

Archer, Clay and Montague Counties (The 97th Judicial District)
Juvenile Court Remote Proceedings for Detention Hearings Plan

Compliance with 54.012 (remote proceedings)

In accordance with Texas Family Code 54.012, the County Court of Clay County has the following plan to conduct “remote proceedings”. It is the Court’s discretion whether or not to proceed remotely with a detention hearing or allow any party to attend a detention hearing remotely.

This plan is being submitted to the Office of Court Administration of the Texas Judicial System.

The Court will determine whether or not to hold a proceeding remotely, or allow others to attend an in-person detention hearing remotely on a case by case basis.

According to the definition in Texas Family Code 54.012, a “remote proceeding” means a proceeding in which one or more of the participants, including a judge, party, attorney, witness, court reporter, or other individual, attends the proceeding remotely through the use of technology and the Internet, including through teleconferencing or videoconferencing.

The Court shall allow any party to suggest the need for a remote proceeding, or to allow someone to attend a detention hearing remotely. This will be a formal request, and the Court will make the determination as the Court sees fit. The Court may consider consent of other parties, but it is not required for the Court to proceed remotely or allow others to attend remotely, unless in circumstances required by the Texas or US Constitution. The court shall record a decision in this matter through signing an Order for Remote Proceeding.

Due to the fact that remote proceedings can only occur in the case of a detention hearing, there is generally no need to handle physical evidence. The parties to the proceeding shall have the opportunity to cross examine any witnesses who are successfully introduced. The child is permitted, but not required, to make an unsworn statement.

The Court shall permit any reliable and relevant non-privileged information to be presented even if it is technically hearsay or would otherwise be inadmissible in a jury trial.

Unobstructed view: The Court shall require that any party or witness who would provide testimony from a remote location would have to be on camera with an unobstructed view of the individual testifying throughout their testimony. If a party or witness is “off camera”, or cannot be clearly seen, the Court shall not allow them to testify or continue to testify unless the party or witness is able to comply with the requirement of an unobstructed view. An unobstructed view for purposes of this plan will mean that the individual can be clearly seen, identified, and heard without any barriers other than a clear camera lens.

In this county, as a part of this plan, there shall be no recording made of the detention hearing (TFC 54.09), unless requested by a party. If recorded, it shall be deleted within 10 working days. If conducting a remote proceeding, the hearing shall be considered a closed hearing for the purposes of the record. If requested to open the hearing, there shall be a private streaming link provided to those not immediately a party to the case and not invited by the attorneys. A victim and victim’s family have a right to attend a detention hearing. They are able to stream only and remain off camera if they are not being asked to provide testimony.

In the event physical evidence were to be admitted, the State’s attorney or attorney for the child will notify and submit to the Court, at least 24 hours in advance, a copy of any evidence to be offered. The Court shall make the evidence available to the attorney for the child for examination.