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STANDING ORDER FOR RULES AND PROCEDURES
FOR CHILD PROTECTIVE SERVICES CASES
IN BELL COUNTY

JOANNA STATION
Bell County, Texas
Deputy

INTRODUCTION

The Court has tailored this order for the specific and unique factors that apply to suits brought under Subtitle E of the Texas Family Code, and in making this order, the Court has taken into account the following factors, including but not limited to (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 publicly funded nature of this special statutory litigation and (5) the detrimental effect of exposing the child(ren) involved in the litigation to a multitude of interviews and meetings. IT IS THEREFORE ORDERED that the following rules and procedures are implemented to ensure the efficient, fair, and equitable operation of the suits affecting parent-child relationships filed by the Texas Department of Family and Protective Services (TDFPS) in Bell County, Texas.

These rules are created to assist the parties in their representation of their respective clients, to implement policies to protect the best interests of the child(ren) the subject of these suits, and to clarify certain statutory and procedural policies.

RULE 1 – REFERRAL TO ASSOCIATE JUDGE

- 1.1 REFERRAL TO ASSOCIATE JUDGE. Pursuant to the Orders Appointing the Associate Judges signed by the Presiding Judge for the Third Administrative Judicial Region of the State of Texas, and respective Orders of Referral signed by the Presiding District Judges for Bell County, all pending substitute care and child protective service cases under Subtitle E of the Texas Family Code, together with matters ancillary to the adjudication of such cases, are referred and assigned to the Associate Judges of the Centex Child Protection Courts for Bell County. Cases may be filed in either Centex Child Protection Court #1 or Centex Child Protection Court #2 with no limitation as to which Associate Judge may preside over the case.

RULE 2 – HEARING SCHEDULE

- 2.1 LOCATION OF HEARINGS. Hearings shall be held at such times and locations as may be determined expedient by the Associate Judges. In person Hearings, when possible, will be conducted at 104 S. Main, Fourth Floor of the Sheriff's Building, Belton, Texas.
- 2.2 SCHEDULING OF HEARINGS. All hearings before the Associate Judges shall be scheduled by the Associate Judges or the Court Coordinator for the Centex Child Protection Courts. Final hearings on the merits shall be set upon the written request of the parties, set by the Associate Judge in open court, or in accordance with the scheduling order.

RULE 3 – EMERGENCY ORDERS FOR REMOVAL OF CHILDREN

- 3.1 OBTAINING EMERGENCY EX PARTE ORDERS. An emergency *ex parte* order authorizing the possession of a child(ren) by the TDFPS, attachment of a child(ren), and/or appointment of the TDFPS as temporary managing conservator of the child(ren) may be obtained from either of the Associate Judges of the Centex Child Protection Court or the Presiding Judges or any other District Judge of Bell County. Unless otherwise ordered, the 14-day adversary and all subsequent hearings shall be conducted by the Associate Judges of the Centex Child Protection Courts.
- 3.2 NOTIFICATION OF ADVERSARY HEARING. Upon the entry of an emergency *ex parte* order, the TDFPS shall notify all parties, including the attorney ad litem and guardian ad litem for the child(ren), of the date and location of the 14-day adversary hearing not later than the second business day from the date of the order.

RULE 4 – NOTICES OF HEARINGS

- 4.1 SERVICE OF PROCESS ON PARTIES. The TDFPS is responsible for ensuring that all parties entitled to process are served with citation in a timely fashion so as to not to necessitate postponement of any review or final hearing or extension of the dismissal date.
- 4.2 NOTIFICATION OF HEARINGS. Following the 14-day adversary hearing, the Court Coordinator for the Centex Child Protection Courts is responsible for notification of all parties, including the attorney ad litem and guardian ad litem of the child(ren), of all adversary, status, permanency, placement review and other hearings in connection with the case, including final hearings on trial on the merits. All such notices of hearings shall be in writing and served in the manner as prescribed in Rule 21(a) of the Texas Rules of Civil Procedure by delivering a copy to the party to be served or the party's attorney of record, either in person, by mail to the party's last known address, or, by email, or by such other manner as the Court in its discretion may direct. Notice of hearings may also be effectuated in open court as noted on the court docket or scheduling order signed by the parties or announced in open court.
- 4.3 RESPONSIBILITY OF TDFPS. All parties should be served or have waivers on file by the date of the Initial Permanency Hearing. If any parties to the action have not been served by that date, the TDFPS shall provide proof of their reasonable efforts to exercise due diligence in finding such party.

