

## PART A. COURT'S CASE TRANSFER PROTOCOL

### I. OUTGOING TRANSFER

(This is an outline of the Court's responsibilities with respect to a transfer from Travis County to any other county)

- a. When a Judge determines that transfer should be ordered, the Judge shall ensure that the Court Orders include:
  - i. The filing date and statutory deadline for the case;
  - ii. The date (and type) of the most recent CPS hearing and the statutory deadline for the next CPS hearing;
  - iii. Orders requiring the Travis County DA and CPS to follow the CPS Case Transfer Protocols (with the DFPS Case Transfer Protocol Attached);
  - iv. Orders requiring the Travis County District Clerk to transfer the Clerk's record to the receiving county not later than 14 days from the day the transfer order is signed; and
  - v. Orders for the dismissal of court-appointed attorneys.
- b. The Judge should make every effort to sign a written transfer order as soon as practicable after ordering transfer.
- c. The Judge should instruct judicial staff to:
  - i. Make sure the DFPS Case Transfer Protocol is attached to the order before filing
  - ii. Provide copies of the written transfer order (with attached DFPS protocol) to all parties;
  - iii. Provide a copy of the written transfer order to the District Clerk's office; and
  - iv. Contact the court in the receiving county to apprise them of the transfer and send them a copy of the written transfer order.

### II. INCOMING TRANSFER

(This is an outline of the Court's responsibilities with respect to a transfer from any other county to Travis County.)

- a. If the Court receives notice that another county has transferred a case to Travis County but the record has not yet been received, the Court shall:
  - i. Relay any known information to the Travis County District Clerk's Office in anticipation of the receipt of the transferred file; and
  - ii. As necessary, instruct Court staff to contact the Clerk's office in the sending jurisdiction to inquire regarding the status of the file to be transferred.
- b. Upon receipt of the Clerk's file:
  - i. the Clerk's office shall immediately notify the 126<sup>th</sup> District Court and the ADA.
  - ii. the Court shall, within 14 days, set an "Incoming Transfer Hearing" to ensure that:
    1. Local attorneys have been appointed for all persons qualified for and entitled to appointed counsel; and
    2. All statutory deadlines have been calendared and necessary CPS hearings set.

## PART B. CPS / ADA CASE TRANSFER PROTOCOL

### I. OUTGOING TRANSFER

(This is an outline of CPS and the ADA's responsibilities with respect to a transfer from Travis County to any other county)

- a. Before motion is filed at request of CPS, CPS caseworkers staff case with CPS supervisor and Program Director (PD) and Program Administrator (PA) about transfer and reason or need for transfer.
- b. Once motion is filed by any party, a staffing is set up between the two counties/regions PD's and supervisors and the caseworker. A CPS unit in receiving county is designated to be assigned and details about the case to be transferred are shared.
- c. ADA of the transferring county notifies ADA (or other entity representing CPS) of receiving county with notification that the transfer is being requested (as soon as motion has been filed, or prior to filing motion if transfer request is initiated by CPS) and provides order of transfer to ADA of receiving county as soon as possible after the order is signed.
- d. ADA provides judge presiding over Travis County case with name and contact information for Judge in receiving county in motion if transfer is requested by CPS or as soon as can be attained if transfer is requested by another party.

### II. INCOMING TRANSFER

(This is an outline of CPS and the ADA's responsibilities with respect to a transfer to Travis County from any other county)

- c. If notification of transfer to CPS, CPS unit notifies ADA of possible incoming case or if notification of transfer to court, by conference with sending court, court notifies ADA or if notification of transfer to ADA, by representative of CPS.
- d. ADA sends notification to court clerk's office that a transferred case involving CPS is expected and requests notification when received.
- e. Court Clerk's office notifies ADA when case arrives.
- f. ADA's office reviews file and arranges for appointment of attorney ad litem for children and appointment of attorney for parents if affidavits of indecency are in file or if parents have appointed attorneys from sending county.
- g. Court is notified to set case for special review within two weeks or less from the date of receipt.