

INDIGENT DEFENSE PLAN (submitted August 2019)

FOR DENTON COUNTY JUVENILE COURT APPOINTMENTS

I. APPOINTMENT OF COUNSEL FOR JUVENILES IN DETENTION

A. INITIAL DETENTION HEARING

1. If a juvenile is taken into custody and not released under Section 53.02 of the Texas Family Code (hereinafter “FC”), a detention hearing without a jury shall be held promptly, but not later than the second working day; provided, however, that when a juvenile is detained on a Friday or Saturday, then such detention hearing shall be held on the first working day after the juvenile is taken into custody. Detention hearings for Status Offenders and Nonoffenders who have not been released under FC Section 53.02 shall be held before the 24th hour after the juvenile arrived at the detention facility, excluding hours of a weekend or holiday.

2. Prior to the detention hearing, the Court shall advise the parties of the juvenile’s right to counsel; the juvenile’s right to appointed counsel in the event of indigence; and of the juvenile’s right to remain silent with respect to any allegations of delinquent conduct, conduct indicating a need for supervision, or conduct that violates an order of probation imposed by a juvenile court. 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 the hearing.

3. The detention hearing may be conducted without the presence of the juvenile’s parent(s), guardian(s), custodian(s) or other responsible adult(s) [hereinafter “Responsible Adult(s)”]; however, in these cases the Juvenile Court (hereinafter sometimes referred to as “the Court”) must immediately appoint counsel or a guardian ad litem to represent the juvenile, subject to the requirements found in paragraph two above.

4. If the juvenile is detained and the Responsible Adults have established their indigency, an attorney shall be appointed immediately by the Court or the Court’s designee. Prior to the appointment, the court administrator shall inform the Court if the juvenile has already been represented by a Denton County court-appointed attorney. If the juvenile already has been so represented, the same attorney shall continue to represent the juvenile, except for good cause shown.

5. If the Responsible Adult(s) can afford an attorney, the Court shall immediately ORDER, or the Court’s designee shall instruct, the Responsible Adult(s) to promptly provide an attorney for the juvenile.

6. If the Responsible Adult(s) does not qualify for a court-appointed attorney and has not promptly provided an attorney for the juvenile, the Court may appoint an attorney for the juvenile for a limited time/purpose.

7. The detention staff may provide to Responsible Adult(s) seeking to retain an attorney for a detained juvenile a list of the Court's Court-Appointed Attorney List (hereinafter sometimes referred to as "the List").

8. Upon appointment of an attorney to a juvenile being held in detention, the Court administrator or clerk shall immediately notify the attorney by facsimile (fax), e-mail, phone, or personal contact of the appointment and the next scheduled hearing time and date.

9. The appointed attorney shall contact a juvenile in detention by the end of the first working day after receiving the notice of appointment or inform the Court that the appointment cannot be accepted. Contacting the juvenile in detention may be by personal visit or by phone.

10. A court-appointed attorney shall contact the juvenile by personal visit or by phone no less than once every seven days that the juvenile remains in detention.

11. An attorney appointed for a detention hearing shall continue to represent the juvenile on the detention matter until the child is released from detention, the Responsible Adult(s) retains an attorney for the juvenile, or until removed from representation by the Court.

B. SUBSEQUENT DETENTION HEARINGS

If a juvenile is not represented by counsel at a subsequent detention hearing, the Court may appoint an attorney limited to the date of that subsequent detention hearing.

II. APPOINTMENT OF COUNSEL FOR JUVENILES NOT IN DETENTION

A. If a petition or a motion to modify disposition is filed and the juvenile is not in detention, the Court shall send a letter to the Responsible Adult(s) along with the Summons.

B. The letter shall inform the Responsible Adult(s) substantially as follows:

"A Petition and/or Motion to Modify has been filed against the Respondent/Juvenile. The Respondent/Juvenile must be represented by an attorney. Thus, you must employ an attorney for the Respondent/Juvenile and have that attorney present at the time and date of the Appearance Hearing referenced in the Summons. If you are claiming indigence and an inability to employ an attorney for the Respondent/Juvenile, you must appear in the Juvenile Court within five working days after the date the Petition/Motion was served on the Respondent/Juvenile to show proof of your indigence. See court phone number, address and schedule below.

