Answer the questions on the page and enter any relevant amounts. This section includes investigator expenses, expert witness, or other direct litigation cost paid by an Office, not the county.

### Office of Parent Representation Non-personnel Expenses

Were there any other administrative costs? ?

No  Yes

Travel and Training \* ?

Equipment \* ?

Other Direct Operating Expenditures \* ?

Were there any office of parent representation court related costs? ?

No  Yes

Expert Witness Expenditures \* ?

Contract Investigator Expenses \* ?

Other Direct Litigation Expenditures \* ?

- (4) **Indirect Expenditures:** Enter any relevant amounts, if applicable.

## Office of Parent Representation Indirect Expenditures

Public Defender Indirect Rate 

Public Defender Indirect Costs 

Approving Agency 

(5) Click Complete Step to finalize this step and return to the IDER Checklist.

## Submitting the Office of Court Administration (OCA) Interpretation Services Report

[Senate Bill 380](#) and [HB 3474](#) (88th Legislature) requires each county auditor, or other individual designated by the commissioners court of a county, in consultation with the district and county clerks, to submit a report on the money the county spent during the preceding fiscal year to provide court-ordered interpretation services in civil and criminal proceedings.

The Texas Indigent Defense Commission is collecting data on interpreter utilization on behalf of the Office of Court Administration (OCA) pursuant to Texas Government Code Section 57.002 (h). OCA's reporting instructions can be found [here](#). Please contact OCA's Data and Research Division at [Judinfo@txcourts.gov](mailto:Judinfo@txcourts.gov) with any questions about the data being reported.

OCA's full reporting instruction can be found [here](#).

OCA's FAQ can be found [here](#).

OCA's sample template can be found [here](#) (Excel) and [here](#) (PDF).

## Post-Submission Process: You have submitted the IDER . . . now what?

Thank you for submitting the IDER. TIDC appreciates your work.

After you submit your IDER, TIDC staff will review your submission. If there are errors or something needs to be changed, TIDC staff will reach out to the contact person listed in your submission.

Your IDER submission is considered complete after TIDC staff review and approve the submission.

You may visit the Dashboard to check the status of your submission.

### Dashboard Status:

**Not Started** – means you have not started this report. Click on the Start button to start the report.

**In Progress** – means you have started but not submitted a complete report. Click on the Continue button to continue working on the report.

**Submitted** – means you have submitted your report for TIDC review.

**Under Review** – means TIDC staff are reviewing your report. If TIDC staff have questions, they will reach out to you.

**Accepted** – means your report has been reviewed and accepted. You have successfully completed your report for this fiscal year. Thank you!

IDER Submission Status	
IDER Section	Status
Adult Criminal & Juvenile Delinquency	In Progress
Family Protection Representation	Submitted
OCA Interpretation Services Report	Not Started

If you have any questions regarding the Criminal & Juvenile Delinquency IDER, please contact Edwin Colfax, Director of Grant Funding, [ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov), 512-463-2508 (Direct). For FPR questions, please contact Crystal Leff-Pinon at [cpsdata-info@tidc.texas.gov](mailto:cpsdata-info@tidc.texas.gov), 737-279-9461 (Direct).

# Definitions

## General

### **Indigent Defense Expenditure Report (IDER)**

The IDER captures criminal and juvenile delinquency indigent defense expenditures for attorney fees, investigators, expert witnesses, and other direct litigation costs. The passage of House Bill 1318 by the 83rd Legislature amended Government Code § 79.036 required counties to break down that data by attorney. The passage of Senate Bill 560 by the 86th Legislature added expenditures and appointment data regarding CPS cases. Additional information on allowable and unallowable costs is provided later in this manual. The report is organized by court. Counties must track and report expenditures, case counts and attorney information separately for each court.

**Adult Criminal Juvenile Delinquency Indigent Defense Expenditure Report –** Indigent Defense Expenditure Report (IDER) annually to the Texas Indigent Defense Commission by Government Code § 79.036(e). This report includes all eligible criminal and juvenile delinquency indigent defense expenditures, case counts and attorney information for each court, sorted by level of case, type of expenditure and attorney.

**Family Protection Representation Indigent Defense Expenditure Report –** Counties will report data for each court on court-appointed legal representation for parents, non-parent conservators, and children associated with Child Protective Services (CPS) cases, pursuant to Government Code § 79.0365.

**Criminal and Juvenile Delinquency Indigent Defense –** Indigent defense refers to the legal requirement under the U.S. Constitution, Texas Constitutions, and Texas statute for the government to provide an attorney and other defense costs on behalf of adult criminal defendants and juvenile delinquency respondents whose life or liberty are at stake and who are financially unable to employ an attorney or pay other defense costs. The IDER includes expenditure data regarding adult criminal and juvenile delinquency cases separated into expenditure categories.

**Suits Affecting the Parent-Child Relationship (SAPCR) and suits requesting court-ordered services filed by the Texas Department of Family and Protective Services (TDFPS) –** Texas statute requires that a court must appoint an attorney for a child who is named in a SAPCR filed by TDFPS seeking termination of parental rights and/or conservatorship of the child and for an indigent parent who appears in opposition to the suit. Additionally, in SAPCRs filed by TDFPS, Texas statute requires that a court appoint an attorney for a parent cited by publication, unknown fathers, different types of alleged fathers, and parents who are alleged to have a mental deficiency making them unable to care for their child. Courts are also statutorily required to appoint an attorney for children and parents named in suits filed by TDFPS seeking that a parent be ordered by a court to complete services. The FPR IDER includes expenditure data regarding court-ordered representation in CPS

cases separated into representation and expenditure categories. See **Types of Appointment** in the FPR Specific Definitions section to learn more about representation categories.

**Allowable Costs** – are the costs that are allowed to be reported in each IDER and are eligible for all TIDC grants. Also referred to as **Eligible Costs**. See the definition of Allowable Costs for each report:

**Allowable Costs for Adult Criminal and Juvenile Delinquency IDER** include:

- direct costs paid by the county or managed assigned counsel program on behalf of a defendant or juvenile respondent to provide a defense to the charges brought by the State, to provide mitigating evidence related to the commission of a crime, or to assist in an appeal after a conviction. This includes:
  - attorney fees,
  - licensed investigator fees,
  - expert witness fees,
  - lab fees incurred by the defense,
  - transcript fees (only when prepared for the defense in connection with an appeal or when necessary to preparing a defense),
  - mental health defense experts (ADD DETAILS REFER),
  - immigration status impact consultation (i.e., Padilla consultations regarding the immigration-related collateral consequences of plea or conviction), and
  - other costs paid by the county to assist the defendant in mounting his or her defense against the charges brought by the State.
- Indigent defense expenses otherwise required to be reported that may be funded wholly or partially by TIDC grants.

**Allowable Costs for the Family Protection Representation IDER** include:

- direct costs paid by the county or managed assigned counsel program to provide legal representation for a party or a child in a suit affecting the parent-child relationship or a suit requesting that a parent be ordered by a court to complete services filed by the Texas Department of Family and Protective Services (i.e., CPS cases). This includes:
  - attorney fees,
  - social worker costs,
  - expert witness costs,
  - investigation costs, and
  - other litigation expenses necessary to provide the legal representation.

