

**HONORABLE BRYAN T. BUFKIN**  
- District Judge -  
355th Judicial District

**HONORABLE RON MASSINGILL**  
- County Judge -  
Hood County, Texas



**HONORABLE VINCENT J. MESSINA**  
- County Court at Law Judge -

**SHELLI BERRY**  
- Chief Juvenile Probation Officer -  
P.O. Box 2081 • Granbury, TX 76048  
(817) 579-3273 ext. 5428

## HOOD COUNTY YOUTH SERVICES 355TH JUDICIAL DISTRICT

Notice of the regular meeting of the Hood County Juvenile Board on Tuesday, October 26, at 8:00 AM in the Central Jury Room located in the Hood County Justice Center at 1200 W. Pearl St., Granbury, TX. At which meeting, the following subjects will be discussed, and the following matters acted upon:

### Agenda

- I. Call to order
- II. Approve minutes from previous meetings(s)
- III. Review requests for budget line item amendments and consider for approval.
- IV. Consider payment of invoices for the period of period October 6, 2021 through October 19, 2021 and take appropriate action. October 26, 2021  
Expenditures: Fiscal Year 2021 - \$20,223.16  
Expenditures: Fiscal Year 2022 – None
- V. Ratify current payroll.
- VI. Consider and approve personnel changes, new hires, and terminations.
- VII. Consider and take appropriate action to adopt the Local Indigent Juvenile Defense Rules & Plan for Hood County in accordance with the provisions of the Texas Fair Defense Act (S.B.7) and the Texas Family Code, Section 51.101.

ADJOURN

Handwritten signature of Ron Massingill in black ink.

RON MASSINGILL, COUNTY JUDGE

Notice of meeting/agenda posted at Hood County Courthouse, 100 E. Pearl St., Granbury, Texas on October 21, 2021, by B. Lampert

#### Notice

#### Policy of Non-Discrimination on the Basis of Disability

County of Hood does not discriminate on the basis of disability in the admission of access to, or treatment or employment in, its programs or activities. Personnel Director, Personnel and Governmental Affairs Dept. 1410 W. Pearl St., Granbury, Texas 76048, phone 817-408-3450 has been designated to coordinate compliance with the non-discrimination requirements in Section 35.107 of the Department of Justice regulations. \*Information concerning the provisions of the Americans with Disabilities Act, and the rights provided there under, is available from the Personnel Director.

Hood County Reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed, as authorized by the Texas Government Code, §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.087 (Economic Development).

THE FOLLOWING MEMBERS WERE PRESENT:

VINCENT MESSINA, COUNTY COURT AT LAW JUDGE  
RON MASSINGILL, COUNTY JUDGE  
BRYAN T. BUFKIN, DISTRICT JUDGE

REGARDING ITEM 1: JUDGE MESSINA CALLED THE MEETING TO ORDER AT 8:00 A.M. ON THE AFORSAID DATE OF OCTOBER 26, 2021.

REGARDING ITEM 2: MOTION MADE BY JUDGE MASSINGILL TO APPROVE THE MINUTES OF THE OCTOBER 12, 2021 MEETING. SECONDED BY JUDGE MESSINA. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM 3: NO ACTION REQUIRED.

REGARDING ITEM 4: MOTION MADE BY JUDGE BUFKIN TO APPROVE PAYMENT OF THE BILLS FOR THE JUVENILE PROBATION DEPARTMENT. SECONDED BY JUDGE MESSINA. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM 5: MOTION MADE BY JUDGE MESSINA TO RATIFY PAYROLL FROM SEPTEMBER 27, 2021 THROUGH OCTOBER 10, 2021. SECONDED BY JUDGE MASSINGILL. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM 6: MOTION MADE BY JUDGE MESSINA TO APPROVE THE PERSONNEL CHANGES, NEW HIRES AND TERMINATIONS. SECONDED BY JUDGE BUFKIN. MOTION CARRIED. SEE ATTACHED.

REGARDING ITEM 8: MOTION MADE BY JUDGE MESSINA TO ADOPT THE LOCAL INDIGENT JUVENILE DEFENSE RULES & PLAN FOR HOOD COUNTY IN ACCORDANCE WITH THE PROVISIONS OF THE TEXAS FAIR DEFENSE ACT (S.B. 7) AND THE TEXAS FAMILY CODE, SECTION 51.101. SECONDED BY JUDGE BUFKIN. MOTION CARRIED. SEE ATTACHED.

ADJOURNED AT 8:05 A.M.

  
\_\_\_\_\_  
JUDGE VINCENT MESSINA

  
\_\_\_\_\_  
JUDGE RON MASSINGILL

  
\_\_\_\_\_  
JUDGE BRYAN T. BUFKIN

CERTIFICATION FOR THE PAYMENT OF BILLS

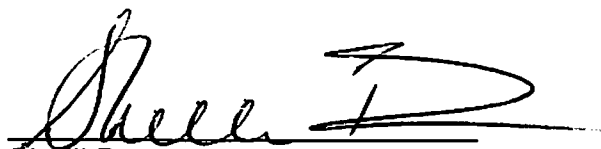
THE STATE OF TEXAS

COUNTY OF HOOD

To certify the authorization for payment of bills as presented and made a part of the minutes of Hood County Juvenile Board on this 26th day of October, 2021 with the following exceptions: None.

