

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

CAUSE NO. _____

IN THE INTEREST OF

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IN THE DISTRICT COURT OF

DENTON COUNTY, TEXAS

A CHILD

442ND JUDICIAL DISTRICT

**SCHEDULING/DISCOVERY ORDER AND HEARING ORDERS FOR
TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES CASES**

Pursuant to Rule 190.4, Texas Rules of Civil Procedure, the Court finds that the following discovery control plan and scheduling order has been tailored to the circumstances of this suit for the protection of a child(ren) as set forth in this order. The following order shall apply to this case, unless modified by this Court. Any issue not specifically addressed in this order shall be governed by the Texas Rules of Civil Procedure. The Court finds that deadlines have been completed as follows and further the Court **ORDERS** that discovery and scheduling shall be conducted as follows:

Temporary Managing Conservatorship Date
(for reference)

1 Year Dismissal Date
(pursuant to TFC §263.401)

Service of Citation Resp. Mother Returned on
(pursuant to TFC §102.009)
(for reference) Name: _____

Service of Citation Resp. Father Returned on
(pursuant to TFC §102.009)
(for reference) Name: _____

1st (Initial) Permanency Hearing Before Final Order
(pursuant to TFC §263.304)

2nd Permanency Hearing Before Final Order
(pursuant to TFC §263.305)

Mediation Date
(at least 30 days prior to Final Trial)

Pre-trial Conference

Final Trial Before the Court or Jury Trial
(pursuant to TFC §263.306(11))

ORDER TO APPEAR IN PERSON AT THE PRE-TRIAL CONFERENCE AND FINAL TRIAL/JURY TRIAL

IT IS ORDERED that ALL PARTIES AND ATTORNEYS shall appear IN PERSON at the Pre-Trial Conference and the Final Trial as set above in the 442nd District Court, Denton County, 1450 E. McKinney Street Floor 4, Denton Texas 76209. If a PARTY fails to appear in person at the Pre-Trial Conference and/or the Final Trial/Jury Trial, the court shall consider striking the non-appearing party's pleadings and/or jury demand, if any. The court may then proceed to enter a default judgement or conduct a bench trial.

PRE-TRIAL CONFERENCE REQUIREMENTS

Lead counsel and Parties shall appear in person to discuss all aspects of trial on this date. Each party shall be prepared to consider such other matters as may aid in the disposition of the case, including any matter raised pursuant to Rule 166. All Pre-Trial motions (Motions in Limine, etc.) shall be filed 10 days before the formal pretrial conference and will be heard at the formal pretrial conference. **The Court will not hear motions on the day of trial without obtaining prior leave of the Court.**

Each party is directed to produce the following to the Court Reporter Deana Scobee at Deana.Scobee@dentoncounty.gov (and served upon all other parties) no later than 3 p.m. on the day before the Pre-Trial Conference:

- a. A completed Witness List. The completed Witness List located on the Court's website at [442nd District Court](#).
- b. All documentary evidence and exhibits. The Exhibit List located on the Court's website at [442nd District Court](#).
- c. All pre-marked for identification exhibits must be submitted to the Court Reporter on a USB drive AND by email. **THE EXHIBITS MUST BE SUBMITTED IN ACCORDANCE WITH THE DENTON COUNTY STANDING ORDER REGARDING EVIDENCE.** ADDITIONALLY, hard copies must be provided for the Judge and the witness stand. Please be prepared to consider stipulations as to the authenticity and admissibility of exhibits with the judge. *Exception: The USB for the Court Reporter and Exhibit Binders for the Judge and Witness Stand may be brought to the pre-trial conference as long as all counsel have received a copy.

Each party is directed to produce the following to the Court Administrator Ali Hayslip at Ali.Hayslip@dentoncounty.gov (and served upon all other parties) no later than 3 p.m. on the day before the Pre-Trial Conference:

- a. The proposed jury instructions and issues. The jury charge must be submitted in Word format in exactly the same form as it would be presented to the jury. However, please cite your authority or source at the end of each question or instruction. Please do not include signature blocks for the Judge to grant, deny or modify any requested definition, instruction or question. The proposed charge should follow the current edition of the TEXAS RULES OF CIVIL PROCEDURE and the applicable TEXAS PATTERN JURY CHARGES.
- b. The proposed Order on Motion in Limine or other proposed orders on pre-trial motions. The proposed Order on Motion in Limine, etc. must be submitted in Word format in exactly the same form as located on the Court's Website at 442nd District Court. Note that this is a separate document from the motion, which should already be on file.

ORDER TO MEDIATE AND ORDER TO APPEAR IN PERSON AT MEDIATION

Mediation is ORDERED in this case with Denton County Alternative Dispute Resolution Program (DCAP) for a full day.

IT IS ORDERED that the parties, attorneys and any person with settlement authority shall coordinate, set and appear IN PERSON for mediation with DCAP at least **thirty days** prior to the date set for Final Trial.

IT IS ORDERED that Mediation shall be timely set on a Friday at DCAP according to DCAP’s CPS Mediation requirements.

IT IS ORDERED that a DCAP Order for Mediation shall be timely executed and filed by the attorneys contemporaneously with this scheduling order.

IT IS ORDERED that if a PARTY fails to appear in person at the Mediation, the court shall consider striking the non-appearing party’s pleadings and/or jury demand, if any. The court may then proceed to enter a default judgement or conduct a bench trial.

JOINDER

Joinder of necessary parties shall be accomplished by no later than **ninety days** before the date set for trial.

AMENDMENT OF PLEADINGS

No party shall be permitted to amend or supplement pleadings no later than **seven days** before the date set for trial, except as permitted by the Texas Rules of Civil Procedures.

DISCOVERY PERIOD

Except as otherwise provided, all discovery must be conducted during the discovery period, which begins on the date of the first permanency hearing held in this case, pursuant to §263.304, Texas Family Code, and continues until forty-five days before the date set for trial.

REQUIRED INFORMATION

In its *Temporary Orders for Protection of a Child*, this Court ordered Respondent parties to provide information essential to the progress of this case; responses pursuant to that order were due no later than thirty days from the date of that order. Discovery provisions of this order do not supersede or modify the requirements of the said temporary orders.

SIGNED ON _____.

Judge Presiding