**Attorney Fee Voucher** means an itemized invoice submitted for payment by an attorney that has been approved by a judge for service rendered. In criminal and juvenile cases, under Article 26.05(c) of the Code of Criminal Procedure, “...No

*payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable approves the payment.”* Attorney Fee Voucher and Invoice are often interchanged for purposes of this report.

**Case** means the same definition used by the Office of Court Administration/Judicial Council reporting instructions for monthly court activity reports which states: “For the purpose of these reports, the number of criminal cases reported on this monthly reporting form should be based on the number of defendants named in an indictment or information (*documents filed to bring charges against a person*). That is:

- If a single indictment or information names more than one defendant, there is more than one case: as an example, if three defendants are named in one indictment, count this as three cases.
- If the same defendant is charged in more than one indictment or information, there is more than one case: as an example, if the same person is named in four separate indictments, count this as four cases.
- Finally, if an indictment or information contains more than one count (Article 21.24, Texas Code of Criminal Procedure), report this as one case and report the case under the category for the most serious offense alleged.”

**Charge** means a case where an attorney was appointed to provide representation prior to the information or indictment being filed for an alleged crime. Charges are included as cases for counting purposes in this report.

**Crime** means:

- (A) a misdemeanor punishable by confinement; or
- (B) a felony.

**Defendant** means a person accused of a crime.

**Improvement Grant** means funding approved by the Commission for a specific program designed to improve the quality of indigent defense services.

**Expert Witness Fees** means money paid by the county or managed assigned counsel program to a person/entity qualified by the court or by special certifications in a field of study or expertise to help a licensed attorney in preparing or presenting a defense for an indigent defendant.

**Formula Grant** means funding allocated to counties in a fair manner through a formula based upon population figures or other criteria approved by the Commission.

**Fee Schedule** means a list of the fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. The juvenile board in each county shall also adopt a fee schedule for

payments in juvenile delinquency proceedings. Each fee schedule adopted will state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and will provide a form for the appointed counsel to itemize the level of services performed.

**Indigent Defense** means the legal requirement for government to provide an attorney and other defense costs on behalf of adult defendants and juvenile respondents whose life or liberty are at stake and who are financially unable to employ an attorney or pay other defense costs.

**Interim Payments** refer to payments made by the county while the case or representation is ongoing before the disposition of a case or the conclusion of representation. These may be multiple payments within a reporting year or payments on the same case made across more than one fiscal year.

**Invoice** means the accounts payable instrument that is submitted by an attorney, licensed investigator, expert witness, or other entity that itemizes the goods or services provided to the court or director of a managed assigned counsel program on behalf of an indigent person. In criminal and juvenile cases, under Article 26.05(c) of the Code of Criminal Procedure, "*...No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable approves the payment.*" Attorney Fee Voucher and Invoice are often interchanged for purposes of this report.

**Licensed Investigator Fees** means money paid by the county or managed assigned counsel program to a person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in preparing a defense for an indigent defendant.

**Other Direct Litigation Costs** means money paid by the county or managed assigned counsel program to a person or entity for materials, supplies, or services determined by the attorney or court necessary for the licensed attorney to prepare an adequate defense for an indigent defendant.

**Respondent** means a person accused of a juvenile offense.

**Texas Indigent Defense Commission** (Commission) is the governmental entity charged with developing policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal, and in post-conviction proceedings and children and indigent parents in cases filed by the Texas Department of Family and Protective Services against a parent. The Commission was formerly known as the Task Force on Indigent Defense.

# Adult Criminal and Juvenile Delinquency IDER

## Attorney Selection and Accounting Method

**Assigned Counsel** means attorneys in private practice, appointed to represent defendants or juvenile respondents that submit invoices to the County for criminal or juvenile delinquency representation, but are not supervised by a Managed Assigned Counsel System nor participating in a contract indigent defense counsel program.

**Contract Attorneys** means an attorney receiving appointments to represent defendants or juvenile respondents under a contract with the county to provide criminal or juvenile delinquency representation.

**Regional Public Defenders Office for Capital Cases** – The Regional Public Defender’s Office for Capital Cases is an opt-in program, available to most Texas counties, providing representation in death penalty cases. Participating counties execute biannual memoranda of understanding with the office.

### Accounting Method –

**Cash Basis** – accounting method that recognizes revenue upon receipt of cash and recognizes expenses when paid.

**Accrual Basis** – accounting method that recognizes the financial effect of all events that impact an entity in an accounting period, regardless of whether cash was received or spent.

**Modified Accrual Basis** – accounting method that is a combination of both the cash basis and the full accrual basis. Revenue is recognized when it becomes both measurable and available. Expenses are recognized when they are incurred.

**Other Basis** – accounting method that is not one of the other three listed.

## Court Report

### Case Types

**Juvenile Delinquency** is the category of cases and expenditures where the attorney fee vouchers reveal that the cases paid are reported as juvenile cases, regardless of offense level or classification.

**Juvenile Delinquency Appeals** is the category of cases and expenditures where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus) in a juvenile matter. Motions to modify disposition are counted above as juvenile cases.

**Capital Murder** is the category of cases and expenditures where the defendant is charged with capital murder. Interim payments are common for capital cases. While capital case expenditures should always be reported in the year made, the case should be counted only in the year the case is finally disposed.

**Adult Non-Capital Felony** is the category of cases and expenditures where the attorney fee vouchers reveal that the cases paid are reported as felonies. This includes motions to revoke community supervision (probation) cases classified as felonies. This figure should exclude capital murder cases since they are reported separately.

**Adult Misdemeanor** is the category of cases and expenditures where the attorney fee vouchers reveal that the cases paid are reported as misdemeanors. This includes motions to revoke community supervision (probation) cases classified as misdemeanors.

**Adult Felony Appeals** is the category of cases and expenditures where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus) in a felony matter. Motions to revoke probation are counted above as felony cases.

**Adult Misdemeanor Appeals** is the category of cases and expenditures where the attorney fee vouchers reveal that the cases being paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writ of habeas corpus) in a misdemeanor matter. Motions to revoke probation are counted above as misdemeanor cases.

### **Attorney Selection Method**

**Assigned Counsel** means attorneys in private practice, appointed to represent defendants or juvenile respondents that submit invoices to the County for criminal or juvenile delinquency representation, but are not supervised by a Managed Assigned Counsel System nor participating in a contract indigent defense counsel program.

**Contract Attorneys** means an attorney receiving appointments to represent defendants or juvenile respondents under a contract with the county to provide criminal or juvenile delinquency representation.

**Managed Assigned Counsel** means attorneys in private practice, appointed to represent defendants or juvenile respondents that submit invoices to the County for criminal or juvenile delinquency representation, who are supervised by a Managed Assigned Counsel System, but are not participating in a contract indigent defense counsel program.

**Public Defenders Office** means a governmental entity or nonprofit corporation: operating under a written agreement with a governmental entity, other than an individual judge or court; using public funds; and providing legal representation and services to indigent defendants accused of a crime or juvenile offense, as those terms are defined by Section 71.001, Government Code.\*reflects that all expenditures related to representation provided by an Office should be reported in the appropriate Office Addendum.