(list, if any)

CERTIFIED BY CHIEF ADMINISTRATIVE OFFICER

  
Shelli Berry



Hood County, TX

# Check Register

Packet: APPKT04638 - 10/26/21 JUVENILE PROB - OLD BUDGET

By Vendor Name

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: GEN DISB-GENERAL DISBURSEMENT</b>						
018324	ATTENTI US, INC.	10/20/2021	Regular	0.00	348.54	
005618	GRAYSON COUNTY DEPARTMENT	10/20/2021	Regular	0.00	5,930.70	
000018	MARK DEWITT	10/20/2021	Regular	0.00	200.00	
005838	REDWOOD TOXICOLOGY LABORATC	10/20/2021	Regular	0.00	299.66	
010153	RITE OF PASSAGE, INC.	10/20/2021	Regular	0.00	13,165.85	
010086	STAPLES ADVANTAGE	10/20/2021	Regular	0.00	81.98	
009038	XEROX CORPORATION	10/20/2021	Regular	0.00	196.43	

**Bank Code GEN DISB Summary**


Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	7	7	0.00	20,223.16
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>7</b>	<b>7</b>	<b>0.00</b>	<b>20,223.16</b>

**HOOD COUNTY JUVENILE BOARD  
JUVENILE PROBATION PAYROLL**

Payroll from September 27, 2021 through October 10, 2021

Paid on October 15, 2021

Total Payroll - Fund 56	\$	<u>10,569.13</u>
Total Employees Paid		5

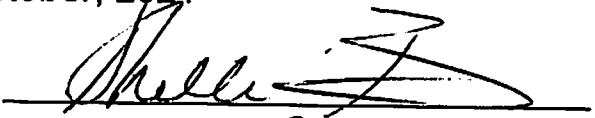
Motion Made by Board Member 

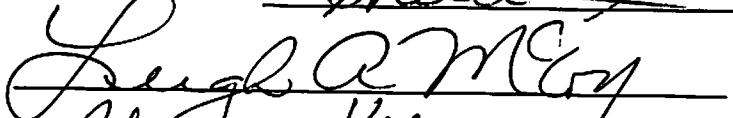
To ratify Payroll as presented.

Seconded by Board Member 

All voted AYE, motion carried.

Approved this 26th day of October, 2021

Juvenile Probation Director 

Treasurer 

Auditor 



## HOOD COUNTY PERSONNEL AND RISK MANAGEMENT

THE ATTACHED PERSONNEL CHANGES HAVE BEEN APPROVED BY THE JUVENILE BOARD ON  
OCTOBER 26, 2021.

Melissa Wellborn  
PERSONNEL DIRECTOR

Rebecca Kidd  
AUDITOR

Stacy Kaminjil  
COUNTY JUDGE

B. B.  
DISTRICT JUDGE

Shelton  
JUVENILE PROBATION DIRECTOR

[Signature]  
COUNTY COURT AT LAW JUDGE



**LOCAL INDIGENT JUVENILE DEFENSE RULES & PLAN  
PROMULGATED BY THE JUVENILE BOARD OF HOOD COUNTY, TEXAS,  
IN ACCORDANCE WITH THE PROVISIONS OF  
THE TEXAS FAIR DEFENSE ACT (S.B. 7) & THE TEXAS FAMILY CODE, SEC. 51.101 EFFECTIVE  
NOVEMBER 1, 2021**

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The Juvenile Board of Hood County, Texas, hereby adopts the following plan and local rules for determination of indigency in juvenile cases; establishing procedures for timely appointment of attorneys to represent indigent juveniles; establishing qualifications for appointment; and setting out uniform schedules of fees for compensation of appointed attorneys.

**Prompt Detention Hearings**

**I. Prompt Detention Hearing**

In accordance with Section 51.10 (d) of the Texas Family Code, a juvenile and his/her parent/guardian shall be informed by the Juvenile Court or its designee of their responsibility to obtain counsel. They shall be informed that a determination of indigence is based on the income and assets of the parent or other person responsible for the Juvenile. They will be given instructions for formally requesting appointment of counsel along with the form(s) necessary to make such request at each of the following stages of the juvenile's case.

- initial detention hearing
- after adjudication or certification/discretionary transfer petition is SERVED on juvenile when juvenile is NOT in custody, if an attorney has not already been appointed.
- after modification motion or petition is filed under Section 54.05, Texas Family Code seeking commitment to the Texas Youth Commission (TYC) or confinement in a secure correctional facility.
- at any time the Juvenile Court deems appropriate.

