

CAUSE NO. _____

IN THE INTEREST OF

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§

IN THE COUNTY COURT AT

LAW #2 OF

A CHILD(REN)

§

ANGELINA COUNTY, TEXAS

**STANDING SCHEDULING/DISCOVERY ORDER IN CHILD
PROTECTION CASES IN ANGELINA COUNTY, TEXAS**

The following discovery control plan and scheduling order shall apply to all cases filed on or after January 1, 2011, 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 ORDERS that discovery and scheduling shall be conducted as follows:

MEDIATION:

IT IS ORDERED that if at any time this court finds a case appropriate for mediation pursuant to Tex. Civ. Prac. & Rem. Code Sec. 154.021, the Court, on its own motion, may enter an appropriate mediation order.

TRIAL SETTING

The date for trial will be determined at the first permanency hearing which is set in the Scheduling Order filed in each case. If a party determines such final hearing will be contested, notice of such contest shall be submitted to and it must be received by the CPS Court Coordinator for the Angelina County Court at Law #2, P.O. Box 908, Lufkin, TX 75902, Phone: 936-634-8984; Fax: 936-634-8541 no less than 45 days prior to the date set for trial.

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 pursuant to Texas Family Code § 263.304, and continues until thirty days before the date set for trial.

REQUIRED INFORMATION

Discovery provisions of this order do not supersede or modify the requirements of any previous temporary orders.

**RELEASE OF CONFIDENTIAL INFORMATION TO THE PARENT'S ATTORNEYS
OF RECORD**

The Court finds that it is in the best interests of the child(ren), is essential to the administration of justice, and is not likely to endanger the life or safety of any person, to release certain documents used or developed in the course of their investigation or in the provision of services to the

child(ren) by the Texas Department of Family and Protective Services and made confidential by §261.201 of the Texas Family Code, to the **Parent's** Attorneys of record.

IT IS THEREFORE ORDERED that Petitioner, the Texas Department of Family and Protective Services, provide, **WITHOUT THE NECESSITY OF REDACTING ANY INFORMATION, AND AS IT IS GENERATED**, the following documents to Parent's Attorney(s), as specified:

- their respective client's test, evaluation/assessment results;
- copies of any permanency planning team or treatment team packets;
and;
- any medical, dental, psychological/psychiatric and/or educational records concerning the child(ren) of their respective client.

IT IS FURTHER ORDERED that Petitioner, the Texas Department of Family and Protective Services, shall make any video/audio taped statements of their respective client's child(ren) available for **Viewing ONLY** by Parent's Attorney of Record upon request and reasonable notice. Said viewing will occur at the local DFPS Office. No copying or reproduction of any audio or video taped statement by counsel shall occur except by further Order of this Court.

RELEASE OF CONFIDENTIAL INFORMATION TO ALL ATTORNEYS OF RECORD

Upon written request to the attorney representing DFPS and no earlier than the date of the first permanency hearing, any attorney of record or pro se party may request copies of the Department's records concerning the child(ren) the subject of this suit.

The Court finds that it is in the best interests of the child(ren) the subject of this suit, is essential to the administration of justice, and is not likely to endanger the life or safety of any person, to release certain documents used or developed in the course of their investigation or in the provision of services to the child(ren) by the Texas Department of Family and Protective Services and made confidential by §261.201 of the Texas Family Code, to any Attorney of Record involved in this matter.

IT IS THEREFORE ORDERED that Petitioner, the Texas Department of Family and Protective Services, produce and provide for copying and inspection, **REDACTED FOR REPORTER ONLY**, paginated copies of the Department's records concerning the child(ren) the subject of this suit. All copies are ordered to be delivered to the attorney representing DFPS within thirty (30) days of receiving a written request for copies of the Department's records concerning the child(ren) the subject of this suit. One copy will be maintained by the attorney representing the Department as a master copy and the other copy may be used by all counsel of record for copying and inspection.

WARNING

§ 40.005 of the Texas Human Resources Code provides that a person who is authorized to receive confidential information shall maintain its confidentiality and shall prevent disclosure of the information to a person who is not authorized to receive the information. It is a Class A misdemeanor to disclose, without authorization, confidential information contained in the Texas Department of Family and Protective Services records, papers, files, or communications.

RELEASE OF CONFIDENTIAL INFORMATION TO ATTORNEY AD LITEM FOR THE CHILD(REN) AND THE GUARDIAN AD LITEM

IT IS ORDERED that Petitioner, the Texas Department of Family and Protective Services, shall provide, **REDACTED FOR REPORTER ONLY**, any and all documents produced to any party under this order to the Attorney Ad Litem for the child(ren) and the Guardian Ad Litem for the child.

REQUESTS FOR DISCLOSURE

Each party shall be permitted to propound requests for disclosure pursuant to Rule 194, Texas Rules of Civil Procedure, within the specified discovery period but no later than thirty days before the end of the specified discovery period.

REQUESTS FOR ADMISSIONS

Each party shall be permitted to propound requests for admissions pursuant to Rule 198, Texas Rules of Civil Procedure, within the specified discovery period but no later than thirty days before the end of the specified discovery period.

INTERROGATORIES

Each party may serve no more than 25 written interrogatories on another party.

Each party shall be permitted to propound written interrogatories pursuant to Rule 197, Texas Rules of Civil Procedure, within the specified discovery period but no later than thirty days before the end of the specified discovery period.

DEPOSITIONS UPON ORAL EXAMINATION

Each side may have no more than 6 hours in oral depositions to examine and cross-examine deposition witnesses. Notice shall be given at least ten days in advance of the deposition.

Pursuant to Rule 199.2, Texas Rules of Civil Procedure, depositions may be taken by oral examination of fact witnesses no later than the end of the specified discovery period.

Pursuant to Rule 199.2, Texas Rules of Civil Procedure, depositions may be taken by oral examination of each expert witness reasonably promptly after the witness is designated, as provided by Rule 195.3, Texas Rules of Civil Procedure.

SUPPLEMENTAL DISCOVERY

All responses to discovery shall be supplemented no later than forty five days prior to trial.

PHYSICAL AND MENTAL EXAMINATIONS

Respondent parties may be required to submit to physical and mental examinations at any time during the pendency of this suit, not to be limited by the discovery period otherwise set forth herein. Respondent parties may be required to submit to scientific testing for the purpose of establishing parentage at any time during the pendency of this suit, not to be limited by the discovery period otherwise set forth herein.

JURY REQUEST

A party requesting a jury trial shall submit a jury request to the CPS Court Coordinator for the Angelina County Court at Law #2, P.O. Box 908, Lufkin, TX 75902, Phone: 936-634-8984; Fax: 936-634-8541 and it must be received no less than sixty days prior to the date set for trial.

DESIGNATION OF EXPERT WITNESSES

Each party, if requested pursuant to TRCP 194.2(f), must designate experts no later than ninety days before the date set for trial.

JOINDER

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

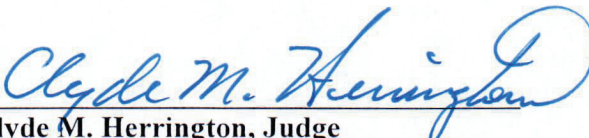
AMENDMENT OF PLEADINGS

No party shall be permitted to amend or supplement pleadings later than thirty days before the date set for trial, except for good cause shown.

MODIFICATION

Provisions for and limitations of any aspect of discovery as described herein may be modified by court order or by agreement of the parties in compliance with Rule 11 and Rule 191, Texas Rules of Civil Procedure.

SIGNED THIS THE 5TH DAY OF JANUARY, 2017.


Clyde M. Herrington, Judge