## Counting Cases

**Number of Cases** means the number of cases where an attorney was appointed to represent a criminal defendant or juvenile respondent, counting cases when the case is paid after final disposition, by attorney selection method.

**Case** is the same definition used by the Office of Court Administration/Judicial Council reporting instructions for monthly court activity reports which states: For these reports, the number of criminal cases reported on this monthly reporting form should be based on the number of defendants named in an indictment or information (documents filed to bring charges against a person). That is: 1. If a single indictment or information names more than one defendant, there is more than one case: as an example, if three defendants are named in one indictment, count this as three cases. 2. If the same defendant is charged in more than one indictment or information, there is more than one case: as an example, if the same person is named in four separate indictments, count this as four cases. 3. Finally, if an indictment or information contains more than one count (Article 21.24, Texas Code of Criminal Procedure), report this as one case and report the case under the category for the most serious offense alleged.

Public Defender Office cases are also reported in court reports. Reported case counts will be determined by the public defender office's internal case tracking system for cases disposed by the office for the various courts within a county. Financial officers are required by Texas Government Code 79.036 (e) to report these cases just as the invoice based assigned counsel or contract systems. Care should be taken by financial officers to ensure that tracking systems in the public defender offices are accurate and verifiable. The PDO must report the cases disposed in a particular court in the appropriate columns.

## Expenditure Categories

**Attorney Fees** means the amount of money paid by the county or managed assigned counsel program to a licensed attorney in accordance with the statute and local fee schedule for legal services rendered to an indigent defendant or juvenile respondent.

**Investigator Expenditures** means money paid by the county or managed assigned counsel program to a person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in preparing a defense for an indigent defendant.

**Expert Witness Expenditures** means money paid by the county or managed assigned counsel program to a person/entity qualified by the court or by special certifications in a field of study or expertise to help a licensed attorney in preparing or presenting a defense for an indigent defendant.

**Other Litigation Expenditures** means money paid by the county or managed assigned counsel program to a person or entity for materials, supplies, or services

determined by the attorney or court necessary for the licensed attorney to prepare an adequate defense for an indigent defendant.

### Court Report: Attorney Detail Report

**Bar Card Number** is the number on the attorney's license from State Bar of Texas. The Attorney Name will appear once you enter their Bar Card Number. If the Attorney Name says Not Found, the Bard Card Number is likely invalid.

**Juvenile Delinquency Cases Paid** are cases where the attorney fee vouchers reveal that the cases paid are reported as juvenile cases, regardless of offense level or classification. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Juvenile Delinquency Appeals Cases Paid** are cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus). Motions to modify disposition are counted above as juvenile cases. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Capital Murder Cases Paid** are cases where the defendant is charged with capital murder. Interim payments are common for capital cases. While capital case expenditures should always be reported in the year made, the case should be counted only in the year the case is finally disposed. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Adult Non-Capital Felony Cases Paid** are cases where the attorney fee vouchers reveal that the cases paid are reported as felonies. This includes motions to revoke community supervision (probation) cases classified as felonies. This figure should exclude capital murder cases since they are reported separately. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Adult Misdemeanor Cases Paid** are cases where the attorney fee vouchers reveal that the cases paid are reported as misdemeanors. This includes motions to revoke community supervision (probation) cases classified as misdemeanors. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Adult Felony Appeals Cases Paid** are cases where the attorney fee vouchers reveal that the cases paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus). Motions to revoke probation are counted above as felony cases. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Adult Misdemeanor Appeals Cases Paid** are cases where the attorney fee vouchers

reveal that the cases being paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writ of habeas corpus). Motions to revoke probation are counted above as misdemeanor cases. For attorneys working in a Public Defender's Office, enter the number of disposed cases for each case type as reported by the Office.

**Total Attorney Fees Paid** only includes fees paid to the attorney authorized by the individual court. It should not include reimbursements to the attorney for other case expenses incurred, such as investigators, experts, or other litigation expenses. For attorneys working in a Public Defender's Office, enter 0 in the Total Attorney Fees Paid box.

### Limited Scope of Representation

**Assigned Counsel** means attorneys in private practice, appointed to represent defendants or juvenile respondents that submit invoices to the County for criminal or juvenile delinquency representation, but are not supervised by a Managed Assigned Counsel System nor participating in a contract indigent defense counsel program.

**Contract Attorneys** means an attorney receiving appointments to represent defendants or juvenile respondents under a contract with the county to provide criminal or juvenile delinquency representation.

**Managed Assigned Counsel** means attorneys in private practice, appointed to represent defendants or juvenile respondents that submit invoices to the County for criminal or juvenile delinquency representation, who are supervised by a Managed Assigned Counsel System, but are not participating in a contract indigent defense counsel program.

**Public Defenders Office** means a governmental entity or nonprofit corporation: operating under a written agreement with a governmental entity, other than an individual judge or court; using public funds; and providing legal representation and services to indigent defendants accused of a crime or juvenile offense, as those terms are defined by Section 71.001, Government Code.

**Number of Defendants Represented** means the number of defendants appointed an attorney for the limited purpose of representation at the Article 15.17 magistration hearing. If the same attorney or different attorney is appointed to represent a defendant beyond the Article 15.17 magistration hearing, the case for the subsequent representation should also be counted under the court report in which the case is disposed. This data point appears on the Limited Scope of Representation Step of the Adult Criminal and Juvenile IDER.

**Attorney Fees** means attorney fees associated with the appointment of private defense counsel for the limited purpose of representation at the Article 15.17 magistration hearing. If the same attorney or different attorney is appointed to represent a defendant beyond the Article 15.17 magistration hearing, the attorney

fees for the subsequent representation should be recorded under the court report in which the case is disposed. For attorneys working in a Public Defender's Office, enter 0 in the Total Attorney Fees Paid box.

## Reimbursements

**Funds from the State Comptroller for 11.071 writs of habeas corpus costs** means such reimbursements would be for defense representation costs in death penalty case post-conviction, writs of habeas corpus.

**Reimbursements of indigent defense costs from defendants** includes funds deposited into the county's accounts from reimbursement of court appointed fees collected by clerks or probation departments.

**Total Amount Collected** means any funds deposited into the county's accounts through the reimbursement of court appointed fees collected by clerks or probation departments from defendants pre or post disposition.

**Funds from private or other government grants for indigent defense costs** includes money received from other state agencies or other sources that offset indigent defense costs.

## Public Defense Office Addendum

### Case Types

**Juvenile Delinquency Cases** are cases where the public defender's office internal case tracking system reveals that the cases disposed are reported as juvenile cases, regardless of offense level or classification.

**Juvenile Delinquency Appeals** are cases where the public defender's office internal case tracking system reveals that the cases reported result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus) in a juvenile delinquency matter. Motions to modify disposition are counted above as juvenile cases.

**Capital Murder Cases** are cases where the defendant is charged with capital murder. Interim payments are common for capital cases. While capital case expenditures should always be reported in the year made, the case should be counted only in the year the case is finally disposed. Capital Murder Cases are cases where the public defender's office internal case tracking system reveals that capital murder cases are disposed.