1. When a Juvenile Court determines a juvenile will require an attorney, the parents will be notified and advised that their child will require an attorney and that if they are unable to employ an attorney, they will be required to apply for an appointed attorney by completing under oath a questionnaire concerning their financial resources (Exhibit "A") and by signing an application for the appointment of counsel (Exhibit "A-1"). The Juvenile Court or the Courts designee will review the request and appoint an attorney from the list of eligible attorneys if the court or its designee determines the parent is indigent and financially unable to retain an attorney.

2. A child taken into custody must either be brought to a juvenile processing office without unnecessary delay where they may not be detained for longer than six hours pursuant to §52.025, Family Code, or another disposition authorized by §52.02, Family Code, including referral to the office designated by the juvenile board as intake for the juvenile court. The intake officer shall process the child according to the requirement of §53.01, Family Code, and shall also inform the child and the child's parents of the right to appointed counsel if they are indigent and provide a form for the purpose of determining eligibility for appointment of counsel. If the child is not released by intake, then a Detention Hearing shall be held not later than the second working day after the child is taken into custody unless the child is detained on a Friday, Saturday or listed holiday in which case the detention hearing shall be held on the first working day after the child is taken into custody.



3. Prior to the detention hearing the court shall inform the parties of the child's right to counsel and to appointed counsel if they are indigent, and of the child's right to remain silent as to the alleged conduct.

4. The detention hearing may be conducted without the presence of the child's parent(s) or other responsible adult(s), however, in these cases the court must immediately appoint counsel or a guardian ad litem to represent the child.

5. The court shall provide the attorney for the child access to all written matter to be considered by the Court in making the detention decision.

If indigency is not established by the juvenile's parents, the parents shall retain an attorney immediately. The parents shall notify the probation officer by noon the next working day of the name of the juvenile's attorney.

### **Indigence Determination Standards**

#### **II. Procedures and Financial Standards for Determining Indigency**

1. An indigent juvenile is entitled to have an attorney appointed to represent him if a Juvenile Court determines that the juvenile will require an attorney.
2. "Indigent" means a juvenile whose parents are not financially able to employ counsel. Parents who request a determination of indigency and appointment of counsel shall:
  - (a) complete under oath a questionnaire concerning their financial resources; (Exhibit "A")
  - (b) respond under oath to an examination regarding their financial resources by the judge or magistrate responsible for determining whether the juvenile is indigent; or
  - (c) both.
3. The financial standards set forth below shall be used to determine whether a juvenile's parents are indigent (§51.102(b)(1), Texas Family Code and Art. 26.04(l)-(r), Texas Code of Criminal Procedure).
  - (a) A juvenile's parents are considered indigent if:
    - (1) the juvenile's parents net household income does not exceed 100% of the Poverty Guidelines as established and revised annually by the United States Department of Health and Human Services and published in the Federal Register; and
    - (2) the value of the non-exempt assets and property owned by the juvenile's parents:
      - (i) does not exceed \$2,500;
      - (ii) does not exceed \$5,000 in the case of a juvenile's parents whose household includes a person who is age 60 or over, disabled, or institutionalized; or
      - (iii) does not exceed double the estimated cost of obtaining competent private legal representation on the offense(s) with which the juvenile is charged.
  - (b) A juvenile's parents are considered indigent if, at the time of requesting appointed counsel, the juvenile's parents have been determined to be eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, public housing, or similar assistance.
  - (c) A juvenile's parents who do not meet any of the financial standards above shall nevertheless be determined indigent if the juvenile's parents are otherwise unable to retain private counsel without substantial hardship, taking into account the nature of the charge(s), the anticipated complexity of the defense, the estimated cost of obtaining competent private legal

representation for the matter charged, and the amount needed for the support of the juvenile's parents and their dependents.

### **Minimum Attorney Qualifications**

#### **III. Qualifications for Appointment**

##### **A. Approval for Lists**

All attorneys residing or practicing in Hood County, Texas, who are licensed to practice law by the Supreme Court of Texas and who handle juvenile cases in this county for a fee are eligible for appointment to represent indigent juveniles. Appointees must further meet the following minimum qualification standards for appointment.

1. Be a member in good standing of the State Bar of Texas;
2. **CHILD IN NEED OF SUPERVISION (CINS) CASES:**  
Minimum of six months experience as counsel/co-counsel.
3. **DELINQUENCY CHARGES WITH NO TYC COMMITMENT:**  
Minimum one year experience as counsel/co-counsel on three Juvenile cases.
4. **DELINQUENCY CHARGES WITH TYC COMMITMENT:**  
Minimum of two years experience or participation as counsel/co-counsel on five juvenile cases.
5. **DETERMINATE SENTENCE CHARGES:**  
A minimum of three years experience or participation as counsel/co-counsel on eight juvenile cases.
6. **CERTIFICATION CHARGES:**  
A minimum of four years experience or participation as counsel/co-counsel on ten juvenile cases.
7. (a) Complete a minimum of six hours of continuing legal education pertaining to juvenile law during each 12-month reporting period. Continuing legal education may include activities accredited under Section 4, Article XII, State Bar Rules, self-study, teaching at an accredited continuing legal education activity, attendance at a law school class or legal research-based writing; or (b) be currently certified in juvenile law by the Texas Board of Legal Specialization. A sworn affidavit by the attorney verifying that he/she has completed such annual educational requirement must be filed with the Court on or before December 31 of each year.
8. An attorney shall submit by October 15<sup>th</sup> each year to the Court a statement that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal cases and juvenile delinquency cases for the prior 12 months that begins October 1 and ends on September 30 (Exhibit "B").
9. Must be knowledgeable in juvenile law and be aware of collateral consequences of a juvenile adjudication and disposition;
10. May not have been the recipient of any public disciplinary action by the State Bar of Texas or any other attorney licensing authority of any state or the United States with the last 5 years;

