

# TRAVIS COUNTY MODEL COURT



FOR CHILDREN AND FAMILIES

## TRAVIS COUNTY CPS COURTS PRACTICES AND PROCEDURES

Updated: January 2021

NOTICE: These Travis County CPS Courts Practices and Procedures are in addition to the [Travis County District Courts Local Rules of Civil Procedure and Rules of Decorum](#). Both are applicable.

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# INTRODUCTION

## Model Court

The Travis County Model Court for Children and Families is a multidisciplinary community initiative started in September of 2008 through the work of the Honorable Darlene Byrne<sup>1</sup>, to help facilitate systemic improvement of the court and child welfare systems. The work of this Model Court is focused on promoting successful outcomes for children and families in Travis County who are involved in civil suits filed by the Texas Department of Family and Protective Services as a result of findings of child abuse and neglect. This Model Court is part of a national network of similar model courts. It is supported by the National Council of Juvenile and Family Court Judges<sup>2</sup> (NCJFCJ), which provides organizational support and technical assistance.

The Model Court structure includes an Executive Committee, led by a Lead Judge, and comprised of representatives from agency stakeholders in the child welfare courts which include the Travis County District Attorney's Office, Travis County Office of Parental Representation (OPR), Travis County Office of Child Representation (OCR), Court Appointed Family Advocates section of the Austin Bar Association (CAFA), Texas Department of Family and Protective Services (DFPS), CASA of Travis County (CASA), and the University of Texas School of Law's Children's Rights Clinic (CRC). This Executive Committee generally meets every other month.

A broader multidisciplinary Collaborative Council meets quarterly and includes representatives of the community, service providers for children and families, state and local agencies working with children and youth, former foster youth, legislative advocates, and others who are interested in improving outcomes for children and families.

As a Model Court, specific Model Court Committees have been formed to work on initiatives and these committees meet regularly to advance specific goals. Each committee is led by a judge or court staff member. Child welfare professionals who practice in Travis County are welcome to voluntarily join the Model Court Committees.

## One Family-One Judge

As a Model Court, recognized by the NCJFCJ, the Travis County CPS Courts follow the One Family- One Judge model which is also known as "Direct Calendaring." This model is recommended and endorsed by the NCJFCJ and described in their Resources Guidelines.<sup>3</sup> This means that each case will initially be assigned to one of the judges dedicated to the CPS dockets and the goal will be to keep that family's case with the assigned judge until any contested trial on the merits.

## First Amended Standing Order<sup>4</sup>

Effective November 1, 2007, the First Amended Standing Order facilitates the administration of Travis County CPS cases by addressing common systemic issues including a prohibition of placement of children for an overnight stay in the offices of DFPS, the requirement of agreements by certain advocates prior to any non-emergency placement change of a child, notice requirements for emergency placement changes of a child by DFPS, and notice requirements when a child's level of care changes. This Order applies to all Travis County CPS cases on file or to be filed as of November 1, 2007. The Travis County District Clerk maintains a "CPS Master File" where all Standing Orders affecting CPS cases in Travis County are filed. The updated CPS Master File is referenced as cause number D-1-CP-61-12012 with the Travis County District Clerk.

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<sup>1</sup> The Honorable Darlene Byrne served as the presiding judge of the 126<sup>th</sup> District Court from 2001 to 2020.

<sup>2</sup> National Council of Juvenile and Family Court Judges (NCJFCJ) official website. <https://www.ncjfcj.org/>

<sup>3</sup> NCJFCJ. *Resources Guide—Improving Court Practice in Child Abuse & Neglect Cases*. [https://ncjfcj-old.ncjfcj.org/sites/default/files/resguide\\_0.pdf](https://ncjfcj-old.ncjfcj.org/sites/default/files/resguide_0.pdf)

<sup>4</sup> First Amended Standing Order published on the Travis County website: [https://www.traviscountytexas.gov/images/courts/Docs/StandingOrder\\_FirstAmended\\_CPS\\_CivilDistrictCPS.pdf](https://www.traviscountytexas.gov/images/courts/Docs/StandingOrder_FirstAmended_CPS_CivilDistrictCPS.pdf)

### Guardian ad Litem & Partnership with CASA of Travis County

As a general practice, the Court automatically appoints CASA of Travis County (CASA) as guardian ad litem at the ex parte hearing, according to established criteria communicated to the judges (e.g. age-based, transfers from other jurisdictions, special circumstances). In the cases to which the Courts appoint CASA, their role is always to serve as the guardian ad litem for the child, with powers and responsibilities as established in the Texas Family Code. Additionally, CASA is appointed as the education advocate and, as appropriate or requested, may be appointed as surrogate parent. CASA serves on Court Ordered Services, Temporary Managing Conservatorship, Permanent Managing Conservatorship, Family Drug Treatment Court and Dual Involved Youth/Crossover cases. CASA has authority to agree or refuse to agree to a placement change, in accordance with the First Amended Standing Order and CASA has authority, granted by the Court, to participate in mediation and to sign or refuse to sign a mediated settlement agreement. All of the above practices are also established in the proposed Memorandum of Understanding (MOU) between the 126<sup>th</sup> District Court and CASA of Travis County, which is available upon request to any child welfare professional. CASA has been a member of the Executive Committee of the Travis County Model Court for Children and Families since its inception and participates in the collaborative work and pilot projects of the Model Court. *(See Appendix for CASA of Travis County Practices in Local Courts 2021)*

### Race Equity & Disproportionality

Since 2008, our Model Court's Race Equity & Disproportionality Committee has pursued a goal to identify and eliminate multi-systemic factors that result in the disproportionate representation and disparate treatment of children and families of color in the child welfare system. On November 6, 2020, the Model Court Executive Committee approved and published a Statement Against Racism<sup>5</sup> and commitment to focus the Model Court in anti-racist work as we serve the children and families of Travis County. In this effort, the CPS Courts will be making additional efforts to assure that parents and children are given an opportunity at their hearings to self-identify their race and ethnicity. The CPS Courts also expect DFPS to include in their initial Affidavit in Support of Extraordinary Relief or in their Report to the Court any self-identified race and ethnicity information that is reported by a parent or child.

## INITIAL ORDERS

### Ex Parte Show Cause Orders

As regular practice, each business day, the CPS Courts (judges and court staff) receive email notice from the Travis County District Attorney's office regarding any new petitions or other matters, on behalf of DFPS, that need review by the Courts that day. The Judges, or court staff on behalf of the judges, will respond to the email notice with information on which judge will review the DFPS matters that day. The Courts will receive these new petitions and affidavits through email submission. The District Attorney's office will send proposed orders along with their ex parte email submissions. A separate email submission should be sent for each individual case or matter to be reviewed by the Court. If any attorneys are already involved with a respondent or subject child, or if the new matter to be reviewed is on a case that is already open and pending, the District Attorney's office will make efforts to contact those attorneys to determine whether they desire to communicate with the Court on the new matter being reviewed that day. Any attorney who receives this type of notice from the District Attorney's office should make efforts to respond promptly as the Court will be reviewing the matter at some point that day. In the event that another attorney involved with the family on the new matter does desire to communicate with the Court on the new matter, the Court will give the parties at time-frame, usually only a couple of hours, to respond to the

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<sup>5</sup> Travis County Model Court for Children and Families—Statement Against Racism published on the Travis County website: <https://www.traviscountytexas.gov/images/courts/Docs/model-court-statement-against-racism.pdf>

email submission with any additional information that may assist the Court in making a decision related to the DFPS request before the Court. If any attorney is requesting an opportunity to present the information verbally and not through a submission hearing, that attorney must provide information, as soon as possible, as to why the matter cannot be discussed over submission. If the request is granted, the Court will provide a time for the parties to appear for a hearing which will only for exceptional situations. The District Attorney's office has authorization to file the Ex Parte Show Cause Orders, after signed by a judge. If there are any issues with the Order, the District Clerk's office will contact the Court directly to resolve those issues.

#### **Early/Conditional (Limited-Purpose) Appointment of Court Appointed Attorneys**

After research, data collection, and a Parent Representation Pilot Project from 2009-2010, the Travis County CPS Courts implemented the practice of issuing orders at initial ex parte hearings appointing attorneys for parents named in a petition filed by the Department of Family and Protective Services seeking Court Ordered Services, Conservatorship, and/or Termination of Parental Rights. All Court Appointed attorneys for the Travis County CPS Courts are required to be familiar with the procedures for the early appointments as these early appointments are all conditional, with limited-purpose, and confirmed for a full appointment upon the Court's receipt, review, and confirmation of qualification of a parent's Affidavit of Indigence and Request for Court-Appointed Attorney. There are a few circumstances in which an attorney may receive a full appointment at an initial ex parte hearing. Attorneys should be familiar with the relevant statutes for these situations. *(See Appendix for Procedures, Diligent Search Forms, and Sample Affidavits)*

#### **Scheduling Orders**

Considering the nature of Court Ordered Services cases, as well as statutory requirements for Termination of Parental Rights Cases, the Travis County CPS Courts enter Scheduling Orders for these cases. Scheduling Orders in each case also include authorization for mediation without mandate on the timeframe for which a case must mediate. The authorization is provided as an additional tool to achieve permanency by agreement as efficiently as possible. Each judge has discretion to except a case from implementing a Scheduling Order. *(See Appendix for example Scheduling Orders)*

#### **Discovery Control Plans**

At the initiation of each Travis County CPS Case, the Court, on its own initiative, will enter a Discovery Control Plan to guide the Discovery in each case. The court will tailor the order to the circumstances of the specific suit. The permissible methods of discovery under Texas Rule of Procedure 192.1 are typically restricted by the court order but upon proper Motion, any party may request additional specific orders to supplement the Discovery Control Plan. *(See Appendix for example Discovery Control Plan, Example—Commonly Ordered Provisions)*

#### **Orders Regarding Court Reports from DFPS**

In addition to relevant existing statutory deadlines for the filing and distribution of court reports by DFPS, the Court, on its own initiative, will enter an order regarding Court Reports for Adversary, Status and Permanency Hearings at the initiation of each Travis County CPS Case. These orders for each case will provide for timely courtesy copies of DFPS court reports to be delivered to the Court prior to each Adversary, Status and Permanency hearing. *(See Appendix for example Court Report for Adversary, Status and Permanency Hearings Order, Example—Commonly Ordered Provisions)*

#### **DFPS Required Notices to the Court**

In addition to relevant existing statutory notices DFPS is required to make, the Court, on its own initiative, will enter an order at the initiation of each Travis County CPS Case regarding significant events affecting a child in the conservatorship of DFPS or being served by an FBSS unit in a COS case. The Court expects to receive and email notice, each and every time, of the specifically outlined significant events for a child. Additional details on

providing the required notices to the court is outlined in the Order for Required Notices to the Court which are filed in each CPS case. *(See Appendix for example Order for Required Notices to the Court)*

## DOCKETS

### Contested Matters

Each Monday of the week, with certain limited exceptions, each judge dedicated to the Travis County CPS dockets will hear contested matters for the CPS cases to which they are assigned. Announcements for these contested matters settings are required during the “announcement period” in accordance with the Travis County Local Rules. Any contested matter requiring up to one hour may be set by the movant’s attorney through the Court Administrator’s Civil Calendaring Online system (COO). Contested matters necessitating more than one hour require approval by the Court to be set. Procedures for requesting settings for contested matters requiring over an hour in time are outlined in the Over One Hour Contested CPS Hearing Request Form. *(See Appendix for sample Over One Hour Contested CPS Hearing Request Form)*

### Submission Docket for Agreed Matters

For certain agreed motions and orders, parties are encouraged to use the CPS Submission Docket as opposed to setting the matter for a hearing. Upon submission (through email) of the Motion, proposed Agreed Order signed by all parties, and any necessary supporting Affidavits, the Court may consider approving and signing Agreed Orders without hearing. Procedures for submitting agreed matters are outlined in the Protocol for Submission Docket. *(See Appendix for Procedure for Submission Docket)*

### 126<sup>th</sup> District Court Judge—New Cases and Review of Temporary Managing Conservatorship Cases

Judge Aurora Martinez Jones is the District Court Judge, dedicated to the Travis County CPS dockets. The District Judge is responsible for the oversight and administration of all Travis County Termination of Parental Rights civil lawsuits filed by the Travis County District Attorney's Office on behalf of the Child Protective Services division of the Texas Department of Family and Protective Services. Each Wednesday of the week, with certain limited exceptions, Judge Aurora Martinez Jones presides over Show Cause and Chapter 262 (non-evidentiary) hearings and reviews cases involving children in the Temporary Managing Conservatorship of DFPS with statutory hearings.

### Associate Court Judge—New Cases and Review of Temporary Managing Conservatorship Cases

Judge Leigh Mathews Rodriguez is the Associate Court Judge, dedicated to the Travis County CPS docket. The Associate Judge is dedicated to Travis County Termination of Parental Rights civil lawsuits filed on behalf of the Child Protective Services division of the Texas Department of Family and Protective Services. She is responsible for presiding over the cases assigned to her and for working closely with Judge Martinez Jones to support the administration of the dockets. Each Tuesday of the week, with certain limited exceptions, Judge Leigh Mathews Rodriguez presides over Show Cause and Chapter 262 (non-evidentiary) hearings and reviews cases involving children in the Temporary Managing Conservatorship of DFPS with statutory hearings.

## **Court Ordered Services—Chapter 264 Reviews & Permanent Managing Conservatorship Cases**

Both judges hear Chapter 264 review hearings for Court Ordered Services cases, involving families working with the Family Based Safety Services (FBSS) unit of Child Protective Services, and statutory review hearings for cases involving children in the Permanent Managing Conservatorship of DFPS on alternating Fridays.

### **Travis County Family Drug Treatment Court—Parenting In Recovery Program**

The Travis County Family Drug Treatment Court- Parenting In Recovery (TCFDTC-PIR) program was created for parents who are suffering from a Substance Use Disorder (SUD) and are involved in a Termination of Parental Rights civil lawsuit filed by Child Protective Services in Travis County. The goal of the TCFDTC-PIR program is to maintain children in the care of their parents while they begin the journey of recovery from their SUD and develop the skills and ability to safely parent their children. This focus of support and accountability for the parents and their children is to promote the goal of stopping the cycle of abuse and neglect and to promote strong mental health for the next generation. Each Thursday of the week, with certain limited exceptions, the TCFDTC-PIR program holds multidisciplinary staffings on individual cases and the CPS Court judges preside over hearings with participants. Cases are referred to the program through the DFPS Travis County Drug Investigations Unit and are all only accepted into the program by Order of the Court. The Court has the ultimate authority on which cases are approved for the TCFDTC-PIR program.