RULE 5 – PROCEDURE FOR REMOVAL OF CHILD(REN) FOLLOWING ATTEMPTED PLACEMENT

- 5.1 REMOVAL FROM COURT ORDERED PLACEMENT. Unless otherwise ordered, if TDFPS, as managing conservator, determines that a court ordered placement with a parent or relative is no longer a safe environment for the child(ren) and that the continued placement is not in the best interest of the child(ren), TDFPS is authorized, in its discretion, to immediately remove the child(ren) from the home and custody of the custodial-parent, non-custodial parent, or relative without the necessity of first obtaining an order of the

Court. Upon removal of the child(ren) by TDFPS from the court ordered placement in the home and custody of a parent or relative under these circumstances, TDFPS shall file a motion to modify the previous order of the Court by no later than the 3rd working day following the date of removal, supported by affidavit, advising that the child(ren) have been removed and returned to the custody of TDFPS. The affidavit shall be sworn to by a person with personal knowledge stating the facts and circumstances known to the TDFPS which necessitated the removal and the reasons why continued placement in the home was no longer in the best interest of the child(ren). A copy of such motion shall be delivered to all parties (or their respective attorneys) in accordance with the (T.R.C.P. 21a) or by Rule 4.2 above, by no later than the 3rd working day following the date of the removal.

- 5.2 REMOVAL FROM OTHER COURT ORDERED PLACEMENT. Unless otherwise ordered, if TDFPS, as temporary managing conservator, determines that a prior placement of a child(ren) by the TDFPS in a non-relative setting is no longer a safe environment for the child(ren) and that the continued placement is not in the best interest of the child(ren), the TDFPS is authorized, in its discretion, to immediately remove the child(ren) from that non-relative placement without the necessity of filing a motion or obtaining an order of the Court authorizing the removal. The TDFPS shall notify the court and all parties (or their respective attorneys) of the removal of the child(ren) from the non-relative placement by no later than the 3rd working day following the date of the removal.
- 5.3 SUBSEQUENT PLACEMENT OF CHILDREN IN HOMES SEEKING TO ADOPT. Unless otherwise previously ordered, TDFPS shall not place a child(ren) in a home seeking to adopt without seeking approval from the court at a hearing for further temporary orders. This rule does not apply to the initial placement of child(ren) by the Investigation section of the TDFPS.

RULE 6 – APPOINTMENT OF ATTORNEY AD LITEM FOR INDIGENT PARENTS

- 6.1 APPLICATION FOR COURT APPOINTED ATTORNEY. Effective September 1, 2020, the Court will consider whether appointment of an attorney ad litem for a parent is required. The Court shall make the initial inquiry as to the requirement of the appointment of an attorney in the applicable case. An unrepresented indigent parent who responds in opposition to the suit filed by TDFPS may request the appointment of an attorney ad litem due to the inability to afford an attorney or otherwise obtain legal representation by timely completing and submitting an application for court appointment attorney and affidavit of indigence in the form as provided by the Court at the first available hearing after the effective date.
- 6.2 PRESUMED INDIGENCE. A parent determined to be indigent is presumed to remain indigent for the remainder of the case and upon appeal. A parent's status as indigent may be reviewed by the Court upon the request of any party or upon the Court's own initiative. A parent's status as indigent may be modified upon a showing that a material change in the parent's financial circumstances has occurred. Upon notice and hearing, the Court may

terminate or discontinue the appointment of an attorney ad litem for the parent if the parent previously found to be indigent is determined to be no longer indigent due to either a material change in the parent's financial circumstances or upon disclosure of additional information regarding the parent's financial status.

RULE 7 – DISCOVERY

- 7.1 **DISCOVERY.** A party or ad litem for the child(ren) may undertake whatever investigation they deem appropriate and whatever formal discovery 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.
- 7.2 **INTERROGATORIES.** Except with leave of court, a party or ad litem for the child(ren) may not serve interrogatories. In lieu of interrogatories, this order provides for certain standard disclosure upon request.
- 7.3 **DEPOSITIONS.** Except with leave of court, a party or ad litem may not take depositions. Upon a parent or ad litem's request, TDFPS shall make available for an interview any TDFPS personnel with relevant information.
- 7.4 **PRODUCTION.** TDFPS shall produce to all parties any exhibit intended to be admitted as evidence at the adversary hearing prior to the hearing. Except as provided by this order, a party or ad litem may not serve a request for production without leave of court. Upon the written request of a parent or ad litem, TDFPS shall produce a copy of the deidentified case record in no more than thirty (30) days from the date the request was received. A "deidentified case record" is a COMPLETE case record with confidential information redacted. After the record is produced, TDFPS shall supplement the record at least thirty (30) days before trial on the merits. Upon the written request of a parent or ad litem, in a reasonable time and place, TDFPS shall make available for review all videos, audios and photographs relevant to the case. If any videos, audios, or photographs relevant to the case are not included in the "deidentified case record", the TDFPS shall provide an electronic copy to the requesting party.
- 7.5 **STANDARD DISCLOSURE.** Upon written request, a party shall disclose, within thirty days of the date of said request:
- (a) Each fact witness that may be called, their name, address and telephone number, and a brief statement as to their connection with the case;
 - (b) Each expert witness that may be called, their name, address and telephone number, a brief statement of their qualifications (or a copy of their resume), a brief statement of a subject matter of their testimony, and the gist of their opinions;
 - (c) All documentary evidence in the possession of the TDFPS or the Attorney ad litem not found in the case record that may be offered into evidence. Such evidence that comes

into the position of TDFPS or the attorney ad litem after thirty days before trial shall be disclosed when obtained;