11. An attorney must maintain an office capable of receiving email, fax, and telephone calls;
12. An attorney must have the ability to produce typed motions and orders;
13. An attorney shall notify the Juvenile Board promptly, in writing, of any matter that would disqualify the attorney by law, regulation, rule, or under these guidelines from receiving appointments to represent indigent defendants.
14. Meet any applicable qualifications specified by the Texas Indigent Defense Commission, as required in Art. 26.04(d)(3), Texas Code of Criminal Procedure.
15. Each attorney will apply to be placed on the list by completing an attorney profile to be submitted to the Juvenile Board for its consideration (Exhibit "C"). An attorney must be approved by a majority of the Juvenile Board for each appointment list for which the attorney applies.
16. After an attorney is approved and placed on the list, the Juvenile Court will appoint an attorney from the next five names that appear on the list on a rotational basis.

#### **B. Removal from Lists**

##### **Grounds for Removal**

An attorney may be removed from the appointment list if the attorney:

1. has twice or more failed to contact or interview clients in a timely manner as required by Article 26.04(j)(1), Code of Criminal Procedure;
2. has submitted a claim for legal services not performed as specified in Article 26.05(e), Code of Criminal Procedure;
3. fails to maintain compliance with each of the appointment list guidelines;
4. has been found by a court to have provided ineffective assistance of counsel
5. has violated a rule of professional responsibility;
6. has been convicted of or received a deferred adjudication for any an offense, other than an offense punishable by a fine only;
7. is under indictment or being formally charged with an offense, other than an offense punishable by a fine only; or
8. has intentionally misrepresented statements on the application for the appointment list.

An attorney may also be removed from the appointment list for another stated good cause.

##### **Referral**

If a juvenile board member believes that an attorney has violated any of the provisions listed in the paragraph above, the juvenile board member may refer an attorney to the juvenile board for removal from the appointment list. The referral must be in writing and shall clearly state the grounds that form the basis of the referral. No disciplinary action with respect to the attorney being retained or removed from the appointment list may be made without such a referral.

### **Notification/Hearing**

Upon receiving an attorney referral, the juvenile board shall notify the attorney in writing of the referral and inform the attorney of the grounds that form the basis of the referral. The notice shall also inform the attorney of the time and place the juvenile board will meet to discuss the referral and give the attorney an opportunity to respond to the referral in writing or in person or both.

### **Action**

After the juvenile board meets and gives the attorney an opportunity to be heard, the juvenile board shall determine whether the attorney should:

1. remain on the appointment list at the same level;
2. moved to an appointment list for indigent defendants charges with less serious offenses; or
3. be removed from appointment list altogether.

The attorney may be removed from the appointment list or moved to an appointment list for indigent defendants charged with less serious offenses by a majority vote of the juvenile board members present. In addition, the majority of the juvenile board members may also vote to require the attorney to take other rehabilitative measures. Removals from any list may be probated. For removal or probated removals, the juvenile board members ordering the removal may require the completing of rehabilitative measures as a condition of probation or reapplication. An order of removal should state in the order the earliest date at which the attorney may apply for reinstatement. An attorney who was removed from an appointment list under "e;Grounds for Removal"e; number 7 or 8 shall be immediately reinstated upon providing proof that the charges were dismissed or that the attorney was acquitted, unless other grounds for removal exist against the attorney that would prohibit reinstatement.

The decision of the board of judges or juvenile board is final and may not be appealed.

### **Prompt Appointment of Counsel**

#### **IV. Prompt Appointment of Counsel**

##### **A. Appointment of Counsel for Children in Detention**

- i. Prior to the detention hearing the court shall inform the parties of the child's right to counsel and to appointed counsel if they are indigent, and of the child's right to remain silent as to the alleged conduct.
- ii. Unless the court finds that the appointment of counsel is not feasible due to exigent circumstances, the court shall appoint counsel within a reasonable time before the first detention hearing is held to represent the child at that hearing.
- iii. Prior to the initial detention hearing, the court shall provide the attorney for the child with access to all written matter to be considered by the court in making the detention decision.
- iv. If there is no parent or other responsible adult present, the court must appoint counsel or a guardian ad litem for the child.
- v. If the juvenile is detained, the child has an immediate right to counsel. If counsel has not already been appointed, the court must either appoint counsel or direct the juvenile's parent or other responsible adult to retain an attorney promptly. The court may enforce an order to retain counsel by appointing an attorney to represent the child and requiring that the child's parent or other responsible adult reimburse the court for attorneys' fees.
- vi. Upon appointment, the court administrator shall notify the appointed attorney by fax, e-mail, or personal contact of the appointment and the scheduled hearing time and date.

