

**MONTGOMERY COUNTY COURT AT LAW NO. SIX
JUVENILE COURT**

**AMENDED STANDING ORDER REGARDING REMOTE JUVENILE
DETENTION HEARINGS AND OTHER JUVENILE PROCEEDINGS**

On this date, Montgomery County Court at Law No. Six as the designated Juvenile Court for Montgomery County, Texas, entered this Amended Standing Order Regarding Remote Juvenile Detention Hearings and Other Juvenile Proceedings which shall govern remote hearings for the Juvenile Court in Montgomery County, Texas.

In accordance with the Section 54.012, Texas Family Code, and Rule 21d, Texas Rules of Civil Procedure, the Presiding Judge of the Juvenile Court adopted the following procedures to conduct detention hearings and other juvenile proceedings as remote hearings. Whether a hearing will be held remotely is at the **SOLE DISCRETION** of the Presiding Judge of the Juvenile Court.

For purposes of this Amended Standing Order, the Juvenile Court will conduct all approved remote hearings by Zoom video communications.

I. Definitions

- A. Detention Hearings have the same meaning, scope, and requirements listed in Section 54.01, Texas Family Code.
- B. Other Juvenile Proceedings means all other hearings within Title 3, Chapter 54, Texas Family Code, including, but not limited to, compliance hearings, status conferences, pre-trial conferences, adjudication hearings, disposition hearings, transfer hearings, etc.
- C. Announcement Proceedings are specifically **EXCLUDED** from this Amended Standing Order for appearances via Zoom. Those proceedings require in-person appearances for all parties summonsed.
- D. Remote Hearings means a judicial 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.

II. General Procedures for Remote Hearings

The following procedures are in addition to the Texas Family Code, Texas Rules of Civil Procedure, Texas Code of Criminal Procedure, Texas Rules of Evidence, and applicable

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FOR RECORD
At 8:12 O'clock
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By Melisa Miller, District Clerk
Montgomery County, Texas
Deputy

Montgomery County Local Rules, if any, for remote hearings.

1. **Request for Zoom Appearances for Parents, Legal Guardians and/or Caretakers of Juvenile-Respondents.** All requests for appearances via Zoom shall be made through the County Attorney's office or the respective Defense Counsel's office. Either of these offices shall then contact the Court as set forth below. The Court will not accept direct communication from any Parent, Legal Guardian and/or Caretaker seeking to appear via Zoom, and any such calls to the Court will be redirected to the County Attorney's office or the respective Defense Counsel's office.
2. **Request for Zoom Appearances for Detained Juvenile-Respondents.** In the event the Detention Facility Supervisor, or a designee appointed by the Juvenile Department Director, makes a determination that a Detained Juvenile-Respondent presents a danger to himself/herself and/or others by the Juvenile-Respondent's in-person appearance at the Detention Hearing in court, the Supervisor/Designee shall contact the Court's Bailiff immediately with said concerns and request for the Detained Juvenile-Respondent to appear for the Detention Hearing via Zoom. The Supervisor/Designee or another designated employee shall immediately follow-up said request with an email to the Court Coordinator and Court Administrator at the email addresses provided in the provision below. Upon approval by the Court, the Juvenile-Respondent shall be excused from appearing in-person for the Detention Hearing and shall attend via Zoom.
3. **Communication with the Court.** Subject to the foregoing provisions, all communication regarding scheduling a remote hearing should be directed to Kayla Argueta (Court Coordinator) at kayla.argueta@mctx.org or Julissa Valadez (Court Administrator) at julissa.valadez@mctx.org prior to the scheduled hearing date. Verbal approval for appearances via Zoom will not be given.
4. **Videoconferencing.** The Court will utilize Zoom videoconferencing. It is free to download at <https://zoom.us>, or you can download the App directly to your mobile phone. To participate in the hearing, no account needs to be created. Please ensure your computer or mobile phone has working internet access, video camera, and microphone or headset with microphone. If you do not have a computer, a phone number can be provided for you to participate by phone. Prior to the hearing, you should test your internet connection, camera, and microphone with Zoom through a test meeting at <https://zoom.us/test>.
5. **Hearing Link Emailed.** The Court will email the hearing link to the Assistant County Attorney, the Juvenile-Respondent's Attorney, the Probation Department, and the Detention Center. **It is the responsibility of the Juvenile Probation Officer to ensure that the parents, legal guardians, and/or caretakers of the Juvenile-Respondent are provided a copy of the invitation with instructions on how to join the Zoom meeting**

to participate. If a victim wishes to attend the hearing, it is the responsibility of the Assistant County Attorney's Office to provide a copy of the hearing invitation with instructions on how to join the Zoom meeting to participate. Only counsel, parties, and witnesses for a hearing shall have the Zoom link and be permitted to attend the Zoom hearing. **THE ZOOM LINK SHALL NOT BE FORWARDED TO ANY OTHER PERSON UNLESS EXPRESSLY AUTHORIZED IN THIS STANDING ORDER, OR WITH ADVANCE PERMISSION AS GRANTED BY THE COURT.**