If you are seeking the appointment of an attorney for the Respondent/Juvenile, any and all persons responsible for the support of the Respondent/Juvenile must bring to court current year-to-date paycheck stubs and the last three years' tax returns and any and all written documentation to support your claim of indigence or disability.

Court phone number: 940/349-2520

Court address: 210 South Woodrow Lane, Denton, Texas 76205

Indigency Hearing Appearance times: Mondays through Thursdays at 1:00 p.m. and Mondays through Fridays at 9:00 a.m.

C. If a motion to modify disposition is filed, the attorney appointed on the original case shall continue to represent the juvenile if the attorney is available except for good cause shown and assuming the juvenile's family continues to qualify for a court-appointed attorney. Appointment on a motion to modify is an "appointment" for purposes of rotation on the appointment list.

D. The Court administrator or clerk shall notify the attorney of the appointment, by fax, e-mail, phone, or personal contact of the appointment and the next scheduled hearing time and date no later than the end of the first working day after the appointment.

E. The attorney shall contact the juvenile within five working days after receiving notice of the appointment or shall within that time notify the Court that the attorney cannot accept the appointment.

III. INDIGENCE DETERMINATION STANDARDS

A. DETERMINATION OF INDIGENCY

1. The income of the juvenile and the juvenile's parent or other person responsible for the support of the juvenile shall be used to determine whether the juvenile qualifies for a court-appointed attorney.

2. A juvenile or a juvenile's parent or other person responsible for the support of the juvenile shall complete a sworn questionnaire, respond to questions concerning the person's financial affairs, and/or provide supporting documentation if ordered to do so by the Court. If a finding of indigency is made, the Court shall appoint counsel.

3. An indigent person is any person with a household income at or below the latest poverty guidelines as established and revised annually by the United States Department of Health and Human Services and whose liquid assets do not exceed \$15,000.

4. A juvenile whose household income exceeds the latest poverty guidelines may still qualify for a court-appointed attorney if the Court determines in the interests of justice that special circumstances exist. For instance, in making an "interests of justice appointment", the Court may consider unusual, excessive, or extraordinary medical expenses, the age or physical infirmity of household members, or other expenses. The Court may also consider the complexity of the case, the estimated cost of presenting a legal defense, the fees charged by lawyers in the community for providing defense services in similar cases, and any efforts the juvenile or the juvenile's family has made to retain an attorney.

5. Transfer of Property – If the juvenile or the juvenile's parents or other person responsible for the support of the juvenile has transferred property after the date of the alleged commission of the offense, the Court shall determine the reason for the transfer of property and shall determine whether adequate monetary consideration was received. If adequate monetary consideration was not received, the Court shall presume that the transfer was made for the

purpose of establishing eligibility unless the juvenile or the juvenile's parents or other person responsible for the support of the juvenile furnishes clear and convincing evidence that the transfer was made exclusively for another purpose. If a transfer was made either for the purpose of establishing eligibility or without adequate monetary consideration and the property is reconveyed to the juvenile or juvenile's parents or an adjustment is made by which the juvenile or the juvenile's parents receives full value, the juvenile or the juvenile's parents, if otherwise qualified, will be eligible to receive legal representation at County and/or State expense.

6. Definitions – Terms used to determine eligibility for an indigent's defense shall have the following meanings:

a. Household income: "Household income" includes the income and assets of the child's parent or other person responsible for the child's support. Income shall include the total cash receipts, before taxes, from all resources, including money wages and the net receipts from nonfarm or farm self-employment. Further, income shall include regular payments from a governmental income maintenance program, alimony, juvenile support, public or private pensions, annuities, and income from dividends, interest, rents, royalties or periodic receipts from estates or trusts, regular payments from social security, strike benefits from union funds, veteran's benefits, training stipends, alimony, juvenile support and military family allotments or other regular support from an absent family member or someone not living in the household, foster care payments, benefits from a government income maintenance program (AFDC, SSI, unemployment compensation, or state or county general assistance or home relief), food or rent received in lieu of wages, money which is received from tax refunds, gifts, one-time insurance payments or compensation for injury, non-cash benefits (Food Stamps, etc.).

b. Liquid assets: Liquid assets shall include but are not limited to cash, savings and checking accounts, stocks, bonds, certificates of deposit, equity in real and personal property as well as any interest in retirement accounts.

7. The guidelines established herein for the appointment herein for the appointment of counsel also apply to the reimbursement of expenses incurred for the purposes of investigation or expert testimony, as approved by the Court.