- vii. The appointed attorney shall make every reasonable effort to contact a child in detention by the end of the first working day after receiving the notice of appointment or to inform the court that the appointment cannot be accepted. Contacting the child in detention may be by personal visit (including contact during a detention hearing), by phone, or by video teleconference. Contacting the court may be by fax, email, phone or personal visit. A court-appointed attorney shall contact the child, in one of the ways mentioned above, no less than once every ten working days while the child remains in detention.
  - viii. An attorney appointed for a detention hearing shall continue to represent the child until the case is terminated, the family retains an attorney, or a new attorney is appointed by the juvenile court. Release of the child from detention does not terminate the attorney's representation.
  - ix. Court-appointed attorneys shall make every effort to comply with the Texas State Bar Code of Ethics for communication with a client.
- B. Appointment of Counsel for Children not Detained at Intake**
- i. If the child is released from detention and if a petition to adjudicate or a motion to modify is filed, the juvenile court will use the financial forms gathered at intake to make a determination of indigence. If no financial information is available, the juvenile court shall promptly summon the child's parent/guardian/custodian to the court so that financial information may be gathered for a determination of indigence.
  - ii. If the court makes a finding of indigence, the court shall appoint an attorney on or before the fifth working day after:
    - a. The date a petition for adjudication or discretionary transfer hearing has been served on the child; or
    - b. A motion to modify disposition seeking commitment to TYC or placing in secure correctional facility has been filed.
  - iii. If the family does not qualify for appointed counsel or if the parent or guardian is not available, and the family fails to provide an attorney, the juvenile court may appoint an attorney in any case in which it deems representation necessary to protect the interests of the child.
  - iv. The prosecuting attorney/court clerk shall notify the juvenile court upon the filing of and return of service of a motion to modify or the return of service of a petition for adjudication or discretionary transfer.

### **Attorney Selection Process**

#### **V. Attorney Selection Process**

Appointments shall be made from the public appointment list or lists adopted by the majority of the Juvenile Board of Hood County, Texas, which contain the names of qualified attorneys to represent indigent juveniles. Appointments from the list shall be made in a fair, neutral, and nondiscriminatory manner using a system of rotation. Attorneys shall be appointed in the order in which the names appear on the list, unless the court makes a finding of good cause for appointing an attorney out of order. "Good cause" includes, but is not limited to, experience of the attorney; complexity of the case; severity of the charges; and conflicts in representation. An attorney who is not appointed in the order in which the attorney's name appears on the list shall remain next in the order on the list.

Once an appointment is made, juveniles in detention and their attorneys shall be provided with unlimited access to the video conferencing unit located at the Juvenile Probation Department. By utilizing the unit, the juvenile and his/her attorney are able to more adequately prepare for Court Proceedings.

## **Fee and Expense Payment Process**

### **VI. Compensation of Counsel Appointed to Represent Indigent Defendants**

Counsel appointed to represent indigent defendants in criminal proceedings in Hood County shall be paid in accordance with the schedule of fees adopted by the respective courts in which the case is prosecuted, to-wit:

- A. In the 355<sup>th</sup> District Court:**  
(see Exhibit "D" attached hereto)
  
- B. In the County Court at Law:**  
(see Exhibit "E" attached hereto)

Payment process: No payment of attorney's fees will be made other than in accordance with the rules as set forth below. Attorneys shall also be reimbursed for reasonable and necessary expenses incurred with prior court approval, and the payment of all fees and expenses requires the approval of the court in writing.

- i. An appointed attorney shall fill out and submit a fee voucher to the court for services rendered (see Exhibit "F" attached hereto).
  
- ii. The attorney requesting payment under this provision shall keep an accurate account of time expended, services rendered, and dates involved, and shall furnish documentation thereof to substantiate the reasonableness and necessity of the services rendered and time spent on the case. Approval or disapproval of the reasonableness and necessity of time expended and/or services performed shall be within the exclusive discretion of the court.
  
- iii. The trial judge presiding over the proceedings shall review the request for compensation and either approve or disapprove of the amount requested.
  - 1. If a judge disapproves a request for compensation, the judge shall make written findings, stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount.
  
  - 2. An attorney whose request for payment is disapproved or is not otherwise acted on by the 60<sup>th</sup> day after the date the request for payment is submitted may appeal the disapproval or failure to act by filing a motion with the presiding judge of this administrative judicial region.

