



AURORA MARTINEZ JONES
126TH DISTRICT JUDGE-ELECT
On behalf of
LEIGH MATHEWS RODRIGUEZ
Incoming Associate Judge
OFFICE OF THE DISTRICT JUDGES
P.O. Box 1748
Austin, Texas 78767

To Be Announced
Judicial Executive Assistant

LATASHA BATES
Official Court Reporter

KELLY DAVIS
Judicial Aide
(512) 854-5887

To: Child Welfare Professionals practicing in Judge Mathews Rodriguez's Court

From: Judge Leigh Mathews Rodriguez, Incoming Associate Court Judge

Date: December 23, 2020

RE: Remote Court Procedures in CPS Court with Judge Leigh Mathews Rodriguez during COVID-19 State of Disaster Declaration

As the COVID-19 pandemic persists and the reality of re-opening our dockets to in-person hearings does not appear to be in the immediate future, the Court is working to implement adjusted procedures to help remote hearings, both through submission and over Zoom. Adjusted procedures below utilize the following principles:

- **Procedure Overview:** In accordance with the detailed schedule below, for each hearing on the Court's docket, the Court will initiate an email through LMR.Submissions@traviscountytexas.gov. **It is important to be available and responsive when email communications regarding cases occur in advance of a setting.** Parties should appropriately confer in order to respond to the Court by the scheduled deadline assigned for that particular docket. A singular response (with any necessary added persons, such as the CASA Volunteer) to the Court on behalf of all parties/CASA is preferred wherever possible. An exception to the singular response would be to provide the Court with Affidavits of Indigency. Another exception would be to notify the Court of a need for interpreters at a hearing. **The use of Attorney Reports for submission hearings will be discontinued.** Upon receipt of the response, the Court will make a determination regarding a Zoom setting (if applicable) and make appropriate rulings. Parties will work together in a timely fashion after the submission or Zoom hearing and provide a proposed Order to the Court using the same email thread within deadlines set below. **If Orders are not forwarded to the Court by specific days/times outlined below, parties will be subject to additional requirements of the Court, including the possibility of settings for sua sponte Motions to Enter following a late order.**

- **Workflow of Hearing Procedure:**

1. Court initiates email on designated day;
2. Assistant District Attorney replies to the Court by deadline with table below populated with responses received by Parties/CASA;
3. Court replies to render ruling, provide zoom hearing invite, or with further direction;
4. Assistant District Attorney replies to the Court by deadline with proposed Order.

Sample Position Chart for Hearings:

(Parties should revise chart as needed to accommodate any additional/amended party lists)

Case and Full Cause Number:		
Is a Zoom Hearing Requested? If so, why?		
	Updates:	Requests/Objections:
DFPS		
Respondent Mother		
Respondent Father		
AAL		
GAL		

- **Court Reports:** Now, more than ever, it is extraordinarily important that Court Reports be filed and shared with case parties timely. As the Court continues to rely heavily on the Court Reports to guide cases, the Court must also ensure that all parties are updated through Court Reports prior to hearings so that positions can be accurately presented and rulings may be rendered on the date of the noticed setting for the hearing. The Court should be provided courtesy copies of court reports through email: CPSReports@traviscountytx.gov. **Note: Statutory mandates are still applicable for Court Reports to be filed no later than the 10th day before the date of the hearing. Parties are not excused from providing timely responses on submission hearings or requests for zoom hearings regardless of timely filing of Court Reports. However, if Court Reports are unavailable to parties when providing responses to the Court, parties are encouraged to bring that fact to the Court’s attention within the submission response/zoom request.**
- **Requests for Zoom:** Though there is opportunity for Zoom to be requested for review hearings, the Court is granting these for limited purposes, as needed. Please remember, just as before, **contested matters that require extended argument, testimony, or evidence must be set on a Monday contested docket** with the necessary motion filed and notice to the parties.
- **Court Orders (Courtesy Copies Discontinued):** In an attempt to manage the Court’s workload, the Court will no longer have staff forward the parties judge-signed copies of orders arising from CPS hearings held via submission after the Court has signed them. This applies to the Dockets for TMC, COS, and PMC scheduled hearings. Parties should receive the unsigned versions when submitted to the Court by our prosecutors. The sending of courtesy copies by Court staff is not an efficient process. This change should help get the Orders into the Court file quicker so they may be available to parties through access to the Court file. If there is an urgent need for a signed copy of an Order, parties should indicate the need in an email to the Court.
- **Court Appointments (Parent Attorneys):** The Court has multiple Zoom hearings scheduled on the Tuesday docket days for each docket hour. These hearings begin at 9:00 a.m. and continue throughout the morning. Thus, the Court is not regularly checking emails during this time and is