### **Travis County Crossover Program for Dual Status Youth**

The Travis County Crossover Program for Dual Status Youth supports families with a child involved with both the Juvenile Justice System and the Child Welfare System. The goal is to divert youth and families from staying in either system longer than necessary. In this unique court supported program, both systems work to create a streamlined approach to supporting families and their children. Each youth that is dual involved has a team comprised of a Juvenile Probation Officer, CPS Caseworker, Court Appointed Special Advocate (CASA), Attorney Ad Litem and Juvenile Defense Attorney. The Crossover Team, which includes a collaboration of various child welfare and juvenile justice advocates, works together to improve and enhance the policies and procedures impacting families involved in the dual systems in Travis County. The Crossover Program hosts regular trainings for their team and all stakeholders involved in the program meet regularly to assure an alignment of practices and philosophies about the dynamic landscapes in the fields of juvenile justice and child welfare. Each second and fourth Friday of the month, with certain limited exceptions, the District Court Judge presides over the Travis County Crossover Program for Dual Status Youth to review cases with children involved in both the juvenile justice and child welfare systems. The Court receives notice on all dual involved youth and makes determinations on which cases are approved for the Crossover Program, in accordance with the Crossover Program Guidelines.

## **CPS COURT PROCEDURES**

### **De Novo Hearings**

Any De Novo review requested on a ruling rendered by the Associate Judge will be heard by the 126<sup>th</sup> District Court Judge. These requests for de novo hearing must be filed with the Travis County District Clerk's Office in accordance with the law and a courtesy copy of the request must be tendered directly to the 126<sup>th</sup> District Court no later than 5:00 p.m. the business day following the day the request was filed with the District Clerk. Procedures



detailing the CPS de novo review process are outlined in the Protocol for De Novo Reviews. *(See Appendix for the Procedure for De Novo Hearings)*

## Case Transfers

Considering timelines and other extraordinary matters that occur in child welfare cases, the Court will assure to sign Orders on granted motions to transfer cases to other jurisdictions, as soon as possible. Proposed Orders for the transfer of a Travis County CPS case must include the filing date, statutory deadline, type and date of the most recent CPS hearing, the date in which the next statutory hearing must occur, language dismissing Travis County court appointed attorneys, along with the necessary language directing the Travis County District Clerk to transfer their record to the receiving jurisdiction.

For any motions to transfer a Travis County CPS case to a jurisdiction in another state, the parties must notify the Court of such a request and provide as much relevant information about the court requested to receive the case so that the Court can ensure compliance with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), in accordance with Texas Family Code Chapter 152.

Within 14 days of receiving the Clerk's file from a CPS case being transferred to Travis County from another jurisdiction, the Court will appoint local attorneys for all persons qualified for and entitled to appointed counsel and set a Special Review hearing. Any advocates serving on a newly transferred case into Travis County must be prepared to provide the Court with relevant updates at the Special Review hearing.

## Mediation

The Travis County Civil District Judges approve of individual mediators to serve CPS cases. When parties agree to proceed to mediation, they may coordinate using a mediator from the list of approved mediators. In order to have the mediation paid through Travis County funds, mediation must be authorized through a court order. Each CPS case with a Scheduling Order has one mediation authorized within that Scheduling Order. Otherwise, a party must request at a hearing or motion for mediation to be authorized.

## Texas Office of Attorney General and Travis County Attorney's Office Access

Travis County CPS cases contain sensitive information and have been designated as "restricted" cases with the Travis County District Clerk's Office. Often times a CPS case may involve child support orders or a protective order that will require access for the Texas Office of Attorney General and/or the Travis County Attorney's Office so that they may continue serving the families through their offices after the CPS case has concluded. In these cases, the parties must ensure any final orders contain language granting access to either or both of these offices, as is relevant.

## Inclement Weather: Impact on In-Person CPS Court Hearings

In the event inclement weather may impact any in-person CPS court hearings, the Travis County CPS courts will coincide with Austin Independent School District (AISD) for any changes to in-person court hearings.

Cancellation: If AISD cancels a full day of school on a day with inclement weather, all TMC, COS, and PMC review hearings set that day will occur by submission. Family Drug Treatment Court staffing and participant hearings will be cancelled. Crossover Docket hearings will be rescheduled.

- Any party requesting a reset of a review hearing so that it may occur in-person rather than by submission must make this request to the Court by 5:00 p.m. that day.
- Any contested evidentiary hearings will be reset and parties should receive notice of the reset date by 5:00 p.m. that day.

- Any Show Cause or Chapter 262 (non-evidentiary) hearings will either be reset to another day or, upon agreement, rescheduled to a time later that day for a remote hearing to occur through an online platform. The parties should receive communication from the Court about resetting or rescheduling these hearings by noon that day.

Delay: If AISD delays the start of school on a day with inclement weather, any TMC, COS, and PMC review hearings set before noon that day will occur by submission. Family Drug Treatment Court staffing will occur remotely through an online platform and all participant hearings will begin at 1:00 p.m. (including the men's docket). Crossover Docket hearings will be reset.

- Any party requesting a reset of a review hearing so that it may occur in-person rather than by submission must make this request to the Court by 5:00 p.m. that day.
- Any contested evidentiary hearings scheduled before noon will be reset and parties should receive notice of the reset date by 5:00 p.m. that day.
- Any Show Cause or Chapter 262 (non-evidentiary) hearings scheduled before noon will either be reset to another day or, upon agreement and availability of the Court, rescheduled to a time later that day for a remote hearing to occur through an online platform. The parties should receive communication from the Court about resetting or rescheduling these hearings by noon that day.

Announcements and updates on changes to the dockets on a day with inclement weather may be made by the Court through email, the CPS Courts website, or other online platforms. Case specific information on reset or rescheduled hearings will occur by email from the Court or court staff directly to the parties.

## Remote Hearings

In times of a Disaster Declaration by local, state, or national government or other extraordinary event, situation, or circumstance and with the authority of the Texas Supreme Court or other binding authority, the Travis County CPS Courts will implement specific processes and procedures for continuation of hearings through remote platforms as the Courts are able. These processes and procedures may be regularly updated during this time and the Courts will issue these updates as needed. The District Court Judge will issue an official memo when remote hearings due to a Disaster Declaration or other event, situation or circumstance has concluded the need for remote hearings for those extraordinary reasons.

## Interpreters for CPS Court Hearings

It is the goal of Travis County Civil District Courts to provide meaningful access to court services for persons with limited English proficiency as mandated by Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d et seq. The CPS Courts follow the Procedure for Foreign Language Interpreters, approved December 19, 2018 by the Civil Courts. The Civil Courts have approved interpreters for live interpretation or phone/video interpretation. At the ex parte hearing, DFPS usually provides notice to the Court of cases requiring an interpreter. If a case did not previously have a designation for the need of an interpreter, any party who becomes aware of the need for an interpreter should notify the Court as soon as possible. The Court will request interpreters for all statutory hearings set by the Court and hearings set in accordance with a Scheduling Order. For any other hearing, the movant requesting the hearing shall assure an interpreter is requested if they are aware that any party on that case requires interpretation. At any time, an attorney for a party requiring interpretation shall assure an interpreter has been requested, unless they are already aware that the request has been made. Any request for an interpreter to be available for a CPS Court hearing can be made to the Judicial Executive Assistant for the judge presiding over that hearing.

## POLICIES & PRACTICES FOR CHILD PROTECTIVE SERVICES—DFPS

### Court Report Procedures

In accordance with the order regarding Court Reports for Adversary, Status and Permanency Hearings filed at the initiation of each Travis County CPS Case, DFPS must also assure that a copy of the relevant Court Report for each case is submitted to the Court by noon at least three business days prior to the hearing. DFPS may submit these court reports to the respective judge through email, unless specifically ordered otherwise. *(See Appendix for example Court Report for Adversary, Status and Permanency Hearings Order)*

### DFPS Required Notices to the Court

The Court expects that DFPS will work collaboratively with the parties in each case and will assure compliance on certain notices in accordance with Texas Family Code Section 264.018. Additionally, the Court expects DFPS to assure any significant event affecting a child in the conservatorship of DFPS or being served by an FBSS unit in a COS case will be addressed and discussed at the next available review hearing and in emergency circumstances, as needed, an request be made for the Court's assistance. The Court expects to receive and email notice, each and every time, of the following situations:

- The psychiatric hospitalization of a child being served in a CPS case.
- Any severe bodily injury\* of a child being served in a CPS case.
- Any death of a child or parent in a CPS case.
- The pregnancy of a child being served in a CPS case.
- Any new incident of alleged physical or sexual abuse of a child being served in a CPS case, so long as no other legal process, policy, or law prevents the notice, and so long as notification within 24 hours would not compromise an ongoing CPS or law enforcement investigation, in which case DFPS shall notify the Court and parties as soon as is practicable.
- Any instance in which a child is missing or has runaway and has not returned to their court approved placement within 24 hours.
- Any instance in which a child is without placement for more than 24 hours.
- Any instance in which a child is detained or incarcerated. Additionally, due to the confidential nature of juvenile proceedings, if a child subject to a CPS proceeding becomes involved with the juvenile justice system, in any jurisdiction, DFPS is not required to send this notice to any parties, attorneys, or CASA who would not be party to a suit if the juvenile was the only subject child.

Additional details on providing the required notices to the court is outlined in the Order for Required Notices to the Court which are filed in each CPS case. *(See Appendix for example Order for Required Notices to the Court)*

\*NOTE: "Severe bodily injury" shall be defined, for purposes of this notification, as any injury for which a child was taken to the emergency room/urgent care or required hospitalization, and shall also include any injury for which a reasonable caregiver would have taken the child to the emergency room, hospital, or urgent care, even if the current caregiver did not seek such treatment.

### Court Expectations and Procedure on Missing Children

The Court considers a child being missing as a significant event affecting that child and expects DFPS to pursue every available option to locate that child. For children in the conservatorship of DFPS, when a child is missing DFPS must make a missing child report to the appropriate local law enforcement agency and the National Center for Missing and Exploited Children (NCMEC). Additionally, DFPS must notify the Court, the advocates for the child,

the parents, any juvenile probation agency, and any appropriate embassy if the missing child is a citizen of another country. DFPS is also expected to file notices in accordance with Texas Family Code Section 264.018. Additional details are outlined in the Protocol on Missing Children. *(See Appendix for Court Expectations and Procedure on Missing Children.)*

In the instance in which a child is missing but not in the conservatorship of DFPS but is being served by an FBSS unit in a Court Ordered Services case, DFPS must assist a parent or conservator of the child and confirm that a missing child report has been made to the appropriate local law enforcement agency and follow any additional direction given by that law enforcement agency for next steps in helping locate that child.

## POLICIES & PRACTICES FOR ATTORNEYS

### Application for Court Appointments

The Court maintains a list of attorneys eligible and approved to receive appointments to indigent parents and children in Termination of Parental Rights civil lawsuits filed by the Travis County District Attorney's Office on behalf of the Child Protective Services division of the Texas Department of Family and Protective Services. To be considered for CPS court appointments, a CAFA Appointment List Packet for CPS Cases must be requested, completed, and returned to the Lawyer Referral Service of Central Texas for review. Details, requirements, and Court expectations are outlined in the CAFA Appointment List Packet.

### Court Appointed Attorneys: Court Team Assignments

The CPS Courts coordinate advocates, as best as possible, into Court Teams that align with the dockets for each Judge. Court Appointed attorneys may state a preference of which Court Team they prefer to be added to although this preference is not guaranteed due to a need to balance the teams. As of January 1, 2020, Judge Mathews Rodriguez will preside on cases with the Tuesday Team (attorneys receiving appointments on new cases with their Show Cause and Chapter 262 (non-evidentiary) hearings set on Tuesdays). Judge Martinez Jones will continue to preside on cases with the Wednesday Team (attorneys receiving appointments on new cases with their Show Cause and Chapter 262 (non-evidentiary) hearings set on Wednesdays).

### Court Appointed Attorneys: Fee Bill Reimbursements/Approved Attorney Fees & Expenses

The District Court Judges have approved certain expenses and reimbursement. These include paralegal or legal assistant fees at a specific rate, approved mileage for travel outside of Travis County, photocopies, postage, long distance telephone calls, service of citation charges, and a specific rate for hourly travel. The details on these approved expenses and reimbursements can be found in the Policy on Indigent Attorney Fees for Civil, Family and Juvenile Cases located on the Travis County Courts [website](#).

### Court Appointed Attorneys: Requesting Transcripts

Requests for transcripts of CPS matters should be made directly with the designated Court Reporter who took the record. **Transcripts for Appeals:** In accordance with Texas Government Code Section 52.047(a), an indigent parent may receive a transcript for purposes of an appeal. An attorney for an indigent parent should submit to the Court a request to authorize preparation of the appellate record and a proposed order for fees to be paid by the County. These requests and proposed orders may be sent to the submission email address for the presiding judge (e.g. [AMJ.Submissions@traviscountytexas.gov](mailto:AMJ.Submissions@traviscountytexas.gov) or [LMR.Submissions@traviscountytexas.gov](mailto:LMR.Submissions@traviscountytexas.gov)). Orders authorizing payment for

the transcript by the County should be submitted to the Court Reporter upon receipt of the signed Order from the Court. **Transcripts for Other Matters:** Upon request, the Court Reporters for our CPS Courts will provide an estimate of the cost for a transcript, at the “indigent rate,” for a specified hearing. If a court appointed attorney is seeking reimbursement for the cost of a transcript, prior court approval is necessary. The Court uses discretion in approving these requests and a request for reimbursement of a transcript must be made by filing a motion and providing information as to why a transcript is reasonable and necessary. If approved, the court appointed attorney should notify the Court Reporter to begin drafting the transcript. Attorneys should allow for at least 10 business days for production of the transcript by the Court Reporter. **Note:** A party may pay “out of pocket” for a transcript without the need for prior court approval.

### **Court Appointed Attorneys: Related Matters**

Court Appointments for children and parents on CPS cases are for the scope of matters within the Termination of Parental Rights civil lawsuits filed by the Travis County District Attorney's Office on behalf of the Child Protective Services division of the Texas Department of Family and Protective Services. If a matter related to the scope of the appointment arises, a court appointed attorney must request permission of the Court to handle any related matter and bill for time spent on the related matter. The court appointed attorney should file a motion including information on the scope of the related matter, the amount of time anticipated being spent on the related matter, and how the attorney work on the related matter would be in the best interest of the child/ren subject of the CPS case.