### **Miscellaneous**

#### **VII. Annual Review**

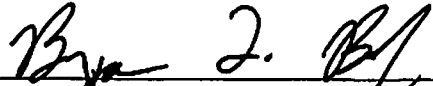
The Juvenile Board of Hood County, Texas, shall annually review and reform the list of eligible court-appointed counsel and cause same to be posted outside the Hood County District Clerk's Office, the Hood County Clerk's Office and made available to the public upon request.


#### **VIII. Adoption of Plan and Rules:**

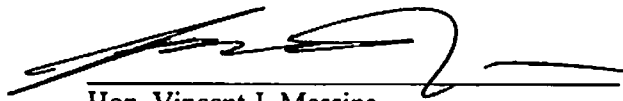
The foregoing plan and local rules for the timely and fair appointment of counsel for indigent juveniles in Hood County, Texas, are hereby adopted by the Juvenile Board of Hood County, Texas, in accordance with

the provisions of Texas Fair Defense Act (S.B. 7) and the Texas Family Code, Section 51.101. This plan and local rules are subject to amendment from time to time by the Juvenile Board.

SIGNED AND ORDERED this the 26 day of October, 2021

  
\_\_\_\_\_  
Hon. Bryan T. Bufkin  
Judge, 355<sup>th</sup> Judicial District Court

  
\_\_\_\_\_  
Hon. Ron Massingill  
Judge, County Court of Hood County, Texas

  
\_\_\_\_\_  
Hon. Vincent J. Messina  
Judge, County Court at Law  
of Hood County, Texas

CAUSE NO. \_\_\_\_\_

IN THE MATTER OF

§  
§  
§  
§  
§

IN THE 355<sup>th</sup> DISTRICT COURT

HOOD COUNTY, TEXAS

SITTING AS A JUVENILE COURT

**DECLARATION OF FINANCIAL INABILITY TO EMPLOY COUNSEL**

I, \_\_\_\_\_, am the parent/guardian of the juvenile in the above entitled action. The juvenile is not represented by counsel in this proceeding. I have no assets except the following:

1) My earnings are (Name, address of employer, and amount of weekly or monthly earnings):

\_\_\_\_\_

2) I have other income in the amount of (State source of income and amount per week or month):

\_\_\_\_\_

3) I am/am not married and support \_\_\_\_\_ children and/or dependents who are:

_____	,	_____
Name		Relationship
_____	,	_____
Name		Relationship
_____	,	_____
Name		Relationship

4) Earnings of my spouse and/or children are (Name of employer and amount of weekly or monthly earnings):

\_\_\_\_\_

5) I own the following property: (Address where located) (Payments) (Balance owed) (Value)

- a) Home \_\_\_\_\_
- b) Automobile \_\_\_\_\_
- c) Furniture \_\_\_\_\_
- d) Other (Land/Buildings) \_\_\_\_\_
- e) Notes, mortgages, trust deeds \_\_\_\_\_
- f) Motorcycles \_\_\_\_\_
- g) Other vehicles \_\_\_\_\_
- h) War bonds \_\_\_\_\_
- i) Stocks and bonds \_\_\_\_\_
- j) Animals \_\_\_\_\_
- k) Jewelry \_\_\_\_\_
- l) Other personal property \_\_\_\_\_

6) I have the following money:

- a) In jail..... \_\_\_\_\_
- b) At home... \_\_\_\_\_
- c) Checking accounts \_\_\_\_\_
- d) Savings accounts... \_\_\_\_\_
- e) In safety deposit box..... \_\_\_\_\_
- f) Being held or owed to me.. \_\_\_\_\_
- g) Other.... \_\_\_\_\_

7) I have the following debts and/or expenses in addition to those listed above:

\_\_\_\_\_

8) I am/am not free on bail. Amount of bail \$ \_\_\_\_\_. Name of person who paid for bail bond: \_\_\_\_\_

I have no ability to obtain credit to raise funds with which to employ an attorney to defend the subject juvenile. I declare under penalty of perjury that the foregoing is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Texas.

\_\_\_\_\_  
Signature of Declarant



IN THE MATTER OF

§  
§  
§  
§  
§

IN THE 355<sup>th</sup> DISTRICT COURT

HOOD COUNTY, TEXAS

SITTING AS A JUVENILE COURT

APPLICATION FOR APPOINTMENT OF COUNSEL

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I have been advised of the juvenile's right to representation by counsel in the trial of the charge pending against the juvenile. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for the juvenile. I further certify that all statements in the attached Declaration of Financial Inability to Employ Counsel are true and correct.

\_\_\_\_\_  
Parent/Guardian

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Texas  
My commission expires: \_\_\_\_\_

ORDER APPOINTING/DENYING COUNSEL

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came on to be heard in the above numbered and entitled cause, the sworn affidavit of the parent/guardian of the juvenile requesting appointment of counsel to represent said juvenile in said cause, and it appears to the Court that the parent/guardian is/is not an indigent person, too poor to employ counsel to represent the juvenile, and that the juvenile is entitled to have an attorney appointed to represent him/her.