6. **Exhibits.** If a party intends to offer any exhibits during a hearing, an exhibit list and the exhibits must be emailed to all parties and the Court, attention to Kayla Argueta (Court Coordinator) at kayla.argueta@mctx.org and Melody Meador (Court Reporter) at melody.meador@mctx.org at least **24 hours** in advance of the hearing. The offering party shall:
 - a. ensure that the exhibits are pre-marked in numerical order notating the appropriate title of "State" or "Juvenile-Respondent;"
 - b. save each exhibit separately in PDF format; and
 - c. separately number the pages of each PDF exhibit.Subject to a finding of good cause, the Court will not consider untimely provided exhibits, and such exhibits will not be maintained in the record.
7. **Other Materials.** Non-evidentiary materials, including demonstratives, affidavits, and summaries of the evidence, etc., and/or case law for the Court's reference should be emailed to all parties and the Court (as set forth above) at least 24 hours in advance of the hearing.
8. **Recording of Detention Hearings.** Pursuant to Section 54.012(c), Texas Family Code, Detention Hearings shall be recorded and shall be preserved until the earlier of: (1) the 91st day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a misdemeanor; (2) the 120th day after the date on which the recording is made if the child is alleged to have engaged in conduct constituting a felony; or (3) the date on which the adjudication hearing ends. In accordance with Section 54.012(d), Texas Family Code, an attorney for the child may obtain a copy of the recording on payment of the reasonable costs of reproducing the copy. For purposes of this provision, "recording" shall mean by stenographic notes or by electronic, mechanical, or other appropriate means.
9. **Recording of Other Juvenile Proceedings.** Pursuant to Section 54.09, Texas Family Code, all other juvenile judicial proceedings under Chapter 54 of the Texas Family Code shall be recorded by stenographic notes or by electronic, mechanical, or other appropriate means.

10. During the Remote Hearing:

- **Court In-Session.** Juvenile Court shall be officially In-Session during Remote Hearings. Remote Hearings are courtroom proceedings and proper courtroom decorum shall be enforced.
- **Unobstructed View.** The camera of any party or witness who provides testimony must provide an unobstructed view of the party or witness providing testimony. An unobstructed view, for the purposes of this Standing Order, means that the individual can be clearly seen, identified, and heard without any barrier other than a clean camera lens. Consistent with constitutional confrontation requirements, if a party or witness is not on camera, or cannot be clearly seen, the Court will not allow the person to testify or continue to testify unless the witness complies with the requirement of an unobstructed view.
- **Cross-Examination of Witnesses.** Proper parties to the detention hearing or other juvenile proceedings shall have the opportunity to cross-examine any witnesses called during the hearing.
- **Wear Appropriate Attire.** Although the hearing is conducted remotely, the Court requires the participants to dress appropriately. **DO NOT** wear shorts, tank tops or halter tops, pajamas, ball caps, attire with offensive or suggestive images or language, etc. Attorneys are expected to wear appropriate business attire.
- **Speak One at a Time.** During the hearing, participants must be courteous towards others, speak one at a time and refrain from speaking over each other. In the event there is audio/video lag time, it is a good practice for the speaker to pause prior to speaking which allows the court reporter to make a clear, clean record.
- **Use Mute When Not Speaking.** Participants must mute themselves when they are not speaking in order to avoid potential background noise.

- 11. Public Access to Remote Court Proceedings.** Subject to Section 54.08(c), Texas Family Code, the Presiding Judge of the Juvenile Court finds that the range of ages of detained Juvenile-Respondents present for Detention Hearings may include a child under the age of 14. Therefore, the Presiding Judge of the Juvenile Court finds good cause to limit public access to remote Detention Hearings as well as other Juvenile Proceedings.

Pursuant to Section 54.08(b), Texas Family Code, the Juvenile Court may not prohibit a victim or victim's family member from personally attending a hearing under Title 3, Texas Family Code; however, if the Court determines that the victim's or the victim's family member's testimony may be materially affected if the victim or victim's family member hears other testimony at trial, then the Juvenile Court may restrict his or her attendance.

III. Warnings

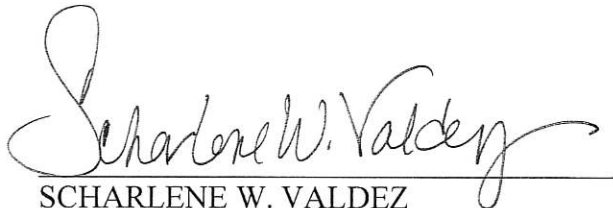
1. VIDEO OR AUDIO RECORDING OF ANY PART OR ALL OF A REMOTE HEARING BY ANYONE OTHER THAN A COURT OFFICIAL IS EXPRESSLY PROHIBITED. REPOSTING OF ANY VIDEO OR AUDIO RECORDING IS ABSOLUTELY PROHIBITED.
2. ANY PERSON WHO RECEIVES A ZOOM INVITATION IS PROHIBITED FROM DISSEMINATING THE LINK TO ANYONE OTHER THAN THOSE APPROVED PERSONS LISTED HEREIN.
3. ANY PERSON WHO RECEIVES A ZOOM INVITATION IS PROHIBITED FROM POSTING THE LINK ON ANY SOCIAL MEDIA ACCOUNTS, OTHER PUBLIC FORUMS OR WEBSITES.
4. VIOLATION OF ANY PROVISION OF THIS STANDING ORDER WILL SUBJECT THE VIOLATOR TO PUNISHMENT BY CONTEMPT OF COURT.

IV. Submission to Office of Court Administration

- A. In accordance with Texas Family Code Section 54.012, this Standing Order was submitted to the Texas Office of Court Administration (OCA) on September 26, 2024 by posting on <https://www.txcourts.gov/rules-forms/local-rules-forms-and-standing-orders/>.

SIGNED

September 26, 2024



SCHARLENE W. VALDEZ
Presiding Judge