### **Court Appointed Attorneys: Appeals**

In accordance with Texas Family Code Section 107.013, court appointed attorneys for parents remain as appointed counsel for the duration of the suit and any subsequent appeal unless otherwise ordered by the court with reconsideration of the parent’s eligibility upon motion of a party. All court appointed attorneys must be prepared to represent a parent through appeal or seek a substitution of counsel in accordance with these Practices and Procedures. The Court does not issue any automatic substitutions for appeals.

### **Court Appointed Attorneys: Judicial Approval of Out of County Travel**

The Court must approve any out of county travel related to the scope of the attorney appointment in order for the court appointed attorney to receive reimbursement for reasonable time and mileage related to the travel. Attorneys should use the Request for Approval of Out-of-County Travel Form for approval from the court for reasonable and necessary out-of-county travel performed in conjunction with court appointed representation of parents or children in a CPS case. Additional details and instructions are included in the Request for Approval of Out-of-County Travel Form. *(See Appendix for a sample Request for Approval of Out-of-County Travel Form)*

### **Attorney Ad Litem: Request for Waiver of Pre-Hearing Meeting**

Any Attorney Ad Litem requesting a waiver of the pre-hearing meeting required under Texas Family Code Section 107.004(d) may do so using the Court’s Waiver of Pre-Hearing Meeting template. This template may also be used to request authorization to confer with the child or other individual by telephone or video conference instead of in person. The completed template may be submitted to the Court by email through the CPS Submissions email. *(See Appendix for a sample AAL’s Request for Waiver of Pre-Hearing Meeting under Tex. Fam. Code §107.004(d) template)*

## Parent Attorney: Request for Waiver of Pre-Hearing Meeting

Any Parent Attorney requesting a waiver of the pre-hearing meeting required under Texas Family Code Section 107.0131 may do so using the Court's Waiver of Pre-Hearing Meeting template. This template may also be used to request authorization to confer with the client by telephone or video conference instead of in person. The completed template may be submitted to the Court by email through the [CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov) email. *(See Appendix for a sample Parent Attorney's Request for Waiver of Pre-Hearing Meeting under Tex. Fam. Code §107.0131 template)*

## Reports & Requests for Dismissal: Attorneys for Alleged Fathers and Unknown/Missing Parents in CPS Cases

The Court regularly appoints attorneys in accordance with Texas Family Code Section 107.0132 and 107.014 for Alleged Fathers and for Certain Parents (whose identity or location is unknown or who has been served by citation by publication). These appointments expressly require certain prescribed duties and requirements including the submission of a "written summary" to the Court. Attorneys receiving these appointments must assure to send a courtesy copy of the "written summary" to the Court, after filing with the District Clerk, along with a proposed Order for dismissal that they may want considered. These documents may be sent to the [CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov) email address for processing.

## Attorneys: Substitutions

If a court appointed attorney is unable to accept an "Early Appointment" made prior to the initial Show Cause or Chapter 262 (non-evidentiary) hearing, that attorney should email the request to the CPS Attorney Appointment email address as soon as possible and the Court can initiate the substitution of counsel. If a withdrawal and substitution of counsel is necessary after the initial Show Cause or Chapter 262 (non-evidentiary) hearing, the attorney requesting to substitute out of the case must identify another attorney to substitute onto the case and that attorney must also be on the Court's approved court appointment list and on the same Court Team as the attorney substituting out. This includes times in which a conflict may arise for a parent attorney or for an attorney ad litem representing a sibling group. The Office of Parental Representation and The Office of Child Representation have some exceptions to this procedure when conflicts arise. Additional details and instructions for private attorneys on the court appointment list are included in the CAFA Appointment List Packet for CPS Cases. *(See Appendix for Procedure for Submission Docket)*

## Attorneys: Substitutions for the Guardian ad Litem Role

If a court appointed attorney ad litem is unable to serve in the dual role as both attorney ad litem and guardian ad litem and is requesting to have a separate guardian ad litem appointed (usually CASA of Travis County), that attorney ad litem need only send the request to the [CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov) email address with the relevant information on the case and presiding judge (i.e. Presiding Judge Initials, Cause Number, Style of Case in subject line). For any other attorney on the case requesting a separate Guardian ad Litem be appointed, a motion must be filed and the matter set for a hearing so that the attorney ad litem may present their position on the record. If the attorney ad litem is not opposed, this matter may be considered, by agreement of the parties, through the [CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov) email address. *Note: If, for any reason, CASA of Travis County is unavailable to accept an appointment as guardian ad litem, a private attorney approved for court appointments may be appointed to the role of guardian ad litem. Any attorney appointed in this role shall be familiar with the Powers and Duties outlined in Texas Family Code Section 107.002)*

## **Attorneys: Filing of Orders and Courtesy Copies**

Orders from CPS cases are generally filed with specific Clerks designated by the Travis County District Clerk. The Courts will file all Orders on CPS cases after the judicial signature is executed. The only exception is for Ex Parte Show Cause Orders, which the Travis County District Attorney's Office has authorization to file with the appropriate Clerk. Attorneys on a CPS case should not attempt to file any orders with the District Clerk's office themselves. Courtesy copies are not generally provided for statutory hearings or review hearings. If parties need a copy of any particular order urgently, they should request a courtesy copy from the presiding judge's Judicial Executive Assistant.

## **Attorneys: Dismissals**

Court appointed attorneys conditionally appointed and fully appointed to represent parents on a CPS case in accordance with the various provision of Texas Family Code Section 107.013 should be familiar with their appointment order and the nature of their appointment. In some circumstances the appointed attorney may seek to be dismissed and should submit a proposed Dismissal Order upon request to assure they are removed as attorney of record in the Court file.

## **Special Appointments: Immigration Attorneys & Disability Rights Texas**

In the event that a specially appointed attorney may be of assistance and in the best interest of a child or children in a CPS case, a party must request from the Court such an appointment along with enough relevant information as to why the special appointment is in the best interest. The Court collaborates with pro bono immigration attorneys to handle Special Immigrant Juvenile Status matters and is able to appoint Disability Rights Texas on cases to help a child or children with special education needs. These special appointments are subject the availability of those attorneys. Requests for these special appointments may be made by email to the Court through the CPS Submissions email address. *(See Appendix for Procedure for Submission Docket)*

## **Application for Mediator Appointments**

The Court maintains a list of mediators eligible and approved to receive appointments to mediate parties in Termination of Parental Rights civil lawsuits filed by the Travis County District Attorney's Office on behalf of the Child Protective Services division of the Texas Department of Family and Protective Services. To be considered for CPS mediator appointments, an Application for Eligibility for CPS Mediator Appointments must be completed and returned to the Court for review at the District Judges' Office or by email to the Appointments Fees email address. Details, requirements, and Court expectations are outlined in the Application for Eligibility for CPS Mediator Appointments in CPS Cases in the Travis County Civil District Courts which may be found on the Travis County Courts [website](#).

## **POLICIES & PRACTICES FOR GUARDIAN AD LITEMS**

### **Requesting Special Reviews as a Guardian ad Litem**

In accordance with Texas Family Code Section 107.002, guardian ad litem are not a party to the child welfare case but do have certain powers and duties. As the guardian ad litem's outlined powers and duties may create circumstances in which they become aware of issues that they believe need to be brought to the attention of the Court, the Court allows any guardian ad litem on a case to request a Special Review hearing, if a court hearing is not already scheduled within a reasonable time. To request a Special Review, the guardian ad litem must submit

a brief report to the Court describing the purpose for the request for the Special Review hearing. The report must be submitted to the appropriate judge's submission email address ([AMJ.Submissions@traviscountytexas.gov](mailto:AMJ.Submissions@traviscountytexas.gov) or [LMR.Submissions@traviscountytexas.gov](mailto:LMR.Submissions@traviscountytexas.gov)) and all parties to the case must be copied on the email. The subject line of the email must include the phrase "GAL Special Review Request" along with the Cause Number and Style of the case. The Court will then review the report requesting the Special Review hearing and notify the parties if the request for a Special Review hearing is granted.



## CONTACTING THE COURTS

### District Judge and Associate Judge

The Judges may receive communications through their respective Judicial Executive Assistants or through the District Judges' Office:

Heman Marion Sweatt Courthouse  
1000 Guadalupe Street  
Austin, Texas 78701  
Room 327

### Court Staff

126<sup>th</sup> District Court—Staff Attorney

Katy Gallagher Parker

[Katy.Gallagherparker@traviscountytx.gov](mailto:Katy.Gallagherparker@traviscountytx.gov)

126<sup>th</sup> District Court—Judicial Executive Assistant

April Morton

[April.Morton@traviscountytx.gov](mailto:April.Morton@traviscountytx.gov)

126<sup>th</sup> District Court—Court Reporter

Kasi Chapman

[Kasi.Chapman@traviscountytx.gov](mailto:Kasi.Chapman@traviscountytx.gov)

126<sup>th</sup> District Court—Judicial Aide

Felicia Frasier

[Felicia.Frasier2@traviscountytx.gov](mailto:Felicia.Frasier2@traviscountytx.gov)

Associate Court—Judicial Executive Assistant

Felice Garcia

[Felice.Garcia@traviscountytx.gov](mailto:Felice.Garcia@traviscountytx.gov)

Associate Court—Court Reporter

Tasha Bates

[Tasha.Bates@traviscountytx.gov](mailto:Tasha.Bates@traviscountytx.gov)

Associate Court—Judicial Aide

Kelly Davis

[Kelly.Davis@traviscountytx.gov](mailto:Kelly.Davis@traviscountytx.gov)

## Important Email Addresses

[Annie@AustinLRS.org](mailto:Annie@AustinLRS.org): For attorney court appointment application.

[CivilAttorneyFees@traviscountytx.gov](mailto:CivilAttorneyFees@traviscountytx.gov): For questions on attorney fee bills.

[Courts-Help@traviscountytx.gov](mailto:Courts-Help@traviscountytx.gov): For questions about court technology or technical support for court based platforms.

[CPS.CLE@traviscountytx.gov](mailto:CPS.CLE@traviscountytx.gov): For questions about court sponsored continuing legal education, upcoming presentations, or questions about the Travis County Model Court for Children and Families.

[CPSReports@traviscountytx.gov](mailto:CPSReports@traviscountytx.gov): For electronic delivery of court reports.

[CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov): For Early Appointment substitution requests prior to the initial hearing and agreed Motions and proposed Orders for attorney substitutions, as well as courtesy copies of any required “written summary” with a proposed Order of Dismissal for attorney appointments under Tex. Fam. Code Sec. 107.0132 or 107.014. Also, for agreed Motions and proposed Orders, in accordance with the Submission Docket procedures, as well as requests for Travel Authorization or Travel Waiver, and requests for Guardian ad Litem.

[AMJ.Submissions@traviscountytx.gov](mailto:AMJ.Submissions@traviscountytx.gov): For remote submission hearings for District Court Judge, Aurora Martinez Jones.

[LMR.Submissions@traviscountytx.gov](mailto:LMR.Submissions@traviscountytx.gov): For remote submission hearings for Associate Judge, Leigh Mathews Rodriguez.

## APPENDIX

*(Example Orders and Sample Forms)*

Procedures for Early/Conditional (Limited-Purpose) Appointed Attorneys

[Diligent Search Report Form](#)

[Sample Affidavit of Indigence and Request for Court-Appointed Attorney \(English\)](#)

[Ejemplo de un Declaración de Indigencia y Solicitud para Recibir un Abogado Asignado por el Tribunal \(Español\)](#)

COS Scheduling Order

TMC Scheduling Order

Discovery Control Plan (Example—Commonly Ordered Provisions)

Court Report for Adversary, Status and Permanency Hearings Order (Example—Commonly Ordered Provisions)

DFPS Required Notices to the Court (Example—Commonly Ordered Provisions)

Over One Hour Contested CPS Hearing Request Form

Procedure for Submission Docket

Procedure for De Novo Hearings

Court Expectations and Procedure on Missing Children

[Request for Approval of Out-of-County Travel Form](#)

[AAL's Request for Waiver of Pre-Hearing Meeting under Tex. Fam. Code §107.004\(d\)](#)

[Parent Attorney's Request for Waiver of Pre-Hearing Meeting under Tex. Fam. Code §107.0131](#)



## **CASA of Travis County Practices in Local Courts 2021**

The following is an overview of CASA of Travis County and its functions within the Travis County child welfare system. It is important to recognize that while all CASA programs in Texas are independent, nonprofit, volunteer-based organizations that adhere to national and statewide standards, there is considerable local variation in how CASA programs operate. The practices described here reflect only CASA of Travis County.

### **I. CASA's Role**

In the cases to which CASA is appointed by the courts, CASA of Travis County is always the guardian *ad litem* for the child, with powers and responsibilities as established in the Texas Family Code. Additionally, CASA is appointed as the education advocate and, as appropriate or requested, may be appointed as surrogate parent. CASA has been a member of the Executive Committee of the Travis County Model Court for Children, Youth and Families since its inception and participates in the collaborative work and pilot projects of the Model Court.

### **II. Court Appointment of CASA**

Because CASA does not have capacity to accept appointment to all cases before the Court, CASA is appointed based primarily on an age criterion. As of November 2020, CASA is appointed to all new cases with one child at least three years old or older. Additionally, CASA is appointed to any cases that transfer into Travis County from another jurisdiction and to other cases for which a judge feels a particular need to have CASA in the GAL role. CASA is appointed automatically and *ex parte* to cases that meet the current criteria. CASA communicates with the lead judge of the Travis County Model Court when appointment criteria need to change. Under statute, CASA may be appointed to any suit affecting the parent-child relationship brought by the Department of Family and Protective Services, so as court-ordered services cases are filed as SAPCRs, CASA may be appointed to those in the standard role(s) as well.

### **III. CASA's Volunteer-based Model of Best Interest Advocacy**

As established in the Texas Family Code, CASA is a volunteer-based organization. CASA recruits, screens, trains, and supervises community volunteers who serve in the GAL role on the cases to which they are assigned. At CASA of Travis County, all volunteers have professional supervisors on the paid staff of CASA, called Child Advocacy Specialists. CASA maintains staff caseload limits and performance standards to better ensure consistent volunteer advocacy in all cases.

CASA volunteers are thoroughly screened, including personal and professional references, in-depth personal interviews, state and national fingerprint-based criminal background checks, child abuse and sex offender registry checks, and driving record checks. CASA provides a 39-hour training program to all volunteers, using a curriculum developed by National CASA with additional localized material. Additionally, CASA provides specialized trainings for staff and volunteers on family finding and engagement, trauma-informed advocacy, race equity and

disproportionality, child safety, domestic violence, and other topics. Volunteers who successfully complete their screening and initial training take an oath before a judge.