It is therefore ORDERED, ADJUDGED and DECREED that \_\_\_\_\_ a licensed practicing attorney in the State of Texas, be, and is hereby appointed counsel for the juvenile; or

It is therefore ORDERED, ADJUDGED and DECREED that the Application for Appointment of Counsel is DENIED.

\_\_\_\_\_  
Presiding Judge

**TEXAS INDIGENT DEFENSE COMMISSION  
ATTORNEY REPORTING FORM**

Hood County, Texas

Under Article 26.04(j)(4), Code of Criminal Procedure, attorneys are required to report the percentage of their practice time devoted to appointed criminal and juvenile offender cases under Article 26.04, Code of Criminal Procedure, and Title 3, Family Code, in each county.

1. Approximately \_\_\_\_% of my total practice time for the preceding fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>) was devoted to work on adult criminal cases in which I was appointed to represent indigent defendants in Hood County, Texas.
2. Approximately \_\_\_\_% of my total practice time for the preceding fiscal year (October 1<sup>st</sup> – September 30<sup>th</sup>) was devoted to work on juvenile delinquency cases (cases alleging delinquent conduct or conduct indicating a need for supervision) in which I was appointed to represent the juvenile in Hood County, Texas.

\_\_\_\_\_  
Attorney Name

\_\_\_\_\_  
State Bar of Texas No.

\_\_\_\_\_  
State Bar of Texas Number

\_\_\_\_\_  
Date

## Application For Criminal Indigent Defense Appointments

1. I \_\_\_\_\_, am applying to be considered for indigent criminal defense appointments.
2. Are you board certified by the Texas Board of Legal Specialization? Yes No
3. If yes, in what area(s)?
4. Are you a member of the State Bar College? Yes No
5. How many hours of continuing legal education did you average the last three years? \_\_\_\_\_
6. Have you ever been sanctioned for failure to appear before a court? Yes No  
If so, attach a written explanation.
7. How many years have you been in practice? \_\_\_\_\_
8. What percentage of your practice is in criminal law? \_\_\_\_\_
9. Indicate the approximate percentage of your trial experience that has involved:
  - a) Sex Offenses \_\_\_\_\_
  - b) Drug Offenses \_\_\_\_\_
  - c) Property Crimes \_\_\_\_\_
  - d) Assaultive Offenses \_\_\_\_\_
10. What percentage of your practice consists of indigent criminal appointments? \_\_\_\_\_
11. How many criminal cases have you participated in as counsel/co-counsel? \_\_\_\_\_
12. How many years of experience do you have in handling criminal cases? \_\_\_\_\_

\_\_\_\_\_  
Applicant's signature

SWORN TO and SUBSCRIBED before me on \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for Hood County,  
The State of Texas  
My commission expires: \_\_\_\_\_

Please attach any other information that would qualify you for appointments.

**SCHEDULE OF FEES IN INDIGENT CASES  
355<sup>TH</sup> JUDICIAL DISTRICT**

The following schedule of fees shall determine the compensation to be paid to counsel appointed to defend indigent persons in the 355<sup>th</sup> Judicial District Court, effective 10-01-2021:

<u>SERVICE</u>	<u>FEE</u>
1. Plea of guilty to the court for State Jail or 3 <sup>rd</sup> Degree* Felony	\$725.00
Plea of guilty to the court for 1 <sup>st</sup> or 2 <sup>nd</sup> Degree* Felony	\$775.00
* Degree based on charge in the Indictment	
2. Representation in a Motion to Revoke Probation or a Motion to Proceed with Adjudication of Guilt	\$600.00 if contested*
a) If involving multiple cases	\$475.00, if based on plea \$675.00 if contested \$525.00 if based on plea
*for contested Motion to Proceed with Adjudication of Guilt with punishment range of 2 <sup>nd</sup> Degree or 1 <sup>st</sup> Degree felony, \$700.00	
3. Representation resulting in an Order of Dismissal of indictment prior to plea, if based on work of defense counsel, and with supporting documents.	\$350.00, max
a) Multiple cases dismissed prior to indictment based on defense counsel work, and with supporting documents.	\$500.00
4. Representation resulting in substitution of counsel	\$350.00, max, with supporting documentation
5. Representation in a Motion for Shock Probation	\$300.00
5. Representation of multiple cases involving a single Defendant resulting in a Plea of Guilty or Nolo Contendere to the Court and disposition of all cases	\$850.00
7. Trials (Jury and Non-Jury)	a) \$450.00 per half day PLUS b) \$125.00 per hour for trial preparation (15 hr. maximum w/supporting documentation)
8. Filing Motion for New Trial	\$125.00, without hearing \$250.00, with hearing
9. Appeal to the Court of Appeals	\$1,350.00 (brief plus oral argument) \$1,100.00 (brief only)
10. Representation in Petition for Discretionary Review	\$300.00
11. Appeal to the Court of Criminal Appeals	\$850.00
12. Post-Conviction writ of habeas corpus proceeding	\$500.00
13. Juvenile detention, adjudication & disposition	\$850.00, if contested \$700.00, if based on plea \$375.00, if contested \$275.00, if uncontested
Juvenile Modifications	
14. C.P.S. Cases	a) Adversary Hearing \$425.00, if contested \$300.00, if uncontested b) Each Review Hearing \$250.00 c) Each Permanency Conference \$200.00 d) Mediation \$350.00 1) Multiple Mediations \$550.00 e) Final Hearing 1) \$600.00, if contested 2) \$400.00, if uncontested 3) \$125.00 per hour for preparation time for contested final hearing (15 hr. maximum with supporting documentation)
15. Hourly rate, for services other than those stated above and as approved by the Court at \$125.00 per hour, max	

