STANDING ORDERS REGARDING STATUS HEARINGS, PERMANENCY HEARINGS AND VISITATION IN CHILD PROTECTION CASES IN THE CHILD PROTECTION COURT OF THE CONCHO VALLEY

No party has requested this Standing Order. Rather, this order is a Standing Order of the Child Protection Court of the Concho Valley (the "Court') and this Standing Order is being issued by the Court in response to Governor Abbott's state of disaster declaration and pursuant to the emergency orders issued by the Supreme Court of Texas regarding the COVID-19 state of disaster and pursuant to the authority granted to the Court by Section 263.108(b), Texas Family Code, and other applicable law, and this Standing Order applies to every suit affecting the parent-child relationship filed by the Texas Department of Family and Protective Services (the "Department") in the 35th, 51st, 119th, and 340th District Courts in the counties of Tom Green, Coke, Concho, Irion, Runnels, Schleicher, and Brown. These Standing Orders supplement, but do not supersede the Special Standing Orders Regarding COVID-19 And Child Protection Cases In The Child Protection Court Of The Concho Valley issued by the Court on March 19, 2020, a copy of which is attached to these Standing Orders (the "Special Standing Order").

IT IS ORDERED that, in connection with Status Hearings scheduled in the Court pursuant to Section 263.202:

A. The Department shall prepare and electronically file with the Court, at least three (3) days prior to the date and time of a scheduled Status Hearing, family service plans for each Respondent in the case, along with a Status Hearing report signed by a representative of the Department: (1) indicating whether the Respondents have reviewed, understand and/or signed their family service plan and, if the family service plan has not been reviewed with a Respondent, the efforts made by the Department to review the family service plan with them; (2) addressing the Department's efforts to identify and locate persons set forth in Section 262.1095(a), Texas Family Code; and (3) the other matters required to be addressed by the Court at the Status Hearing as set forth in Section 263.202, Texas Family Code.

B. Any party, Attorney Ad Litem or Guardian Ad Litem objecting to or having comments regarding a family service plan or having information relating to the matters set forth in Sections 263.202(f-1) and (h), Texas Family Code, shall electronically file in writing any such objections or information with the Court prior to the scheduled date for the Status Hearing setting forth their objections to the family service plan.

C. If a child placement resources form has not been submitted by a Respondent, the Respondent is ordered to submit to the Department the child placement resources form.

D. The parties are advised that progress under the family service plan will be reviewed at all subsequent hearings, including a review of whether the parties have acquired or learned any specific skills or knowledge stated in the family service plan.

IT IS ORDERED that, in connection with Permanency Hearings Before Final Order and Permanency Hearings After Final Order scheduled in the Court pursuant to Sections 263.304, 263.305, 263.306 or 263.501, Texas Family Code:

A. The Department shall prepare and electronically file with the Court and provide to the parties at least three (3) days prior to the date and time of a scheduled Permanency Hearing a Permanency Progress Report signed by a representative of the Department and containing the information required by Section 263.303 and Section 263.306 or Sections 263.501, 263.502 and 263.503, Texas Family Code.

B. Any party, Attorney Ad Litem or Guardian Ad Litem may electronically file in writing any response to the Department's Permanency Progress Report prior to the scheduled date for the Permanency Hearing.

IT IS ORDERED that appearances of parties at the Status Hearing and at Permanency Hearings are governed by the Special Standing Order and children are excused by the Court from appearing at the Status Hearing, except as may be otherwise specifically ordered by the Court.

IT IS ORDERED that, while the Department is encouraged to continue to allow visitation between children and families to the extent feasible consistent with applicable federal, state and local orders and guidelines for the protection of the health and safety of the pubic, the Department is granted the authority to modify any visitation plan filed with the Court and any visitation order issued by the Court in an effort to avoid the risks associated with the COVID-19 virus and as necessary to protect the interests of children and families. This authority shall include, but not be limited to, the following: (i) the suspension of all in-person visits; (ii) the arrangement of telephone or video communication; (iii) limiting the number of persons who may be present during a visit to comply with federal, state and/or local guidelines regarding group size; and (iv) any other modifications deemed appropriate by the Department in accordance with the guidelines, directives or orders issued by the Department's State Office and/or by federal, state or local authorities.

IT IS ORDERED that the Department shall use its best efforts to notify all parties of a modification made to any visitation plan or visitation order issued by the Court; if a party objects to such modification, the party may filed a written motion with the Court stating the objection and requesting the Court review the modification pursuant to Section 263.108, Texas Family Code.

IT IS ORDERED that the Department shall utilize its best efforts to provide a copy of this Order and the Special Standing Order to Respondents in the Department's cases or to otherwise notify them of the contents to these orders and of the dates and times of hearings set by the Court and of the procedures to follow pursuant to the Court's orders and directives relating to attendance at or participation in hearings scheduled by the Court.

