



**ANDREA JAMES
ASSOCIATE JUDGE, CHILD PROTECTION COURT #2
SECOND JUDICIAL ADMINISTRATIVE REGION
300 EAST 26TH STREET, SUITE 3510
BRYAN, TEXAS 77803**

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**Third Amended Emergency Order Regarding Visitation, Other In-Person Contact
and Out of State Travel for children the conservatorship of
the Texas Department of Family and Protective Services
in Child Protection Cases pending in
Second Region Child Protection Court #2 for
Angelina, Brazos, Grimes, Madison and Walker Counties**

On March 13, 2020 Governor Greg Abbott declared a state of disaster for all counties in the State of Texas as a result of the threat to public health posed by COVID-19. On the same date, the Supreme Court of Texas issued the First Emergency Order Regarding the COVID-19 State of Disaster (hereinafter “emergency order.”) Pursuant to the emergency order, subject only to constitutional limitations, all courts may, “and must to avoid risk to court staff, parties, attorneys, jurors, and the public.” This includes taking measures, without a participant’s consent, to “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.”

To protect the health and welfare of all, and especially the children who are subject to pending litigation in the Second Region Child Protection Court Number 2 in Angelina, Brazos, Grimes, Madison and Walker Counties, the Court finds good cause exists for the entry of this order to protect the best interest of the children in such litigation. Consistent with the emergency order issued by the Supreme Court of Texas referenced above and with the Court having taken into consideration the best interest of the children who may be affected by this order, the rights of the parents who may be affected by this order, the publicly-funded nature of this statutory litigation, and the need for the effective and efficient administration of justice, among other things, the Court enters the following orders:

IT IS ORDERED that all previously ordered in-person parent-child visitations scheduled to take place between June 30, 2020 and September 8, 2020 are HEREBY ORDERED SUSPENDED in the effort to contain the spread of the virus referred to as COVID-19 and to protect all parties. Any violations for lack of compliance by a parent will be waived by the Court for any and all in-person visitations during the period of June 30, 2020 and September 8, 2020.

IT IS ORDERED that the Department of Family and Protective Services shall make arrangements for telephonic, Skype, Facetime or communications through electronic means available to the parent as a temporary substitute for in-person visits between parent and child. Such electronic visitations shall occur either on the same schedule as those in-person visits suspended by this order for the period of June 30,

2020 through September 8, 2020 or as close to that previously ordered schedule as can be reasonably accomplished.

IT IS ORDERED that all statutorily required meetings pursuant to Texas Family Code Chapter 263, Texas Family Code Chapter 107, as well as court ordered mediations and court ordered informal settlement conferences scheduled to take place between June 30, 2020 and September 8, 2020 are HEREBY IMMEDIATELY SUSPENDED in an effort to contain the spread of COVID-19.

IT IS ORDERED that the Department of Family and Protective Services, all parties and all court appointed advocates shall reschedule or, if possible by the agreement of all involved persons, make arrangements for those meetings to occur via telephonic, Skype, Facetime, or other mutually available electronic communication platform, in lieu of in-person statutorily required meetings pursuant to Texas Family Code Chapter 263 and Texas Family Code Chapter 107, as well as court ordered mediations and court ordered informal settlement conferences which have been scheduled to take place between June 30, 2020 and September 8, 2020.

IT IS ORDERED that all hearings scheduled in Second Region Child Protection Court Number 2 shall be conducted exclusively via electronic means until September 8, 2020 as permitted by the First Emergency Order Regarding the COVID-19 State of Disaster, Third Emergency Order Regarding COVID-19 issued by the Supreme Court of Texas and Texas Court of Criminal Appeals and Seventeenth Emergency Order Regarding the COVID-19 State of Disaster.

IT IS ORDERED that the Department of Family and Protective Services is relieved of the obligation to transport any child to a scheduled hearing in Second Region Child Protection Court Number 2 scheduled to take place between June 30, 2020 and September 8, 2020. IT IS FURTHER ORDERED that if the Attorney Ad Litem for a child learns that the child desires to participate in any hearing, the Attorney Ad Litem shall notify the Court and parties and the Attorney Ad Litem shall be responsible for making the arrangements for the child's electronic participation in the hearing.

IT IS ORDERED that any parent who is incarcerated shall not be transported to any courthouse for purposes of a hearing before the Second Region Child Protection Court Number 2 until September 9, 2020 or upon further order of this court. IT IS FURTHER ORDERED that if a parent is incarcerated and expresses an interest in participating in a scheduled hearing, if that parent is represented by counsel, the attorney for the incarcerated parent shall be responsible for arranging for that parent's participation in the hearing by electronic or telephonic means. If the parent is incarcerated and is not represented by counsel and expresses an interest in participating in any hearing scheduled prior to September 9, 2020, IT IS ORDERED that the Department of Family and Protective Services shall notify the Court Coordinator of this Court and the Department of Family and Protective Services shall be responsible for making arrangements for the parent to participate in the hearing by electronic or telephonic means.

Additionally, until further order of the Court, no travel requests are approved for any child in the temporary or permanent managing conservatorship of the Department of Family and Protective Services in cases before the Second Region Child Protection Court Number Two absent any request providing sworn testimony that such requested travel is medically necessary for the child's physical or mental health. This procedure is not applicable to any travel made necessary as a result of a medical or mental health emergency experienced by the child.

The current State of Disaster resulting from the global COVID-19 pandemic creates a circumstance of ever evolving responses to ensure public health. It is possible, even probable, additional orders will be forthcoming from the Texas Supreme Court and Texas Court of Criminal Appeals as well

as this court. Further, additional directives from other state and local officials are to be expected. Please be aware of and alert to such orders and directives. If there are meetings which do not fit within the orders identified above, it is this court's strong recommendation that no in-person meetings be held related to litigation pending in this court until after September 8, 2020.

Signed June 25, 2020.



Andrea James
Associate Judge