

## **2/5/15 AMENDED POLICIES AND PROCEDURES FOR THE 304th DISTRICT COURT**

The following policies and procedures are applicable to all CPS cases.

### **COMPLETION OF SCHEDULING ORDER**

The Court's Scheduling Order shall be completed in every newly filed and pending CPS case. All dates shall be determined and entered into the scheduling order by the attorneys/parties, and after completion, shall be presented to the Court for signature.

### **CONTINUANCES**

Because all hearings in CPS cases are scheduled in advance with all the parties and attorney's present, CONTINUANCES, WHETHER AGREED OR NOT, WILL NOT BE GRANTED without a hearing before the District Judge and with proof of exigent circumstances.

### **ENTRY OF FINAL ORDERS/DECREEES**

All final orders/decrees must be submitted at the specific date ordered by the Court; and if no date is ordered, not later than 30th date after the final hearing. Failure to timely enter the order could lead to the case being dismissed.

### **MEDIATION**

Mediation is REQUIRED in all CPS cases. The parties may agree on a qualified mediator, however, if there is no agreement, the Court shall appoint a mediator.

The parties shall present themselves on the day of the mediation on time and without having any other conflicting matters.

### **AFFIDAVIT OF INABILITY TO PAY COSTS**

Each Affidavit will be reviewed by the Court to determine if any attorney should be appointed in termination cases. The issue of indigence should be immediately addressed at the initiation of Court action and at each subsequent hearing if a parent is unrepresented.

### **APPOINTMENT OF ATTORNEY AD LITEMS AT REMOVAL**

The Court will make an initial determination of indigence at the initial case filing and shall appoint an Attorney ad Litem if the Court makes a finding of indigence.

The appointed Attorney Ad Litem shall make contact with the parent within twenty-four hours after appointment and shall file responsive pleadings, along with a completed application for appointed attorney with the Court within seventy two hours after appointment. Failure to comply with the above shall lead to the removal of the appointment.

### **NOTICE TO PARENTS PURSUANT TO Texas Family Code sections 262.102 and 262.109**

The Department is ORDERED to ensure that all warnings and notices as set forth in sections 262.102 and 262.109 are given.

### **C.A.S.A.**

A C.A.S.A. will be assigned to each CPS case when filed.

## REQUIRED PARTIES - POST TERMINATION

It is the Court's policy that the assigned C.A.S.A. Volunteer and in some instances the child's guardian shall remain on the case after termination.

### **The following policies and procedures are applicable to all ALL cases.**

## CASE NEGOTIATION

The parties shall meet and negotiate in a timely fashion. The Court expects that the parties/attorneys to conference with each in an attempt to negotiate and settle as many if not all contested issues.

All parties are expected to arrive at Court at the scheduled time of their hearing. The Court will call the docket at the scheduled hearing time and may allow a brief recess for the parties/attorneys to continue negotiations. The Court shall designate a time for the case to be recalled. Once the case is recalled, all non agreed issues will be heard by the Court.

### **Failure to timely appear at hearings could lead to the Court imposing sanctions against the offending attorney/party.**

The attorneys/parties are encouraged to call and/or email the Court if the attorney/party expects to be late for a scheduled hearing.

## PRETRIAL MATTERS

All pretrial motions filed by the parties must comply with the Court's Scheduling Order. Substantive motions will be heard at the time allotted in the Court's scheduling order. Briefs or cases addressing areas of law relied upon by the parties are encouraged.

## JURY TRIAL ELECTION

A jury election shall be made pursuant to the Texas Rules of Civil Procedure but not later than the first permanency hearing. No party shall rely on another party's jury trial election.

## STATUS CONFERENCES:

When deemed necessary, the Court may, on a case by case basis, notice the parties for a status conference at any time during the pendency of the case. Attorneys and parties shall be REQUIRED to attend said conference on the date and time scheduled in the notice. Failure to attend may result in the imposition of sanctions against the offending attorney/party.

## CERTIFICATES OF CONFERENCE

Motions without a Certificates of Conference in compliance with Local Rules WILL NOT be set for a hearing. Certificates of Conference must be attached to all motions except for those excluded by the Local Rules.

## TIME LIMITS FOR TRIAL/HEARINGS

Each case shall be given a specific time on the docket and each party shall present their case in that designated time limit. Each party shall bring to trial a written list of all exhibits they intend

to introduce into evidence with spacing on the list to indicate whether a document is admitted or denied.

#### **PROVE UP/WALK UP DOCKET/AGREED MATTERS**

The Court will hear prove ups and all uncontested matters each Wednesday In the District Court between 1-130pm and in the Associate Judges Court each Thursday between 1-1:30pm.

#### **ATTORNEY PAYMENTS**

The 304th District a Court only accepts a Certificate Of Court for attorney payments. EACH ATTORNEY MUST INCLUDE AN ITEMIZED DETAIL FOR EACH BILLING AND SHOULD INCLUDE WHETHER THE TIME EARNED WAS IN COURT OR OUT OF COURT. A sample of the Certificate of Court is provided on the Court's website.

#### **PAPERLESS ENVIRONMENT**

The 304th supports the movement towards a paperless environment. It is the goal of the 304th to be responsible with natural resources and with county funds. It is the ultimate goal to move the 304th away from using any public copy machines.

As such, all attorneys who wish to practice before the 304th should have an email address and fax number. Additionally, Attorneys who practice before the 304th should also have their own means to make copies and print their own paperwork.

Thank you for your kindness and attention to the above!

Judge Martin  
2/5/15