



Children's Commission.

Supreme Court of Texas Emergency Order Affecting Child Protection Cases

September 5, 2017

Please see the Supreme Court of Texas Emergency Order Affecting Child Protection Cases regarding families affected by the recent disaster in the Texas Gulf Coast. The Order can be found below or online at the following: <http://www.txcourts.gov/media/1438840/179111.pdf>

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9111

EMERGENCY ORDER AFFECTING CHILD PROTECTION CASES

ORDERED that:

1. Hurricane Harvey struck the Texas coast on August 25, 2017. To date, Governor Abbott has declared a state of disaster in 61 counties.

2. Chapter 263 of the Texas Family Code provides for the dismissal of a suit affecting the parent-child relationship in which the Department of Family and Protective Services is the conservator of a child if the court does not take certain actions prescribed by Section 263.401. But some courts in counties in which a disaster has been declared cannot conduct proceedings because of difficulties with access to facilities, travel, and communication.

3. For the protection and care of children for whom the Department is conservator, and pursuant to Section 22.0035(b) of the Texas Government Code,¹ in counties in which a disaster is declared, the deadlines and accompanying requirements prescribed by Section 263.401 are suspended in a case if the court finds that disastrous conditions resulting from Hurricane Harvey precluded compliance. Any such suspension extends to the date the court finds it is reasonably possible to proceed, taking into account the circumstances.

4. This Order is effective as of August 28, 2017, and expires September 27, 2017, unless extended by the Court.

¹“Notwithstanding any other statute, the supreme court may modify or suspend procedures for the conduct of any court proceeding affected by a disaster during the pendency of a disaster declared by the governor. An order under this section may not extend for more than 30 days from the date the order was signed unless renewed by the supreme court.”

5. The Clerk of the Supreme Court is directed to:

- a. post a copy of this Order on www.txcourts.gov;
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

6. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

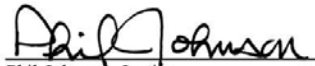
Dated: September 5, 2017



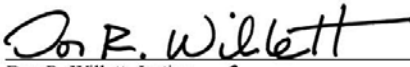
Nathan L. Hecht, Chief Justice



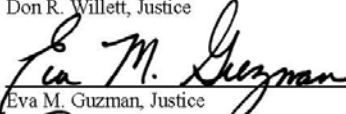
Paul W. Green, Justice



Phil Johnson, Justice



Don R. Willett, Justice



Eva M. Guzman, Justice



Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John P. Devine, Justice



Jeffrey V. Brown, Justice



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