8. A juvenile who is determined by the Court to be indigent is presumed to remain indigent for the remainder of the proceedings unless a material change in financial circumstances occurs. The juvenile, juvenile's attorney or State may move for reconsideration of an indigency determination.

B. COMPLETION OF WRITTEN QUESTIONNAIRE, INFORMATION and DOCUMENTATION REQUIRED FOR INDIGENCY DETERMINATION: A juvenile, parent, or person responsible for the support of the juvenile who requests a determination of indigency and appointment of counsel shall:

1. complete under oath a written questionnaire concerning financial resources, and/or
2. respond under oath regarding financial resources, and/or
3. provide financial documents as requested by the Court.

IV. MINIMUM ATTORNEY QUALIFICATIONS FOR INCLUSION ON LIST

A. GENERAL QUALIFICATIONS: To be on the List, the attorney must:

1. complete an application to be on the List;
2. be and remain familiar with the paperwork required for various hearings;
3. be and remain licensed by and in good standing with the State Bar of Texas;
4. have and maintain in practice and as represented on the State Bar of Texas website a “Primary Practice Location” in Denton County, Texas;
5. have and maintain an office in Denton County at which you can meet with clients;
6. have and maintain a method of receiving telephone calls and messages;
7. have and maintain a functioning fax machine, e-mail, or some electronic method of receiving and sending written messages;
8. have and maintain a means of producing printed motions and/or orders;
9. promptly notify the court administrator of any changes to the information on file with the Court;
10. promptly notify the Court of any matter that would disqualify the attorney from receiving appointments under these guidelines or under any other law, regulation or rule;
11. be approved to be included on the court-appointed attorney list by the Juvenile Court Judge;
12. agree to be bound by and accept as a condition of their appointment the rules of this plan and the schedule for court-appointed attorney fees for County Court at Law Number One of Denton County, Sitting as a Juvenile Court;
13. be knowledgeable in juvenile law and be aware of collateral consequences of a juvenile adjudication and disposition (including, but not limited to, issues involving Texas Juvenile Justice Department [TJJD] commitments, use of juvenile adjudications/dispositions in adult proceedings, license suspensions, sex offender registration, school removals and expulsions, sealing of records, etc.);

14. must show proof of at least 6 hours of CLE in Juvenile Law for each year he or she wishes to be/remain on the List. At the judge's discretion, the judge may allow Criminal Law CLE to satisfy this requirement in whole or in part;
 15. must either be Board Certified in Juvenile Law by the Texas Board of Legal Specialization (TBLS) or meet with the Juvenile Court Judge to demonstrate competence in juvenile law prior to being placed on the List; and
 16. comply with any additional requirements that may be later imposed by the Juvenile Board.
 17. An attorney may apply to get on the List at any time during a calendar year. The Application to get on the List must be turned in to the statutory county court administrator. An attorney can reapply to be on the List in subsequent years by submitting a new Application to the county court administrator no later than October 15 of each year.
 18. Not later than October 15 of each year and on a form prescribed by the Texas Indigent Defense Commission, submit to the county information, for the preceding fiscal year, that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in the county under this article and Title 3, Family Code.
 19. To be on the List, an attorney must not
 - a. be on community supervision probation, deferred adjudication or participating in any sort of pre-trial diversion program, or owe fines or court costs for any criminal offense above the level of Class "C" misdemeanor;
 - b. be currently under indictment or charged with a criminal offense involving a felony or any case involving moral turpitude; or
 - c. 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 within the last three years; or
 - d. must not have been found by any court to have engaged in professional misconduct within the last three years.
 20. To be included on the List and to remain thereon, an attorney must be of sound mind and good moral character and must have a reputation and character which enhances the dignity of the Court and gives tribute to the profession in which he practices. An attorney must carry out his professional obligations with ethics, integrity and dignity and in a manner commensurate with the standards expected by the Juvenile Court Judge. Conduct in or outside of court which offends these notions is grounds for exclusion from or removal from the appointment list.
- B. BOARD CERTIFICATION:** Attorneys who are Board Certified in Juvenile Law by the TBLS and meet and maintain the General Qualifications are qualified to receive any appointment.

C. CINS and REGULAR DELINQUENCY CASES

1. The applicant must be board certified in juvenile law; or
2. The applicant must have six months' experience in juvenile law and must have observed or participated in at least 10 detention hearings, 5 agreed adjudication/disposition hearings, and 2 contested adjudication and/or modification hearings.
3. The applicant must meet and maintain the General Qualifications.