#### IV. Family Finding and Engagement

CASA has staff and volunteers focused on identifying and engaging family members as supports for children. The overarching goal of this effort, which can be brought to bear on any case to which CASA is appointed, is to help children reach permanent homes faster, preferably with relatives, and, even if a permanent home is not achieved, to give children an understanding of their heritage and the supportive family members and other adults in their lives.

#### V. Trauma-Informed Advocacy

CASA is a founding member of and serves on the steering committee for the Travis County Collaborative for Children (TCCC), whose goal is to accelerate healing and speed to permanent homes for children in foster care based upon proven principles and practices of trauma-informed care. Many CASA staff and volunteers are trained in the principles of Trust-Based Relational Intervention (TBRI), a research-based model for working with children who have experienced trauma developed by the Karyn Purvis Institute of Child Development at Texas Christian University.

#### VI. Race Equity & Disproportionality

CASA trains staff and volunteers to understand and address disparities and to challenge biases, and in so doing strives to develop cultural humility and awareness in working with children and families from different backgrounds. CASA also works alongside other community stakeholders to address racial disparities in the child welfare system to ensure positive child outcomes. CASA is a member of the Child Welfare Race Equity Collaborative and of the Race Equity and Disproportionality Committee of the Travis County Model Court for Children, Youth and Families.

#### VII. Child Safety

Children and youth in the child welfare system are vulnerable to ongoing abuse and exploitation. CASA of Travis County has taken steps to help mitigate those risks by implementing strict child safety protocols. CASA's Director of Quality and Safety works with staff and volunteers who identify safety concerns in their cases to make plans to help keep children safe and to request emergency hearings before a judge in urgent safety situations that cannot be otherwise addressed. CASA's Child Safety Specialist makes extra visits to children housed in congregate care settings, beyond those made by the CASA volunteer advocates assigned to each child, and reviews the policies and procedures of those facilities to help inform CASA's best interest advocacy as it relates to child safety.

#### VIII. Teen Advocacy & Permanency Project and Crossover Docket

CASA's Teen Advocacy and Permanency Project (TAPP) serves youth who are at risk of becoming adults without a family or other long-term support. Staff and volunteers provide specialized advocacy in the areas of education, preparation, and healthy connections for these youth. CASA is appointed to 100% of youth on the Crossover Docket.

## IX. Educational Advocacy

Advocates meet with counselors, teachers, and school administrators to closely monitor a child's educational progress and to help schools better serve children with behavioral issues or specific education needs. As the education advocate, CASA can especially help children who change homes and schools, ensuring the child does not fall behind during the transition and connecting new schools with previous ones.

## X. Drug Court

CASA is a partner in the Travis County Family Drug Treatment Court, a specialized program for families whose primary factor in child neglect is substance abuse. When CASA has capacity, judges appoint CASA as GAL to children whose parents are participating in the Drug Court program.

## XI. Praesidium Accreditation and Certifications

CASA of Travis County is the first and so far, only CASA program in the country to become accredited for excellence in child safety practices by Praesidium, Inc., a company focused on abuse prevention in youth-serving organizations. CASA has numerous Certified Praesidium Guardians on staff and has worked with Praesidium to develop a CASA-specific training to help other programs strengthen their safety measures for children.

## XII. Grievances

CASA's advocacy takes place within the context of litigation, and the courts have made clear their expectation of common-sense and courageous recommendations from CASA in children's best interest. Some disagreement with CASA's position or recommendations by other parties is to be expected and may be negotiated or brought to the judges. If, however, a party or their representative has any concerns about the actions of a CASA employee or volunteer they are encouraged to bring that information to the attention of CASA's Senior Director of Advocacy or Chief Program Officer at 512-459-2272 or [info@casatavis.org](mailto:info@casatavis.org) so that CASA may investigate and address it expeditiously.

## XIII. Mission, Vision, Ethics, Values Statements

**Mission:** CASA of Travis County exists to promote and protect the best interest of children who have been abused or neglected, by training volunteers to advocate for them in courts, in schools and in our community to help them find safe, permanent and loving homes.

**Vision:** For every child who needs us, CASA of Travis County envisions a trained volunteer advocate, a safe home and a promising future.

**Ethics Statement:** It is CASA's duty to promote the safety and well-being of the children we serve. We shall protect children from abuse and from practices that are emotionally and physically damaging, disrespectful, degrading, dangerous, exploitative or intimidating.

**Values:** In working to achieve our vision, we act on the following core values:

- Excellence in all our endeavors
- Inclusiveness, diversity, respect for all cultures and ethnicities: for children, families, volunteers, staff, Board, and supporters

- Empowering the community through strong screening, training, supervision and support of volunteers
- Honorable and respectful involvement in the child welfare system, with the courts and all parties
- Independent and educated recommendations, true to our understanding of each child's best interest, that prioritize children's safety and, wherever possible, preserve connections to their families
- Responsible use of resources to maximize our positive impact on the child welfare system

# Procedures for Early/Conditional (Limited-Purpose) Appointed Attorneys

## INTRODUCTION:

The Office of Juvenile Justice & Delinquency Prevention (OJJDP) has noted that:

*“The earlier the appointment occurs, the sooner the interests of the parent begin to be represented. Early appointment may enable the case to proceed faster, minimizing the length of separation between parent and child and clearing the way for delivery of needed services earlier rather than later.”<sup>6</sup>*

From 2009-2010, the Travis County Model Court for Children and Families engaged in a Parent Representation Pilot Project which was an effort to assign pilot project attorneys to all parents named in a CPS petition as quickly as possible after the signing of the ex parte/show cause order. Researchers from the National Council of Juvenile and Family Court Judges (NCJFCJ) concluded that “parents in the pilot project received representation sooner than control cases. Attorneys appointed earlier in cases were more likely to be present at key hearings throughout the case. Parents who received counsel early in their cases were more likely to have their cases dismissed or their children returned. Children involved in the pilot cases were placed with relatives more frequently and their cases reached final orders without being transferred to PMC.”<sup>7</sup>

Based on the experiences, feedback, and research conducted, the CPS Judges have determined that the practices piloted in 2009-2010 would be expanded to all CPS cases under the modified procedures described below. The Travis County Model Court for Children and Families has adopted this model fully since 2015. At ex parte CPS hearings, judges now appoint attorneys for all parents in Travis County who are named in civil suits filed by the Texas Department of Family and Protective Services (DFPS) as a result of findings of child abuse and neglect, including cases for Court Ordered Services, Conservatorship, and/or Termination of Parental Rights. All attorneys accepting court appointments to represent these parents must become familiar with and follow the procedures as outlined.

## PROCEDURES:

Each business day when the DFPS’ Petitions, Affidavits, and Proposed Orders are presented to a CPS Judge at an ex parte hearing electronically or in person on new cases, the CPS Judge will appoint all parents named in the Petition a court appointed attorney at the same time that the CPS Judge signs the Ex Parte Order/Show Cause Order, if the Judge is granting the DFPS request for a hearing and/or emergency removal. These appointments will be conditional on the parent’s eligibility for an attorney. The conditionally appointed attorney’s first duty will be

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<sup>6</sup> U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention, *Court Performance Measures in Child Abuse and Neglect Cases: Technical Guide*, Published December 2008, From “Measure 3D: Early Appointment of Counsel for Parents”, page 104. Available online at: <http://www.ojjdp.ncjrs.gov/publications/courttoolkit.html>

<sup>7</sup> Steve Wood and Crystal Duarte, Research Report: Assessing a Parent Representation Program in Texas 10 (June 13, 2013) (unpublished report, on file with the National Council of Juvenile and Family Court Judges).



to contact the parent and obtain information on eligibility to submit to the Court to request a full appointment to the parent, if possible and if the parent is eligible.

Once Court staff notifies the District Attorney's office and each court appointed attorney of these attorney appointments, the following procedures apply:

1. The District Attorney's office, through their staff, will email electronic versions of the relevant pleadings in each case to all court appointed counsel and the court.
2. The appointed attorneys for parents have a limited purpose prior to having a full appointment confirmed by the Court. Those attorneys will need to make reasonable and necessary attorney efforts to obtain contact information for their client from the Petition, the Department, or other reasonable means.
3. The appointed attorney must, no later than first hearing date, make diligent efforts to locate the parent, determine whether the client desires to request court appointed counsel under Texas Family Code §107.013, and assist the parent with completion, submission, and filing of an "Affidavit of Indigence and Request for Court-Appointed Attorney".
4. If completed, the attorney shall submit a copy of the completed Affidavit of Indigence to the Court prior to the start of the first hearing.
5. If the appointed attorney fails to locate the parent or, if located, the parent does not oppose the lawsuit or does not desire to request a court-appointed attorney, the appointed attorney must, by Court order, submit a report of efforts to locate the client and not to appear at the first hearing. The appointed attorney may, in that event, tender a proposed order seeking dismissal to the submission email address associated with the presiding judge for that case ([AMJ.Submissions@traviscountytexas.gov](mailto:AMJ.Submissions@traviscountytexas.gov) or [LMR.Submission@traviscountytexas.gov](mailto:LMR.Submission@traviscountytexas.gov)).
6. At the first hearing, the Court will make a finding regarding whether the parent is indigent or otherwise eligible for an appointed attorney under Texas Family Code § 107.013. If eligible, the Court will make a finding that endorses the full appointment and the appointed attorney will continue on as counsel of record for the duration of the case, through appeal (unless and until there is a later substitution of counsel).
7. If the parent is not determined eligible, the parent may be ordered to reimburse the county for legal fees and costs associated with representation.

#### **EXCEPTIONS:**

Some cases are excluded from this procedure of early/conditional (limited-purpose) court appointments. If DFPS is only seeking an Order in Aid of Investigation or the allegations are that the parent is not in opposition to the suit such as in cases of Refusal to Accept Parental Responsibility, the Court will not make the court appointments as outlined. Also, when certain "inability to care" grounds in Termination of Parental Rights cases are pled or a parent is a minor, that parent will receive a fully appointed attorney at the ex parte hearing. Otherwise, early appointments will occur for all named parents in all cases in which the petition indicates DFPS is seeking Court Ordered Services, Conservatorship, and/or Termination of Parental Rights.

## **DUE DILIGENCE:**

Attorneys receiving these early/conditional (limited-purpose) court appointments should make reasonable and necessary efforts to try to find their client. The factors listed in *Arthur Andersen & Co. v. Perry Equip. Corp.*, 945 S.W.2d 812, 818 (Tex. 1997) offers guidance on determining whether the fees associated with any efforts to contact and locate your client would be considered reasonable and necessary. As always, court appointed attorneys must obtain prior approval from the Court before proceeding with any travel beyond counties contiguous with Travis County to receive reimbursement and approval of billing for this time.

## **ADVOCACY TIPS:**

If no contact is made with a client:

- ⊗ Do not request discovery.
- ⊗ Do not file anything other than the due diligence report.
- ⊗ Do not make an appearance at any hearing.

Once you have made contact with a client:

- ✓ Present the Affidavit of Indigence and Request for Court-Appointed Attorney to the Court prior to the start of the first hearing, or sooner if possible. *Note: Even if an attorney receives a full appointment at the ex-parte hearing under one of the exceptions, it is reasonable to still make efforts to complete an Affidavit to file with the Court.*
- ✓ Evaluate answers based on Poverty Guidelines to determine whether you believe the client qualifies as indigent for the purpose of court appointed counsel.
- ✓ If a client may not qualify for court appointed counsel, advise the client that they may need to reimburse the County if proceeding with representation.
- ✓ If a client appears to qualify for court appointed counsel, proceed with legal work for the full representation.

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

IN THE INTEREST OF

CHILDREN

§  
§  
§  
§  
§

IN THE DISTRICT COURTS

OF TRAVIS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PARENT ATTORNEY – DILIGENT SEARCH REPORT**

Comes now \_\_\_\_\_ to provide the following diligent search report:  
(Name of Attorney ↑)

This case is set on the \_\_\_\_\_ docket on \_\_\_\_\_.  
(Monday / Friday ↑) (Date ↑)

“On \_\_\_\_\_ I was appointed to represent \_\_\_\_\_.  
(Appointment Date ↑) (Name of Parent Client ↑)

conditional upon the parent’s eligibility for an attorney appointed under Texas Family Code § 107.013. By my signature below I certify that, within the time available since my appointment, I have made diligent efforts to attempt to locate my client.

***(Attorney should Check Applicable Boxes Below and Provide Details as Appropriate)***

☐ Despite my best efforts, the whereabouts of my client are unknown to me and I have not been able to communicate with my client.

☐ I have located my client but he/she does not oppose the lawsuit or does not desire to request a court-appointed attorney.

☐ Other Details on Diligent Search (*attach additional pages as necessary*):

Accordingly, by my signature below I certify that at this time I am not able to advise the court of whether my client qualifies for an attorney appointed under Texas Family Code § 107.013”

Signed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Attorney ↑)

Check all boxes that apply. PRINT your answers.

**Use this form to ask for a court-appointed attorney in a CPS case ONLY.**Case No: \_\_\_\_\_  
(PRINT court information exactly as it appears on your Petition)In the Interest of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_In the \_\_\_\_\_ District Court  
of Travis County, Texas**Affidavit of Indigency and  
Request for Court-Appointed Attorney**

I am unable to pay court costs. I declare under penalty of perjury that the statements made in this Affidavit of Indigency are true and correct.

My name is: \_\_\_\_\_  
First Middle LastMy address is: \_\_\_\_\_  
Address City State Zip Country

I can be reached by telephone at: (\_\_\_\_\_) \_\_\_\_\_ or (\_\_\_\_\_) \_\_\_\_\_.

My date of birth is: \_\_\_\_/\_\_\_\_/\_\_\_\_. My email address is: \_\_\_\_\_

- ☐ Yes ☐ No This lawsuit was filed by the Texas Department of Family & Protective Services (DFPS).  
☐ Yes ☐ No I am named in the lawsuit as a parent or alleged parent of one or more children in the suit.  
☐ Yes ☐ No I oppose the actions sought by DFPS in this lawsuit to terminate or limit my parental rights.  
☐ Yes ☐ No I am asking the Court to appoint a court-paid attorney to represent me.

