



**ELIZABETH WATKINS
ASSOCIATE JUDGE
CHILD PROTECTION COURT OF THE CONCHO VALLEY**

**112 W. Beauregard, Rm. 311
San Angelo, Texas 76903
Phone: (325) 659-6577**

Mandy Archer
Court Coordinator
April Drake
Certified Court Reporter
Martin Lopez
Certified Court Security Specialist

STANDING ORDERS OF THE COURT

In addition to the general rules of decorum and procedure, the following standing orders will be in effect for the Child Protection Court of the Concho Valley:

Vacation letters:

Please submit your vacation letters in January and July. While we understand that unexpected events may happen and require an absence, things such as the Family Law Conference, Holiday travel, and scheduled events should be accounted for in these letters. This court will make every effort to honor those vacation letters and not schedule your hearings during those times. Motions for continuance should be written, include reasoning, and be filed with the court no later than 3 days prior to any need (or as soon as you become aware of the conflict) for unplanned/unaccounted for vacation time.

Written reports in lieu of appearances:

Unless as directed by the Texas Family Code, the Court does not take written reports in lieu of appearances on a *regular* basis. They are accepted for good cause when the emergency need arises, it has been expressed to the court, and the report contains the information needed to ascertain whether or not the child/children are having their needs met. A standard form stating you have met with the child and complied with the code is not enough. As a trauma informed court, it is necessary that attorneys meet with the children they represent, understand their needs, and express them to the court such that any orders necessary for their health and/or emotional well-being can be obtained. The CPC court is not bound by DFPS policy, but an oath to the children and families in these cases. That oath requires that everything be done to ensure they are getting the things they need to both treat their trauma and heal the family if possible. That cannot be done without knowledgeable representation of both the parents and children's needs. Many children (and some parents) are far away, please attempt at least one in person visit with those children, virtual visits should be utilized for both parents and children when in person is impossible. An attorney may get "coverage" by another attorney where practicable as long as

that coverage is knowledgeable and can answer questions necessary to insure the best interests of the family.

Attorney Appearances:

The Supreme Court of Texas, in the emergency orders and in best practice suggestions prior to Covid, has continually advised that the incorporation of virtual appearances should be a customary practice for courts when appropriate. To that end, the CPC will continue to have virtual hearings in a limited capacity. Contested matters will be held in person. The following are considered a “contested matter:”

- Final hearings where the parties do not agree
- Adversaries where the parents/caregivers are challenging the removal
- Placement/Monitored return hearings where there is a dispute on where the child/ren should be placed
- If you are calling witnesses to support your position, and that position is adverse to another party, then the hearing is contested. Those hearings with multiple witnesses, and/or exhibits will be in person

Pursuant to the Regional Administrative Judges Orders, we cannot conduct contested hearings without the appointed Court representatives, therefore any conflicts on those matters will result in re-scheduling. Please use your best judgment when informing the court of contested matters. If the case is set for a contested matter, and it gets resolved due to pre-hearing communications, please let the court know. However, the Court will not look favorably on matters that get resolved at or near hearing time simply because that is when the communication is first attempted.

Request for Virtual Appearance by a Party or a Witness:

Parties must appear in person. If there are exigent circumstances and an attorney is requesting that a party appear virtually, they must file a motion/order for virtual appearance no less than 3 days prior to the hearing, or as soon as the emergency need becomes known. These requests will be considered on a case-by-case basis and unless granted by the Court, please have your client present in person.

Witnesses: The Court will accommodate out-of-town and/or professional witnesses when practicable. If a party knows of a request for a witness to appear virtually, they must file a motion and order for virtual appearance no less than 3 days prior to the setting. Virtual appearances are discretionary, such that unless an order is signed granting, the party should anticipate the in-person presence is necessary.

Agreed Orders:

The Court will take agreed orders in lieu of appearances at final hearings in certain matters. An Agreed order must be signed by all the parties and attorneys. If there is an unknown parent, or an absentee parent, unfortunately, that cannot be an “agreed order.” If there are any legal matters that require testimony or a prove up (a monitored return where the other parent does not agree on possession and access is not agreed and would require a prove up) the Court will need to hold the hearing to address those issues. Additionally, according to the Family Code – the parties cannot

“agree” to (or mediate) an extension. Any extension of time over the allotted 12 months requires the Court to make a finding of “extraordinary circumstances” and will require a hearing. Continuances requested inside the 12 month deadline can be agreed, and will be accommodated as the court’s scheduling allows. The difference is whether the continuance would require an extension beyond the original deadline, those will require a hearing as it will require those extraordinary findings, and a motion for extension should accompany the continuance request.

