

# **MONTGOMERY COUNTY RULES OF ADMINISTRATION FOR JUVENILE CASES**

## **Purpose**

The primary purpose of the Rules of Administration for Juvenile Cases is the management of the court dockets sensibly, efficiently and fairly. These rules are to be an aid to the just disposition of cases without unnecessary delay or expense.

## **Authority**

These Rules of Administration for Juvenile Cases are made pursuant to Texas Government Code Section 74.093 and Texas Rules Civil Procedure Rule 3a.

## **Definitions**

“Juvenile Trial Court” shall mean County Court at Law Number Six of Montgomery County that has been assigned all cases filed pursuant to Title 3 of the Texas Family Code according to a written Order of Assignment signed by the Administrative Judges of the District Court and the County Courts at Law and filed with the District Clerk.

“Juvenile Trial Judge” shall mean the Presiding Judge of County Court at Law Number Six of Montgomery County.

## **Rule 1**

### **General**

**1.1 Application:** These rules shall be applicable to all juvenile cases filed in the Juvenile Trial Court. These Rules and their subparts are adopted in order to achieve the time standards of Rule 6 of the Supreme Court Rules of Judicial Administration, as well as to meet the requirements set forth in the Supreme Court Rules of Judicial Administration.

**1.2 Severability:** Each numbered or lettered paragraph of these Rules of Administration for Juvenile Cases shall be considered to be separate and distinct from all other portions hereof. If any portion should be declared by a higher court to be improper, such declaration will not affect any other portion not declared to be improper.

**1.3 Court Sessions:** For detention hearings, the Juvenile Trial Court shall hold court in accordance with Section 54.01(a), Texas Family Code. For all other juvenile matters, the Juvenile Trial Court will hold court at least once a week in Montgomery County, unless otherwise directed by the Juvenile Trial Judge.

**1.4 Absences:** The Juvenile Trial Court will coordinate to ensure continued court operations when the Juvenile Trial Judge is absent due to vacation, sick leave, attendance at educational programs, and other similar matters.

**Rule 2**  
**Exchange of Cases**

The courts may at any time exchange cases and benches to accommodate their dockets or to expedite the court's trials.

**Rule 3**  
**Previous Judgments or Filing**

Any claim for relief based upon a previous judgment in a juvenile matter shall be assigned to the Juvenile Trial Court.

**Rule 4**  
**Consolidation of Cases**

A motion to consolidate cases shall be heard by the Juvenile Trial Court. If the motion is granted, the Juvenile Trial Court will determine the consolidation of the case and what number, the higher or lower cause number, will be given to said case.

**Rule 5**  
**Severance**

Unless otherwise specified in the order of severance, if a severance is granted, the new juvenile case will be assigned to the Juvenile Trial Court and the clerk of the court will assign a new file date and a new cause number to the now severed case.

**Rule 6**  
**Presiding For Another Judge**

In all cases where a judge presides for another court, the case shall remain pending in the original court; however, the judge of the court shall file a designation of presiding judge in the matter and the clerk of court shall reflect the name of the presiding judge in the case filing system.

**Rule 7**  
**On-Call Status for Emergency or Exigent Matters**

The Juvenile Trial Judge shall be the on-call judge for all juvenile matters and the litigant shall contact the Juvenile Trial Judge initially. If it is anticipated that the Juvenile Trial Judge will be unavailable, then the Juvenile Trial Judge shall arrange for an on-call judge to handle emergency or exigent matters during the absence. However, if there is an unforeseen unavailability of the Juvenile Trial Judge, then the litigant shall contact the Administrative Judge for the County Courts at Law of Montgomery County for consideration of the emergency or exigent matter.

**Rule 8**  
**Clerk Transfer of Cases**

The Juvenile Trial Court recognizes that at times a case may be misfiled by the District Clerk to the wrong Court, contrary to Statute, Local Rules, Case Allocation Orders, Standing Orders or any other such Administrative Orders issued by the Board of Judges. If citation in the misfiled case has not issued, the District Clerk shall automatically transfer any such misfiled cases to the proper Court in accordance with the proper statute, rule, or order.

**Rule 9**  
**Guardians *Ad Litem* and Attorneys *Ad Litem***

9.1 **Guardian *Ad Litem* Appointments:** When it is necessary for the Juvenile Trial Court to appoint a guardian *ad litem*, the Juvenile Trial Court will appoint independent counsel from the list maintained by the Director of the Office of Court Administration as applicable to the particular case.

9.2 **Guardian *Ad Litem* Payment:** A guardian *ad litem* wishing to apply to the Juvenile Trial Court for fees shall make an appropriate fee request with a proposed order.

9.3 **Attorney *Ad Litem* Appointments:** For appointment of an attorney *ad litem*, refer to the Local Rules of Montgomery County for the Timely and Fair Appointment of Counsel for Indigent Defendants in Juvenile Proceedings.

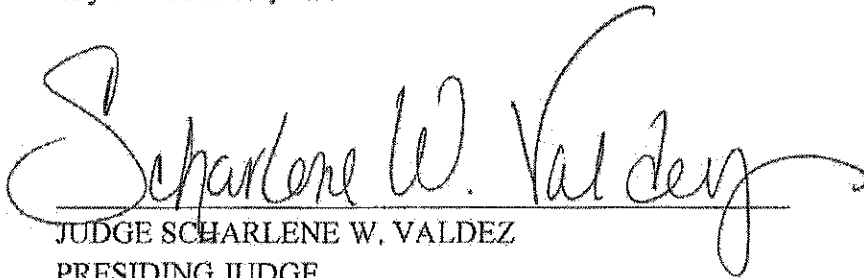
**Rule 10**  
**Adoption, Approval and Amendment of These Rules of Administration for Juvenile Cases**

10.1 **Adoption:** These Rules of Administration for Juvenile Cases are adopted by the Juvenile Trial Judge for all purposes and shall become effective immediately after posting in

conformity with Texas Rule of Civil Procedure 3a, and so log thereafter until amended, repealed, or modified by the Juvenile Trial Judge.

10.2 **Recordation:** The District Clerk and County Clerk are directed to record these Rules of Administration for Juvenile Cases in the Juvenile Minutes of all of the District Courts and County Courts at Law of Montgomery County, Texas, and all additional District Courts and County Courts at Law of Montgomery County, Texas, thereafter created.

These Montgomery County Rules of Administration for Juvenile Cases for the District Courts and the County Courts at Law of Montgomery County, Texas are adopted and approved this the 20th day of December, 2022.

A handwritten signature in cursive script that reads "Scharlene W. Valdez". The signature is written in black ink and is positioned above a horizontal line.

JUDGE SCHARLENE W. VALDEZ  
PRESIDING JUDGE  
COUNTY COURT AT LAW NUMBER SIX