**Adult Non-Capital Felony Cases** are where the public defender's office internal case tracking system reveals that the cases disposed are reported as felonies. This includes motions to revoke community supervision (probation) cases classified as felonies. This figure should exclude capital murder cases since they are reported separately.

**Adult Misdemeanor Cases** are cases where the public defender's office internal case tracking system reveals that the cases paid are reported as misdemeanors. This includes motions to revoke community supervision (probation) cases classified as misdemeanors.

**Adult Felony Appeals** are cases where the public defender's office internal case tracking system reveals that the cases reported result from the filing of an appeal or post-conviction action (i.e., direct appeals and writs of habeas corpus) in a felony matter. Motions to revoke probation are counted above as felony cases.

**Adult Misdemeanor Appeals** are cases where the public defender's office internal case tracking system reveals that the cases being paid result from the filing of an appeal or post-conviction action (i.e., direct appeals and writ of habeas corpus) in a misdemeanor matter. Motions to revoke probation are counted above as misdemeanor cases.

**Limited Scope Article 15.17 Magistration Hearing or Automatic Bail Review Hearings** means the county appoints a public defender for the limited purpose of representation at the Article 15.17 magistration hearing or automatic bail review hearing. If the same public defender or a different public defender is appointed to represent a defendant beyond the Article 15.17 magistration hearing or automatic bail review hearing, any time spent on the subsequent representation should be reflected in the salary and benefits costs for each case type. Cases where the public defender's office internal case tracking system reveals that the cases reported resulting from a limited purpose of representation at the Article 15.17 magistration hearing or automatic bail review hearing.

### **Salary and Fringe Benefits Cost Categories**

**Salary and Fringe Benefits Costs** means the combination of salary and fringe based on actual or estimated time spent working on each case type. To capture these average costs requires that each public defender county report how salaries are allocated between different types of cases based on time. For example, if a person spends all her time on felony cases, 100% of her salary payments can be allocated to felony cases. If a person splits time between types of cases, her salary should be split according to how the Chief Public Defender documents or estimates each person's time was spent.

**Attorney** salaries are to be separated by felony, misdemeanor, juvenile, capital, and appeal expenses based on actual or estimated time. To capture these average costs requires that each public defender county report how attorney salaries are allocated between different types of cases based on time. If an attorney spends all her time on felony cases, 100% of that attorney's salary payments can be allocated to felony cases. If an attorney's time is split between types of cases, the attorney's salary should be split according to how the chief public defender documents or estimates each attorney's time was spent.

**Investigator** salaries – Counties can enter the actual salary and fringe of the investigators where the office has department investigators assigned to divisions within the office (i.e. felony, misdemeanor, juvenile, etc.). Alternatively, they may use the attorney breakdown to assign the cost in smaller departments or departments where investigators work with all levels of cases.

**Mitigation Specialist** salaries – These positions are attributed entirely to capital cases and offices.

**MH Professionals (Social & Case Workers)** salaries – Counties with mental health public defenders can enter the actual salary and fringe of the mental health professionals (including case managers) where the office has department professionals assigned to divisions within the office (i.e. felony, misdemeanor, juvenile, etc.). Alternatively, they may use the attorney breakdown to assign the cost in smaller departments or departments where mental health professionals work with all levels of cases.

**Support Staff (Admin, Peer Navigator, Paralegal)** salaries – Counties can enter the actual salary and fringe of the administrative support staff where the office has department support staff assigned to divisions within the office (i.e. felony, misdemeanor, juvenile, etc.). Alternatively, they may use the attorney breakdown to assign the cost in smaller departments or departments where support staff work with all levels of cases.

### **Non-Personnel Expenditures**

**Other Administrative Costs** includes employee travel, employee training, equipment, and other direct operating expenditures attributable to operating a public defender program.

**Travel and Training** includes travel and training costs for all PDO employees.

**Equipment** includes all equipment purchased for the Public Defender's Office.

**Other Direct Operating Expenditures** include identifiable direct costs attributable to operating a public defender program. Examples include supplies, software, building and machine rental, and all other operating costs not specifically recorded in the other sections.

**Public Defender Court Related Costs** includes only expenses paid from the public defender office budget for contract investigators (not PDO employee), expert witnesses, and other direct litigation costs. All court related expenses paid for by the county, authorized by a judge, must be included in the court page of the IDER.

**Contract Investigator Expenditures** means money paid by the Public Defender's Office to a contractor who is person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in

preparing a defense for an indigent defendant. This does not include a PDO employee.

**Expert Witness Expenditures** means money paid by the Public Defender's Office to a person/entity qualified by the court or by special certifications in a field of study or expertise to help a licensed attorney in preparing or presenting a defense for an indigent defendant. This does not include a PDO employee.

**Other Litigation Expenditures** means money paid by the Public Defender's Office to a person or entity for materials, supplies, or services determined by the attorney or court necessary for the licensed attorney to prepare an adequate defense for an indigent defendant. This does not include a PDO employee.

### **Indirect Expenditures**

**Public Defender Indirect Rate** means the percentage used to calculate indirect costs based on PDO employee salaries only. Public Defender Indirect Costs may only be calculated based on PDO employee salaries and may not include fringe in the indirect cost calculation. PDOs claiming indirect costs must have the allocation schedule or cost allocation plan available in the event of a monitoring site visit. Counties may not claim indirect costs, except for the portion attributable to PDOs. The Commission uses the definition of indirect costs set forth in the [Texas Grant Management Standards](#) as promulgated by the Office of the Governor.

#### **Indirect Costs – Apply this rate to salaries line item only**

1. General. Indirect costs are those: (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term 'indirect costs' as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs within an entity or in other agencies providing services to an entity. Indirect cost pools should be distributed to benefited cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.
2. Cost allocation plans and indirect cost proposals. Requirements for development and submission of cost allocation plans and indirect cost rate proposals are contained in Attachments C, D, and E.
3. Limitation on indirect or administrative costs.
  - a. In addition to restrictions contained in this Circular, there may be laws that further limit the amount of administrative or indirect cost allowed.
  - b. Amounts not recoverable as indirect costs or administrative costs under one Federal or state award may not be shifted to another Federal or state award, unless specifically authorized by Federal or state legislation or regulation."

**Approving Agency** is the entity approving of the public defender indirect costs rate and calculation.

## Managed Assigned Counsel Administrative Expenditures

**Attorney** salaries – enter the total salaries, including fringe benefit expenses, for all attorneys employed in staff positions by the MAC program, including the Executive Director and/or Chief Defender, if either of those positions is held by an attorney. Please do not include payments to any attorneys appointed by the MAC who are paid on an hourly basis and are not permanent MAC employees.

**Investigator** salaries – enter the total salaries, including fringe benefit expenses, for all investigators employed in staff positions by the MAC program. Please do not include payments to any investigators appointed by the MAC who are paid on an hourly basis, are independent contractors, or are otherwise not permanent MAC employees.

**Mitigation** salaries – enter the total salaries, including fringe benefit expenses, for all MAC employees who perform mitigation investigations, gather mitigation evidence, assist in the development of defense counsel’s mitigation case. Please do not include payments to any individuals or organizations appointed by the MAC who are paid on an hourly basis, are independent contractors, or are otherwise not permanent MAC employees.