Notice of contested matters:

It is the expectation of this Court that there is open and frequent communication between the parties. While it may sometimes be difficult to determine who represents DFPS, Regional directors have remained the same, and other DFPS staff should be able to direct you to their counsel. If there is an issue in a particular case, please alert the court and we will find the individual you need to conduct the frequent and open communication necessary for these cases. It is the Court’s experience that holding information in only to play “I gotcha” at a hearing serves no purpose other than to embarrass the witness and waste the Court’s time. If a DFPS worker has been failing to check in on children, make home visits, contact your client, or in general not provide for services needed, emails should go to the supervisor and/or program director to resolve the issue. Attempt this conferencing prior to the hearing. The expectation of DFPS is no less, they should be sending emails regarding your clients frequently, things such as a positive drug test should not be held back. That information should be shared so the parties can come up with a plan for treatment, a plan for safety placement, or connection with other relatives if needed long before it is a part of court testimony. Simply put – most of the work on these cases should be happening outside of the courtroom. This Court firmly believes it to be a collaborative process where possible, and that collaboration can lead to the best outcomes. Billing that supports the trauma informed collaborative approach is acceptable.

Submission of Witnesses/Evidence and Notice Thereof:

IT IS ORDERED that any offer of witnesses or exhibits during the court proceeding, requires an email with the list to all parties, the court coordinator Mandy Archer, mandy.archer@txcourts.gov and the court reporter April Drake, april.drake@co.tom-green.tx.us by noon three days before the court proceeding or as soon as they are available. The subject line of the email should say: Court Proceeding Exhibits of (Plaintiff/Petitioner/State or Defendant/Respondent) – Cause No. _____. These witness/exhibit lists must be filed with the Court and are relied upon when making decisions concerning time allotments during the hearing. The parties must still prove up any exhibits during the trial/court proceeding. The parties are encouraged to discuss any agreed exhibits or stipulations in advance of the Court proceeding. All audio and video exhibits must be saved in a usable format and named accordingly. While the Court may provide the viewing screens, the party wishing to use audio or visual equipment in the Courtroom is responsible for ensuring the proper equipment is available and will function for that piece of evidence. Those parties wishing to practice or test audio or visual equipment in the Courtroom must contact the bailiff prior to the day of the hearing and a time will be provided outside of hearing hours for said party to test the equipment and evidence. The Court is not responsible for providing any proprietary software for use with exhibits or ensuring that the exhibit functions. Failure to follow these court procedures may result in a limitation of the presentation of evidence or witnesses.

Scheduling:

IT IS ORDERED that a standard pre-trial scheduling order shall be utilized. Additionally, this Court believes it is necessary to meet more often than the minimum standards in the Family Code in order to properly address family needs. This is particularly true in the Court Ordered Services cases and those with high needs children.

Meeting with children:

The CPC will meet with any child upon request. It is preferable in person where possible, but virtual meetings are also available where the child's schedule or location necessitates using zoom. It is up to the advocate if they would like to be in on the meeting, but all meetings will have a record. Please file a notice requesting the meeting so that the court coordinator can arrange. When filing, please include relevant information like school, therapy, or appointment conflicts.

Meeting with attorneys:

Please note that the Court cannot meet with you ex parte for any case specific information. If there is concern about a particular case, please schedule a meeting including all the party's attorneys with Ms. Archer. Barring the discussion of a specific case, The Court is open to any requested meetings.

Notice to Parents-Court Appointed Attorney:

"YOU HAVE THE RIGHT UNDER §262.102(d), TEXAS FAMILY CODE, TO BE REPRESENTED BY AN ATTORNEY. IF YOU ARE INDIGENT AND UNABLE TO AFFORD AN ATTORNEY, YOU HAVE THE RIGHT TO REQUEST THE APPOINTMENT OF AN ATTORNEY BY CONTACTING CHILD PROTECTION COURT, 112 W. BEAUREGARD, SAN ANGELO, TX (325) 659-6577. IF YOU APPEAR IN OPPOSITION TO THE SUIT, CLAIM INDIGENCE, AND REQUEST THE APPOINTMENT OF AN ATTORNEY, THE COURT WILL REQUIRE YOU TO SIGN AN AFFIDAVIT OF INDIGENCE AND THE COURT MAY HEAR EVIDENCE TO DETERMINE IF YOU ARE INDIGENT. IF THE COURT DETERMINES YOU ARE INDIGENT AND ELIGIBLE FOR APPOINTMENT OF AN ATTORNEY, THE COURT WILL APPOINT AN ATTORNEY TO REPRESENT YOU."

