

**TEXAS BOARD OF LEGAL SPECIALIZATION**  
**STANDARDS FOR ATTORNEY CERTIFICATION**

**PART II**  
**SPECIFIC AREA REQUIREMENTS**

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I – General Requirements for requirements that apply to all specialty areas.

**SECTION XX**  
**CHILD WELFARE LAW**

- A. **DEFINITION.** Child Welfare Law is the practice of civil law dealing with judicial and administrative proceedings involving the protection of children who are alleged to be abused or neglected. It includes, but is not limited to, proceedings involving a governmental entity, namely the Texas Department of Family and Protective Services (DFPS), in which a court is required to make decisions affecting the parent-child relationship, such as the conservatorship of a child and/or the termination of parental rights, placement of children in temporary or permanent foster care, and adoption proceedings involving DFPS. Specialization in this area would require substantial knowledge of federal child welfare law and the Texas Family Code, primarily Title 5, Subtitle E and relevant case law.
- B. **SUBSTANTIAL INVOLVEMENT.** To demonstrate substantial involvement and special competence in child welfare law practice, applicant must at a minimum, meet the following requirements.
1. **Certification.**
    - a. **Percentage of Practice Requirement.** Applicant must have devoted a minimum of 25% of his or her time practicing child welfare law in Texas during each of the three years immediately preceding the application.
    - b. **Task Requirements.** Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas child welfare law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.
      - (1) Applicant must have participated as lead counsel for a party or a child from inception of the case to final judgment resulting in an order terminating the parent-child relationship or determining conservatorship issues in a total of five (5) cases resulting in final trials in which oral testimony was taken and in which issues were determined by a finder of fact in a court of record, excluding default judgments.

- (2) Applicant must have participated as lead counsel for a party or a child in a total of ten (10) contested child welfare hearings that involved the submission of testimonial evidence to a court or jury in support or defense of the claims for relief in which issues were disposed of prior to and without the necessity of a contested final hearing or trial of the matters on the merits.
  - (3) Applicant must participated as lead counsel in at least two (2) or co-counsel in at least four (4) appellate cases involving child welfare law to a Texas Court of Appeals or the Supreme Court of Texas in which briefs were filed.
  - (4) Applicant must submit a writing sample demonstrating legal analysis in the field of child welfare law drafted within the three years immediately preceding application, including but not limited to, a trial brief, appellate brief, or article prepared for a continuing legal education program or publication.
2. **Recertification.** Applicant must have devoted a minimum of 25% of his or her time practicing child welfare law in Texas during each year of the five year period of certification unless applicant meets the exception in Part I-General Requirements, Section VI, C, 1(b).

**C. REFERENCE REQUIREMENTS.** Applicant must submit a minimum of five names and addresses of persons to be contacted as references to attest to his or her competence in child welfare law. These persons must be substantially involved in child welfare law, and be familiar with the applicant's child welfare law practice.

1. **Certification.** Applicant must submit names of persons with whom he or she has had dealings involving child welfare law matters within the three years immediately preceding application.
2. **Recertification.** Applicant must submit names of persons with whom he or she had dealings involving child welfare law matters since certification or the most recent recertification.
3. **Reference Types.** Applicants must submit the following types of references:
  - a. Four Texas attorneys who are substantially involved in child welfare law. Applicant must have opposed the attorney either in trial or on appeal or in the negotiation of a child welfare matter; and
  - b. One Texas trial court judge, associate judge or appellate judge before whom applicant has appeared as lead counsel for a party or a child in a contested child welfare case.