**Mental Health Professional (Social Worker, Caseworker)** salaries – enter the total salaries, including fringe benefit expenses, for all social workers, case workers, other mental health professionals, or other MAC staff focused on addressing MAC clients’ mental health needs who are employed in staff positions by the MAC program. This category does not include MAC employees whose primary responsibility is to assist the defense team is preparing mitigation evidence. Please do not include payments to any individuals or organizations appointed by the MAC who are paid on an hourly basis, are independent contractors, or are otherwise not permanent MAC employees.

**Administrative** salaries – enter the total salaries, including fringe benefit expenses, for all MAC staff providing administrative support for the MAC program, or to attorneys or other individuals appointed by the MAC to represents clients, or assist in client representation. Please do not include payments to any individuals or organizations appointed by the MAC who are paid on an hourly basis, are independent contractors, or are otherwise not permanent MAC employees.

### Administrative Expenditures

**Personnel** – MAC Personnel costs are the total costs of employee salaries and fringe plus contract costs for managing attorneys, social workers, investigators and/or other non-attorney staff.

**Staff Travel and Training** – Travel and Training includes travel and training costs for all MAC employees.

**Equipment** – Equipment includes all equipment purchased for the Managed Assigned Counsel Office.

**Other Direct Operating Expenditures** – Other Direct Operating Expenditures include identifiable direct costs attributable to operating a managed assigned counsel office. Examples include supplies, software, building and machine rental, and all other operating costs not specifically recorded in the other sections.

## Regional Indigent Defense Programs

**Regional Public Defender Office for Capital Cases** is an opt-in program, available to most Texas counties, providing representation in death penalty cases. Participating counties execute biannual memoranda of understanding with the office and pay a participation fee.

**Non-capital regional public defense office participating county** – Counties that participate in a non-capital regional public defender office or other non-capital regional indigent defense program report payments to the administrative county here.

**Non-capital regional public defense office administrative county** – The administrative county report all expenditures and their own cases on the court reports and any relevant Office Addendum of the Adult Criminal and Juvenile Delinquency IDER. The administrative county must provide to participating counties the number of cases disposed by the regional program for each court in each county. Regional administrative counties must report any fund balance from counties that paid them or carryover funds from third party providers in the Regional Indigent Defense Programs section of the Adult Criminal and Juvenile Delinquency IDER.

## Family Protection Representation IDER

**Appointment** – when a court-appointed attorney is representing a parent, child, or other party in a lawsuit filed by the Texas Department of Family and Protective Services against a parent (Child Protective Services “CPS” case). Counties should report an appointment one time each year an expenditure is paid on the appointment. This is NOT the same as a court case. This is NOT the same as an invoice. Each CPS case almost always has multiple appointments. Do not report total number of cases or total numbers of attorney fee vouchers paid, these will be incorrect numbers. For example, 1 child protection case has an attorney appointed to represent a custodial parent, an attorney appointed to represent a non-custodial parent, and an attorney appointed to represent the child. Each attorney submitted multiple attorney fee vouchers for payment through the fiscal year. In this example there is 1 case, multiple fee vouchers, but 3 appointments that should be reported.

## Method of Family Protection Representation

**Assigned Counsel** – Assigned counsel means attorneys in private practice appointed to represent children and/or indigent parents in child protection cases filed against a parent by the Texas Department of Family and Protective Services that submit invoices to the County for legal representation but are not supervised by a Managed Assigned Counsel System or are part of a contract counsel program.

**Contract Attorneys** – Contract counsel means an attorney receiving appointments to represent children and/or indigent parents in child protection cases filed against a parent by the Texas Department of Family and Protective Services under a contract with the county to provide the legal representation.

**Full-time Employee . . . not employed by an Office** – A full-time employee that handles Family Protection Representation matters represents children and/or parents in child protection cases filed against a parent by the Texas Department of Family & Protective Services and is treated like any other county employee, including but not limited to employee salary, employee benefits, and employee requirements. This does not include employees of an Office of Child Representation, Office of Parent Representation, or a Public Defender Office.

**Public Defender Office** – a Public Defender Office takes Family Protection Representation cases if they provide court-appointed legal representation to parents and/or children in cases filed against a parent by the Texas Department of Family and Protective Services.

**Office of Child Representation** – An Office of Child Representation provides legal representation to children in cases filed against a parent by the Texas Department of Family and Protective Services pursuant to [section 107.254 of the Texas Family Code](#)

**Office of Parent Representation** – An Office of Parent Representation provides legal representation to parents in cases filed against them by the Texas Department of Family and Protective Services pursuant to [section 107.255 of the Texas Family Code](#).

**System to Organize Family Protection Representation Expenditures** – Family Protection Representation expenditures and appointments on the Indigent Defense Expenditure Report must be categorized in the following ways: Custodial Parents, Non-Custodial Parents, Non-Parent Conservator, Children, Adult Appeal, Children Appeal. If your county does not have a system to organize the expenditures and appointments in this manner, you will be unable to complete the Indigent Defense Expenditure Report as requested.

## Court Report

**Appointment** – An Appointment should be reported only one time each fiscal year when an attorney is paid on the appointment. Do not report total number of cases or total numbers of attorney fee vouchers paid, these will be incorrect numbers. For example, 1 child protection case has an attorney appointed to represent the mother,

an attorney appointed to represent the father, and an attorney appointed to represent the child. Each attorney submitted multiple attorney fee vouchers for payment through the fiscal year. In this example there is 1 case, multiple fee vouchers, but 3 appointments that should be reported.

### **FPR Appointment Types**

**Custodial Parents Appointment** is an appointment of an attorney for a mother or father (if paternity is established) and the child is living with that parent at the time of legal filing; or an appointment of one attorney for both a mother and father living with the child at time of legal filing, regardless of paternity establishment This does not include representation during an appeal.

**Non-Custodial Parents Appointment** is an appointment of an attorney for a mother or father (if paternity is established) and the child is **not** living with that parent at the time of legal filing; an appointment of one attorney for both a mother and father (regardless of paternity establishment) and the child is **not** living with them at the time of legal filing; or an appointment of an attorney to represent a unknown father (identity unknown), unlocated father (identity known, location unknown), or alleged fathers (paternity not established). This does not include representation during an appeal.

**Non-Parent Conservators Appointment** is an appointment of an attorney for a person who is not a parent and has previously been named on a court order as the conservator of the child before the filing of the suit by DPFS. Residence of the child at the time of legal filing is immaterial. This does not include adoptive parents. This does not include representation during an appeal.

**Children Appointments** is an appointment for a child or sibling group. Representation does not occur during the pendency of an appeal.

**Adult Appeals Appointment** is the representation of a mother, father, or non-parent conservator during an appeal.

**Children Appeals Appointments** is the representation of a child or sibling group during an appeal.

### **Expenditure Categories**

**Attorney Fees** means the amount of money paid by the county to a licensed attorney in accordance with the statute and local fee schedule for legal services rendered to party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases).

**Social Worker Expenditures** means the amount of money paid by the county to a person licensed as a social worker or otherwise legally able to conduct social work services for a licensed attorney in the representation of a party in a suit affecting the

parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases).