**1 List each of the people other than yourself who live in your household.****Do you provide more than half of their financial support?**

Name	Age	Relationship to me	Do you provide more than half of their financial support?
a) _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
b) _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
d) _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
e) _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
f) _____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

**2 I currently receive these public benefits/government entitlements that are based on indigency:**

- (Check all that apply)
- |   |   |
|---|---|
| <input type="checkbox"/> Food Stamps/SNAP | <input type="checkbox"/> Emergency Assistance   |
| <input type="checkbox"/> SSI              | <input type="checkbox"/> LIS in Medicare ("Extra Help")                                   |
| <input type="checkbox"/> TANF             | <input type="checkbox"/> Community Care via DADS  |
| <input type="checkbox"/> WIC              | <input type="checkbox"/> Needs-based VA Pension   |
| <input type="checkbox"/> Medicaid         | <input type="checkbox"/> Low-Income Energy Assistance                                     |
| <input type="checkbox"/> CHIP             | <input type="checkbox"/> County Assistance, County Health Care, or General Assistance     |
| <input type="checkbox"/> Public Housing   | <input type="checkbox"/> Child Care Assistance via Child Care and Development Block Grant |
| <input type="checkbox"/> AABD             | <input type="checkbox"/> Other _____  |
- (Describe and attach proof)

OR ☐ I do NOT received public benefits based on indigency.**3 My income sources are:**

Wages	Job Title	Employer's Name
1 <sup>st</sup> job: I work as a _____	_____	for _____
2 <sup>nd</sup> job: I work as a _____	_____	for _____

Or ☐ I am unemployed. I have been unemployed since: (date) \_\_\_\_/\_\_\_\_/\_\_\_\_

My other income sources are: ☐ Child/spousal support ☐ Worker's comp ☐ Disability  
☐ Tips/bonuses ☐ Unemployment ☐ Social Security ☐ Retirement/pension  
☐ My spouse's income or income from another member of my household (if available) ☐ Military housing  
☐ Dividends/interest/royalties ☐ Other income (Describe): \_\_\_\_\_

4 My income amounts are :

\$ \_\_\_\_\_ is my total monthly net income from all **WAGES** after taxes are taken out  
 + \$ \_\_\_\_\_ is amount of income I receive each month in **PUBLIC BENEFITS**  
 + \$ \_\_\_\_\_ is the amount of income I receive **FROM OTHER PEOPLE** in my household (List this income only if other members contribute to your household.)  
 + \$ \_\_\_\_\_ is the amount of income I receive each month from **OTHER SOURCES**.  
 = \$ \_\_\_\_\_ is my **TOTAL** monthly income.

5 My property includes:

The total value\* of my property is described below:

\*The value is the amount the item would sell for minus the amount you still owe on it (if anything)

	Value*
Cash	\$ _____
Bank accounts, assets	\$ _____
	\$ _____
Vehicles (ex: car, boat) (make, model, year)	\$ _____
	\$ _____
	\$ _____
	\$ _____
Real estate (ex: house, land)	\$ _____
	\$ _____
Other property (jewelry, stocks):	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____

Total value of property = \$ \_\_\_\_\_

6 My Debts include:

Amount Owed

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

7 My monthly expenses are:

Amount

Rent/house payments, maintenance	\$ _____
Food, household supplies	\$ _____
Utilities, telephone, cell phone	\$ _____
Clothing, laundry	\$ _____
Medical/dental expenses	\$ _____
Insurance (ex: life, health, auto)	\$ _____
School/child care	\$ _____
Vehicle payment(s)	\$ _____
Gas, bus fare, auto repair	\$ _____
Child/spousal support	\$ _____
Wages withheld by court order	\$ _____
Debt payments	\$ _____
Other expenses:	\$ _____

Total monthly expenses = \$ \_\_\_\_\_

8 To list any other facts you want the Court to know (ex: unusual medical expenses, family emergencies), attach another page to this form and label it "Exhibit: Additional Supporting Facts." Check here if you attach another page. → ☐

**Unsworn Declaration in Lieu of Notarized Statement (Texas CPRC 132.001)**

My Name is: \_\_\_\_\_ My date of birth is: \_\_\_\_\_

My address is: \_\_\_\_\_

My email address is: \_\_\_\_\_

If an inmate:

My inmate identification number is \_\_\_\_\_ I am incarcerated at: \_\_\_\_\_

Facility Name and Address \_\_\_\_\_

I declare under penalty of perjury that all information in this *Unsworn Affidavit of Indigency and Request for Court-Appointed Attorney* is within my personal knowledge and is true and correct.

Completed and formally signed on \_\_\_\_\_ (date) in \_\_\_\_\_ County Name \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Signature \_\_\_\_\_

(For Court Use Only)

Date: \_\_\_\_\_

☐ Qualifies for court-appointed attorney.

☐ Does NOT qualify for court-appointed attorney.

Seleccione todas las casillas que correspondan.  
Escriba sus respuestas en letra de MOLDE.

**Use este formulario para pedir que se le asigne un abogado de oficio ÚNICAMENTE en casos que involucren a CPS.**

Núm. de caso: \_\_\_\_\_  
(En letra de molde, escriba la información del tribunal exactamente como aparece en su Petición.)

EN EL INTERÉS DE \_\_\_\_\_

En el Tribunal de Distrito \_\_\_\_\_  
del Condado Travis, Texas

**Affidavit of Indigency and Request for Court-Appointed Attorney**  
**DECLARACIÓN DE INDIGENCIA Y SOLICITUD PARA RECIBIR**  
**UN ABOGADO ASIGNADO POR EL TRIBUNAL**

No puedo pagar los costos judiciales. Declaro bajo pena de perjurio que las declaraciones hechas en la presente Declaración de Indigencia son ciertas y correctas.

Mi nombre es: \_\_\_\_\_  
Primer Nombre Segundo nombre Apellido

Mi dirección es: \_\_\_\_\_  
Dirección Ciudad Estado Código Postal País

Puedo ser contactado por teléfono al: (\_\_\_\_\_) \_\_\_\_\_ o al (\_\_\_\_\_) \_\_\_\_\_.

Mi fecha de nacimiento es: \_\_\_\_/\_\_\_\_/\_\_\_\_. Mi correo electrónico es: \_\_\_\_\_.

- ☐ Sí ☐ No Esta demanda fue presentada por el Departamento de Servicios para la Familia y de Protección de Texas (DFPS).
- ☐ Sí ☐ No Soy nombrado en la demanda como uno de los padres o de los posibles padres para uno o más de los niños en la demanda.
- ☐ Sí ☐ No Me opongo a las acciones solicitadas por DFPS en esta demanda para quitarme o limitar mi derechos de padre.
- ☐ Sí ☐ No Le pido al Juez que me asigne un abogado de oficio para que me represente.

1 Enumere a cada persona que vive en su casa sin incluirse a sí mismo.

Nombre	Edad	Relación hacia mí	¿Apoya usted más de la mitad del apoyo financiero para esta persona?
a) _____	_____	_____	<input type="checkbox"/> Sí <input type="checkbox"/> No
b) _____	_____	_____	<input type="checkbox"/> Sí <input type="checkbox"/> No
c) _____	_____	_____	<input type="checkbox"/> Sí <input type="checkbox"/> No
d) _____	_____	_____	<input type="checkbox"/> Sí <input type="checkbox"/> No
e) _____	_____	_____	<input type="checkbox"/> Sí <input type="checkbox"/> No
f) _____	_____	_____	<input type="checkbox"/> Sí <input type="checkbox"/> No

2 Actualmente recibo los siguientes beneficios del gobierno o beneficios públicos basados en mi indigencia:

- (Seleccione todo lo que reciba)
- |   |   |
|---|---|
| <input type="checkbox"/> Estampillas de Comida/SNAP | <input type="checkbox"/> Asistencia de Emergencia   |
| <input type="checkbox"/> SSI                        | <input type="checkbox"/> LIS de Medicare ("Ayuda Adicional")  |
| <input type="checkbox"/> TANF                       | <input type="checkbox"/> Cuidado Comunitario mediante DADS  |
| <input type="checkbox"/> WIC                        | <input type="checkbox"/> Pensión de Asuntos de Veteranos (VA) basada en Necesidades                                     |
| <input type="checkbox"/> Medicaid                   | <input type="checkbox"/> Asistencia de Energía para personas de bajos ingresos  |
| <input type="checkbox"/> CHIP                       | <input type="checkbox"/> Asistencia del Condado, Ayuda del Condado para el cuidado de la salud, o Asistencia en General |
| <input type="checkbox"/> Vivienda Pública           | <input type="checkbox"/> Asistencia del Cuidado Infantil bajo un subsidio de Cuidado y Desarrollo Infantil              |
| <input type="checkbox"/> AABD                       | <input type="checkbox"/> Otro _____   |
- (Describa y adjunte un comprobante)

O ☐ NO recibo beneficios públicos basados en indigencia.



**3 Mis fuentes de ingresos son:**

Salario	Cargo	Nombre del Empleador
Primer trabajo:		para
Trabajo de:		
Segundo trabajo:		para
Trabajo de:		
O <input type="checkbox"/> No tengo trabajo. Estoy desempleado desde: (fecha) _____ / _____ / _____		

**Mis otras fuentes de ingresos son:**

<input type="checkbox"/> Propinas/bonos	<input type="checkbox"/> Manutención de niños/ apoyo conyugal	<input type="checkbox"/> Retribución de trabajadores	<input type="checkbox"/> Disability/discapacidad
<input type="checkbox"/> El ingreso de mi cónyuge o el ingreso de otro miembro de mi hogar (si está a mi disponibilidad)	<input type="checkbox"/> Desempleo	<input type="checkbox"/> Seguro Social	<input type="checkbox"/> Jubilación/pensión
<input type="checkbox"/> Dividendos/intereses/regalías	<input type="checkbox"/> Otro ingreso (Describe): _____	<input type="checkbox"/> Vivienda militar	

**4 Las cantidades que recibo de mis ingresos son:**

\$ \_\_\_\_\_ es mi ingreso total neto cada mes de todo mi **SALARIO** después de la deducir los impuestos

+ \$ \_\_\_\_\_ es la cantidad de ingreso que recibo cada mes en **BENEFICIOS PÚBLICOS**

+ \$ \_\_\_\_\_ es la cantidad de ingresos que recibo **DE OTRAS PERSONAS** en mi hogar (Declare este ingreso solo si los otros miembros contribuyen al hogar.)

+ \$ \_\_\_\_\_ es la cantidad de ingreso que recibo cada mes de **OTRAS FUENTES**.

= \$  es mi ingreso **TOTAL** cada mes.

**5 Mis bienes incluyen:**

El valor\* total de mi propiedad se describe a continuación:

\* El valor es la cantidad por la que el bien/propiedad se vendería menos la cantidad que aún se debe (si debe algún balance)

	Valor*
Efectivo	\$ _____
Cuentas bancarias, bienes	\$ _____
	\$ _____
Vehículos (eje: carro, barco) (año, marca, modelo)	
	\$ _____
	\$ _____
	\$ _____
Bienes inmuebles (eje: casa, terreno)	
	\$ _____
	\$ _____
Otros bienes (joyas, acciones):	
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____
	\$ _____

Valor total de los bienes = \$

**6 Mis deudas incluyen:**

Cantidad adeudada

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

**7 Mis gastos mensuales son:**

Cantidad

Pagos de Renta/hipoteca, mantenimiento	\$ _____
Comida, suministros del hogar	\$ _____
Servicios públicos, teléfono, celular	\$ _____
Ropa, lavandería	\$ _____
Gastos Médicos/dentales	\$ _____
Aseguranza (eje: vida, salud, auto)	\$ _____
Cuidado escolar o infantil	\$ _____
Pagos vehiculares	\$ _____
Gasolina, pasaje de autobús, reparación de auto	\$ _____
Manutención de niños o apoyo conyugal	\$ _____
Salario retenido por una orden judicial	\$ _____
Pagos de deudas	\$ _____
Otros gastos:	\$ _____

El total de los gastos mensuales = \$

**8** Para enumerar cualquier otro hecho que desea que el Tribunal conozca (eje. Gastos médicos inusuales, emergencias familiares), agregue otra hoja a este formulario y titúlela "Exhibit: Additional Supporting Facts." Seleccione esta casilla si incluyo otra hoja. → ☐

## DECLARACIÓN EN LUGAR DE UNA DECLARACIÓN JURADA

(Texas CPRC 132.001)

Mi nombre es: \_\_\_\_\_ Mi fecha de nacimiento es: \_\_\_\_\_

Mi dirección es: \_\_\_\_\_

Mi correo electrónico: \_\_\_\_\_

*Si es un* Mi número de identificación de \_\_\_\_\_ *Estoy recluso en:* \_\_\_\_\_  
*recluso:* recluso es \_\_\_\_\_ *Nombre del reclusorio y dirección*

Declaro bajo pena de perjurio que toda la información en esta *Declaración de Indigencia y Solicitud Para Recibir un Abogado Asignado por el Tribunal* está dentro mi conocimiento personal y es verdadera y correcta.

Completado y formalmente firmado el \_\_\_\_\_ en \_\_\_\_\_ Condado \_\_\_\_\_  
*(fecha)* *Nombre del condado* *Estado*

►  
Firma \_\_\_\_\_

(For Court Use Only)

Date: \_\_\_\_\_

☐ Qualifies for court-appointed attorney.

☐ Does NOT qualify for court-appointed attorney.



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

IN THE INTEREST OF

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

CHILDREN

\_\_\_\_ JUDICIAL DISTRICT

**SCHEDULING ORDER FOR COURT ORDERED SERVICES CASE**

Came on this day for consideration the above referenced case and the Court finds that the following scheduling order is in the best interest of the children:

It is therefore ordered adjudged and decreed that:

1. Not later than 14 days from the date of the Show Cause Hearing held in this case, the Department of Family and Protective Services (the “Department”) and the Respondent Parents are Ordered to work together and participate in the holding of a Family Strengths and Needs Assessment scheduled by the Department in order to develop a Family Plan of Service.
2. The Department (specifically, the newly assigned caseworker who is taking over the case) shall notify all parties, CASA, and parties’ counsel of any change in CPS caseworkers with 72 hours of any change throughout this case.
3. The Department is Ordered to submit all service referrals for any and all parties, including the children, within 21 days of this Order.
4. It is further ordered that a Service Planning Meeting (which the Court finds may be a Family Group Conference) is Ordered to be held no later than 10 days prior to the Compliance Hearing via Written Submission which is Ordered below.
5. **Compliance Hearing via Written Submission** – No later than \_\_\_\_\_, 20\_\_ at 1:00pm (a date which the Court finds is approximately 90 days after the Show Cause Hearing held in this case), the Department is ORDERED to file with the Court and tender to the Court via the CPS submission docket a “Compliance Hearing via Written Submission” demonstrating in writing that the Department has fully complied with all above requirements ordered in Paragraphs 1-4 above. In this written submission, the Department shall specifically report on whether the Family Strengths and Needs Assessment and Service Planning Meeting ordered above have each been held and, if so, on what date they were held or, if not, when they are scheduled to occur.
6. The parties are ordered to attend the following in-court hearings which are hereby set in this case and for which the Department shall ensure notice is provided:
  - a. **In-Court Service Review Hearing** on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.m. (a date which the Court finds is approximately 120 days after the Show Cause Hearing held in this case);
  - b. A three-hour **contested hearing for temporary orders / under Chapter 262 of the Texas Family Code** to determine whether the Department should be named Temporary Managing Conservator of any or all of the Children; to be held on \_\_\_\_\_,

20\_\_ at \_\_\_\_\_ (a date which the Court finds is approximately 7 months from the date of the Show Cause Hearing held in this case).