(d) A list of all videos, audios and photographs that may be offered into evidence. All such videos, audio and photographs shall be made available for inspection if they cannot be readily produced electronically.

(e) A list of all physical evidence that may be offered into evidence. All such physical evidence shall be made available for inspection if not readily available to be produced by electronic means. At least twenty (20) days before trial, the attorney ad litem for the child(ren), upon written request, shall disclose items required by subsections (a) – (e) above that may be part of the attorney ad litem’s case which may be offered into evidence and that has not been previously disclosed by a party. At least fifteen (15) days prior to trial, any party required to make a thirty (30) day disclosure may make a supplemental disclosure in response to any other party or the ad litem’s disclosure.

7.6 DEADLINES. Except with leave of court, all pleadings must be amended or supplemented at least thirty (30) days prior to trial. All discovery must be completed at least thirty days prior to trial. All parties must be named and served at least seventy-five (75) days prior to trial. The cases will be tried at least 3 weeks prior to the dismissal dates set by statute.

7.7 SERVICE. All parties who do not have an attorney shall maintain a current address on file with the District Clerk. Pursuant to TRCP, a notice to a party without an attorney may be made by notice in open court, or personal service, or service to the current address on file with the clerk by sending notice both certified mail and first-class mail, or pursuant to Rule 4.2 above.

RULE 8 - ORDERS FOR COOPERATION IN INVESTIGATION BETWEEN ATTORNEY AD LITEM AND GUARDIAN AD LITEM

8.1 COOPERATION BETWEEN THE ATTORNEY AD LITEM AND GUARDIAN AD LITEM WITH AN INVESTIGATOR FOR EITHER AD LITEM. The Texas Family Code provides that an attorney appointed to represent the interests of a child(ren) in a proceeding brought by TDFPS may be appointed in one or more roles. The potential appointments are as attorney ad litem or guardian ad litem or the dual role of attorney ad litem AND guardian ad litem. In an action brought by TDFPS, an appointment of an attorney ad litem is considered to be a dual role appointment regardless of the language of the order, unless another individual is appointed as guardian ad litem. It is obvious that the legislature considers these roles to be closely aligned, and although each of the appointments were created with different obligations, their primary purpose is hinged upon the “best interest of the child(ren)”. Attorney ad litem and guardian ad litem both have an obligation to investigate the information available within certain statutory guidelines. The attorney ad litem AND guardian ad litem BOTH have the same obligations regarding interviewing the child(ren) the subject of the suit. The Court hereby ORDERS that the guardian ad litem

shall have immediate access to the child pursuant to Section 107.006(a), T.F.C., for the purpose of meeting with and interviewing the child prior to any court hearing. The guardian ad litem is required to create a written record of said interview with the child(ren) and deliver that report and exchange any information with the attorney ad litem as to information provided by the child(ren). Furthermore, the Court finds that the files, records and reports used and developed in the investigation by the guardian ad litem may only be disclosed to the attorney ad litem, pursuant to Section 261.201 (a)(2), T.F.C., unless otherwise ordered by the Court.

The Guardian ad litem, in complying with Sections 107.003 and 107.004, T.F.C., shall create a written record of said compliance. The Court further finds and orders that the attorney ad litem, at their discretion, may review and rely on the written record of the guardian ad litem.

Notwithstanding the orders for the required disclosures by the guardian ad litem, the attorney ad litem shall comply with Section 107.004 T.F.C. and shall submit a proposed order at each hearing in compliance with Section 107.004(d) &(e) T.F.C.

RULE 9 - ORDERS FOR CONDUCT OF COURT PROCEEDINGS HELD IN THE CENTEX CHILD PROTECTION COURTS

9.1 **TIME LIMITATIONS.** All Temporary Hearings shall be limited to two (2) hours in accordance with the Standing Orders of Bell County unless the parties seek leave to extend the hearing for extraordinary circumstances. The Court shall make all reasonable efforts to allow each party to the case an equal amount of time to present their case. Special Settings may be required by the Court to accommodate lengthy hearings.