**Expert Witness Expenditures** means money paid by the county to a person/entity qualified by the court or by special certifications in a field of study or expertise to provide assistance to a licensed attorney in the representation of a party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases).

**Investigator Expenditures** means the amount of money paid by the county to a person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in the representation of a party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases).

**Other Litigation Expenditures** means money paid by the county to a person or entity for materials, supplies, or services determined by the attorney or court necessary for the licensed attorney in the representation of a party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases).

#### Addendums: Public Defender Office, Office of Child Representation, Office of Parent Representation, County Employee

**Salary and Fringe Benefits Costs** means the combination of salary and fringe based on actual or estimated time spent working on each case type. To capture these average costs requires that each public defender county report how salaries are allocated between different types of cases based on time. For example, if a person spends all her time on child appointments, 100% of her salary payments can be allocated to child appointments. If a person splits time between types of cases, her salary should be split according to how the Chief Public Defender documents or estimates each person's time was spent.

#### **Salary and Fringe Expenditure Categories**

**Attorney** – Attorney salaries are to be separated by custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeals based on actual or estimated time. Capturing these average costs requires that each office report how attorney salaries are allocated between different types of appointments based on time. If an attorney spends all her time on custodial parent appointments, 100% of that attorney's salary payments can be allocated to custodial parent appointments. If an attorney's time is split between types of appointments, the attorney's salary should be split according to how the Chief of the Office documents or estimates each attorney's time allocation.

**Social Workers** – Social worker salaries are to be separated by custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeals based on actual or estimated time. Capturing these average costs requires that each office report how social worker salaries are allocated between different types of appointments based on time. If a social worker spends all her time on custodial parent appointments, 100% of that social worker’s salary payments can be allocated to custodial parent appointments. If a social worker’s time is split between types of appointments, the social worker’s salary should be split according to how the Chief of the Office documents or estimates each attorney’s time allocation.

**Investigators** – Investigator salaries are to be separated by custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeals based on actual or estimated time. Capturing these average costs requires that each office report how investigator salaries are allocated between different types of appointments based on time. If an investigator spends all her time on custodial parent appointments, 100% of that investigator’s salary payments can be allocated to custodial parent appointments. If an investigator’s time is split between types of appointments, the investigator’s salary should be split according to how the Chief of the Office documents or estimates each attorney’s time allocation.

**Administrative Support** – Administrative Support salaries are to be separated by custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeals based on actual or estimated time. Capturing these average costs requires that each office report how administrative support salaries are allocated between different types of appointments based on time. If administrative support spends all her time on custodial parent appointments, 100% of that administrative support’s salary payments can be allocated to custodial parent appointments. If an administrative support staff’s time is split between types of appointments, the administrative support staff’s salary should be split according to how the Chief of the Office documents or estimates each attorney’s time allocation.

## **Non-Personnel Expenditures**

**Other Administrative Costs** includes employee travel, employee training, equipment, and other direct operating expenditures attributable to operating the Office.

**Travel and Training** includes travel and training costs for all Office employees.

**Equipment** includes all equipment purchased for the Office.

**Other Direct Operating Expenditures** include identifiable direct costs attributable to operating an Office. Examples include supplies, software, building and machine rental, and all other operating costs not specifically recorded in the other sections.

**Court Related Costs** includes only expenses paid from the Office budget for contract investigators (not Office employees), expert witnesses, and other direct

litigation costs. All court related expenses paid for by the county, authorized by a judge, must be included in the court page of the IDER.

**Expert Witness Expenditures** means money paid by the Office to a person/entity qualified by the court or by special certifications in a field of study or expertise to provide assistance to a licensed attorney in the representation of a party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases). This does not include an Office employee.

**Contract Investigator Expenditures** means money paid by the Office to a contractor who is person licensed as an investigator or otherwise legally able to conduct investigations for a licensed attorney in the representation of a party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases). This does not include an Office employee.

**Other Litigation Expenditures** means money paid by the Office to a person or entity for materials, supplies, or services determined by the attorney or court necessary for the licensed attorney in the representation of a party in a suit affecting the parent-child relationship or suit requesting a parent be ordered to complete services filed by the Texas Department of Family and Protective Services, (i.e., CPS cases). This does not include an Office employee.

### **Indirect Expenditures**

**Indirect Rate** means the percentage used to calculate indirect costs based on Office employee salaries only. Indirect Costs may only be calculated based on Office employee salaries and may not include fringe in the indirect cost calculation. Offices claiming indirect costs must have the allocation schedule or cost allocation plan available in the event of a monitoring site visit. Counties may not claim indirect costs, except for the portion attributable to Offices. The Commission uses the definition of indirect costs set forth in the [Texas Grant Management Standards](#) as promulgated by the Office of the Governor.

#### **Indirect Costs – Apply rate to salaries line item only**

1. General. Indirect costs are those: (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term 'indirect costs' as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs within an entity or in other agencies providing services to an entity. Indirect cost pools should be distributed to benefited cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.

2. Cost allocation plans and indirect cost proposals. Requirements for development and submission of cost allocation plans and indirect cost rate proposals are contained in Attachments C, D, and E.

3. Limitation on indirect or administrative costs.

a. In addition to restrictions contained in this Circular, there may be laws that further limit the amount of administrative or indirect cost allowed.

b. Amounts not recoverable as indirect costs or administrative costs under one Federal or state award may not be shifted to another Federal or state award, unless specifically authorized by Federal or state legislation or regulation.”

**Approving Agency** is the entity approving of the Office indirect costs rate and calculation.

# Public Defender Office Supplemental Instructions

This document is a supplement instruction guide specifically for counties with Public Defender Offices (PDOs), Offices of Parent Representation (OPR), or Offices of Child Representation (OCR) because those counties have unique indigent defense reporting issues. The challenge is to comply with statutory requirements while still making the information compatible with other statewide reporting.

Counties with PDOs, OPRs, or OCRs will use this set of instructions and forms instead of the Procedure Manual for the Indigent Defense Expenditure Report **only for reporting PDO, OPR, and OCR information. The Procedure Manual for the Indigent Defense Expenditure Report must still be used to report assigned counsel and contract cases.**

For the purpose of the Indigent Defense Expenditure Report:

The Commission uses the definition of public defender set forth in Article 26.044 of the Texas Code of Criminal Procedure:

*(a) In this chapter, "public defender" means a governmental entity or nonprofit corporation: operating under a written agreement with a governmental entity, other than an individual judge or court; using public funds; and providing legal representation and services to indigent defendants accused of a crime or juvenile offense, as those terms are defined by Section 71.001, Government Code.*

The Commission uses the definition of office of parent representation set forth in Section 107.255 of the Texas Family Code:

*An office of parent representation is an entity that uses public money to provide legal representation and services for a parent in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for a child in which appointment is mandatory for a parent under Section 107.013.*

The Commission uses the definition of office of child representation set forth in Section 107.254 of the Texas Family Code:

*An office of child representation is an entity that uses public money to provide legal representation and services for a child in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for the child in which appointment is mandatory for a child under Section 107.012.*

## Case Counting for Criminal and Juvenile Cases on the Court Page in the IDER

Counties with public defender offices must provide a count of cases closed or disposed during the fiscal year, with the exception of appeals. To avoid duplicate case counts, appeals should be counted once the brief has been filed as opposed to when the appeal is disposed due to the lengthy time to disposition. Use the case counting definitions and information provided in the Indigent Defense Expenditure Report Manual for Fiscal Year 2024.

