

CAUSE NO. D-1-FM-07-003213
COURT 419th

IN RE: Texas Department of Family and Protective Services Litigation

§ IN THE DISTRICT COURTS OF
§
§ TRAVIS COUNTY, TEXAS

Filed in The District Court of Travis County, Texas

JUN 21 2007
At 2:47 P.M.
Amalia Rodriguez-Mendoza, Clerk

STANDING ORDER

Having considered the type and number of child abuse and neglect cases pending in Travis County, and after reviewing the transcripts from the review hearings held on May 18, 2007 in Cause No. D-1-FM-02-003770, In re J.C., and Cause No. D-1-FM-99-010430, In re M.L., the Court finds that good cause exists for the entry of this Order. The Court makes this order on its own initiative. In making this Order, the Court has taken into consideration the best interest of the child or children whose lives may be affected by the terms of this Order, the rights of the parent or parents whose lives may be affected by the terms of this Order, the publicly-funded nature of this special statutory litigation, and the need for the effective and efficient administration of justice, among other things.

This Order is intended to facilitate the administration of child abuse and neglect cases in Travis County Civil District Courts (hereinafter referred to as "Travis County CPS cases") by reducing multiple filings and hearings regarding common systemic issues related to cases involving allegations of child abuse and/or neglect asserted by the Texas Department of Family and Protective Services (hereinafter referred to as "TDFPS") filed in the Travis County Civil District Courts. This Order is intended to create a central repository for certain limited filings and is intended to set out Orders for the orderly disposition, review and management of the cases involving the care and welfare of children as a whole involved in a Travis County CPS case. This Order shall apply to all Travis County CPS cases, on file or to be filed as of July 1, 2007 in the Civil District Courts of Travis County in which a claim of abuse or neglect has been asserted

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by TDFPS. However, nothing in this Order shall preclude a party from seeking relief from the Court to be excluded from the terms of this Standing Order for good cause shown.

I. PROCEDURES

1. The District Clerk of Travis County shall maintain a file entitled “In Re: Texas Department of Family and Protective Services,” which may be referred to as the “Master CPS File.” Instruments applicable to all Travis County CPS cases and pertaining to common system-wide issues shall be filed in such file.

2. Service of Parties in Matters to be heard in the Master CPS File. In order to notice a matter of systemic concern to the Travis County CPS cases, a party to a Travis County CPS case must provide notice to (1) the Travis County District Attorney’s office at their then current address by noticing the District Attorney and (2) the Assistant District Attorney then in charge of the division of the office in charge of the Travis County CPS cases. The party will further notice the (3) presiding judge of the Travis County Civil District Judges, (4) the General Counsel for the TDPRS, (5) the lead attorney for the Children’s Rights Clinic at the University of Texas Law School, (6) the President of the Court Appointed Family Advocates section of the Austin Bar Association and (7) the Executive Director of CASA of Travis County, Texas. Each party entitled to notice pursuant to this section of this Standing Order is to be served at their current address at the time notice is given.

3. All motions and other instruments that apply to all Travis County CPS cases shall be filed in the Master CPS File ONLY and will be captioned “In Re: Texas Department of Family and Protective Services Litigation” and bear the name of the motion. A motion or other instrument filed in the Master CPS File is deemed filed in each and every Travis County CPS file

to which it may be applicable, and is incorporated by reference into these files for all purposes. The resulting Order shall control all Travis County CPS cases, unless otherwise specifically excluded and stated in the resulting Order. Case specific Motions shall be filed in the applicable case file and should not be filed in the "In Re: Texas Department of Family and Protective Services Litigation" file.

II. ORDERS

4. The Court Orders as follows:

a. No Placement in CPS offices: No child who is the subject of a Travis County CPS case shall be placed for an overnight stay in the offices of the TDFPS, since such placement is not in the best interest of children, is not appropriate for meeting the child's needs, and is not the least restrictive environment consistent with the best interest of the child. The only limited exception to placement in the offices of TDFPS would be in an emergency situation involving the *initial* removal of a child/children from their home as a result of such an immediate danger to the physical health or safety of the child that remaining in the home would be contrary to the child's welfare. In such an emergency situation arising out of an *initial* removal of a child from their home, the placement in the TDFPS offices should be for no more than eight (8) hours, during which time the TDFPS shall obtain appropriate and safe placement for the child and/or children.

