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Date: October 11, 2012

To: Travis County CPS Docket Stakeholders

From: The Honorable Darlene Byrne, Judge, 126th Judicial District Court

Re: New Procedures for Docketing / Announcing Contested CPS Settings

Dear CPS Docket Stakeholders:

As you know, the Regular Monday and Friday CPS Dockets are reserved for matters which can be handled in 15-minutes or less. Parties may request longer CPS hearings by submitting an off-docket hearing request form to ask for a hearing directly before the judge who regularly hears their CPS case. Judge Davis and I work hard to calendar off-docket hearings as quickly as possible while balancing limited judicial resources and numerous competing demands on judicial time. As the Court has previously noted, our Judges have an interest in preserving a One-Judge-One-Family model in which a single Judge hears the majority of hearings involving the same case. One of the greatest challenges of managing off-docket settings are Contested 262s and other lengthy settings, which have historically blocked off a great deal of time on the Judges' calendars each month but have resulted in few hearings actually going forward.

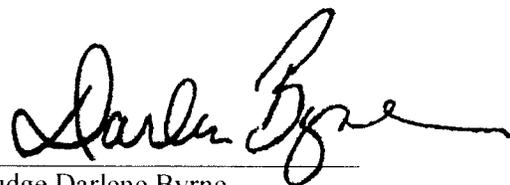
In an effort to overcome this challenge and hopefully improve the efficiency with which hearings are reached, Judge Davis and I will, **effective October 15, 2012**, begin calendaring up to two Contested 262 settings on the same date and time. Effectively, this new practice will more closely resemble the manner in which cases are calendared on the Central and Family Dockets. Contested 262 hearings may be provided a setting on the same day as a contested hearing has already been set in another case, knowing full well that only one case may actually be heard but estimating that, in all likelihood, both cases will not go forward on the same day. The case set second on that date will be the "Second-in-Line" and will have the opportunity to proceed only if the "First-in-Line" setting does not go forward on that date (or if the "First-in-Line" case requires less than a full day or if other circumstances permit the second case to proceed). The Court recognizes that contested matters occasionally settle at the last minute and so it is the Court's expectation that any party set "Second-in-Line" will always arrive on the date and time of their setting ready to proceed at a moment's notice. At the time of scheduling, a party provided with a "Second-in-Line" setting will also be provided a setting on a later date in which they can expect to be

“First-in-Line”. In the event they are not reached on the date they were “Second-in-Line”, they will be able to plan on proceeding on the later date.

To assist the Court and the other parties with planning as early as possible, each party who sets a Contested 262 or other contested off-docket hearing will, effective October 15, 2012, be required to formally “Announce” all contested settings to the 126th District Court (by fax to (512) 854-9780 or by email to BOTH Rene.Salinas@co.travis.tx.us and April.Morton@co.travis.tx.us) on the week prior to their contested setting. ANNOUNCEMENTS MUST BE RECEIVED NO SOONER THAN 8:00AM ON THE MONDAY BEFORE THE WEEK OF YOUR SETTING AND NO LATER THAN 4:30 PM ON THE WEDNESDAY BEFORE THE WEEK OF YOUR SETTING. The announcement must include an updated estimate of the total amount of time needed (cumulatively, by all parties) for the hearing. If the party who has set a contested off-docket hearing fails to tender an announcement to the 126th District Court on their hearing, it will be assumed they are not going forward and their setting may be waived or bumped to “Second-in-Line”. Parties must use the attached “CPS Contested Off-Docket Hearing Announcement Form” for this purpose.

The Court recognizes that, compared to the current system, these new docketing procedures may occasionally result in inconvenience to lawyers, parties, and witnesses who arrive prepared for a hearing but are recalled for a later date. The Court hopes this type of inconvenience is rare and that it will be outweighed by overall system improvements which increase the speed at which hearings can be set, ensure compliance with statutory deadlines, maximize the availability of CPS Judges for contested hearings, and improve the efficiency of all judicial resources. In making the decision to adopt these new procedures, the Court has taken into consideration, among other things, the best interest of the children whose lives are affected, the rights of the parents whose lives are affected, the publicly funded nature of this special statutory litigation, and the need for effective and efficient administration of justice. Over the next few months, the Court will be monitoring these new CPS docketing procedures and if significant concerns are noted, they will be discontinued. A feedback session will be held at **Noon on March 5, 2013** in the 126th District Courtroom at which time all stakeholders are welcome to contribute to discussion of these new procedures.

Thank you for your attention to this matter.



Judge Darlene Byrne
126th District Court