7. It is further ordered that mediation is authorized to be set in this case.
8. It is further ordered that the Respondent parents and their agents are not authorized to remove the children from the State of Texas.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

---

PRESIDING JUDGE

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

IN THE INTEREST OF

§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

CHILD(REN)

\_\_\_\_ JUDICIAL DISTRICT

**SCHEDULING ORDER FOR TEMPORARY MANAGING CONSERVATORSHIP CASE**

Came on this day for consideration the above referenced case and the Court finds that the following scheduling order is in the best interest of the child(ren):

It is therefore ordered adjudged and decreed that:

9. Not later than 14 days from the date of the Show Cause Hearing held in this case, the Department of Family and Protective Services (the "Department") and the Respondent Parents are Ordered to work together and participate in the holding of a Family Strengths and Needs Assessment scheduled by the Department in order to develop a Family Plan of Service. Separate meetings for each parent may occur as needed.
10. The Department (specifically, the newly assigned caseworker who is taking over the case) shall notify all parties, CASA, and parties' counsel of any change in CPS caseworkers with 3 business days of any change throughout this case.
11. The Department is Ordered to submit all service referrals for any and all parties, including the children, within 30 days of this Order.
12. The parties are ordered to attend the following hearings which are hereby set in this case, within the statutory timeframes, and for which the Department shall ensure notice is provided:
  - a. **Status Hearing** on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.m.;
  - b. **Initial Permanency Hearing Before Final Order** on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.m.; and
  - c. **Permanency Hearing Before Final Order** on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_.m.
13. It is further ordered that mediation is authorized in this case, to be scheduled if/when appropriate.
14. Further statutory hearings will be individually scheduled by the Court and shall occur on or before the dismissal deadline of \_\_\_\_\_.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
PRESIDING JUDGE

## Example: Commonly Ordered Provisions for CPS Discovery Control Plan

### **DISCOVERY**

A party or ad litem for a child (hereinafter ad litem) may undertake whatever investigation they deem appropriate and whatever formal discovery is authorized by this order. In addition, the court shall carefully consider motions for discovery beyond that provided by this order as the need arises. However, the court encourages cooperation to ensure full disclosure without costly and time-consuming formal discovery.

### **Interrogatories**

Except with leave of court, a party or ad litem for a child (hereinafter ad litem) may not serve interrogatories. In lieu of interrogatories, this order provides for certain standard disclosure upon request.

### **Depositions**

Except with leave of court, a party or ad litem may not take oral or written depositions. Upon a parent's or ad litem's request, CPS shall make available for an interview any CPS personnel with relevant information.

### **Production**

Except as provided by this order with leave of court, a party may not serve a request for production.

Upon the request of any party or ad litem, made in writing to the assistant district attorney assigned the case, CPS shall produce a copy of the deidentified case record in no more than thirty days. A "deidentified case record" is a complete case record with any confidential information redacted. After a record is produced, CPS shall supplement the record at least forty-five days before trial on the merits. Upon the request of a parent or ad litem, in a reasonable time and place, CPS shall make available for review all videos, audios, and photographs relevant to the case. Upon the request of a parent or ad litem, in a reasonable time and place, CPS shall make available for review any written policies or guidelines relevant to the case. Upon the request of CPS or an ad litem, in no more than ten days, a parent, guardian, or intervenor seeking conservatorship shall sign a release of information for all medical, psychological, or psychiatric records, and for all treatment records, including for drug or alcohol abuse.

### **Standard Disclosure**

Recognizing that Rule 194 permits a wide variety of disclosure requests, the Court finds it necessary, based on the reasons stated above, to specifically limit this disclosure as follows. Upon request at least sixty days before trial, a party shall disclose at least thirty days before trial:

1. Each fact witness that may be called, their name, address, and telephone number, and a brief statement of their connection with the case.
2. Each expert witness that may be called, their name, address, and telephone number, a brief statement of their qualifications, a brief statement of the subject matter of their testimony, and the gist of their opinions.
3. All documentary evidence in the possession of CPS or the ADA assigned the case not found in the case record that may be offered into evidence. Such evidence that comes into the possession of CPS or the ADA assigned the case after thirty days before the trial shall be disclosed when obtained.
4. A list of all videos, audios, and photographs that may be offered into evidence. All such videos, audios, and photographs shall be made available for inspection.
5. A list of any physical evidence that may be offered into evidence. All such physical evidence shall be made available for inspection.

At least twenty days before trial, the attorney ad litem for the child or children shall disclose any item required by 1 - 5 above that may be part of the attorney ad litem's case and that has not been previously disclosed by a party.

At least fifteen days before trial, any party required to make a thirty-day disclosure may make a supplemental disclosure in response to another party's or ad litem's disclosure.

If a request to disclose is made less than sixty days before trial, a party shall disclose at least thirty days after the request.

### **DEADLINES**

As authorized by the Texas Rules of Civil Procedure, this Discovery Control Plan Order shall govern all discovery in this suit, including time frames and deadlines for said discovery. All pleadings must be amended or supplemented at least ten days before trial. All discovery must be completed at least

thirty days before trial. All parties must be named and served at least ninety days before trial. This case shall be tried on or before the dismissal date set.

### **SERVICE**

All persons who do not have a lawyer shall maintain a current address on file with the Clerk. Pursuant to Texas Rule of Civil Procedure 21a, notice to a person without a lawyer shall be made by notice in open court, or personal service, or service to the current address on file with the clerk by sending notice both certified and first-class mail. Parties without a lawyer are warned that the court will proceed upon such notice, and that they should therefore keep a current address on file with the Clerk.

## Example: Commonly Ordered Provisions for Court Report for Adversary, Status and Permanency Hearings

The Court finds that, in order for the Court to adequately prepare for **adversary hearings** held under Chapter 262, and **status** and **permanency hearings** required by Chapter 263, and **court-ordered services** case reviews under Chapter 264 of the Texas Family Code, it is imperative that the Court receive a timely court report from the Department in advance of all such hearings.

**IT IS THEREFORE ORDERED** that the Texas Department of Family and Protective Services, by and through its Program Administrator for Region 7, or by and through any responsible agent or employee of the Department, shall provide a court report in advance of each adversary, status, permanency (before and after final order), and court-ordered services review hearing scheduled in this case under Chapter 262, 263, or 264 of the Texas Family Code, in accordance with the following instructions and deadlines:

### Instructions:

- (1) The Department shall ensure that the **Original** court report is filed with the District Clerk's Office; AND
- (2) The Department shall ensure that an **Electronic Copy** of the report is sent to the following email address: [CPSReports@traviscountytexas.gov](mailto:CPSReports@traviscountytexas.gov).
  - a. All Reports sent to this e-mail address shall contain in the subject of the email the following information:  
**Initials of Presiding Judge; Date of Hearing; Time of Hearing; Style of Case; Cause Number**

### Deadlines:

The Department shall ensure that filing and electronic delivery is completed according to **BOTH** of the methods outlined in the above instructions **by no later than NOON on the third business day** in advance of each scheduled CPS hearing.

**IT IS FURTHER ORDERED** that the above orders and deadlines are made in addition to and are not intended to modify the relevant existing statutory deadlines for filing and distribution of court reports under Texas Family Code Sections 263.303 or 263.502, or other applicable state law. The Court may also Order additional methods of delivery, as needed, for individual cases.

**IT IS FURTHER ORDERED** that, should the Department fail to timely provide a court report in accordance with the above orders, the Department, or any responsible agent or employee of the Department, may be held in contempt of court for its violation of this court order and may be fined for such contempt and may be ordered to deliver court reports by additional methods.

## Example: Commonly Ordered Provisions for DFPS Required Notices to the Court

The Court finds that, in order for the Court to adequately support the best interest of the child/ren in this cause, it is imperative that the Court receive updated notices from the Department of Family and Protective Services (DFPS) when any significant event affecting any child in this cause occurs.

**IT IS THEREFORE ORDERED** that the Texas Department of Family and Protective Services (DFPS), by and through any responsible agent or employee of DFPS, shall provide the Court notice (Electronic Notice) within 24 hours, each and every time one of the following situations occurs for any child, subject of this suit:

1. The hospitalization of a child for psychiatric purposes or due to severe bodily injury.\*
2. DFPS learning of the pregnancy of a child.
3. Any new incident of alleged physical or sexual abuse of a child, so long as no other legal process, policy, or law prevents the notice, and so long as notification within 24 hours would not compromise an ongoing CPS or law enforcement investigation, in which case DFPS shall notify the Court and parties as soon as is practicable.
4. Any instance in which a child is missing or has runaway and has not returned to their court approved placement within 24 hours.
5. Any initial instance in which a child is without placement for more than 24 hours and notice once placement is secure. (*Note: Continual notice during the same instance of CWOP is not mandated. Subsequent instances shall be noticed again in accordance with this Order*).
6. Any instance in which a child is detained or incarcerated, in any jurisdiction. Additionally, due to the confidential nature of juvenile proceedings, if a child subject to a CPS proceeding becomes involved with the juvenile justice system, in any jurisdiction, DFPS is not required to send this notice to any parties, attorneys, or CASA who would not be party to a suit if the juvenile was the only subject child.
7. The death of a child, subject of this suit, or a respondent parent.

\*NOTE: “Severe bodily injury” shall be defined, for purposes of this notification, as any injury for which a child was taken to the emergency room/urgent care or required hospitalization, and shall also include any injury for which a reasonable caregiver would have taken the child to the emergency room, hospital, or urgent care, even if the current caregiver did not seek such treatment.

**IT IS FURTHER ORDERED** that DFPS shall ensure that the **Electronic Notice** is sent to the following email address: [CPSReports@traviscountytx.gov](mailto:CPSReports@traviscountytx.gov). All Notices sent to this e-mail address shall contain in the subject of the email the word “NOTICE”, followed by information as outlined:

**Initials of Judge Presiding (AMJ/LMR); Cause No.; Style of Case**

All parties to the case shall be copied to the Electronic Notice.

**IT IS FURTHER ORDERED** that the above orders are made in addition to and are not intended to modify the relevant existing statutory notices requirement under Texas Family Code Section 264.018 or other applicable state law. The Court may also order additional methods of notice, as needed, for individual cases.

**IT IS FURTHER ORDERED** that, should the Department fail to timely provide notice in accordance with the above orders, the Department, or any responsible agent or employee of the Department, may be held in contempt of court for its violation of this court order and may be fined for such contempt.



CAUSE #: D-1-FM-\_\_\_\_\_

IN THE INTEREST OF: \_\_\_\_\_

Travis County District Courts

OVER ONE HOUR CONTESTED CPS HEARING REQUEST (for matters set on or after Jan. 1, 2021)

**Instructions:** Please use this form to request a hearing in a CPS Matter if your matter **cannot** be heard in one hour or less. If your matter **can** be heard in one hour or less, please DO NOT USE THIS FORM (unless specifically instructed to do so by Court staff). Instead, please set any CPS matter requiring up to an hour directly through the Court Administrator's Civil Calendaring Online (CCO) system available online at:

<http://www.traviscourtsapplications.org/portal>. ALL CPS motions requiring a hearing will be set on the MONDAY Contested CPS docket associated with the CPS judge who regularly handles the case, as follows:

- Judge Aurora Martinez Jones: typically Mondays at 8:30am in the 126<sup>th</sup> District Court.
- Judge Leigh Mathews Rodriguez: typically Mondays at 8:31am in Rm. 121.

**ATTORNEYS: Before completing this form, please file the written motion(s) relevant to this hearing and attach a file-marked copy to your email tendering this form. If this is a de novo, please also attach the corresponding order.**

When you have completed ALL QUESTIONS on this form, please email the completed form and attached motion as.pdf or .doc attachments (with a Subject Line of "Hearing Request D-1-FM-.....") to:

- (1) [April.Morton@traviscountytx.gov](mailto:April.Morton@traviscountytx.gov) (for any CPS cases on Judge Martinez Jones' docket); or
- (2) [Felice.Garcia@traviscountytx.gov](mailto:Felice.Garcia@traviscountytx.gov) (for any CPS cases on Judge Mathews Rodriguez's docket).

You will be contacted by judicial staff regarding the scheduling of your hearing.

(1) IDENTIFY THE TYPE OF CASE, CURRENTLY:    ☐ TMC                      ☐ COS                      ☐ PMC

Please select the Presiding Judge:

- ☐ Honorable Aurora Martinez Jones
- ☐ Honorable Leigh Mathews Rodriguez

(2) IS THIS A FAMILY DRUG TREATMENT COURT CASE?    ☐ Yes                      ☐ No

(3) HOW MUCH TIME IS REQUESTED FOR THE HEARING (cumulatively for all parties)? \_\_\_\_\_

(4) DESCRIBE WHY OVER 1 HOUR IS NEEDED? (Please elaborate in a manner that will justify the use of judicial resources for the amount of time requested. E.g. "I am requesting 2 hours because this hearing will require the testimony of X number of witnesses.")

