

**Petition to Create  
Child Protection Law Section**

The undersigned respectfully request that the Board of the State Bar of Texas establish a new section, to be called the Child Protection Law Section.

**Background**

By order<sup>1</sup> dated February 14, 2017, the Supreme Court of Texas added Child Welfare Law as a new specialty area under the jurisdiction of the Texas Board of Legal Specialization. “Child welfare law” involves litigating suits under Title 5, Subtitle E of the Texas Family Code and issues that arise in suits by a governmental entity for the protection of an abused or neglected child, including but not limited to the possession and conservatorship of a child, the termination of parental rights, the placement of a child in foster care, or the adoption of a child. To a large degree the recognition of this new specialty represents the culmination of more than 30 years of efforts by Texas courts, the bar, and the legislature to improve the State’s child protection system. One of these efforts was the creation in 1985 of the State Bar’s Standing Committee on Child Abuse and Neglect, which has initiated or supported numerous initiatives to improve the knowledge and professionalism of lawyers representing children, parents, and the state in the child protection system. That committee supports the creation of this proposed section.

**Section Jurisdiction**

The Child Protection Law Section will provide education and resources to Texas attorneys who practice in the areas covered by the new child welfare law practice standards. The guidance offered by the section will encompass applicable federal and state law issues that arise in suits by a governmental entity for the protection of an abused or neglected child, including but not limited to possession and

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<sup>1</sup> Misc. Docket No. 17-9014.

conservatorship of a child, the termination of parental rights, the placement of a child in foster care, or the adoption of a child.

### **Section Bylaws**

Attached to this petition are the proposed section bylaws which include the following: (a) a provision that no positions may be taken by the section, section members, or section counsel in the name of the section that advocate or advance a political or social policy position; (b) provisions regarding section finances that are in compliance with subsection 5.01.06 of the State Bar Board Policy Manual; and (c) a provision that no amendments to the sections bylaws will be effective unless and until approved by the State Bar Board of Directors.

### **Initial Officers and Members**

The following Texas attorneys have agreed to serve in the roles indicated as the initial Executive Committee of the Child Protection Law Section until June 2020:

**Chair:** Hon. Debra Lehrmann, Justice, Supreme Court of Texas, Austin & Fort Worth

**Chair Elect:** Tiffany Crouch Bartlett, Austin, Private Practice Ad Litem

**Secretary:** Sandra Hachem, Assistant Harris County Attorney, representing CPS

**Treasurer:** Mark Briggs, El Paso, Private Practice Ad Litem for Parents

### **Initial Council Members:**

#### *Terms Expiring 2020*

1. Honorable Bill Harris, Paris, Texas
2. Barbara Elias-Perciful, Dallas
3. Derbha Ann Houston Jones, Sanger, Texas

#### *Terms Expiring 2021*

1. Hon. Rhonda Hunter, Dallas
2. Hon. Mike Schneider, Houston
3. Hon. Aurora Martinez Jones, Austin

### *Terms Expiring 2022*

1. Ms. Lynn Chamberlin, Houston
2. Ms. Karen Langsley, Austin and Colorado
3. Ms. Heidi Cox, Fort Worth

This council proposes to govern the section for its first two and a half years, to increase the stability of the section, and would hold its first regular election in the summer of 2020, using the process described in the Section's bylaws.

### **Proposed Standing Committees:**

1. Newsletter/Publications Editorial Committee;
2. Technology/Website Committee;
3. Continuing Legal Education Committee;
4. Legislative Committee;
5. Communications Committee; and
6. Scope Committee.

### **Initial Budget**

For the first two years of operation, the Child Protection Law Section proposes to maintain a budget in excess of \$2,000 through the receipt of membership dues in the amount of \$20 per member, to be paid annually by at least 200 lawyers in good standing. The anticipated annual income from dues is approximately \$4,000.

### **Initial Expected Membership**

Attached is a list of at least 200 members of the State Bar of Texas who have signed statements that they will apply for membership in the section and agree to pay membership dues of \$20 per year.

### **Detailed Statement of Purpose**

The purpose of the Child Protection Law Section shall be to promote the objectives of the State Bar of Texas by improving the practice of Child Protection Law and by

educating Texas attorneys who practice in this area, subject to the Bylaws of this Section and the laws, rules, and regulations of the State Bar of Texas.

**Summary Statement of Purpose**

The Child Protection Section of the State Bar of Texas provides support and services to attorneys representing children, parents, and the Department of Family and Protective services with the goal of improving the quality of representation and the effectiveness of the system for protecting children and preserving families.

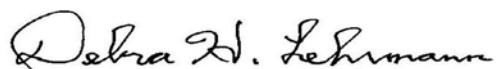
**No Jurisdictional Conflict**

The contemplated jurisdiction of the section as described above is not in substantial conflict nor does it substantially overlap with the jurisdiction of any other section. Currently, no State Bar Section serves the unique needs of lawyers whose practice involves representation of parents, children, or other parties in Child Protection cases, or those who advise and represent clients needing expertise in the specialty area involving the governmental entity authorized to bring such cases.

**Statement of Compliance**

The Child Protection Law Section of the State Bar of Texas shall not act as a political or social advocacy group, and it will comply with the State Bar Act, the State Bar Rules and the State Bar Board Policy Manual, and the common-law guidelines developed from *Keller v. State Bar of California*, 496 U.S. 1 (1990), and *Gibson v. Florida Bar*, 798 F.2d 1564 (11th Cir. 1986).

**Respectfully Submitted,**



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Hon. Debra H. Lehrmann  
Proposed Chair and Primary Contact  
PO Box 12248, Austin, Texas 78711

T: (512) 463-1320

F: (512) 463-1365

E: [debra.lehrmann@txcourts.gov](mailto:debra.lehrmann@txcourts.gov)