



Honorable Cheryll P. Mabray
Associate Judge, Child Protection Court
of the Hill Country
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Llano, TX 78643

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FILED FOR RECORD
At 8:11 O'Clock AM

MAR 20 2023
Sonya Scott
SONYA SCOTT County & District Clerk
Wills County, Texas

Cheryll.Mabray@txcourts.gov

March 17, 2023

Re: Final Supreme Court General Emergency Order; Amended TRCP 21d

To: Attorneys Practicing before the Child Protection Court of the Hill Country, DFPS, & CASA

The Supreme Court of Texas issued its final emergency order that expired March 1, 2023. Additionally, the Supreme Court amended Rule 21d of the Texas Rules of Civil Procedure. You may find these at: www.txcourts.gov/court-coronavirus-information/emergency-orders/ Based on a recent meeting of the Presiding Judges, the following procedures are put in place.

Child Protection Courts have been directed to return to court in-person. Pursuant to Amended Rule 21d of the Texas Rules of Civil Procedure, electronic proceedings may continue but will require the agreement of the parties. The Court recognizes the convenience of electronic proceedings for all parties and will continue to allow the parties to do so subject to the below requirements.

1. Beginning April 1, 2023, the Court will appear in-person with some exceptions.
2. While the parties and litigants may continue to appear remotely, pursuant to Amended Rule 21d it is the responsibility of the parties to **agree in writing (see attached Rule 11) to appear by electronic means and file said Rule 11 agreement with the Court not less than ten days prior to any hearing** for which an agreement to appear by electronic means is not **already on the record** from a previous Court proceedings.
 - a. Hopefully, once this procedure has been in effect for awhile, most agreements will be on the record and obtaining written agreements should not be necessary.

- b. Any intervening parties or newly appointed or retained counsel must be included in the agreement for electronic proceedings for future Court proceedings.
- c. Any party may file the agreement, but in the absence of agreement, the Petitioner must file it. For unknown fathers and/or parties that have not been located or served, the parties may include in their agreement what efforts have been made to obtain the agreement of a non-responsive party.
- d. There will be no exceptions. If ALL PARTIES do not timely agree to the electronic proceedings and file the Rule 11 agreement with the Court ten days prior to the hearing, the Court proceeding is presumed to be in-person and ALL PARTIES shall be required to appear in-person. The in-person hearing could be reset at the Court's convenience. Further, certain cases may require an in-person appearance at the Court's discretion.
- e. There will be no hybrid hearings.
- f. As prior to the COVID-19 Pandemic, permission for a party or witness to appear by phone must be obtained from the Court PRIOR to the day of the Court proceeding and will only be granted in limited circumstances due to unique hardship.
- g. A prosecutor or a representative of the prosecutor's office must attend Court in-person to assist with local technology and to present the orders at the end of each hearing for the Court's approval.

New cases and special settings will be at the Court's convenience and may occur at a location within this Court's judicial district. Further, some limited circumstances exist that require the Court to appear electronically. These Court proceedings will be live streamed on YouTube at www.youtube.com/@judgecheryllmabray5455. A few days in advance of each Court date, the Court dockets will be updated on cpdockets.txcourts.gov, Child Protection Court of the Hill Country. The dockets will list each case and a time each will be heard. All hearings will be heard on the reoccurring Zoom court link <https://txcourts.zoom.us/j/92954537610>. Attorneys are responsible for notifying their clients of the docket information, the rules of the Court and the zoom link to insure their attendance and compliance.

Please remember this is a work in progress and feel free to email the Court with any questions or concerns you may have. The Court will evaluate this practice after sixty days and will make changes if needed. As always, thank you for your support and all you do to serve the children and families of our counties.

Sincerely,

Cheryll Mabray
Judge
Child Protection Court of the Hill Country