

Administrative Emergency Order

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In the 98th District Court
Sitting as a Juvenile Court
Travis County, Texas

Filed in The District Court
of Travis County, Texas

APR - 8 2020 JM

At 2:33 P.M.
Velva L. Price, District Clerk

**Standing Order Regarding Procedures for Remote Juvenile Court Hearings
During the COVID-19 Public Health Emergency**

On this date, the Court sitting as the Juvenile Court enters this Standing Order Regarding Procedures for Remote Juvenile Court Hearings During the COVID-19 Public Health Emergency.

The Court finds that given temporary changes in the handling of juvenile court proceedings in accordance with the recommendations of the Texas Office of Court Administration, the First and Third Emergency Orders Regarding the COVID-19 State of Disaster issued by the Supreme Court of Texas and the Court of Criminal Appeals of Texas, as well as the disaster declarations issued by Travis County officials and the Governor of the State of Texas, this order concerning procedures for remote juvenile court hearings is necessary and the following procedures are therefore ORDERED. This order is intended to supplement this Court's First Amended Order Regarding Court Proceedings in Response to COVID-19 Emergency, which remains in full force and effect.

- 1. General Procedures for Remote Hearings.** Travis County Juvenile Courts will conduct remote hearings by Zoom video or telephone conference in appropriate cases during the COVID-19 pandemic. Any requests for an in-person hearing during the pandemic will be considered, but are likely to be postponed pursuant to the current Emergency Orders. Matters may also be considered by the Court on submission via email with inclusion of all parties and the probation representative.

These Procedures are in addition to the Texas Rules of Civil Procedure, Texas Rules of Evidence, Travis County Local Rules, and the Court's instructions during the hearing, all of which are applicable in remote hearings. **Violations of these Procedures may be punishable by contempt of court.**

- 2. Communications with the Court.** All communications regarding scheduling a hearing should be directed to the appropriate clerk for each court;
 - **Joyce Machado for Judge Rhonda Hurley, 98TH District Court;**
 - **Tina Chandler for Associate Judge Ami Larson;**
 - **Rebecca Hampford for Associate Judge Bradley Temple;**
 - **Therese Aguirre for Associate Judge Texanna Davis.**

When requesting a setting you must notify the clerk of your time estimate for the hearing and any request for a court reporter.

3. **Videoconferencing.** The Court will utilize Zoom videoconferencing. It is free to download at <https://zoom.us>, or you can download the app directly to your mobile phone. To participate in the meeting or hearing no account need be created. Please ensure your computer or mobile phone has working internet access, video camera, and microphone or headset with microphone. If you do not have a computer a phone number will be provided for you to participate by phone.
4. **Hearing Link Emailed.** A separate meeting will be created for each hearing. The Court will email the hearing participants an invitation with a link (and possibly a password) to the Zoom hearing. It is the responsibility of the probation officer to ensure that parents of the respondent are provided a copy of the invitation with instructions on how to join the meeting to participate. If the victim wishes to attend the hearing, it is the responsibility of the state's attorney to provide the copy of the hearing invitation with instructions on how to join the meeting. For any contested hearing, it is the responsibility of the attorneys to provide to the witnesses they intend to call notice of how to join the Zoom hearing. Only counsel, the parties, and witnesses for a contested hearing shall be provided the Zoom link and permitted to attend the Zoom hearing. No one shall forward a zoom hearing invitation to anyone unless expressly authorized in this order or permission of the court is requested and granted in advance.
5. **Exhibits.** If you intend to offer any exhibits during the hearing, you must email an exhibit list and the exhibits to all parties and the Court at least 24 hours in advance of the hearing, and you must:
 - Ensure that you pre-mark your exhibits in numerical order notating the appropriate title of 'State' or 'Respondent'
 - Each exhibit must be saved separately in PDF format.
 - The pages of each PDF exhibit must be separately numbered so that the Court can quickly access specific pages of each exhibit.
 - The Court will not consider any exhibits not provided to the Court and other parties at least 24 hours before the hearing. If you fail to follow this requirement, the Court will not consider the exhibits, absent good cause, and the court reporter will not maintain these documents in the record.
6. **Other Materials.** Non-evidentiary materials, including demonstratives, affidavits and summaries of the evidence, etc. and/or case law for the judge's reference should be **emailed to the Court and other parties at least two hours before the hearing.** Regarding court summaries prepared by juvenile probation, the court will not review those prior to any contested adjudication but may review them ahead of a full plea or a plea on adjudication followed by contested disposition.
7. **Test Your Setup.** Prior to the hearing, you should test your internet connection, camera, and microphone with Zoom through a test meeting at <https://zoom.us/test>.
8. **During the Hearing.**

