



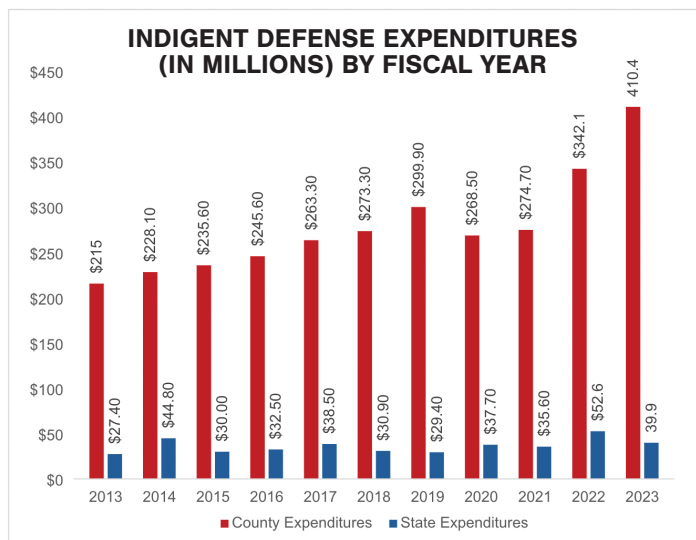
COUNTY ISSUE BRIEF

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Indigent Defense

In Texas, counties are responsible for the expenses associated with court-appointed attorneys for indigent defendants in criminal cases. This obligation is not optional — it is a constitutional mandate that must be met. Indigent defense costs have risen significantly in recent years, but state funding has remained inadequate, creating an enormous financial burden on counties.



Rise in Costs

The cost of indigent defense has surged in recent years. In fiscal year 2023, Texas counties spent \$410.4 million on indigent defense, with the state contributing only \$39.9 million through grants administered by the Texas Indigent Defense Commission (TIDC). This disparity has placed counties in a difficult position, with many struggling to meet the growing demand for legal representation for indigent defendants.

County expenditures for indigent defense increased by \$195.4 million from 2013 to 2023, while state funding rose only \$12.5 million.

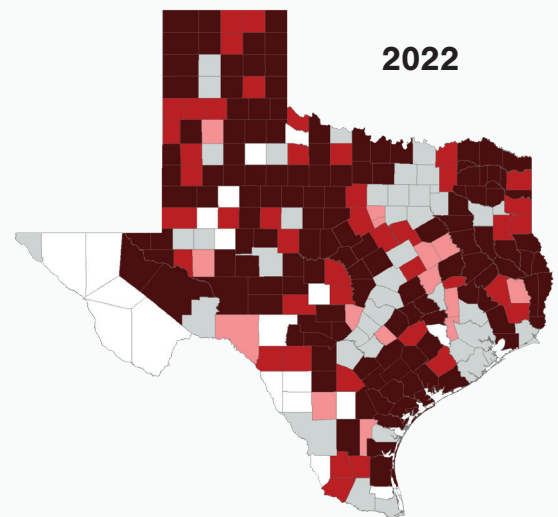
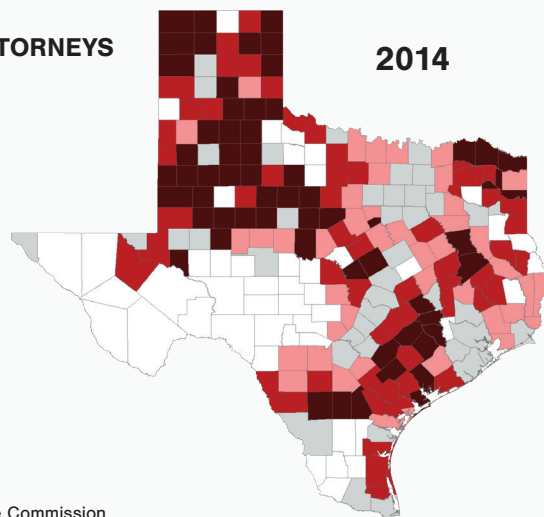
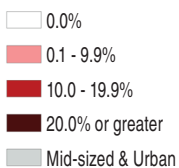
“Criminal Law Deserts”

Rural counties face a dire shortage of defense attorneys. From 2014 to 2022, the number of attorneys handling indigent defense cases in rural Texas dropped by 27%.

A 2024 survey of rural counties found that 71% of respondents reported significant issues with attorney availability, with many rural attorneys forced to carry caseloads that far exceed the guidelines set by TIDC.

This shortage of defense attorneys in rural areas has created “criminal law deserts,” where defendants are unable to secure legal representation. In Texas’ most rural counties, there are only five attorneys available for every 100 criminal cases, compared with 28 attorneys per 100 cases in urban areas.

PERCENTAGE OF OVERBURDENED ATTORNEYS



Source: Texas Indigent Defense Commission

Child Protective Services

State law requires the appointment of attorneys for indigent parents and children involved in certain Child Protective Services (CPS) cases. Although most CPS programs are funded by the state, counties are responsible for all the costs associated with court-appointed attorneys for indigent parents and children.

On average, Texas counties have spent over \$63 million annually on representation of indigent parents and children in CPS cases during the past three years, with the state providing \$0.

There is also a shortage of available representation for CPS cases. In 2023, over 50% of Texas counties reported a decrease in the number of attorneys accepting court appointments for indigent parents and children in child protection cases. This shortage is particularly problematic, as CPS cases often require multiple attorneys to represent all parties involved.

Summary

Texas counties need to meet their legal obligations to indigent defense. However, the system in Texas is facing critical funding and staffing shortfalls.