

**RULE 8
JUVENILE CASES**

RULE 8.10

Juvenile Courts/Session

The County Courts at Law setting as Juvenile Trial Courts shall be deemed in session at all times, regarding all juvenile cases as set pursuant to title 3 of the Texas Family Code.

RULE 8.11

Filing and Assignment of Cases

The following Rules shall govern the assignment of juvenile cases within the jurisdiction of the County Courts at Law of Fort Bend County:

(A) All juvenile proceedings presented to the County Clerk for filing, whether through the District Attorney or otherwise, and whether a petition has been filed or not, shall be assigned a permanent file number by the County Clerk on a random basis to the County Courts at Law by means of a blind filing process which provides for the equal distribution of new cases in such a manner that it cannot be determined to which court a case will be assigned until after the court assignment. Except as may be provided otherwise in these Rules, the County Clerk shall randomly assign every juvenile case filed with uneven numbered cases being assigned to County Court at Law No. 1 and even numbered cases being assigned to County Court at Law No. 2.

(B) After assignment to a particular court, every case, both jury and non-jury, shall remain pending in such court until final disposition, or transfer.

(C) Any case may be transferred to another court by order of the judge of the court in which the case is pending with the consent of the judge of the court to which it is transferred; or by order of the Local Administrative Judge of this County. The purpose of this transfer may be for either preliminary matters or detention hearings, or for the final disposition for the case.

(D) When an adjudication is made by one of the courts, either on ancillary matters or on the merits, and the case is terminated (by non-suit or otherwise), and a subsequent suit or cause of action involving the same child or the same subject matter is filed, the same shall be filed in or transferred to the Court that had original jurisdiction of the parties and the issues.

(E) The District Attorney shall file an original of all pleadings with the County Clerk of Fort Bend County and a copy of all pleadings with the Juvenile Probation Department. The copy shall be clearly marked by the District Attorney "**Copy for Attorney in Charge for the Child.**" Upon application filed with the Juvenile Probation Department, Juvenile Probation shall release to the attorney in charge for the child those

copies clearly marked by the District Attorney at no cost.

(F) The District Attorney shall immediately notify the Judge of the Court in which it is filed of the filing of a petition for determinate sentencing or certification as an adult. The County Clerk shall immediately bring to the Court the file when such cases are filed.

RULE 8.12

Submission of Judgments/Orders

All orders and judgments should be presented to the Court immediately following a hearing or trial by a Juvenile Court and in all events all orders and judgments must be submitted for the Courts' signature within fifteen (15) days from the date of the hearing unless otherwise specified by the Court.

RULE 8.13

Pre-Trial Conferences

Pre-trial conferences shall be held at such time as the Court shall specify.

RULE 8.14

Docket Settings

All cases shall be set on the docket as prescribed by the Courts.

RULE 8.15

Preferential Settings

Preferential settings on the contested docket shall be granted upon the Court's own motion or upon request only in the following cases:

1. those entitled to preferential setting by law;
2. those in which there are out-of-county parties or witnesses;
3. those in which evidence is presented that manifest hardship would be imposed upon any litigant if a preferential setting is not granted; or
4. those in which the juvenile is in detention.

RULE 8.16

Uncontested Matters

All uncontested matters shall be set and heard at times suitable to each Court.

RULE 8.17

Assignment of Cases for Trial

All assignment of cases for trial shall be set by each Court.

RULE 8.18

Appointment of Counsel

- (A) Counsel shall be appointed by the court as required or needed.
- (B) **Rule 6.13 -- Appointment of Counsel**, as provided in these Rules for appointment of counsel in criminal cases, shall govern in the appointment of counsel in juvenile matters for so long as there is no conflict with the Texas Family Code.

RULE 8.19

Withdrawal or Substitution of Counsel

(A) All motions to withdraw as attorney in charge in a case, whether appointed or retained, must be signed by the attorney and, unless good cause is shown, approved in writing by the client and at least one parent or guardian. All motions for substitution of retained attorneys must be signed by the attorney seeking to withdraw and the attorney seeking to be substituted and the client and least one parent or guardian.

(B) Granting of motions permitting change in representation shall not be grounds for a continuance.

(C) Appointed attorneys may be withdrawn or substituted on the Court's own motion.

RULE 8.20

Continuances -- Resetting/Postponement

(A) Continuances in a case shall require the consent of the Court. All parties to a suit who desire a continuance prior to the date set for hearing shall reduce their request to writing and submit such request to the Court for approval. It shall be the responsibility of the party requesting the continuance to also request a new hearing date mutually agreeable to all parties, and include the desired new hearing date in the request for continuance.

(B) Cases may be continued and reset on the Court's own motion.

RULE 8.21

Stipulations

Stipulations may be made and accepted with the Court's approval.

RULE 8.22

Jury/Non-Jury Trials

These Rules are applicable to both jury and non-jury cases.

RULE 8.23

**Time Standards for the
Disposition of Juvenile Cases**

(A) **Detention Hearings**

The initial detention hearing shall be held within 48 hours following admission to any detention facility unless same falls on a weekend or holiday, in which event it shall be held on the next business day of the Court. Detention hearings thereafter shall be set by the Court in which the case is pending to meet the requirements of the Texas Family Code. Detention hearings may be waived in writing, signed by the juvenile and his attorney with approval of the Court. Probable cause to detain may be stipulated in writing, signed by the child and his attorney with approval of the Court.

(B) **Adjudicatory and Transfer (Waiver) Hearings**

- (1) Concerning a juvenile in a detention facility: Not later than thirty (30) days following admission to such a facility, except for good cause shown of record, a pre-trial conference may be conducted by the Court.
- (2) Concerning a juvenile not in a detention facility: Not later than thirty (30) days following the filing of the petition, except for good cause shown of record, a pre-trial conference may be conducted by the Court.
- (3) Disposition hearings shall be held not later than fifteen (15) days following the adjudicatory hearing. The Court may grant additional time in exceptional cases that require a more complex evaluation.
- (4) Nothing herein shall prevent a judge from recessing a juvenile hearing at any stage of the proceeding where the parties are agreeable or when in the opinion of the Judge Presiding in the case the best interest of the child and of society shall be served.

RULE 8.24

Complex Cases

It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

RULE 8.25

Appearance of Parties and Counsel

The attorney or substitute designated is required to be present to answer all docket calls pursuant to Rule 12.11(J). The juvenile and at least one parent or guardian is to be present at each docket call.