\_\_\_\_\_  
\_\_\_\_\_

(5) NEXT SET HEARING DATE:\_\_\_\_\_ NEXT HEARING TYPE:\_\_\_\_\_

TRIAL DATES: \_\_\_\_\_

DISMISSAL DATE:\_\_\_\_\_ EXTENDED DEADLINE? ☐ Yes ☐ No

(6) WHEN ARE YOU REQUESTING TO HAVE THIS MATTER HEARD? IF THIS IS A TIME-SENSITIVE MATTER, PLEASE EXPLAIN:

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**If the court authorizes the setting you have requested above**, please be aware that the authorization applies ONLY to the motion tendered with this form at the time the setting is requested. After the setting is authorized, should the nature and complexity of the setting request substantially change (such as by amendment of your motion or filing of one or more additional motions), you will need to tender an amended setting request form or your hearing may be considered waived. **If your setting is no longer needed or you believe your time estimate is less than the amount originally set, you are responsible for notifying the court as soon as possible. Please be aware that you must ANNOUNCE through the Court Administrator's Office by the deadline for any contested matter set on the MONDAY CPS Docket and you must APPEAR at the appropriate CPS Docket call for your matter on the day and time it is set. Attorneys should arrive at the appropriate CPS Docket call prepared to go forward and will receive more information at that time about the specific date and time the case will go forward that week. Please also note that the Court does not provide notice to parties of CPS matters set and it is your responsibility to notify all parties in accordance with the Texas Rules of Civil Procedure.**

\_\_\_\_\_  
(Signature of Attorney Requesting Hearing)

\_\_\_\_\_  
(Your Phone# for Scheduling Purposes)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Party Who You Represent)

\_\_\_\_\_  
(Date Submitted)

# Procedures for Submission Dockets

## INTRODUCTION:

Since 2017, the Travis County Model Court for Children and Families has implemented and maintained a Submission Docket for quickly and timely getting signatures on court orders for agreed/uncontested matters. The Submission Docket is conducted through email only with specific procedures to obtain judicial review of certain matters.

## GENERAL PROCEDURES:

Prior to sending matters through the Submission Docket, parties must be sure to have conferred with all attorneys first and have done everything needed to be ready for submission. Parties must be sure to send matters to the most appropriate Submission Docket email address, as outlined in these procedures.

**NOTE:** Do not copy the submission docket email addresses with discussions between attorneys regarding any agreed/uncontested matters. It is the Court's expectation that all such discussions shall have already taken place prior to agreed/uncontested matters being sent to the submission docket.

## Email addresses used for CPS Submission Dockets:

For General Submission Docket matters: [CPS.SubmissionDocket@traviscountytexas.gov](mailto:CPS.SubmissionDocket@traviscountytexas.gov)

For Court Specific Submission Docket before the Honorable Aurora Martinez Jones:  
[AMJ.Submissions@traviscountytexas.gov](mailto:AMJ.Submissions@traviscountytexas.gov)

For Court Specific Submission Docket before the Honorable Leigh Mathews Rodriguez:  
[LMR.Submissions@traviscountytexas.gov](mailto:LMR.Submissions@traviscountytexas.gov)

For Attorney Appointments and requests for Guardian Ad Litem: [CPS.SubmissionDocket@traviscountytexas.gov](mailto:CPS.SubmissionDocket@traviscountytexas.gov)

### 1. For Standard Agreed Orders:

- a. Motions must first be filed with the file-stamped version or proof of e-filing included with the submission to the Court.
- b. ALL other attorneys, pro-se litigants and the CASA supervisor, if any, on the case must be copied on the email submission.
- c. For Motions, confirm the email includes, at least, the following 2 attachments:
  - i. **Motion:** Attorneys must be sure the Motion has been e-filed, with proof of e-filing included, before sending to the Court.
  - ii. **Proposed Order:** A Proposed Order should include all agreed signatures (all signature pages must be included in the SAME attachment as the Proposed Order) as well as both a line for the date and signature of the Judge. **NOTE:** In lieu of agreed signatures of all attorneys, a Certificate of Conference the Motion will suffice.

### 2. Email Subject Line: The Subject Line of each Submission Docket email shall be formatted as follows:

**INITIALS OF CPS JUDGE PRESIDING / TYPE OF MATTER/ STYLE OF CASE/ CAUSE NO.**

E.g. "AMJ / Agreed Temporary Order / ITIO Smith (D-1-FM-17-0000001)"

E.g. "LMR / Request for Judicial Travel Approval / ITIO Smith (D-1-FM-17-0000001)"

3. **Body of Email:** The body of the e-mail may contain any additional notes necessary or relevant to the submission.

E.g. "Judge Martinez Jones ordered this in a hearing on 11/31/20 and asked me to follow up with an order for signature. Attached are the Docket Notes."

E.g. "These agreed orders are the result of mediation."

4. **Timing:** Generally, parties should allow for up to four business days for matters to be reviewed through any Submission Docket. In the event there is an emergency or urgent matter that requires more immediate attention, attorneys should put "URGENT" in the subject line. If submitting an "URGENT" matter, please elaborate in the body of the email why the matter is urgent and needs immediate attention. These will be reviewed by the Court on a case-by-case basis. **NOTE:** Delays due to attorneys or parties not acting diligently will not alone justify immediate attention to a matter.
5. **Approval:** If Submission Docket matters are approved and an Order is signed, court staff will return it to the parties by a reply-all email including a note that confirms the attachment of a Courtesy Copy of the signed Order. **NOTE:** Court staff will file all Orders. Attorneys must not attempt to re-file the Order with the Clerk.
6. **Rejection:** The Court and court staff review all matters sent through the Submission Docket to assure the matters are appropriate. The following are reasons a matter sent through the Submission Docket may be rejected from the Submission Docket, without signature.
- If an Attorney fails to comply with required procedures for the Submission Docket (I.e. No proposed order attached, Subject line unclear, All attorneys are not copied)
  - If a matter is not agreed on the face of the issue/no reasonable attempt was made to confer with other parties.
  - Requires research by court staff to figure out why a signature is being sought.

**NOTE:** If your matter is rejected from the Submission Docket, will have the option to either cure the problem and resubmit the matter back through the Submission Docket or if it cannot be cured, the matter may be set for a hearing.

7. **Matters Requiring a Finding by the Court:** It is important that attorneys consider some agreed motions will still need findings by the Court, which will require an Affidavit, if sent through the Submission Docket. Examples of certain agreed matters needing Affidavits Include:
- Motions to Extend the Dismissal Deadline
  - Temporary or Final Orders with Conservatorship Agreements requiring the need to overcome the presumption that parents be named Joint Managing Conservators.

**GENERAL MATTERS ELIGIBLE FOR THE CPS SUBMISSION DOCKET & RELEVANT PROCEDURES**  
(through [CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov)):

The following CPS matters are eligible for the General Submission Docket:

- Agreed Motions/Orders: This includes the following specific agreed motions and orders:
  - Agreed Temporary Orders

- i. Agreed Orders for Return & Monitor
    - ii. Agreed Placement Change Orders (Especially when DFPS cannot agree only because of a policy that prevents their agreement. I.e. there are no current safety concerns with the proposed placement but there is criminal history that prevents DFPS from agreeing.)
    - iii. Orders for DFPS to pay for child care
  - b. Certain Agreed Final Orders (i.e. Non-Termination based on MSA, Agreed Dismissal)
  - c. Agreed Nunc Pro Tunc Orders
- 3. Specific things that need Authorization by Court:
  - a. Motion for Daycare Payment
  - b. Proposed Order for Parentage Testing
    - i. Should include in the Motion that:
      - 1. The father is named in the petition.
      - 2. Father (or Mother) has objected to paternity.
      - 3. Date of Next hearing.
  - c. Attorney Travel Authorization
  - d. Waiver of Need for Attorney Travel
- 4. Standard Motions from the District Attorney's Office (specifically including):
  - a. Proposed Orders for Substitute Service
  - b. Cite by Publication/Paternity Registry
- 5. Orders reflecting rulings that the Judge already rendered in a hearing but that the Court asked Counsel to follow-up with after the hearing by tendering proposed written orders.
  - a. Include "agreed as to form" signatures or docket notes clearly showing what the Judge ordered in the hearing.

**ATTORNEY APPOINTMENT MATTERS ELIGIBLE FOR CPS SUBMISSION DOCKET & RELEVANT PROCEDURES**  
**(through [CPS.SubmissionDocket@traviscountytx.gov](mailto:CPS.SubmissionDocket@traviscountytx.gov)):**

The following CPS matters are eligible for Attorney Appointment Submission Dockets:

- 1. Requests for Substitution of Counsel:
  - a. For any Substitution, please state in the Motion (if required) **and** in the Body of the email:
    - i. Date/Type of the next hearing; and
    - ii. Trial date; if scheduled.
  - b. **Early/Conditional (Limited-Purpose) Appointment Substitutions** that are requested **BEFORE** the first hearing do NOT need a formal motion, agreement of all attorneys, proposed order, or the name of an attorney to be substituted in. Attorneys only need to send in the notice of being unable to accept the appointment as soon as possible with the word "URGENT" in beginning of the subject line of the email.
  - c. **Any substitution for a Spanish speaking attorney** does NOT need a formal motion, agreement of all attorneys, proposed order, or the name of an attorney to be substituted in. Attorneys only need to send in the notice of the need for a Spanish speaking attorney as soon as possible.
  - d. **Other requests for substitution**: Attorneys must assure all other requests for substitution include a Motion, Agreement of all attorneys (plus client signature as appropriate) and Proposed

Substitution Order with the name and contact info of an attorney who will be substituting in, from the appropriate Court Team.

- e. **Special Circumstance: Substitutions for Purpose of Aligning with Court Teams:** As of January 1, 2021, with judicial transitions, attorneys may transition Court Teams and therefore may also decide to choose to substitute out of any case that does not coincide with their new Court Team. These attorneys may substitute in an attorney from the appropriate Court Team. If attorneys choose to voluntarily substitute out of the case for Court Team purposes, attorneys must assure all other requests for substitution include a Motion, Agreement of all attorneys (plus client signature as appropriate) and Proposed Substitution Order with the name and contact info of an attorney who will be substituting in, from the appropriate Court Team.
2. Request for Appointment of Counsel – Conditional, with Affidavit of Indigence, or for related matters
  - a. Any request from an attorney for a re-appointment or the appointment of a new attorney after expiration of the original early/conditional (limited purpose) parent attorney appointment.
  - b. Requests for Disability Rights Texas (DRTX) as co-counsel:
    - i. Prior to requesting a co-counsel appointment of DRTX, attorneys must first call DRTX and verify that they are available to take the appointment, if issued.
    - ii. If DRTX is able to accept an appointment, the requesting attorney must file a Motion for appointment of DRTX and include a certificate of conference stating there is no objection.
  - c. Requests for an Immigration Attorney as co-counsel:
    - i. Prior to requesting a co-counsel for immigration purposes, attorneys must first file a motion for this request with additional information on matters expected to be addressed by the co-counsel, such as eligibility for SIJS status. A copy of the motion should be emailed to the Court with the request. Any proposed attorneys for this co-counsel appointment, from the court appointment list, with experience in handling the matters expected to be addressed should be mentioned in the request submitted to the Court.
    - ii. If the request is granted, the Court will prepare the order of appointment for any Immigration Attorney co-counsel representation.
3. Request for Appointment of CASA of Travis County/Guardian Ad Litem
  - a. If someone other than the attorney in the dual attorney ad litem and guardian ad litem role is requesting the appointment of a separate Guardian Ad Litem (either through CASA of Travis County or otherwise), the request must specifically include whether or not there is an objection from the appointed Attorney ad Litem.

#### **COURT SPECIFIC MATTERS ELIGIBLE FOR CPS SUBMISSION DOCKET & RELEVANT PROCEDURES**

**(through each Courts' specific Submission Hearing email):**

The following CPS matters are eligible for Court Specific Submission Dockets:

1. Contested matters in which the parties agree the matter can be handled and heard via written submission.
2. Review hearings that are mandated by submission through another procedure or emergency procedure.
3. Emergency matters that occur outside business hours or that need an immediate Court decision for the safety, well-being, and best interest of a child.

Court Specific Submission Docket hearing email addresses are as follows:

Honorable Aurora Martinez Jones: [AMJ.Submissions@traviscountytexas.gov](mailto:AMJ.Submissions@traviscountytexas.gov)

Honorable Leigh Mathews Rodriguez: [LMR.Submissions@traviscountytexas.gov](mailto:LMR.Submissions@traviscountytexas.gov)

# Procedures for De Novo Hearings

## INTRODUCTION:

Any De Novo hearing requested on a ruling by the CPS Associate Judge, in accordance with Texas Family Code Section 201.015, will be heard by the 126<sup>th</sup> District Court Judge, the referring court. These written requests for de novo hearing must be filed with the Travis County District Clerk's Office in accordance with the relevant statute and a courtesy copy of the request **must** be tendered directly to the 126<sup>th</sup> District Court, copying the 126<sup>th</sup> District Court Judicial Executive Assistant and **Court Reporter for the CPS Associate Judge**, no later than 5:00 p.m. the business day following the day the request was filed with the District Clerk.

## SCOPE OF DE NOVO HEARING:

1. Issues Specified in De Novo Hearing Request: The de novo hearing, before the 126<sup>th</sup> District Court Judge, will be focused on the specific issues outlined in the request and the 126<sup>th</sup> District Court Judge will hear testimony from witnesses only on these matters.
2. Email Address for Notice to the Court: Any request for de novo hearing must be sent to the 126<sup>th</sup> District Court Judge at [AMJ.Submissions@traviscountytexas.gov](mailto:AMJ.Submissions@traviscountytexas.gov) and copy to the 126<sup>th</sup> District Court Judicial Executive Assistant at [April.Morton@traviscountytexas.gov](mailto:April.Morton@traviscountytexas.gov).
3. Record from Hearing Before the CPS Associate Judge: The 126<sup>th</sup> District Court Judge will also consider the record from the hearing before the CPS Associate Judge, which is why notice must be made also to the CPS Associate Judge Court Reporter.
4. Notice of Request for De Novo Hearing to Other Parties: The party requesting the de novo hearing is required to follow Texas Rules of Civil Procedure to notice other parties on the case of the request.
5. Pre-Hearing Documents: Upon receipt of a request for de novo hearing, the 126<sup>th</sup> District Court will set the hearing, notice the parties, and give a deadline for parties to submit their proposed disposition of issues specified in the de novo hearing request, along with their witness lists, including 1-2 sentences on the scope of each witnesses' testimony.
6. Waiver of De Novo Hearing: Prior to a hearing before the CPS Associate Judge, the parties may waive the right to a de novo hearing in writing or on the record, in accordance with Texas Family Code Section 201.015. This waiver does not affect the right of any party to file a motion for new trial or other post-trial motions.

# Court Expectations and Procedure on Missing Children

## INTRODUCTION:

The Court considers a child being missing as a significant event affecting that child and expects the Department of Family and Protective Services (DFPS) to pursue every available option to locate that child. For children in the conservatorship of DFPS, when a child is missing, DFPS must make a missing child report to the appropriate local law enforcement agency and the National Center for Missing and Exploited Children (NCMEC). Additionally, DFPS must notify the Court, the advocates for the child, the parents, any juvenile probation agency, and any appropriate embassy if the missing child is a citizen of another country. DFPS is also expected to file notices in accordance with Texas Family Code Section 264.018.