Each electronic court report form of the IDER captures the case counts for each category of case disposed in that court (i.e., felony, misdemeanor, etc.). Reports for counties with public defender offices will have a separate row to report the number of cases disposed in that court by the public defender office for each case category. Each court report form will also have separate rows for collecting case counts and expenditures for other (non-public defender) counsel type that applies in the county (i.e., assigned counsel, managed assigned counsel, and/or contract counsel).

Reported case counts will be determined by the respective public defender office's internal case tracking system for cases disposed by the office for the various courts within a county. Financial officers are required by Texas Government Code 79.036 (e) to report these cases just as the invoice based assigned counsel or contract systems. Care should be taken by financial officers to ensure that tracking systems in the public defender offices are accurate and verifiable. The PDO must report the cases disposed in a particular court in the appropriate columns.

Financial Officers must also report the attorney level data for each attorney in the public defender office on the attorney detail section report in which public defender attorneys disposed cases. In counties that use horizontal representation the county must attribute the case to the attorney that was present when the case was disposed. The last column of the attorney detail section of the court report that collects total attorney fees should report zero for public defender attorneys.

## Appointment Counting for Child Protective Services (CPS) Cases on the Court Reports Page in the IDER

Counties with public defender offices that provide representation of children or parents in CPS cases, offices of parent representation, and/or offices of child representation must provide a count of appointments to represent parents or children during the fiscal year. Please note, appointment counts are different from case counts used in criminal and juvenile cases. CPS cases often have more than one appointment on a case depending on the number of parties and children involved.

An appointment should be reported one time each fiscal year the PDO, OPR, and/or OCR provides work for their appointed client.

Each electronic court report form of the IDER captures the appointment counts for each category of case disposed in that court (i.e., custodial parent, non-custodial

parent, children, etc.). Reports for counties with public defender offices or other government offices will have a separate row to report the number of appointments in that court by the public defender or other government office for each appointment category. Each court report form will also have separate rows for collecting appointment counts and expenditures for other (non-public defender or other government office) counsel type that applies in the county (i.e., assigned counsel, managed assigned counsel, and/or contract counsel).

The appointments must be reported for each specific court. Report all appointments on the court page form – some courts may have one or more of the following categories completed: assigned counsel cases, contract attorney cases, managed assigned counsel cases, and public defender cases (this includes offices of parent and child representation).

Appointments should also be reported within the following categories: custodial parent, non-custodial parent, non-parent conservator, children, adult appeal, and children appeal. See the FY2024 IDER manual for category definitions.

### Attorney Level Detail for Criminal and Juvenile Cases Portion of Court Expenditure Report

The attorney detail portion of the court expenditure report contains fields for case courts and total amount paid for each attorney handling indigent cases in the county. Number of cases closed or disposed by public defenders should be reported for each attorney in their respective categories. For public defender attorneys, the “Total Paid” field should be left blank.

### Limited Scope Appointments for Representation at Article 15.17 Magistration Hearing

Counties that appoint public defenders for the limited purpose of representation at the Article 15.17 magistration hearing should track the number of such appointments for each attorney and report those numbers in the Attorney Detail section of the “Magistrate Court” section of the IDER under “Limited Scope 15.17 Appointments.” Public defender costs should NOT be included in this section under “Attorney Fees” but should be included in the Public Defender Addendum under the “Article 15.17 Magistration” case type. Costs for this category of representation should be allocated in the same manner that costs for other case types are allocated. Costs associated with defense representation at bond review hearings that are not reported elsewhere on the IDER may be reported here as well.

Regardless of whether the same public defender or a different public defender is appointed to represent a defendant beyond the Article 15.17 magistration hearing, the case should also be counted and recorded on the IDER under the court in which the case is disposed and in the corresponding Attorney Detail for that court.

# Addendums: Public Defender Office Administrative Expenditure Report

## Allocating Costs

The Commission attempts to capture the average cost for different types of cases (felony, misdemeanor, and juvenile). Auditors and Treasurers must work with the PDO to establish a clear basis for the assignment of cost per case. One factor used to calculate the cost per case is percent of actual time (or reasonable estimate) spent on different types of cases. The Commission previously asked counties to solely submit the number of cases handled by the PDO. This has been determined by staff to be unreliable and incomparable to the other data. To capture a truer picture of the average cost per case requires that each public defender office report how attorney and other salaries are allocated between different types of cases based on time spent.

For example, a county may find that based on actual or estimated attorney time spent, 50% of attorneys' salaries are spent on felonies, 25% on misdemeanors, and 25% on juvenile cases. If the total PDO expenses totaled \$500,000, then the estimated felony expenses would be \$250,000. The estimated misdemeanor expenses would be \$125,000, and the estimated juvenile expenses would be \$125,000. If a staff investigator only works on adult non-capital felonies, then 100% of the salary would be reported under adult non-capital felonies. These numbers should be entered into the appropriate felony, misdemeanor, and juvenile boxes under Personnel of the Public Defender Office Administrative Expenditure Report Addendum.

## Reporting Costs

**Personnel:** Report all personnel costs by type (Attorney, Investigator, Mitigation Specialists, Mental Health Specialists, and Administrative Support for criminal and juvenile cases and Attorney, Social Worker, Investigator, and Administrative Support for CPS cases). For each line item, report the combination of salary and fringe.

**Attorneys:** Attorney salaries are to be separated by felony, misdemeanor, juvenile, capital, and appeal expenses for criminal and juvenile cases and custodial parents, non-custodial parents, non-parent conservators, children, adult appeal, and children appeal for CPS cases based on actual or estimated time. To capture these average costs requires that each public defender county report how attorney salaries are allocated between different types of cases based on time. If an attorney spends all her time on felony cases, 100% of that attorney's salary payments can be allocated to felony cases. If an attorney's time is split between types of cases, the attorney's salary should be split according to how the chief public defender documents or estimates each attorney's time was spent. As an example of reporting, the estimated expenses associated with each type of case, consider the public defender office below.

Atty.	Salary + Benefits	% of Time on Felony Non-Cap. Cases	% of Time on Capital Cases	% of Time on Adult Misd. Cases	% of Time on Juvenile Cases	% of Time on Juvenile Appeals	% of Time on Adult Felony Appeals	% of Time on Adult Misd. Appeals
A	\$30,000			100%				
B	\$96,000	50%	50%					
C	\$72,000			50%	50%			
D	\$84,000	100%						
E	\$60,000			50%	50%			

From the above chart, the salaries can be summarized in the following way:

	Total Salary by Case Type
Felony, Non-Capital	\$132,000
Capital	\$48,000
Adult Misdemeanor	\$96,000
Juvenile	\$66,000
Juvenile Appeals	\$0
Adult Felony Appeals	\$0
Adult Misdemeanor Appeals	\$0

The Chief PD must estimate or provide actual time salary allocation for attorneys serving as managers and include them with the proper attorney category.