9.2 **COUNSEL SEEKING TO BE COURT APPOINTED.** Any licensed attorney that meets the requirements of the Texas Family Code for the representation of parents or child(ren) in cases filed by the TDFPS, may request to be placed on the list of rotating appointments. The Associate Judges shall maintain the current list of counsel seeking appointment and may limit counsel assigned to the list to avoid conflicting appearances in each court, unnecessary hardship to parents seeking to meet with counsel if counsel does not maintain an office in Bell County, and any other limitation that the court deems necessary to serve the best interest of the child(ren). Attorneys placed on the court appointed list shall provide proof of annual CLE requirements to the Court Coordinator each year not later than January 31st. Although not required, each Attorney is encouraged to enter into a written Attorney/Client Agreement with parties they have been appointed to represent consistent with the form agreement provided by the Court.

9.3 **APPLICATION FOR FEES.** Court Appointed attorneys shall e-file requests for payment of fees and costs not later than 30 days from the conclusion of the last court appearance. (requests for payment later than 30 days shall require an audit of all previous fee requests and will be subject to delay in payment). Other than fees for the professional time for attorneys, no other costs are authorized for reimbursement without express prior approval by the Court. The professional fee

rate shall be a reasonable hourly rate as approved by the referring court to be paid in 1/10th hour increments. Fee vouchers in excess of \$1,500.00 shall require approval of the District Judge of the referring Court. Fee vouchers for appellate work shall be approved by the Judge of the appointing Court. All expenses must be reasonably related to the appointment of the attorney under Section 107.013 T.F.C. and Section 107.0131. Fees for professional services for Divorce actions, Protective Orders, or any other matter that may be sought by a party require express authorization by the Court prior to any filing by court appointed counsel.

9.4 HEARINGS PENDING DE NOVO REVIEW. The Centex Child Protection Courts shall not conduct additional hearings requested by the parties while a De Novo review is pending with the referring court. This rule does not include mandatory statutory hearings.

9.5 OUTSTANDING WARRANTS – No party is allowed to appear virtually for any hearing if the party has an outstanding warrant. No party is allowed to have any in person visitation with child(ren) if the party has an outstanding warrant.

9.6 DRUG CASES – No parent or party in a drug case is allowed to alter their hair or their nails in any manner that would interfere with drug testing procedures during the pendency of the case.

9.7 AGGRESSIVE ANIMALS – TDFPS is not to place any child(ren) in homes with pit bull breed canines or any other aggressive animals.

RULE 10 - ORDERS FOR CONDUCT OF COURT PROCEEDINGS HELD IN THE 146TH JUDICIAL DISTRICT COURT

10.1 LIMITED ISSUES FOR DE NOVO HEARINGS. All De Novo hearings shall be limited to the issues specifically stated in the written request for the hearing.

10.2 TIME LIMITATIONS. All De Novo hearings shall be limited to not more than one (1) hour, set on the 4th Monday of each month unless the Court grants additional time as may be requested by the parties. Should any hearing necessitate more than one (1) hour, a special setting shall be coordinated between the parties and the court. All De Novo hearings shall be concluded within six months from the date of the ruling in the Centex Child Protection Court.

10.3 NO DE NOVO JURY TRIALS. Jury Trials shall not be permitted for a De Novo review following a final hearing on the merits in the Centex Child Protection Court. All requests for jury trials must be made prior to the Second Permanency Hearing or at any later date as may be included in the Scheduling Orders issued by the Child Protection Court.

10.4 APPELLATE REPRESENTATION. Attorneys representing parties in appellate actions with the Court of Appeals shall only be retained counsel or appointed attorneys that have made application for and are included on the approved list of appointed appellate counsel that have demonstrated an appropriate level of knowledge and experience in appellate practice. The Centex Child Protection Court Coordinator shall maintain the approved list of appointed appellate counsel. Appointed trial counsel shall, upon desire of the client to pursue post trial relief, immediately notify

the District Court and submit a proposed order to substitute counsel if trial counsel is not currently on the approved appellate appointment list.

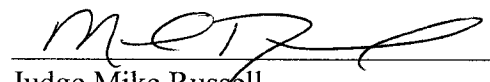
RULE 11 – DISTRIBUTION AND NOTICE OF STANDING ORDERS

11.1 INCORPORATION OF BELL COUNTY STANDING ORDERS. The Bell County Standing Orders for the Conduct of the parties in Family Law Cases are hereby incorporated by reference as if fully set forth herein. Parties and Attorneys should be and are expected to adhere to the Standing Orders and shall be provided with copies of each order upon request.

11.2 ORDERS ATTACHED TO INITIAL PLEADINGS. This order shall be attached to the initial pleading filed by the TDFPS to be served to each party with the Original Petition or shall include a notice in the pleading that the Standing Order is incorporated with instructions for its electronic retrieval from the County Website.

APPROVED AND ADOPTED:

On this 21st day of May 2025.



Judge Mike Russell
146th Judicial District Court
Bell County, Texas