**MISDEMEANOR CRIMINAL COURT APPOINTMENT**  
**HOOD COUNTY COURT AT LAW FEE SCHEDULE**

*Effective 10/1/19*

<b>Service</b>	<b>Fee</b>
Dismissal in misdemeanor case (including 1245's)	\$250.00 Plea
in misdemeanor case	\$400.00
Multiple misdemeanor pleas (same defendant, same day)	\$450.00
Complex misdemeanor plea [Involving complex issues, lengthy pre-trial, extensive records review/investigation of facts]	\$525.00
Multiple cases on one defendant (maximum fee)	\$575.00
Trial to the Court	\$425.00 (1/2 day) \$500.00 (full day)
Jury Trial (each additional day or partial day thereafter)	\$550.00 (1/2 day) \$750.00
Misdemeanor revocations (contested)	\$450.00
Misdemeanor revocations (uncontested)	\$375.00
Habeas Corpus, Motion for New Trial	\$325.00
Appellate Brief	\$700.00
Appellate Brief w/Oral Argument	\$1,025.00

**Attorney Fee Voucher Vendor Number \_\_\_\_\_**

**"EXHIBIT F"**

<b>1. Jurisdiction</b> <input type="checkbox"/> District <input type="checkbox"/> County  <input type="checkbox"/> County Court at Law  Court # _____		<b>2. County</b>  _____		<b>3. Cause Number</b>  _____ _____		<b>Offense</b>  _____ _____		<b>4. Proceedings</b> <input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court  <input type="checkbox"/> Plea-Open <input type="checkbox"/> Plea- Bargain  <input type="checkbox"/> Other _____	
<b>5. In the case of:</b> _____ State of Texas v _____									
<b>6. Case Level</b> <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Juvenile <input type="checkbox"/> Appcal <input type="checkbox"/> Capital Case  <input type="checkbox"/> Revocation - Felony <input type="checkbox"/> Revocation - Misdemeanor <input type="checkbox"/> No Charges Filed <input type="checkbox"/> Other _____									
<b>7. Attorney (Full Name)</b> _____				<b>9. Attorney Address (Include Law Firm Name if Applicable)</b> _____ _____				<b>10. Telephone</b>  _____	
<b>8. State Bar Number</b>  _____		<b>8a. Tax ID Number</b>  _____						<b>11. Fax</b>  _____	
<b>12. Flat Fee - Court Appointed Services</b>						<b>Date of Service</b>		<b>12a. Total Flat Fee</b>	
								\$ _____	
<b>13.</b>	<b>In Court Services</b>				<b>Hours</b>	<b>Dates</b>	<b>13a. Total In Court Compensation.</b>  \$ _____		
	Rate per Hour =		Total hours						
<b>14.</b>	<b>Out of Court Services</b>				<b>Hours</b>	<b>Dates</b>	<b>14a. Total Out of Court Compensation.</b>  \$ _____		
	Rate per Hour =		Total hours						
<b>15.</b>	<b>Investigator</b>				<b>Amount</b>	<b>15a. Total Investigator Expenses</b> \$ _____			
<b>16.</b>	<b>Expert Witness</b>				<b>Amount</b>	<b>16a. Total Expert Witness Expenses</b> \$ _____			
<b>17.</b>	<b>Other Litigation Expenses</b>				<b>Amount</b>	<b>17a. Total Other Litigation Expenses</b> \$ _____			
<b>18. Time Period of service Rendered:</b> From _____ Date to _____ Date									
<b>19. Additional Comments</b>  _____								<b>20. Total Compensation and Expenses Claimed</b>  _____	
<b>21. Attorney Certification - I, the undersigned attorney, certify that the above information is true and correct and in accordance with the laws of the State of Texas. The compensation and expenses claimed were reasonable and necessary to provide effective assistance of counsel.</b>  <input type="checkbox"/> Final Payment <input type="checkbox"/> Partial Payment    _____ <div style="display: flex; justify-content: space-between; width: 100%;"> <span>Signature</span> <span>Date</span> </div>									
<b>22. SIGNATURE OF PRESIDING JUDGE:</b>								<b>Amount Approved:</b>	
Reason(s) for Denial or Variation									