**Note:** Please e-mail the Commission Grants Administrator the basis or method of calculation if an estimate is made.

Repeat the above calculation for each of the following:

**Mitigation Specialists:** These positions are attributed entirely to capital cases and offices.

**Investigators:** Counties can enter the actual salary and fringe of the investigators where the office has department investigators assigned to divisions within the office (i.e. felony, misdemeanor, juvenile, etc.). Alternatively, they may use the attorney breakdown to assign the cost in smaller departments or departments where investigators work with all levels of cases.

**Mental Health Professionals:** (including case managers): Counties with mental health public defenders can enter the actual salary and fringe of the mental health professionals where the office has department professionals assigned to divisions

within the office (i.e. felony, misdemeanor, juvenile, etc.). Alternatively, they may use the attorney breakdown to assign the cost in smaller departments or departments where mental health professionals work with all levels of cases.

**Social Workers:** (for CPS cases only): Counties with offices that do parent and/or child representation in CPS cases can enter the actual salary and fringe of the social workers where the office has professionals assigned to work on CPS cases and report within the required CPS categories (i.e. custodial parent, non-custodial parent, non-parent conservator, children, adult appeal, children appeal).

**Administrative Support:** Counties can enter the actual salary and fringe of the administrative support staff where the office has department support staff assigned to divisions within the office (i.e. felony, misdemeanor, juvenile, etc.). Alternatively, they may use the attorney breakdown to assign the cost in smaller departments or departments where support staff work with all levels of cases.

Commission staff will attribute the following costs based on the breakdown of attorney costs:

**Public Defender Travel and Training:** Include travel and training of all types for PDO, OPR, and OCR employees.

**Public Defender Equipment:** Report all equipment purchased for the public defender, office of parent representation, or office of child representation.

**Public Defender Other Direct Operating Expenditures:** Include identifiable direct costs attributable to operating a public defender, office of parent representation, or office of child representation program. Examples include supplies, software, building and machine rental, and all other operating cost not specifically recorded in the other sections.

**Other Public Defender Court Related Expenses:** All court related expenses authorized by a judge must be included in the court page of the IDER. This section is only for expenses of contract investigators (not including PD employees), expert witnesses, and other direct litigation costs paid for from the public defender office budget.

## Indirect Costs Rates

Counties may not claim indirect costs, except for the portion attributable to public defender offices, offices of parent representation, or offices of child representation. These allowable indirect cost rates may only be calculated based on public defender, OPR, or OCR staff salaries. Do not include fringe in the indirect cost calculation. PDOs claiming indirect costs must have the allocation schedule or cost allocation plan available in the event of a monitoring site visit. The county must fill in the spaces provided for the rate (percent) and the approving agency.

The Commission uses the definition of indirect costs set forth in the Uniform Grant Management Standards as promulgated by the Office of the Governor.

*"F. Indirect Costs*

1. *General. Indirect costs are those: (a) incurred for a common or joint purpose benefiting more than one cost objective, and (b) not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved. The term 'indirect costs' as used herein, applies to costs of this type originating in the grantee department, as well as those incurred by other departments in supplying goods, services, and facilities. To facilitate equitable distribution of indirect expenses to the cost objectives served, it may be necessary to establish a number of pools of indirect costs within an entity or in other agencies providing services to an entity. Indirect cost pools should be distributed to benefited cost objectives on bases that will produce an equitable result in consideration of relative benefits derived.*
2. *Cost allocation plans and indirect cost proposals. Requirements for development and submission of cost allocation plans and indirect cost rate proposals are contained in Attachments C, D, and E.*
3. *Limitation on indirect or administrative costs.*
  - a. *In addition to restrictions contained in this Circular, there may be laws that further limit the amount of administrative or indirect cost allowed.*
  - b. *Amounts not recoverable as indirect costs or administrative costs under one Federal or state award may not be shifted to another Federal or state award, unless specifically authorized by Federal or state legislation or regulation."*

## **Improvement Grant Funded Programs**

Improvement Grant-funded public defenders or grant-funded departments within public defender offices will report all data in the Indigent Defense Expenditure Report (IDER). Counties funded by direct client service improvement grants will report both the state funded portion and the county funded portion on the form below. All case count data will be reported on the IDER by court. All investigative, expert witness and other direct litigation costs associated with public defender work will be reported in the PDO administrative form. Grant funded programs will continue to demonstrate activity by quarter in their grant reports to substantiate improvement grant payments.

Counties participating in a regional public defender program will report any funds paid to or received from the other participating counties as part of an interlocal agreement.

# Reporting Statutes Related to County Auditors

## **Texas Government Code § 79.036. INDIGENT DEFENSE INFORMATION.**

(a-1) Not later than November 1 of each year and in the form and manner prescribed by the commission, each county shall prepare and provide to the commission information that describes for the preceding fiscal year the number of appointments under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, made to each attorney accepting appointments in the county, and information provided to the county by those attorneys under Article 26.04(j) (4), Code of Criminal Procedure.

(e) In each county, the county auditor, or the person designated by the commissioners court if the county does not have a county auditor, shall prepare and send to the commission in the form and manner prescribed by the commission and on a monthly, quarterly, or annual basis, with respect to legal services provided in the county to indigent defendants during each fiscal year, information showing the total amount expended by the county to provide indigent defense services and an analysis of the amount expended by the county:

- (1) in each district, county, statutory county, and appellate court;
- (2) in cases for which a private attorney is appointed for an indigent defendant;
- (3) in cases for which a public defender is appointed for an indigent defendant;
- (4) in cases for which counsel is appointed for an indigent juvenile under Section 51.10(f), Family Code; and
- (5) for investigation expenses, expert witness expenses, or other litigation expenses.

(f) As a duty of office, each district and county clerk shall cooperate with the county auditor or the person designated by the commissioner's court and the commissioners court in retrieving information required to be sent to the commission under this section.

## **Texas Government Code § 79.0365 FAMILY PROTECTION SERVICES INFORMATION**

(b) Not later than November 1 of each year and in the form and manner prescribed by the commission, each county shall prepare and provide to the commission for the preceding state fiscal year:

- (1) information on the number of appointments made to each attorney accepting appointments in the county for proceedings filed by the department under Title 5, Family Code; and
- (2) information provided to the county by those attorneys under Section 107.0042, Family Code, if the attorneys do not report the information directly to the commission.

(d) In each county, the county auditor, or the person designated by the commissioners court if the county does not have a county auditor, shall prepare and send to the commission in the form and manner prescribed by the commission and on a monthly, quarterly, or annual basis, with respect to legal services provided in the county to indigent parents and children during each state fiscal year, information

showing the total amount expended by the county to provide family protection services and an analysis of the amount expended by the county:

- (1) in each district, county, statutory county, and appellate court;
- (2) in cases for which a private attorney is appointed for an indigent parent or child; and
- (3) for investigation expenses, expert witness expenses, or other litigation expenses.

(e) As a duty of office, each district and county clerk shall cooperate with the county auditor or the person designated by the commissioners court and the commissioners court in retrieving information required to be sent to the commission under this section.