IT IS ORDERED that this Order shall remain in effect until thirty (30) days after the Governor's state of disaster is lifted.

Respondents are advised that the Respondent's parental and custodial rights and duties may be subject to restriction or even termination unless the Respondent is willing and able to provide the child with a safe environment.

Respondents are advised that they have the right to retain legal counsel and that, if a Respondent parent is indigent parent and the parent responds in opposition to the Department's suit, the Respondent parent may request court-appointed legal counsel be appointed by the Court by filing with the District Clerk an affidavit of indigence form, which form may be obtained from the District Clerk, and by the submitting to the Court such additional evidence as may be required by the Court pursuant to Section 107.013, Texas Family Code, and other applicable law, to determine the Respondent parent's indigence.

SIGNED EFFECTIVE MARCH 23, 2020.

ASSOCIATE JUDGE, CHILD PROTECTION
COURT OF THE CONCHO VALLEY

SPECIAL STANDING ORDERS REGARDING COVID-19 AND CHILD PROTECTION CASES IN THE CHILD PROTECTION COURT OF THE CONCHO VALLEY

Pursuant and subject to the provisions of the First Emergency Order Regarding The COVID-19 State Of Disaster issued on March 13, 2020 by the Supreme Court Of Texas and the Court Of Criminal Appeals of Texas and pursuant to and subject to the provisions of the Third Emergency Order Regarding The COVID-19 State Of Disaster issued by the Supreme Court Of Texas and the Court Of Criminal Appeals of Texas on March 19, 2020 (hereinafter collectively referred to as the "Emergency Orders"), the Child Protection Court of the Concho Valley (the "Court") issues the following orders in connection with any pending or future cases filed with the Court:

IT IS ORDERED that statutory deadlines for holding of adversary hearings, non-emergency removal hearings, status hearings, permanency hearings before final order, permanency hearings after final order shall be modified, extended or suspended as set forth in orders issued by the Court in each case and that the re-set of an adversary hearing, non-emergency removal hearing, status hearing, permanency hearing before final order, or permanency hearing after final order outside of the statutory time frame for holding the hearing shall be deemed pursuant to this Order and shall extend any existing emergency or temporary orders except as otherwise specifically provided in the orders issued in each case.

IT IS ORDERED that the Court may, in addition to any extension that may otherwise be granted by the Court pursuant to Sections 263.401 and 263.403, Texas Family Code, retain a suit on the Court's docket, extend the Court's jurisdiction over the case and retain the Department as temporary managing conservator of any children the subject of the suit beyond the time period set in Section 263.401(a), Texas Family Code, by issuance of a separate order which may extend the dismissal date to 30 days after the Texas Governor's state of disaster has been lifted as provided in the Emergency Orders.

IT IS ORDERED that parties, Attorney Ad Litems for respondent parents and children, and Court Appointed Special Advocates and Guardian Ad Litems for children, may, in lieu of appearing in person or otherwise participating in a hearing, file with the Court agreed orders or sworn statements of position or sworn reports prior to or the day of a hearing and such agreed orders, sworn statements or sworn reports may serve in lieu of the parties' Attorney Ad Litem's, Court Appointed Special Advocate's or Guardian Ad Litem's appearance at the hearing.

IT IS ORDERED that parties, attorneys and other participants in the case who wish to participate in a hearing by teleconferencing, videoconferencing or other means shall make a request to so appear by contacting the Court's Court Administrator at **(325) 659-6577 no later than 72 hours in advance of the hearing** and the Court will consider such requests to the extent reasonable and logistically possible.

IT IS ORDERED that, prior to coming to the courthouse for a hearing or trial, parties, attorneys and other participants in the case are required to inform the Court by contacting the Court's Court Administrator at **(325) 659-6577** if any party, attorney or other participant has, or knows of another party, attorney or other participant, who has any of the following conditions:

COVID-19 symptoms;
Flu-like symptoms;

Fever;
Cough;
Sneezing; or
They have traveled to any country listed by the Centers For Disease Control Travel Health Notices as Warning Level 2 or 3.

IT IS ORDERED that, pursuant to the Emergency Orders, the Court may consider sworn statements made out of court or sworn testimony provided remotely by teleconferencing, videoconferencing or other means.

IT IS ORDERED that these orders are effective immediately and shall continue, unless modified by subsequent order of the Court, until 30 days after the Texas Governor's state of disaster has been lifted pursuant to the Emergency Orders.

SIGNED: March 19, 2020

GARY L. BANKS, ASSOCIATE JUDGE, CHILD PROTECTION COURT OF THE CONCHO VALLEY