In the instance in which a child is missing but not in the conservatorship of DFPS but is being served by an FBSS unit in a Court Ordered Services case, DFPS must assist a parent or conservator of the child and confirm that a missing child report has been made to the appropriate local law enforcement agency and follow any additional direction given by that law enforcement agency for next steps in helping locate that child.

Since 2015, the Travis County Model Court for Children and Families has been diligent in working with the Texas Regional Office of the National Center for Missing and Exploited Children ("NCMEC TRO"), DFPS, and other court partners for a common protocol for missing foster youth. The following outlined expectations and procedures are in place for the event in which a child in the conservatorship of DFPS is missing:

- ✓ "Missing children" for the purposes of this protocol is as defined as a "Missing child" under Texas Code of Criminal Procedure, Art. 63.001. DEFINITIONS.
- ✓ The Texas Regional Office of the National Center for Missing and Exploited Children ("NCMEC TRO") will maintain a list of individual liaisons from DFPS and other court partner agencies. Each agency will update their liaison contact information with NCMEC's Texas Regional Office on a yearly basis, at [NCMEC\\_Texas@ncmec.org](mailto:NCMEC_Texas@ncmec.org).
- ✓ NCMEC, through its national 24-hour hotline, **1-800-THE-LOST** (1-800-843-5678), will serve as a central point of contact for law enforcement and DFPS regarding each missing child. NCMEC will receive and maintain all relevant information about any missing child and their case from all workgroup members and others with information. However, NCMEC can only share information with Child Protective Services (CPS) or the person with legal custody of the child, and law enforcement.
- ✓ Unless directed otherwise, NCMEC will produce and distribute a missing child poster, which shall include photos and identifying information, for each and every missing child reported, provided there is sufficient information to produce a poster. There will be no information on the poster regarding the child's conservatorship status with DFPS.
- ✓ DFPS will advise Child Placing Agencies (CPAs) that when a child is missing as defined in this protocol, the CPA must notify DFPS and law enforcement as soon as possible.
- ✓ DFPS will review their policies and confirm that, after a missing child returns to care, CPS will ensure that an appropriate trauma-informed debrief is conducted with the child to understand the reasons for being



missing, information needed if the child is missing again, and to seek a forensic interview with the Child Advocacy Center (CAC) if the child has been physically or sexually abused during their period of being missing.

#### **PROCEDURE FROM THE COURT:**

The Court, in each instance, will consider whether:

1. An assessment tool should be used by court staff to assess when a child is at risk of sex trafficking (if no other advocate or agency has performed such an assessment);
2. Whether any additional supports or services are available to improve outcomes for the child and prevent future instances of being missing;
3. Whether it is in the missing child's best interest for the legal case to be dismissed (if requested by a party); and
4. Whether any additional orders or Special Review hearings are necessary for cases involving missing children in DFPS care.

#### **PROCEDURE REQUIRED FOR DFPS:**

Upon receiving notification or information that a child in DFPS conservatorship is a "missing child," Child Protective Services (CPS) shall, as soon as possible and in the following order, make a "missing child report" to:

1. The appropriate local law enforcement agency; and
2. The National Center for Missing and Exploited Children (NCMEC).

Additionally, CPS shall notify:

3. The court with jurisdiction over the DFPS' conservatorship case;
4. The advocates for the child (i.e. Attorney and Guardian ad litem) within 24 hours after receiving notification or information that the child is missing (and, after the initial notification, shall provide updates to the advocates upon request);
5. The advocates for the parents or the parents themselves (if the parents' whereabouts are known, their parental rights have not been terminated, and they are not involved in the child's disappearance);
6. The juvenile probation agency, if the child is on juvenile probation status; and
7. The appropriate embassy, if the missing child is a citizen of another country.

In making a "missing child report" to NCMEC, CPS shall include as much of the following information as possible to help identify and locate the child:

- ✓ Child's full name, including any known alias or nicknames
- ✓ Most recent photograph of the child
- ✓ Date of Birth
- ✓ Social Security Number
- ✓ Height and Weight
- ✓ Natural hair and eye color and if the child dyes/highlights their hair, wears wigs, or wears color contacts
- ✓ Skin complexion, race and ethnicity (if known)

- ✓ Condition of their teeth
- ✓ Description of any identifying scars, marks, or tattoos and their location
- ✓ What they were last seen wearing
- ✓ The date, time, and location where they were last seen
- ✓ Law enforcement agency where the report was made and the law enforcement case number
- ✓ The name and contact information of the CPS caseworker assigned to the child's case, including cell phone and email address

As long as the child is missing, CPS must notify NCMEC at **1-800-THE-LOST** (1-800-843-5678) each time a different CPS caseworker is assigned to the child's case and share that caseworker's contact information, including cell phone and email address.

Upon receipt of information of a missing child, it will be incumbent on the child and parent advocates to determine if a Special Review hearing needs to be set prior to the next scheduled hearing.

Upon receipt of information that child is no longer missing, CPS shall notify law enforcement and NCMEC as soon as possible.

#### **PROCEDURE REQUIRED FROM OTHER PARTIES:**

Upon receiving notification or information that a child in DFPS conservatorship is missing, the other parties in the legal case are required to do the following:

1. Cooperate with any search or investigation by any law enforcement agency, as best as possible;
2. Provide any additional information to DFPS and/or the local law enforcement agency handling the missing child report, as best as possible;
3. Be prepared and available (or have a back-up contact available) in the event an urgent Special Review hearing must be called during the time the child is missing or shortly thereafter;
4. Report to the Court any concerns with the failure of DFPS or any party to follow this Procedure on Missing Children; and
5. Request a Special Review at any time it may be needed to assist in the location and support of the missing child.

CAUSE NO. D-1-FM- \_\_\_\_\_ - \_\_\_\_\_

IN THE INTEREST OF

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IN THE DISTRICT COURTS

OF TRAVIS COUNTY, TEXAS

CHILD/REN

JUDICIAL DISTRICT

**Request for Approval of Out-of-County Travel**

I am seeking judicial approval for my time and mileage at the County-approved rates in order to facilitate in-person attorney-client communications with my client(s), \_\_\_\_\_

**(Please include ages in parentheses next to each child)**

who is/are the

☐

Mother

☐

Father

☐

Child(ren) in this case and is/are currently in

\_\_\_\_\_, TX, which is located approximately \_\_\_\_\_ miles from Austin.

I would like to schedule this travel on \_\_\_\_\_.

The reason this in-person travel is necessary is: \_\_\_\_\_

\_\_\_\_\_.

The last time I saw this Client in person was: \_\_\_\_\_.

The Date of the Next Hearing is: \_\_\_\_\_ on the docket of Judge \_\_\_\_\_.

Hearing Type:

☐

Status

☐

COS Review

☐

Permanency

☐

Merits

☐

Placement Review

Other: \_\_\_\_\_

By my signature, below, I certify that:

- There is no more efficient manner (telephone, video conference etc.) than in-person travel in which I am able to communicate with my client regarding this matter.
- The travel requested is reasonable and necessary and will be conducted as efficiently as possible.

Name: \_\_\_\_\_

Attorney Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Court Use Only: (circle one and sign)

Travel is: Not Approved / Approved at County Approved Rates for Time and Mileage.

Judge Signature: \_\_\_\_\_ Date Signed: \_\_\_\_\_

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**Instructions to Attorneys:**

Attorneys may use this form to request reimbursement for mileage and time for reasonable and necessary out-of-county travel performed in conjunction with court-appointed representation of parents or children in CPS cases.

UPON COMPLETION, YOU SHOULD TENDER THIS FORM FOR CONSIDERATION TO THE COURT AT [CPSSubmissiondocket@traviscountytx.gov](mailto:CPSSubmissiondocket@traviscountytx.gov). PLEASE BE SURE TO INCLUDE THE NAME OF THE JUDGE WHO REGULARLY PRESIDES OVER YOUR MATTER IN THE SUBJECT LINE. **PLEASE PLAN IN ADVANCE AND ALLOW AT LEAST 5 BUSINESS DAYS BETWEEN THE DATE OF EMAIL SUBMISSION AND YOUR SCHEDULED TRAVEL.** IF YOUR TRAVEL IS APPROVED, PLEASE ATTACH YOUR APPROVED TRAVEL REQUEST TO ANY RELEVANT REQUEST FOR REIMBURSEMENT OF ATTORNEY FEES AND EXPENSES.

To ensure the prompt processing of your bills and avoid possible disapproval of your out-of-county travel time and mileage, it is appropriate to abide by the following guidelines:

- (1) When you travel to a county contiguous to Travis (i.e. Williamson), advance judicial authorization is NOT required, but your reasonable and necessary mileage IS reimbursable at allowable County reimbursement rates.
- (2) When you travel to a county that is NOT contiguous to Travis (i.e. Lubbock), you must submit a written request prior to travel for advance approval of your mileage reimbursement, explaining where you are going and why this travel is reasonable and necessary. (Before you submit this request to the submission docket, consider whether it might constitute an ex parte communication. If so, please copy all parties at the time you send it to the submission docket.) Alternatively, if you are in a hearing and know you are planning a trip to visit your client, you can request approval at the hearing. Please obtain a written court order or other proof of travel authorization in writing to attach to your fee bill. Attach proof of approval to your request for mileage reimbursement at the time you submit it. If you did not receive advance approval of travel, you must submit with your fee bill an explanation of why advance travel approval was not obtained. (Again, please consider whether this might constitute an ex parte communication and take appropriate steps to copy all parties if necessary and appropriate) A judge will review this explanation and consider your request for reimbursement under the circumstances.
- (3) Mileage is only reimbursed at the approved county rate at the time of travel. Anytime you travel within Travis County, your mileage is NOT reimbursable. Other than mileage, NO fees associated with an attorney's travel will be reimbursed unless specifically approved in writing by a Judge in advance of travel. This includes fees for use of toll roads, public transportation, plane tickets, taxi fare, car rental, hotels, meals, and other expenses.
- (4) If you are an Attorney ad Litem who is seeking travel authorization for the purpose of complying with Tex. Fam. Code. §107.004(d) or a Parent attorney who is seeking travel authorization for the purpose of complying with Tex. Fam. Code. §107.0131(a)(1)(G), please note that it is the Court's expectation that, before seeking travel authorization, you will research whether you can confer with your client, as appropriate, by telephone or video conference and will use the most efficient means possible under the circumstances to communicate with your client.



CAUSE NO. D-1-FM- \_\_\_\_\_ - \_\_\_\_\_

IN THE INTEREST OF

§ IN THE DISTRICT COURTS  
§  
§  
§ OF TRAVIS COUNTY, TEXAS  
§  
§  
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CHILD/REN

JUDICIAL DISTRICT

**AAL's Request for Waiver of Pre-Hearing Meeting under Tex. Fam. Code §107.004(d)**

(Attorney - please check as appropriate): ☐ I am seeking a judicial waiver of the requirement under Texas Family Code §107.004(d), which requires an attorney ad litem for a child to meet before each hearing with the child or other individual, as appropriate. ☐ I am seeking judicial authorization to confer with the child or other individual by telephone/video conference instead of in person.

My client, \_\_\_\_\_, is \_\_\_\_\_ years of age and currently resides in \_\_\_\_\_, TX, which is located approximately \_\_\_\_\_ miles from Austin.

The last time I saw this client in person was: \_\_\_\_\_.

The Date of the Next Hearing is: \_\_\_\_\_.  
Hearing Type: Status / COS Review / Permanency / Merits / Placement Review / Other: \_\_\_\_\_.

By my signature, below, I certify that good cause exists as to why this in-person meeting is not feasible or in the best interest of the child because (If you are asking for authorization to confer with your child client by telephone or video conference instead of in person, please also explain here why good cause exists): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Name: \_\_\_\_\_

Attorney Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Court Use Only: (Judge, please check as appropriate and sign below)

- ☐ **Not Approved** – The Court does not find Good Cause for the Waiver of Tex. Fam. Code §107.004(d).
- ☐ **Approved** - The Court finds Good Cause exists for the Waiver of Tex. Fam. Code §107.004(d) and determines **NO meeting under that section is necessary prior to the hearing listed above.**
- ☐ **Telephone/Video Conference Approved in lieu of in-person meeting** - The Court finds Good Cause exists to authorize the attorney ad litem to comply with Tex. Fam. Code §107.004(d) by telephone or video conference.

Judge Signature: \_\_\_\_\_ Date: \_\_\_\_\_

CAUSE NO. D-1-FM- \_\_\_\_\_ - \_\_\_\_\_

IN THE INTEREST OF

§  
§  
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§  
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§

IN THE DISTRICT COURTS

OF TRAVIS COUNTY, TEXAS

CHILD/REN

JUDICIAL DISTRICT

**Parent Attorney's Request for Waiver of Pre-Hearing Meeting under Tex. Fam. Code §107.0131**

(Attorney - please check as appropriate): ☐ I am seeking a judicial waiver of the requirement under Texas Family Code §107.0131(a)(1)(G), which requires an attorney for a parent to meet before each hearing with the parent.  
☐ I am seeking judicial authorization to confer with my client by telephone/video conference instead of in person.

My client, \_\_\_\_\_, currently resides in \_\_\_\_\_, TX, which is located approximately \_\_\_\_\_ miles from Austin.

The last time I saw this client in person was: \_\_\_\_\_.

The Date of the Next Hearing is: \_\_\_\_\_  
Hearing Type: Status / COS Review / Permanency / Merits / Placement Review / Other: \_\_\_\_\_.

By my signature, below, I certify that good cause exists as to why this in-person meeting is not feasible because (If you are asking for authorization to confer with your client by telephone or video conference instead of in person, please also explain here why good cause exists): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Name: \_\_\_\_\_

Attorney Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For Court Use Only: (Judge, please check as appropriate and sign below)

- ☐ Not Approved - The Court does not find Good Cause for the Waiver of Tex. Fam. Code §107.0131(a)(1)(G).
- ☐ Approved - The Court finds Good Cause exists for the Waiver of Tex. Fam. Code §107.0131(a)(1)(G) and determines NO meeting under that section is necessary prior to the hearing listed above.
- ☐ Telephone/Video Conference Approved in lieu of in-person meeting - The Court finds Good Cause exists to authorize the attorney to comply with Tex. Fam. Code §107.0131(a)(1)(G) by telephone or video conference.

Judge Signature: \_\_\_\_\_ Date: \_\_\_\_\_