

AT → FILED MM  
OCT 03 2022  
CLERK DISTRICT COURT HUNT COUNTY TEXAS  
*Christina J. Williams*

**STANDING ORDER ON DISCOVERY  
IN CASES INVOLVING CHILD PROTECTIVE SERVICES**

In making this Order, the District Courts of Hunt County, Texas have taken into account (1) the best interests of the child(ren), (2) the rights of the parent(s), (3) the significant amount of disclosure routinely made through statutorily required court reports and review hearings, (4) the Health Insurance Portability and Accountability Act and Privacy Standards (“HIPAA”) and the Texas Medical Privacy Act (“Privacy Act”) and (5) the publicly funded nature of this special statutory litigation. This Order is created to assist the parties in their representation of their respective clients, and is intended only to apply to litigation where the Texas Department of Family and Protective Services (TDFPS) has filed litigation under Subtitle E of the Texas Family Code.

IT IS, THEREFORE, ORDERED:

1. A party or ad litem for the child(ren) may undertake whatever investigation that they may deem appropriate and whatever formal discovery that is authorized by this Order. In addition, the court shall carefully consider motions for discovery provided by this Order as the need arises. However, the Court encourages cooperation to ensure full disclosure without costly and time-consuming discovery.

2. **HEALTH INFORMATION.** Pursuant to the Health Insurance Portability and Accountability Act and Privacy Standards (“HIPAA”) and the Texas Medical Privacy Act (“Privacy Act”), the following applies to all parties, including but not limited to Attorney and Guardian Ad Litem to the children, involved in a case filed by TDFPS:

a. All parties to any lawsuit regarding cases involving the TDFPS are put on notice that their Protected Health Information (“PHI”) will be released to the other parties, including the Attorney and Guardian Ad Litem; attorneys for the parties; agents of the parties; and other treatment professionals as set out below.

b. TDFPS shall provide any psychological evaluation; medical information, including all treatment, healthcare operations, psychotherapy notes and protected health information (as defined in HIPAA and the Privacy Act); health history; hospitalization records; tests; outpatient care; educational records which may contain health information; educational information; ARD records; therapy notes; reports; CANS assessments; mental health records; drug, alcohol, or substance abuse records; or other information related to the child(ren) to each party, including but not limited to the Attorney and Guardian Ad Litem for the child(ren) and to the attorney of each Respondent Parent corresponding with that child within ten (10) business days of receipt by any agent of TDFPS.

c. TDFPS shall provide any psychological evaluation; medical information, including all treatment, healthcare operations, psychotherapy notes and protected health information (as defined in HIPAA and the Privacy Act); health history; hospitalization records; tests; outpatient care; educational records which may contain health information; educational information; ARD records; therapy notes; reports; mental health records; drug, alcohol, or substance abuse records; psychosocial evaluation; psychiatric evaluation; attendance records at any service; certifications of completion of services; or other information related to a Respondent

Parent to each party including but not limited to the attorneys for each Respondent Parent and the Attorney and Guardian Ad Litem for the child(ren) within ten (10) business days of receipt by any agent of TDFPS.

d. Any Respondent Parent, Attorney for Respondent Parent, Attorney or Guardian Ad Litem who has independent records of any psychological evaluation; medical information, including all treatment, healthcare operations, psychotherapy notes and protected health information (as defined in HIPAA and the Privacy Act); health history; hospitalization records; tests; outpatient care; educational records which may contain health information; educational information; ARD records; therapy notes; reports; mental health records; drug, alcohol, or substance abuse records; psychosocial evaluation; psychiatric evaluation; attendance records at any service; certifications of completion of services; or other information related to a Respondent Parent or child(ren) shall provide the records to TDFPS for inclusion in the official file held by TDFPS related to the case within ten (10) business days of receipt by the Respondent Parent, Attorney or Guardian Ad Litem and provide a copy to the other parties in the case.

e. Any person, including medical professionals, educational professionals, or other professional, shall be authorized pursuant to HIPAA, the Privacy Act and all other laws of this State, any state, or the United States to release the requested records pursuant to this Order of the Court.

3. INTERROGATORIES. Except with leave of court, a party or ad litem for the child may not serve interrogatories.

4. DEPOSITIONS. Except with leave of court, a party or ad litem may not take depositions.

5. PRODUCTION. Except as provided by this Order, a party or ad litem may not serve a request for production without leave of court. TDFPS shall produce a copy of the deidentified case record no less than thirty (30) days prior to trial. A "deidentified case record" is a COMPLETE case record with any confidential information redacted. After the record is produced, TDFPS shall supplement the record as required by the Texas Rules of Civil Procedure.

Upon the written request of a parent or ad litem, in a reasonable time and at a reasonable place, TDFPS shall make available for review all videos, audio, and/or photographs relevant to the case.

No more than five (5) days following the entry of temporary orders, a parent shall sign a release of information for all medical, psychological, or psychiatric records, and for all treatment records, including but not limited to records related to drug and/or alcohol abuse to TDFPS.

6. DISCLOSURE. Notwithstanding other applicable law, all parties, including the ad litem for the children, shall file Disclosures required by Texas Rules of Civil Procedure 194.4 and 195.5 no later than 14 days prior to trial.

7. PLEADING DEADLINES. Except with leave of court, all pleadings must be amended at least thirty (30) days prior to trial.

8. SERVICE. All parties who do not have an attorney shall maintain a current address and a current email address on file with the District Clerk of Hunt County, Texas. Pursuant to the Texas Rules of Civil Procedure, a notice to a *pro se* party may be made by notice in open court, through the electronic filing system in use by the District Clerk of Hunt County, or personal service, or service to the current address on file with the District Clerk by sending notice by both certified mail and first-class mail.

APPROVED AND ADOPTED on this the 1<sup>st</sup> day of October, 2022.



Judge J. Andrew Bench  
196<sup>th</sup> Judicial District Court of Texas



Judge Keli Aiken  
354<sup>th</sup> Judicial District Court of Texas