

Procedures for “Contested 262” CPS Hearings in Travis County

Please be aware that CPS adversary hearings under Texas Family Code §262.201 and §262.205 (commonly referred to as “Contested 262” hearings) will now be referred to and set through the Family Law Dockets, according to the following procedures. Please first direct any procedural questions to the staff of the 126th District Court.

- (1) If a party requests a Contested 262 setting in court, the CPS Judge will typically set that contested hearing to occur on the Family Law Docket on a Monday at 8:30am. (See “Rule 21.1” of the Travis County Local Rules for District Courts.) (Please note that the Family Law Docket may be moved to an alternate day of the week in the event of a Monday holiday.)
- (2) To prioritize One-Judge-One-Family calendaring, your setting on the Family Law Docket will typically be categorized as an “In Order” Setting before the same judge who regularly hears the CPS docket on the day of the week on which your case is regularly set.
- (3) **To preserve the setting, the party who requests the Contested 262 Hearing must make an Announcement to the Court Administrator’s Office on Monday-Wednesday of the week prior in accordance with “Local Rule 3.2”.** (See “Rule 3.2(a)-(d) of the Travis County Local Rules for District Courts for specifics on Announcements). **If no announcement is made in accordance with the local rules, the failure to announce will be deemed a waiver of the request for a contested hearing and Court may sua sponte enter orders including granting DFPS temporary managing conservatorship of the subject children.**
- (4) No Contested 262 setting will be allowed to exceed one day in length (total, for all parties) unless specific authorization from a CPS Judge has been sought and obtained.
- (5) If the parties desire to pass their setting, they may do so only by notifying the Court Administrator’s Office in Accordance with Local Rule 2.11(b).
- (6) On the day of your setting, you must appear at the docket call for the Family Law Dockets (typically 8:30am on Monday) to announce ready. (See “Rule 21.1” of the Travis County Local Rules for District Courts.) **If no appearance is made at the Family Law Docket Call, the failure to appear will be considered a waiver of the request for a contested hearing and the Court may sua sponte enter orders including granting DFPS temporary managing conservatorship of the subject children.**
- (7) In keeping with the Court’s emphasis on One-Judge-One-Family calendaring, the Court will make every effort to ensure that your regular CPS judge has the opportunity to hear your Contested 262. As a practical matter, Contested 262 hearings set on the Family Law Docket “In Order” before the Friday CPS Judge will typically begin on Mondays and Contested 262 cases set on the Family Law Docket “In Order” before the Monday CPS Judge will typically begin on Tuesdays. These settings are not guaranteed, so parties should always be ready to go forward beginning at 8:30am on Monday. The Court Administrator will always make every effort to have your matter heard with the greatest judicial efficiency and economy.