Placement of Children in Care:

IT IS ORDERED that a child not placed with a relative or fictive kin upon removal **SHALL** be placed in the county of removal or a contiguous county (§264.151, Texas Family Code). After all efforts have been exhausted to achieve this mandate, DFPS/2Ingage shall contact the Department's attorney of record and the attorney ad litem for the child to justify the variance prior to placement of the child by the Department. **IT IS ORDERED** that DFPS/2Ingage shall file a written report (hereafter "Advisement") to the Court of the attempts to achieve placement

within the above region. **IT IS ORDERED** that this report shall be filed with the Court within the 24 hours of placement.

IT IS ORDERED that DFPS/2Ingage shall seek placement from any source including the Department, 2Ingage, any other Single Source Continuum Provider, placements in other regions (including those that require “permission”) for each child to obtain an appropriate placement for the child.

IT IS ORDERED that DFPS/2Ingage shall not place a child from Tom Green, Schleicher, Irion, Runnels, Sterling, Coke, Concho and Brown counties outside of 150 mile radius of the child’s home county without prior approval of the Court.

IT IS ORDERED a hearing for a placement change not previously approved must be requested prior to the change for those changes with advance notice. It is ordered that DFPS/2Ingage/CPA shall file an Advisement with the Court of any emergency change in placement, caregiver, or respite status within 24 hours after the change. This report shall include the following: 1) the reason for the change; 2) when the CPA/Dept/2Ingage were notified of the necessity for the change; 3) if the child will be returning to the prior placement and the date of that occurrence. This notification requirement applies to all types of placement—even if the placement is not considered an “official” placement change under the policy of DFPS, 2Ingage or the CPA.

IT IS ORDERED that no placement or caregiver change shall occur for any child from Tom Green, Schleicher, Irion, Runnels, Sterling, Coke, Concho and Brown counties outside of the hours of 8:00 o’clock a.m. and 7:00 o’clock p.m. without approval of the Court.

IT IS ORDERED that if a child has not been placed in their home county or within 150 miles of their home county and is not in a relative/fictive kin or adoptive home after a period of three (3) months—DFPS placement or the 2Ingage “placement specialist” assigned to the child shall provide a written report to the Court that includes the following information: 1) what placements were contacted; 2) what person with personal knowledge of the child contacted the placements; and 3) the response from the placement. Emails or fax contact attempts will not be considered as complying with this requirement.

IT IS ORDERED that if a child has not been placed in their home county or within 150 miles of their home county and is not in a relative/fictive kin or adoptive home for a period of three (3) months—the DFPS placement worker or the 2Ingage “placement specialist” assigned to the child shall appear in person at the next court hearing scheduled for that child to discuss the active, ongoing efforts to place the child within their home county.

IT IS ORDERED that after any placement/respite/caregiver change, DFPS/2Ingage must make arrangements to transport or provide the child all of their belongings to the new placement of the child within two (2) business days after the placement change.

IT IS ORDERED that the child’s CPA or placement must provide to DFPS/2Ingage all of the child’s belongings within twenty-four (24) hours of the placement change for the child.

IT IS ORDERED that all relative/kinship/family placements that “do not qualify” for subsidy shall be told in detail the reason why they do not qualify and a report/advisement provided to the

Court explaining the reasoning and whether a request for an exception has been made. The DFPS/2Ingage primary caseworker shall request an exception whenever appropriate.

IT IS ORDERED that the adoption specialist who returns an adoption subsidiary packet for deficiency shall meet with the prospective adoptive family/permanency case manager and CPA within three (3) business days to correct the deficiency. **IT IS ORDERED** that this meeting shall be held in person.

IT IS ORDERED that the person who returns a TARE application for a deficiency shall meet with the permanency case manager and their supervisor within three (3) business days to correct the deficiency.

Medications for Children in Care:

IT IS ORDERED that all caseworkers must attend the medication review for a child on their caseload. Any child considered for medication must have thorough and complete evaluation which includes the provision of the removal affidavit and court reports to the prescribing provider, and any additional reports that will assist the prescriber in determining the actual needs of the child. Prior to ANY psychotropic medication being prescribed, DFPS/2Ingage shall follow the law and policy of DFPS and ensure that ALL other remedies have been explored.