D. TRANSFER TO CRIMINAL COURT (“CERTIFICATION AS AN ADULT”)

1. The applicant must be Board Certified in Juvenile Law or must have been lead counsel in two contested juvenile transfer to criminal court (“certification as an adult”) hearings.
2. The applicant must meet and maintain the General Qualifications.

E. APPEALS

1. The applicant must be Board Certified in Juvenile Law or must have been lead counsel in two appeals (juvenile, criminal, or a combination of the two).
2. The applicant must meet and maintain the General Qualifications.

F. DETERMINATE SENTENCING CASES

1. The applicant must be Board Certified in Juvenile Law or must have been lead counsel in two contested determinate sentencing cases.
2. The applicant must meet and maintain the General Qualifications.

G. No Right of any Attorney to be included on the List. Nothing in this plan is intended or shall be construed to obligate Denton County by contract or otherwise to allow any particular attorney to be on the List or to bestow any right of employment.

V. DUTIES OF APPOINTED COUNSEL

A. Appointed counsel shall:

1. Contact the juvenile within the timeframes set out by this Plan (see IA9 and IIE) and interview the juvenile as soon as practicable after the attorney is appointed.
2. Represent the juvenile until:
 - a. the case is terminated;

- b. the family retains an attorney; or
 - c. the attorney is relieved of his/her duties by the Court.
3. Investigate, either personally or through an investigator, the facts of the case and be prepared to present any factual defense that may be reasonably and arguably available to the juvenile.
 4. Be familiar with the law of the case and be prepared to present any legal defense that may be reasonably and arguably available to the juvenile.
 5. Be prepared to negotiate with the prosecutor for the most favorable resolution of the case that may be achieved through a plea agreement.
 6. Be prepared to try the case to conclusion either with or without a jury.
 7. Be prepared to file post-trial motions, give notice of appeal, and ensure that the Court is advised of the juvenile's desire to appeal the case so that counsel can be appointed if needed and/or required.
 8. Maintain reasonable communication with the juvenile and keep the juvenile informed of the status of the case.
 9. Advise the juvenile on all matters involving the case and such collateral matters as may reasonably be required to aid the juvenile in making appropriate decisions about the case.
 10. Perform the attorney's duty owed the juvenile in accordance with this Plan, all relevant laws, and all ethics responsibilities.
 11. Manage attorney's workload to allow for the provision of quality representation and the execution of the responsibilities listed in these rules in every case.
 12. Contact the Court immediately by fax, e-mail, phone or personal contact if for any reason the appointment cannot be accepted.

B. Failure to perform the duties of appointed counsel may be grounds for removal from the Juvenile Court Appointment List.

VI. GROUNDS FOR REMOVAL FROM THE LIST

A. An attorney shall be removed from the List and from any case to which the attorney has been appointed for the following:

1. conviction or deferred adjudication for any felony, or
2. conviction or deferred adjudication for any crime of moral turpitude, or
3. being under indictment or being formally charged with a felony or crime of moral turpitude, or
4. intentional misrepresentation by the attorney on the application to be included on the List.

B. An attorney may be removed from the List and from any case to which the attorney has been appointed for the following:

1. failing to perform the attorney's duties owed to the juvenile, or
2. a finding by a Court or licensing agency that the attorney provided ineffective assistance of counsel, or
3. failing to maintain compliance with each of the List's guidelines, or
4. if, after a hearing, it is shown that the attorney submitted a claim for services not performed by the attorney, or
5. for good cause at the discretion of the Court.

C. Removals from the List shall be for a minimum of one year. Removals from the List may be probated at the discretion of the Court. For removals or probated removals, the Court may require the completion of rehabilitative measures as a condition of the probation or reapplication. For good cause, the Court may remove an attorney from the List for a period longer than one year or permanently.

D. An attorney who was removed from the List for the reasons stated in Item A 1-3 above may be immediately reinstated upon providing proof that the charges were dismissed or that the attorney was acquitted.

E. An attorney who was removed from the List for any reason may apply for reinstatement to the List upon the expiration of one year from the date the attorney was removed from the List unless the Court removed the attorney for a longer period of time.

