

**DARLENE BYRNE**  
Judge  
(512) 854-9313

**KATY GALLAGHER PARKER**  
Staff Attorney  
(512) 854-4915

**RENE SALINAS**  
Court Operations Officer  
(512) 854-9870



## 126TH DISTRICT COURT

TRAVIS COUNTY COURTHOUSE  
P. O. BOX 1748  
AUSTIN, TEXAS 78767  
FAX: (512) 854-9780

**JAMES FERRELL**  
Judicial Aide  
(512) 854-5330

**MEANETTE SALGADO**  
Official Court Reporter  
(512) 854-7848

**Date: February 13, 2015**

**To: Travis County CPS Docket Stakeholders**

**From: The Honorable Darlene Byrne, Judge, 126<sup>th</sup> Judicial District Court**

**Re: Procedures for Tendering Reports and Seeking Dismissal by Attorneys for Alleged Fathers and Unknown / Missing Parents in CPS Cases**

---

Dear CPS Docket Stakeholders:

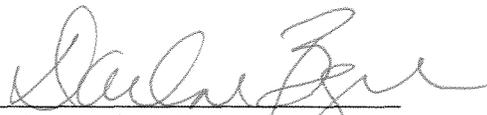
As you know, attorney appointments for Alleged Fathers and Unknown / Missing Parents are made under Texas Family Code Secs. 107.0132 and 107.014. Under the Family Code, these appointments expressly require certain prescribed duties including investigation regarding the diligent search. If the appointed attorney is unable to identify or locate their client, both code sections require the attorney to submit a "written summary" to the Court of the efforts made to attempt to identify or locate the individual. Both sections also state that "On receipt of the [written] summary required by this subsection, the court shall discharge the attorney from the appointment".

It has recently come to my attention that there may be some confusion among appointed attorneys as to the Court's procedural expectations of attorneys for Alleged Fathers and Unknown / Missing Parents. Accordingly, attorneys should adhere to the following procedures:

- (1) Attorneys for Alleged Fathers and Unknown / Missing Parents who are unable to identify or locate their clients should file the required written summary with the District Clerk and also provide a courtesy copy to the CPS Judge handling the case, via email to court staff, copying all other parties in the case.
- (2) When tendering the written summary to the Court, the attorney should also present the Court with a proposed discharge order for the Judge's consideration via written submission.

- (3) As soon as the Judge signs the proposed discharge order, the attorney is released and need not appear at any subsequent hearings. Before failing to appear at a hearing, an attorney should verify that the discharge order has been signed and they have officially been dismissed from the case.
- (4) To ensure adequate time for receipt of the report and processing of discharge orders, an attorney should make every effort to ensure that the written summary is tendered to the Court at least 3 business days in advance of a statutory CPS hearing.

Please direct any additional procedural questions to the 126<sup>th</sup> District Court. Thank you for your attention to this matter.

  
\_\_\_\_\_  
Judge Darlene Byrne  
126<sup>th</sup> District Court