IT IS ORDERED that an advisement shall immediately be filed with the court that includes the following information (TFC §266.0042, 264.018):

The validity of the consent. Medical consent to giving a psychotropic medication is valid only if:

- It is given voluntarily and without undue influence and
- The consenter receives information (given verbally or in writing) describing:
 - The specific condition to be treated.
 - The beneficial effects on that condition expected from the medication.
 - The probable health and mental health consequences of not consenting to the medication.
 - The probable clinically significant side effects and risks associated with the medication.
 - *The generally accepted alternative medications and non-pharmacological interventions to the medication*, if any, and
 - The reasons for the proposed course of treatment

When consenting to a new psychotropic medication, DFPS Form 4526 Psychotropic Medication Treatment Consent must be completed and signed by the medical consenter and the health-care provider or designee. The medical consenter must discuss with the provider any non-pharmacological interventions (non-medication options) to the medication and ask questions the medical consenter has about the above elements of informed consent. The Medical Consenter has

this discussion with the provider at **both** initial **and** follow-up appointments. If the child is over the age of 10, that child must be consulted prior to taking the medication. Any child that chooses not to take psychotropic medications shall be provided any recommended therapeutic services necessary to address the concerns within 30 days of that recommendation. The AAL for the child may request a hearing if there is a concern about taking/not taking a medication or the provision of therapeutic services.

IT IS ORDERED that any child that is placed on medication (of any kind) the caregiver or child placing agency must notify DFPS/2Ingage and the Court within two (2) business days of the medication prescription. This notification requirement applies to parents and all placements including fictive kin, relative or respite caregivers and includes any medication.

Children in the PMC of the Department:

IT IS ORDERED that all children in the permanent managing care of the Department shall have new service plans that include all the efforts made to get them out of care as soon as possible. The youth for tomorrow information shall be current and up to date, no later than 6 months old. All adoption and TARE information shall be updated no less than 6 months apart. If the youth is older than 15 years of age, the primary caseworker shall develop a service plan which shall include:

1. All education plans, 504 accommodations, most recent ARD information, specific plan to graduate or seek vocational training;
2. Provide for education information to include the foster care liaison at higher education institutions, obtain the name and contact information of those individuals to provide to youth; assist in filling out any FAFSA, admission, or fee waiver forms as needed;
3. All efforts to get a state issued identification card;
4. All efforts to obtain drivers education;
5. All efforts to obtain a driver's license;
6. Set up access to, and information for a medical portal to access all medical information, appointments and prescriptions;
7. A thorough medication review with a pediatric psychiatrist, in person, so the child may ask any questions about psychotropic medications, the caseworker must attend this visit, and all AAL/GAL's must be notified;
8. Referrals to the Texas Workforce Commissions Employment readiness program
9. The options available to the youth for adoption, fostering, and aging out of the system – including SIL information;
10. Apply for a housing application or SIL by the youth's 17th birthday to insure knowledge of options and a place on any waiting lists;
11. Create a secure cloud account to which the youth has the password for scanning all of the youths important documents, including social security, birth certificate; identification cards and any other important papers such that the youth shall have access to those papers if physical copies are lost;
12. Establish a bank account in the child's name for their control and use (TFC §264.1215);
13. Run a credit check with the child and explain what having credit means;

14. Obtain and maintain a digital cloud calendar for the youth, accessible by the youth, with all relevant appointments and contact information for attorney, physicians, dentists, therapists and support groups;
15. Ensure that the child has luggage, with a combination lock to store belongings

It is the primary caseworker's responsibility to complete these tasks with the children. Reliance on secondary or PAL workers will not be in compliance with this order.

Motions, Hearings and Advisements:

IT IS ORDERED that the following situations require a motion and/or order for hearing on the matter prior to consideration by the Court; or an advisement by the Department upon the event occurrence:

1. Requests for Continuance (TRCP 251) M/O;
2. Requests for Extensions (TFC§ 264.401(b-3)) M/O;
3. Requests for a Monitored Return (TFC§263.401(a-1) M/O;
4. Requests for a child under the age of 16 to testify (TRE 601(a)(2)) M/O;
5. Requests for witnesses to appear via zoom (3 days in advance) M/O;
6. Non-emergency placement changes, CWOP or runaway (advisement);
7. Any attempts to place a child out of state (advisement);
8. Any child getting arrested and incarcerated for any period over 24 hours (advisement);
9. Any child entering a hospital for medical or psychiatric treatment (advisement);
10. Significant changes in parent status: arrests, moves to TDC, relapse, entering a hospital or psychiatric facility, the addition of a parent, the preclusion of a parent, a change in permanency goal (advisement).

This list is not exclusive and other motions and orders may be required as indicated by the Texas Family Code, Texas Rules of Evidence and/or the Texas Rules of Civil Procedure.

These Standing Orders and Rules shall be in effect in the Child Protection Court of Concho Valley until superseded by any other Orders of this Court.

Rendered on November 14, 2023

El Watkins
JUDGE PRESIDING