VII. PROCEDURES FOR REMOVAL OF ATTORNEYS FROM THE LIST

A. The Court may remove an attorney from the List without any notice or hearing if:

1. the attorney requests removal from the List, or
2. the attorney does not have the qualifications required for appointment, or
3. the attorney fails to perform the duties required by the Texas Fair Defense Act, or
4. for any of the grounds of removal from the List included in this Plan, or
5. for good cause.

B. An attorney may be temporarily removed from the List by request of the attorney to the Court provided that the attorney specifically sets out the dates the attorney will not be available to receive appointments.

VIII. ATTORNEY SELECTION PROCESS

A. CONTINUITY OF REPRESENTATION

1. If a juvenile has been represented by a Denton County court-appointed attorney, preference will be given to appointment of the same attorney.
2. When an attorney is appointed, the attorney shall represent the juvenile until the case is terminated or substitute counsel is appointed or hired or until the Court removes the attorney from the case.
3. With notice to the Court and to the juvenile, a court-appointed attorney may arrange with another attorney on the List to have a substitute attorney for an individual hearing without a change of the attorney of record. The temporary substitution is not an appointment.
4. With notice to the Court and to the juvenile, a court-appointed attorney may request the Court to appoint a substitute attorney for one hearing. The temporary substitution is not an appointment.

B. APPOINTING ATTORNEYS FROM THE LIST

In cases where the Court (including his/her designee) determines that the appointment of an attorney is appropriate, the appointment shall be made from the List using a system of rotation. The Court (including his/her designee) shall determine the proper category (based on the classifications herein established) and shall appoint an attorney from the List using a system of rotation. The Court (including his/her designee) shall appoint attorneys from among the next five names on the List in the order in which the attorney's names appear on the List for the category involved, unless the Court makes a finding of good cause on the record (which may be

by docket sheet entry) for appointing an attorney out of order. An attorney who is not appointed in the order in which the attorney's name appears on the List shall remain next in order on the List for his/her assigned category.

C. GOOD CAUSE FOR APPOINTING AN ATTORNEY OUTSIDE OF THE ROTATION

1. An attorney may be appointed outside the rotation if the interests of justice would be served by appointing an attorney already familiar to the juvenile and the juvenile's case(s).
2. An attorney may be appointed outside the rotation if the prior court-appointed attorney for the juvenile has given notice he/she is not available due to illness, prior court scheduling, continuing legal education, vacation, military obligations, etc.
3. An attorney may be appointed outside the rotation if the client has special needs such as interpretation or physical impairment and the attorney can accommodate those needs.
4. An attorney may be appointed outside the rotation if the attorney has specialized experience such as familiarity with mental health issues.
5. An attorney may be appointed outside the rotation if the juvenile has an immediate need and the attorney appointed can attend the case immediately.
6. An attorney may be appointed outside the rotation if the juvenile needs to be able to meet with an attorney geographically close to the juvenile's home or school.
7. An attorney may be appointed outside the rotation if the juvenile can work only with an attorney of a particular gender.
8. An attorney may be appointed outside the rotation based on the apparent complexity of the case as compared with the experience of the attorneys within the next rotation.
9. An attorney may be appointed outside the rotation for other good cause shown.

D. OTHER GENERAL GUIDELINES

1. The Court will not appoint an attorney to represent a parent except for the parent's contempt of Court proceeding, in which case the appointment shall be made from the misdemeanor appointment list. The Court shall not appoint the same attorney for the juvenile and for the parent in this scenario.
2. The Court will not appoint an attorney for a juvenile if the Responsible Adult(s) can afford to hire an attorney for the Responsible Adult(s).
3. A person who has a court-appointed attorney on a criminal matter may request that the same attorney be appointed to any pending Juvenile Court matter so long as that attorney is included on the juvenile appointment list (the List).

4. An attorney appointed to represent a juvenile at a detention hearing is presumed to be the attorney who will be appointed to represent the juvenile for any petition/motion filed with the Court assuming that the family still meets the qualifications for a court appointed attorney at the time said petition/motion is filed.

5. Attorneys shall present their request for payment no later than the final hearing of a juvenile's case(s), except that when a child receives Deferred Prosecution, the request for payment must be presented at the time the Deferred Prosecution Order is signed. For a detention matter, the "final hearing" is considered to be the date of the hearing at which the child is released from detention.

6. For the purposes of rotation, the individual juvenile and not the number of cases a juvenile has pending at one time shall count as one appointment.