- **Wear Appropriate Attire.** Although the hearing is conducted remotely, the Court expects participants to dress appropriately. Attorneys are expected to wear appropriate business attire while others may wear business casual clothing.
 - **Speak One at a Time.** During the hearing, participants must speak one at a time and pause prior to speaking, in case there is any audio/video lag, and so that the court reporter can make a clear record.
 - **Use Mute When Not Speaking.** Participants must mute themselves when not speaking in order to avoid any potential background noise.
- 9. Public Access to Remote Court Proceedings.** The Court finds that it has authority under numerous federal and state statutes to limit public access to juvenile proceedings, specifically including, but not limited to, Tex. Fam. Code § 54.08(a) that states “the court shall open hearings under this title to the public unless the court, *for good cause shown*, determines that the public should be excluded.”

Nothing in this order shall prohibit any victim or the victim’s family from personally attending and participating in any juvenile hearing, absent exceptions set forth in Tex. Fam. Code § 54.08(b), and subject to the existing orders of the Court and county and federal disaster declarations.

- 10. Livestreaming.** All juvenile hearings will be available to the public through livestreaming on YouTube subject to Fam. Code Sec. 54.08. At the beginning of the livestream hearing the court will take up any request raised by counsel (setting out specific concerns) that a finding be made that “the court, for good cause shown, determines that the public should be excluded.” Any party requesting the court close all or part of a hearing to the public shall submit a written request to the court and all parties at least two hours before the start of the hearing. The request shall include the portion (s) of the hearing sought to be closed and specific reasons therefore. Opposing counsel shall file any objections, if any, at least 30 minutes before the start of the hearing.

Depending on the age of the child at the time of the hearing, the court will apply the balancing standards set forth in Tex. Fam. Code subsections (a) and (c). Due to the sensitive and confidential nature of juvenile court proceedings, the court reserves the right to find good cause for these hearings not to be live streamed on the internet given the numerous federal and state statutes and regulations that mandate protection of and confidentiality for juvenile information and records, including protected and confidential images of a juvenile. In addition, the court may consider evidence of whether the live streaming of juvenile proceedings could potentially place the juvenile or the victims in danger. All findings in this regard shall be stated on the record while livestreaming.

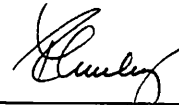
- 11. Public Posting of dockets.** On days when detention hearings, adjudications, dispositions, modifications or contested hearings or trials are set the dockets shall be posted on the Travis County Juvenile website at <https://www.traviscountytexas.gov/juvenile-court> by the child’s initials, date and time of the hearing, the type of setting, and the court to which the case is assigned along with that court’s You Tube URL link. Dockets will be posted by 3:00 p.m. on the Thursday preceding the week the cases are set. This shall not apply to any emergency hearing or detentions hearings that are set on short notice and in that event the case will be added to the docket as soon as practical.

12. Attorney Access to Video Recordings of Detention Hearings. Detention hearings conducted by interactive video recording shall be recorded pursuant to Tex. Fam. Code § 54.012. An attorney for the child may obtain a copy of the video recording on payment of the reasonable costs of reproducing the copy by making a written request by the 91st day after the date of the hearing if the alleged offense is a misdemeanor and by the 120th day after the date of the hearing if the alleged request is a felony. The attorney for the child seeking a copy of the video recording of the detention hearing should email the request to Chris Hubner, General Counsel, TCJPD via email at Christian.Hubner@traviscountytexas.gov. Video recordings of detention hearings will be deleted if the attorney for the child does not make a request for a copy of the recording by the 91st/120th day after the date of the hearing.

WARNINGS: VIOLATIONS OF THESE PROCEDURES ARE PUNISHABLE BY CONTEMPT OF COURT.

- **VIDEO OR AUDIO RECORDING OF ALL OR ANY PART OF A HEARING BY ANYONE OTHER THAN THE OFFICIAL COURT REPORTER IS EXPRESSLY PROHIBITED.**
- **ANY PERSON WHO RECEIVES A ZOOM INVITATION IS PROHIBITED FROM DISSEMINATING THE LINK TO ANYONE OTHER THAN THOSE LISTED HERE AND ARE FURTHER PROHIBITED FROM POSTING THE LINK ON ANY SOCIAL MEDIA ACCOUNT OR OTHER PUBLIC FORUM OR WEBSITE.**

SIGNED on April 8th, 2020.



RHONDA HURLEY
Judge, 98th District Court
Juvenile Court
Travis County, Texas