

ORIGINAL

FILED
Marilyn Burgess
District Clerk

Time: MAR 24 2020
12:00
315TH JUDICIAL
Harris County, Texas
Deputy

STANDING ORDER RETAINING ALL TDFPS SUITS ON THE
DISTRICT COURT'S DOCKET
PURSUANT TO SUPREME COURT EMERGENCY ORDER

1. This Court finds that on March 13, 2020 Texas Governor Greg Abbott declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. On the same day the Texas Supreme Court in Miscellaneous Docket #20-007 issued a FIRST EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER (The "First Order").
2. In its order, the Supreme Court stated that: "Pursuant to Section 22.0035(b) of the Texas Government Code, all courts in Texas may in any case, civil or criminal' - and "without a participant's consent" - "modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule or order, for a stated period ending no later than 30 days after the Governor's state of disaster has been lifted..."
3. On March 19, 2020, the Texas Supreme Court issued a Third Emergency Order Regarding The COVID-19 State of Disaster and clarified that its First Order suspending or modifying all deadlines applied "to all proceedings under Subtitle E, Title 5, of the Family Code, and specifically, to the deadlines in Section 263.401, which may or must be modified or suspended, as clearly stated in the Order, to avoid the risks of disaster and still protect the interests of all involved in these difficult circumstances."
4. The Supreme Court Orders expire on May 8, 2020, subject to extension from the Court.
5. This County is currently under a state of disaster, the Courts have been affected by the disaster, and the Court is incapable of commencing trial by the dismissal deadline. The Court finds that extraordinary circumstances exist necessitating the child remaining in the temporary managing conservatorship of the department and that continuing the appointment of the department as temporary managing conservator is in the best interest of the child. Pursuant to the Supreme Court Order, the Court further finds that a modification and suspension of the dismissal deadlines are necessary to avoid the serious public health risks while protecting the interests of all involved in these difficult circumstances
6. **IT IS THEREFORE ORDERED**, pursuant to the Supreme Court's **EMERGENCY ORDERS REGARDING THE COVID-19 STATE OF DISASTER**, that any pending TDFPS matter which would be subject to dismissal under Section 263.401 of the Texas Family Code **IS RETAINED** on the Court's docket for a period not to exceed 180 days from the first Monday after the first anniversary of the date a court of competent jurisdiction rendered a temporary order appointing the department as temporary managing conservator.
7. **IT IS ADDITIONALLY ORDERED** pursuant to the Supreme Court's **EMERGENCY ORDERS REGARDING THE COVID-19 STATE OF DISASTER**, that any pending TDFPS matter already retained under Section 263.401 of the Texas Family Code and on

an extended dismissal date **REMAINS RETAINED ON THE COURT'S DOCKET** and shall not be automatically dismissed. The Court **ORDERS** that all cases already on an extended dismissal date shall be retained for up to 180 days passed the extended dismissal date, as if the matter had been remanded, mistrial or a new trial granted under Section 263.401(b-1).

8. **IT IS FURTHER ORDERED** based upon the seriousness of the public health emergency existing in Harris County and the State of Texas, and under the authority of the Supreme Court's **EMERGENCY ORDERS REGARDING THE COVID-19 STATE OF DISASTER** that the requirements under Section 263.401 to set forth a specific trial date for retained cases is **SUSPENDED**. The Department **IS ORDERED** to provide notice of final trial on all retained cases is provided to all counsel and parties and filed with the Court at least 75 days before the date chosen.

SIGNED _____ **MAR 24 2020** _____.



JUDGE PRESIDING