b. Agreement Needed Prior to Modifying Placement (Non-emergency modifications). No placement of a child that has been previously court approved will be modified by the Department, unless in the case of an emergency (see section 4c below for provisions related to emergency modifications of placement), without first notifying the child's attorney, the child's guardian *ad litem*, and any attorneys representing any parents or guardians

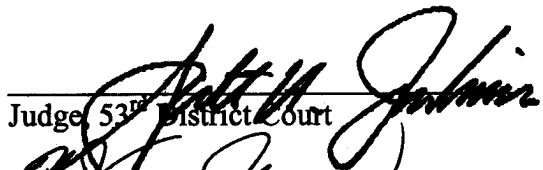
of the child in the Travis County CPS case (hereinafter referred to as “Individuals Entitled to Notice”). Notice of a proposed change of placement must be made a least 72 hours in advance of the placement change and written agreement of the Individuals Entitled to Notice must be obtained prior to the placement change, otherwise the Department must seek leave of Court to modify the placement. In the event there are no Individuals Entitled to Notice, the Department must seek leave of Court prior to modifying placement that was previously approved by Court order.

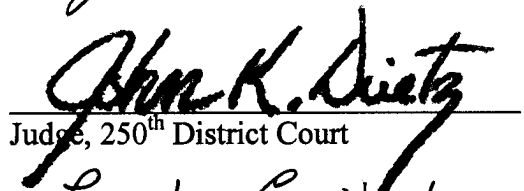
c. Emergency Modifications of Placement. In the event of an emergency (i.e., an event resulting in medical or psychiatric hospitalization) that results in a need to modify a placement of a child which prior placement was approved by Court order, the Department is ordered to contact the Individuals Entitled to Notice within seventy-two (72) hours of the emergency modification of placement and must seek an agreement to the emergency modification of placement by written agreement; and in the event such agreement is not obtained within seventy-two (72) hours, the Department must seek leave of Court to approve the emergency change in placement. Such leave of Court must be sought no later than one-hundred twenty (120) hours after any emergency modified placement has been made by the Department. In the event there are no Individuals Entitled to Notice, the Department must seek leave of Court within seventy-two (72) hours after the alleged emergency need for modification of placement in order to obtain approval of the modified placement.

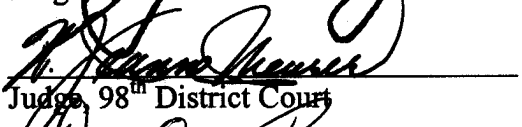
d. Changes in Levels of Care by Texas Youth for Tomorrow or subsequent contractor. The Department must notify Individuals Entitled to Notice of any changes in level of care made by Texas Youth for Tomorrow (hereinafter referred to as “YFT”), the TDFPS, or the

subsequent contractors of TDFPS who evaluate and modify levels of care of children in the care of TDFPS, if such change will result in the need to modify placement of the child. Reasonable notice must be provided by the Department sufficient to allow the Individuals Entitled to Notice to have adequate time to participate in the appeal process related to the change in level of care. Since the YFT appeal period is currently ten days, the Department is ordered to provide the Individuals Entitled to Notice with the change in level of care within 72 hours of notice to the Department from YFT. In the event there are no Individuals Entitled to Notice, the Department must provide notice to the Court within 72 hours from notice by YFT of any change in level of care and seek a review hearing prior to any change in placement occurring as a result of the YFT change in level of care.

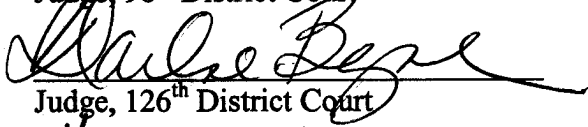
SIGNED this the 21 day of June, 2007.

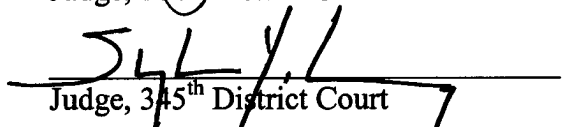

 Judge, 53rd District Court

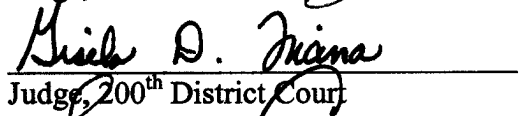

 Judge, 250th District Court



 Judge, 98th District Court


 Judge, 261st District Court


 Judge, 126th District Court


 Judge, 345th District Court


 Judge, 200th District Court


 Judge, 353rd District Court


 Judge, 201st District Court


 Judge, 419th District Court