unable to review Affidavits of Indigency and Request for Court-Appointed Attorney during the docket. If a conditionally-appointed attorney establishes contact with their client but is unable to obtain a client-signed copy of the Affidavit of Indigence prior to the expiration of their conditional early appointment, the attorney may obtain client authorization to complete the form affidavit on their behalf over the phone based on information provided by the client. The Court will accept and consider such affidavits in support of an attorney's request for endorsement of continued representation if the attorney notates the bottom of the affidavit to indicate they are tendering the affidavit in this manner on their client's behalf. The attorney should also make best efforts to follow up by filing a completed affidavit containing the actual client signature as soon as practicable. Please consider sending in Affidavits as soon as possible to reduce any concern for securing the full appointment prior to the show cause Zoom hearing. **Affidavits of Indigency should be tendered to the Court through the Court-initiated email thread prior to the Show Cause hearing.**

The following are important updates, regarding the procedures for submission and Zoom hearings in Judge Mathews Rodriguez's court:

1. **Requesting Zoom for review hearings:** Any request for Zoom on a review hearing must be accompanied with a brief explanation as to why Zoom is the more appropriate and efficient method of having the hearing. **A Zoom hearing will not proceed automatically upon request of a party, but will be scheduled in lieu of a hearing by submission at the discretion of the Court. The Court will be granting Zoom hearing requests for initial hearings in a case.**
2. **Deadlines to respond to submission hearings:** The Court is requiring prosecutors to forward emails with positions of the parties by specific days/times certain, as outline below, **regardless if all parties have responded to their emails.** The Court cannot guarantee late responses will be considered when rendering rulings. The Court will consider all communications that have been received at the time in which the Court is reviewing submission hearings but will consider receipt of the email with party positions from the prosecutor as the earliest potential time for which rulings may be rendered.
3. **Deadlines to submit signatures for Orders:** The Court is requiring prosecutors to forward proposed orders with signatures of the parties by specific days/times certain, as outline below, **regardless if all parties have submitted their signatures.** The Court cannot guarantee late submissions will be included in the Order filed with the Clerk. The Court is also only signing off on proposed orders for review hearings submitted by the prosecutors, as our prosecutors have always been the final party to submit orders to the Court for review hearings. If agreement is reached and a contested hearing is passed, Orders should be forwarded to the Court at least by the date Orders would have been due if the contested hearing had gone forward. **If Orders are not forwarded to the Court by specific days/times outlined below, parties will be subject to additional requirements of the Court, including the possibility of settings for sua sponte Motions to Enter following a late order.**
4. **Contested 262 Hearings will be set for one hour by default.** Parties may request additional time, which the court may approve or deny.
5. If a Child or Young Adult would like to meet with the Court remotely, please contact the Court's Judicial Executive Assistant by email.
6. The CPS Courts in Travis County are **discontinuing the use of Race and Origin Forms** and instituting new procedures to gather this data.

Required Timelines for Remote Hearing Procedure

	Monday	Tuesday	Wednesday	Thursday	Friday
Statutory TMC Hearings		<p>Submission and Zoom Hearings</p> <p>Court initiates emails for <i>next</i> Tuesday's hearings</p>			<p>9 am: Deadline for proposed Orders to be submitted to Court from Tuesday Docket</p> <p>Noon: Deadline for response to Court-initiated email re: <i>next</i> Tuesday's hearings</p>
PMC / COS Hearings	<p>Court initiates emails for <i>this</i> Friday's hearings</p>		<p>9 am: Deadline for proposed Orders to be submitted from <i>previous</i> week's PMC / COS hearings.</p> <p>Noon: Deadline for response to Court-initiated email re: <i>this</i> Friday's hearings</p>		<p>Submission and Zoom Hearings</p>
Contested Hearings					<p>Court initiates emails for <i>next</i> week's contested docket</p> <p>9 am: Deadline for proposed Orders to be submitted to Court from <i>previous</i> week's contested hearings.</p> <p>3 pm: Deadline for response to Court-initiated email re: <i>next</i> Monday's hearing</p>