

STATE OF TEXAS

RESOLUTION

of the

TEXAS JUDICIAL COUNCIL

**Supporting Texas Family Code Amendments Related to
Case Transfers in Child Protective Services Cases**

WHEREAS, the Texas Judicial Council is the policymaking body for the Texas Judicial Branch, created under Chapter 71, Texas Government Code; and

WHEREAS, the Council is charged with improving the administration of justice; and

WHEREAS, case transfers of Child Protective Services cases between counties is a critical matter with critical dates and deadlines that, if overlooked, can endanger the safety and well-being of children involved in CPS cases; and

WHEREAS, Texas Family Code Chapters 155 and 263 should be amended to place tighter controls on the process used when child protection cases transfer from one county to another to help ensure state mandated deadlines and party appointments are not missed; and

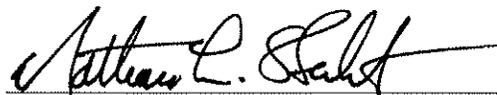
WHEREAS, Section 155.207 would be amended to require that the clerk of the court that is transferring a proceeding filed under Texas Family Code Subchapter E, transfer to the receiving clerk within ten (10) days the pleadings, any other documents specified by a party, certified copies of the minutes, a certified copy of each final order, and a certified copy of the transfer order signed by the transferring court; and

WHEREAS, Section 262.203 would be amended to require that the court order transferring a case to another jurisdiction include the date of any future hearings which have been scheduled by the transferring court, any date of dismissal scheduled by the transferring court and include the names and contact information of attorneys and guardians ad litem; and

WHEREAS, the receiving court may, in its discretion, retain any attorney or guardian ad litem appointed by the transferring court; and

WHEREAS, if the receiving court determines that appointment of a substitute attorney and/or guardian is appropriate, the court must appoint the substitute attorney and/or guardian within ten days of receiving the order of transfer from transferring court or by the time of the first scheduled hearing in the receiving court, whichever occurs first.

NOW THEREFORE, BE IT RESOLVED that the Texas Judicial Council supports the Supreme Court Children's Commission request for these amendments to the Texas Family Code.



Honorable Nathan L. Hecht
Chair, Texas Judicial Council

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