IX. FEES AND EXPENSES

A. COMPENSATION FOR THE ATTORNEY: Attorneys will be paid a flat fee based on the grade of petition filed according to the following schedule:

1. Board Certified in Juvenile Law:

Detention/furlough/release hearings	\$95
Guardian ad litem, one detention hearing	\$50
Agreed misdemeanor adjudication	\$150
Agreed felony adjudication	\$160
Uncontested disposition	\$150
Uncontested modification	\$270
Certification/Transfer Hearing, agreed	\$350
Determinate Sentencing case, agreed	\$350
Deferred Prosecution:	\$250

2. Board Certified in Criminal Law:

Detention/furlough/release hearings	\$90
Guardian ad litem, one detention hearing	\$40
Agreed misdemeanor adjudication	\$140
Agreed felony adjudication	\$150

Uncontested disposition	\$140
Uncontested modification	\$250
Certification/Transfer Hearing, agreed	\$325
Determinate Sentencing case, agreed	\$325
Deferred Prosecution:	\$225

3. Not Board Certified:

Detention/furlough/release hearings	\$80
Guardian ad litem, one detention hearing	\$30
Agreed misdemeanor adjudication	\$130
Agreed felony adjudication	\$140
Uncontested disposition	\$130
Uncontested modification	\$240
Certification/Transfer Hearing, agreed	\$300
Determinate Sentencing case, agreed	\$300
Deferred Prosecution	\$200

4. Incidental expenses related to research, jail visits, conferences with clients and/ or witnesses (including parents), mail and copying expenses, courier fees or any other miscellaneous expense(s) associated with your appointed case will not be paid separately. All expenses, except expert fees or investigation expenses, are included in the rates set out above. The Court will consider reimbursement for extraordinary out-of-pocket expenses.

5. Upon good cause shown, the Court may approve an amount which exceeds the above rates for compensating a court-appointed attorney based upon the time and labor required, the complexity of the case, and the experience and ability of the appointed counsel.

6. If multiple cases for a juvenile are on the docket and heard at the same time, an additional \$45 for Board Certified attorneys and \$40 for other attorneys shall be added for each filed case adjudicated, considered, consolidated, or heard at the same hearing.

7. For contested hearings the following rates apply:

<u>Activity</u>	<u>Minimum</u>	<u>Maximum</u>
Out of Court Services	\$75/hr	\$125/hr
In Court Services	\$75/hr	\$125/hr
Guardian ad litem	\$50	\$50

8. No payments shall be made under this Plan until a judge approves payment after proper submission of a request for payment from the attorney using the court's attorney fee voucher. 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.

9. An attorney whose request for payment is disapproved or is not otherwise acted on by the 60th 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.

B. INVESTIGATIVE AND EXPERT EXPENSES

1. Counsel appointed in a non-capital case shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior Court approval shall be reimbursed according to the procedures set forth below. When possible, prior Court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

2. Procedure With Prior Court Approval:

a. Appointed counsel may file with the trial Court a pretrial ex parte confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:

- i. the type of investigation to be conducted or the type of expert to be retained;
- ii. specific facts that suggest the investigation will result in admissible evidence or that the services of an expert are reasonably necessary to assist in the preparation of a potential defense; and
- iii. an itemized list of anticipated expenses for each investigation or each expert.

b. The Court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the Court denies in whole or in part the request for expenses, the Court shall:

- i. state the reasons for the denial in writing;
- ii. attach the denial to the confidential request; and
- iii. submit the request and denial as a sealed exhibit to the record.

3. Procedure Without Prior Court Approval: Appointed counsel may incur investigative or expert expenses without prior approval of the Court. On presentation of a claim for reimbursement, the Court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved. Articles 26.05(d), 26.052(f), (g) & (h), Code of Criminal Procedure

Approved and adopted this, the 5th day of August, 2019, by a quorum of the Denton County Juvenile Board.

The Honorable Kimberly McCary
Presiding Judge of Denton County Court at Law Number One, Sitting as a Juvenile Court
Denton County Juvenile Board Chairman

Pursuant to Article 26.04 of the Texas Code of Criminal Procedure this plan for the appointment of counsel to represent indigent respondents in County Court at Law Number One of Denton County, Texas is hereby approved on this the ____ day of _____, 2019.

The Honorable David L. Evans
Presiding Judge
Eighth Administrative Judicial Region