

MEMORANDUM

To: All counsel in CPS cases, CASA and guardians *ad litem*

CC: Craig Towson, Judge Presiding, 43rd Judicial District Court

Jerry Buckner, Judge Presiding, County Court at Law No. 1

Lynn Johnson, Judge Presiding, County Court at Law No. 2

From: Graham Quisenberry, Judge Presiding, 415th District Court

Date: 3/25/2020

Re: COVID-19 management for CPS cases

In view of current health concerns regarding the communicable virus and in response to some inquiries regarding parent-child possession and access in "CPS" cases the judges in Parker County currently take the position as set forth herein.

Existing court orders are not modified or superseded by any local standing order, nor by edict from any governmental authority. Regardless, the presiding judges are aware of the unusual circumstances and resulting cautions in place. Currently, all pending pre-termination cases have existing parent-child relationships between parents and their children. In light of public policy promoting reunification of parents and children, possession and access between parents and children should fundamentally continue as scheduled and structured. As would be the case in any "normal, non CPS" situation, health risks may be considered, that is, affected parties may choose to avoid physical contact depending upon their individual circumstances. In those cases, access should be facilitated by electronic means. We consider the Texas Department of Family and Protective Services ("the Department") to be responsible for supplying access to the child(ren) while it is the responsibility of the parent(s) to gain access through the method set up by the Department.

Whether parent-child physical contact shall occur will be determined by the Department in consultation with the lawyer and guardian *ad litem* for each affected child. We encourage the analysis of each circumstance be similar to what would apply

to any parent-child contact wherein there is not a court case. A reasonable balance should be struck between potential health hazards and the best interest of the child (realizing young children are deemed an "at risk" group) that would result from in-person contact with a parent. The presence of CASAs, guardians *ad litem*, and lawyers during visits (whether by remote or in-person means) is up to the discretion of those people, realizing that visits are monitored in normal circumstances, anyway. Of course, while occasional "missed" visitations are not necessarily a severe detriment to a child's best interest, long-term missed visits could have a negative impact, and we do not yet know how long our public health crisis will continue, so this should be considered as time passes.

We encourage cooperation and patience with this issue. The courts will be reasonably available for assistance in extraordinary circumstances and these guidelines could change as time passes or circumstances warrant. The dedication of all involved in these cases is appreciated.

You may refer to the 415th District Court webpage (see link below) for this memorandum and all COVID-19 memorandums and other directives.

<https://www.parkercountytx.com/460/Docket-and-Case-Management---COVID-19>