



312TH JUDICIAL DISTRICT COURT HARRIS COUNTY, TEXAS

POLICIES AND PROCEDURES APPOINTMENT OF AD LITEM ATTORNEYS PARENTAL TERMINATION PROCEEDINGS

Effective immediately, this Court institutes the following payment guidelines and procedures pertaining to the appointment of ad litem attorneys to represent both children and indigent parents in Chapter 161 termination proceedings filed by the Texas Department for Family and Protective Services (TDFPS). *See generally* TEX. FAM. CODE §107.015.

The Court directs the Harris County District Courts' Administrative Office (DCA) to immediately publish these policies and procedures by posting them on the 312th District Court's official website.¹ DCA is also directed to immediately publish the current list of approved ad litem attorneys for the 312th Judicial District Court by posting said list on the Court's official website as cited below.

PROCEDURE

- (1) If the Court determines that it is necessary to appoint an ad litem attorney in a termination proceeding filed by TDFPS,² it will direct the court staff to present the Court with the name of an attorney selected at random from the 312th District Court's approved ad litem list through the procedures addressed in the following paragraph.
- (2) The published ad litem list (as of the date of the determination of the requirement) will be processed through a randomization engine integrated as part of the Harris County District Court's **Fair Defense Act Management System (FDAMS)** as to **EACH AND EVERY** appointment and this randomly selected name will be appointed by the Court.

¹ The url for the 312th District Court's official website is
<http://www.justex.net/Courts/Family/FamilyCourt.aspx?crt=59>

² All appointments will be made pursuant to Chapter 107 of the Texas Family Code.

EXCEPTIONS

Cognizant of its responsibilities to appoint case-appropriate ad litem attorneys, the Court expressly excludes from this randomization process the appointment of amicus attorneys for private termination/adoption proceedings and non-TDFPS related contested SAPCR proceedings.

The Court notes that in certain TDFPS cases that there may be a requirement for an attorney ad litem with specialized qualifications and skill sets (i.e. Spanish speaking; experience in criminal defense work; etc.) and, in those specified cases, the Court may, in the best interests of the child(ren) or to ensure the protection of Constitutional Due Process considerations for an indigent party, make appointments outside the randomized selection system from **The Fair Defense Act Management System (FDAMS)**. See TEX. GOV'T CODE §21.001.

PAYMENT GUIDELINES

- (1) Each attorney submitting a voucher for payment by the county for out of court hours shall include the Court's form attestation that the claimed billable hours do not include staff support time or billable hours for an attorney other than the appointed ad litem.
- (2) The Court may make exceptions in exigent circumstances to the requirement that out of court hours do not include staff support time or billable hours for an attorney other than the appointed ad litem and those exceptions will be annotated by the Court on the same attestation form.³
- (3) Failure to submit this attestation form by the attorney may be grounds for denial of payment by the Court.
- (4) Failure to submit a voucher for the payment of a ***court appearance*** within ***48 hours*** of a particular Court date may be grounds for denial of payment by the Court.
- (5) Failure to submit a voucher for the payment of ***out of court hours*** outside of ***120 days*** from the date of any dated entry for out of court billing hours may be grounds for denial of payment by the Court.

AD LITEM LIST APPLICANTS

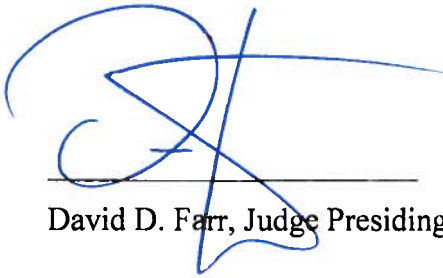
The Court has the discretion to add new attorneys to the list of attorneys approved to receive ad litem appointments, if the applicant provides the Court with written proof that the attorney has previously obtained (a) a minimum of 12 hours of CLE credit in Texas family

³ The Court's attestation form may be found and downloaded from the 312th District Court's official website.

law child issues and (b) a minimum of 5 hours of CLE credit directly related to either attorney ad litem appointments or TDFPS litigation.⁴

The Court **ORDERS** the Harris County District Clerk to file this Order in the Court's General Minutes.

Signed this 24th day of September, 2014.



David D. Farr, Judge Presiding

⁴ These CLE requirements are initial requirements and **not** an annual certification requirement.

Name
Abraham, Jetty
Adams, Tammy
Aguirre, Cindy
Arteaga, Laura
Avalos, Claudia
Barletta, Natalie
Boudreaux, Rogers
Brupbacher, Allyson
Buck, Chris
Burg Magouirk, Angel
Canales, Claudia
Carroll-Curtis, Tiffany
Charette, Robbie Gail
Coleman, Cheryl
Contreras, Ricardo
Cusic, Dessiray
Ehni, Courtney
Elizondo, Terry
Everson, Donna
Farias, Leo
Frase, Anna
Frase, Scott
Frazier, Steven
Fuentez, Sandra
Glick, Evan
O Gutheinz, James
Haggar, Lauren
Heintschel, Jeff
Hughes, Heather
Jones, Jaclyn
Kerelegon, Dorita
Kersh, Shane
Ketterman, Julie
Leal (Hudson), Rachel
Longino, Tristan
Magdaleno, Anthony
McAlister, Sean
McFerren, Eric
Millard, John
Momberger, Emily

Nudelman, Karen
Perez, Amy
Phea, Angela
Ramirez, Barbara
Ramirez, Karina
Ramirez, John
Romero, Jorge
Ross, Emily
Schwartz, John
Scott, Darryl
Segura, Patricia
Slate, Dennis
Slimms, Danielle
Smith, Jacqueline
Sydow, David
Taylor, Terisa
Tipsword, Geric
Weiss Schaffer, Joann
Wilson, Tasha
Wohlfahrt, Kristi
Young, Bobbie

Cause No. _____

Attorney Name: _____

In submitting this voucher I swear that I have billed only for time incurred by me personally unless I have received court authorization either previously or at the hearing (in that event then see the finding below) to have an associate or alternate attorney perform the task for which the billing is submitted.

Signature of Attorney: _____

Date of Submission: _____

In the **alternative** to the above attestation, the court hereby makes a finding that:

- ☐ The court hereby approves billable time to be paid for an associate or alternate attorney to have appeared at the court hearing conducted on _____ in place of the appointed attorney ad litem due to exigent circumstances as determined by the court;
- ☐ The court hereby approves billable time to be paid for an associate or alternate attorney to have appeared at the PMC hearing or non-judicial meeting conducted on _____ in place of the appointed attorney ad litem due to exigent circumstances as determined by the court.

Signed on _____ hereby approving the substituted appearance as per the finding above.

Presiding Judge, 312th District Court