

## ***RULES OF THE JUDICIAL DISTRICT COURTS OF HARRIS COUNTY JUVENILE TRIAL DIVISION***

The rules of the Judicial District Courts of Harris County, Juvenile Trial Division, as recorded in Volume \_\_\_\_\_ Page \_\_\_\_\_ of the Special Minutes of said Courts read as follows:

### **RULE 1 OBJECTIVE**

Purpose of Rules. The objective of these rules is to establish procedural guidelines to assist the courts, litigants and attorneys to resolve pending cases in a fair, just and efficient manner. It is the goal of the Juvenile Trial Division to enter a final order in abuse and neglect cases within 18 months and in delinquency cases, within the time periods specified in Rule 6 of the Rules of Judicial Administration.

### **RULE 2. REPORTS AND NUMBERING SYSTEM**

2.1 Reports to the Administrative Judge. The District Clerk shall supply to the Administrative Judge of Harris County, on a monthly basis, information concerning the number of filings, dispositions, trials and other judicial activities in each court in the Juvenile Trial Division.

2.2 Numbering System. The District Clerk shall assign seven-digit numbers to all cases filed in the Juvenile Trial Division, e.g., "95-12345" or such other numbers as are assigned to the District Courts of Harris County.

### **RULE 3 FLOW OF CASES**

3.1 Filing and Assignment of Cases Within the Juvenile Trial Division.

The Juvenile District Court Trial Division, shall have filed and docketed the following matters:

All cases arising under Title 3 of the Texas Family Code (Juvenile Justice Code).

All new cases filed by Harris County Children's Protective Services/Texas Department of Protective and Regulatory Services.

The Courts in this Division may transfer cases to each other at any time in order to promote judicial economy. Cases filed under the Texas Juvenile Justice Code shall be allocated among the courts by the Court Administrator of the Juvenile Courts, with preference given to filing cases involving co-actors in the same court.

3.2 Exchange of Cases With the Family Trial Division. The framework contained in 3.21 and 3.22 below is for guidance to the bar and judiciary. These exchanges are discretionary when the subsequent Family Court suit affecting the Parent Child Relationship filing is within 90 days of the Juvenile Court filing, or the assigned Juvenile and Family Court judges decide otherwise after conferring regarding multiple children, separate trials, severance, etc. It is not intended to contradict existing continuing jurisdiction or transfer law, or local rules, but is intended to promote a uniform policy of convenience to litigants and witnesses, judicial efficiency and familiarity with pending cases, and to prevent forum shopping.

3.21 If a Suit Affecting the Parent Child Relationship is first filed in Juvenile Court under Texas Family Code Chapters 262 or 263 and a subsequent non-divorce Suit Affecting the Parent Child Relationship is filed in Family Court, the Family Court will return the later case to the Juvenile Court promptly when notified of the pending Juvenile Court case.

3.22 If a Suit Affecting the Parent Child Relationship is first filed in the Family Court and a subsequent Ch. 262 or 263 proceeding is filed in the Juvenile Court, the Juvenile Court judge will return the file to the

Family Court judge within 10 days of the Ch. 263.02 hearing.

3.3 Subsequent Proceedings. If a case is filed in which there is a substantial identity of parties as in a previously non-suited or dismissed case, the later case shall be assigned to the court where the prior case was pending.

3.4 Docket. Each court in the Juvenile Trial Division shall set its own ancillary and trial docket.

3.5 Trials.

3.51 Appearance of Parties and Counsel/Court Attendance. The attorney or designated substitute is required to be present to answer docket call on the date set for hearing.

3.52 Withdrawal or Substitution of Counsel. All motions to withdraw as a retained attorney in a case must be signed by the attorney and, unless good cause is shown, approved by the client. All motions for substitution of retained attorneys must be signed by the attorney seeking to withdraw and the attorney seeking to be substituted. Granting of motions permitting change in representation shall not be grounds for a continuance. Appointed attorneys may be withdrawn or substituted on the Court's own motion.

3.53 Continuance. Motions for continuance shall be governed by the Texas Rules of Civil Procedure, 251, et. seq.

3.54 Submission of Judgments/Orders. All orders and judgments must be submitted for the Court's signature within fifteen (15) days from the date of the hearing unless otherwise specified by the Court.

3.55 Dismissal For Want of Prosecution Docket. There shall be a semi-annual dismissal docket. All cases, except those filed by Harris County Children's Protective Services/Texas Department of Protective and Regulatory Services and those filed under the Juvenile Justice Code of the Texas Family Code, which have been on file for more than six (6) months shall be placed on the dismissal docket and parties notified to show cause why the case should not be dismissed.

3.6 Referral to Associate Judge. All pending cases and cases filed after the date of the adoption of these rules are hereby transferred to the Master/Associate Judge of each court pursuant to Section 54.501 et. seq., Government Code, subject to limitations imposed by Chapter 54, Government Code. This rule shall constitute the order of referral required by section 54.509, Government Code, as to any pending or future cases under Title 1, 2, 3, 4 or 5 of the Family Code or under Chapter 46 or 47 Human Resources Code.

## **RULE 4 ADMINISTRATIVE JUDGE**

4.1 Term. The Administrative Judge of the Juvenile Trial Division shall be elected for a term of one year by the judges of the Juvenile Trial Division at the regular monthly meeting of the judges for the Juvenile Trial Division, for a term of one year beginning January 15th.

4.2 Substitute. The Administrative Judge of the Juvenile Trial Division may by written order designate any other judge of the Division to act for the Administrative Judge if the judge is absent or unable to act. The judge so designated shall have all the duties and authority granted by these rules to the Administrative Judge of the Juvenile Trial Division during the period of the designation.

4.3 Absence of Judges. In the event a Judge is absent for vacation, sick leave, attendance at conferences or similar matters, the Administrative Judge of the Juvenile Trial Division may in writing notify the local Administrative Judge, who in turn will cause the request for a visiting judge to be transmitted to the Presiding Judge of the 2nd Administrative Judicial Region of Texas. The form for this request shall be made available through the Administrative Office of the District Courts. A visiting judge will be assigned only with the approval of the Presiding Judge of each court. In the alternative, when a judge is absent, the

cases assigned to his or her Court may be equally distributed to the remaining courts in the Juvenile Trial Division or heard by the remaining courts as they may agree.

**RULE 5 MEETINGS**

The judges of the Juvenile Trial Division shall meet regularly on the first Tuesday of each month at 8:15 a.m. in the chambers of the Administrative Judge or at such other time or place agreed to by the judges of the Juvenile Trial Division and minutes of the meeting shall be taken.

**RULE 6 ANNUAL CALENDARS - COURT SESSION**

The District Courts in the Juvenile Trial Division shall be deemed in session at all times.

**RULE 7 EFFECTIVE DATE AND AMENDMENTS**

7.1 Effective Date. These rules shall become effective on January 1, 1996 or upon their approval by the Texas Supreme Court pursuant to T.R.C.P. 3a, whichever comes later.

7.2 Cross-reference. Any reference in these rules to a statute or a court rule shall also apply to any successor statute or court rule, whether by recodification, revision or amendment.

The foregoing are hereby Ordered and Adopted as the Rules of the Judicial District Courts of Harris County, Texas, Juvenile Trial Division and the District Clerk is hereby directed to record a copy of this order in the minutes of each of said Judicial Courts.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Pat Shelton  
Judge, 313th District Court

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
Mary Craft  
Judge, 314th District Court

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

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Kent Ellis  
Judge, 315th District Court