



Jerry J. Esmond Juvenile Justice Center

Office of the Juvenile Referee
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LOCAL POLICIES AND PROCEDURES FOR THE GALVESTON COUNTY JUVENILE JUSTICE COURT

- 1. General Information concerning Hearings:** An attorney-of-the-month or the attorney retained by the child's family shall be present at *all* hearings (Monday-Friday). *The afternoon docket call for adjudication and disposition hearings shall begin promptly at 2:00 p.m. however, the Attorneys-of-the-Month are expected to be present for detention hearings which will begin promptly at 1:00 p.m.* The District Attorney's office will have an attorney present everyday **except** Thursday. The District Clerk's office will not be present in Court on Thursdays, either but the Court may accept filings of such matters as Directives to Apprehend, Violations of Probation, etc.)

If a child is detained on Thursday, whether at a detention hearing or at a compliance hearing, the child shall be put on the Friday docket and brought before the court again, when the DA is present. This is to insure that charges are actually being filed on the child at which time the Court will reconsider whether the child can be released from detention.

Compliance Hearings: Compliance Hearings will be held each Thursday, unless an official holiday is scheduled, pursuant to the calendar set by the Galveston County Commissioner's Court. Compliance Hearings shall be set by the Court at the time of each adjudication hearing (except for County Court No. 2 - Judge Dibrell handles compliance hearings for his court and sets them on his docket - usually on a Wednesday morning). The Juvenile Probation Officers may also set a compliance hearing for a child through the Court.

Probation Officers should check the orders for the child to insure they are aware of the date and time for the compliance hearing. They are usually set Thursday of the sixth week following the date of the adjudication/disposition hearing. Compliance hearings for children/parents/guardians who require an interpreter will be set on Wednesday afternoons at 4:00 p.m. Only the Court and/or the probation officer may cancel a compliance hearing. Probation officers should notify the Court via email at Kathryn.Lanan@co.galveston.tx.us or Mary.Piper@co.galveston.tx.us. Compliance hearings will not be added to the docket unless the file is sent to the court with the request. Probation Officers have been advised to

notify the child's attorney of record if a compliance hearing is being set during a period of time that the child has an active pending petition.

Detention Hearings: Detention Hearings will be held Monday through Friday, as needed, except for official holidays as set by the Galveston County Commissioner's Court each year. **Hearings shall begin at 1:00 p.m.** The attorneys-of-the-month shall appear at 1:00 p.m. and shall advise juveniles during the Detention Hearings. Probable Cause determinations for children detained on weekends and/or holidays shall be held as mandated by the Texas Family Code.

If the child and parent/guardian are served with citation at a detention hearing, the parent/guardian will be requested to complete the financial affidavit (see attached) **before leaving the Juvenile Justice Center (JJC)** so that a determination can be made as to whether the child qualifies for a court appointed attorney or if the parent needs to retain an attorney to represent the child. If the child and parent/guardian are served, other than in court the financial affidavit will be attached to the petition and must be completed prior to the adjudication hearing. Attorneys should be aware that the adjudication hearing will not proceed until the Court has determined whether the child is eligible for the court appointed attorney or if the parents need to retain counsel for their child. If it is determined the family does not qualify for a court appointed attorney the case may have to be reset and/or attorneys fees to be reimbursed to the County as a condition of probation may be increased to reflect the family was not eligible for Indigent Representation of the child.

Adjudication Hearings (Pleas): Adjudication Hearings/Pleas shall be heard Monday, Tuesday, Wednesday and Friday of each week, except on officially scheduled holidays as set by the Galveston County Commissioner's Court. A general docket call will begin at 2:00.p.m. All attorneys, children and their parent(s)/guardian(s) are expected to be present when the docket is called.. Announcements by the attorney(s) requesting resets, jury trial settings before the referring court(s), Trial by Court before the Juvenile Referee and/or children being placed on Sanction Level 2 (deferred adjudication) shall be considered immediately following the general docket call so that those parties and attorneys can be dismissed to go about their business without further delay..

In addition, completed financial affidavits must be filed with the Clerk, prior to the case being heard, as noted above. The courtroom will then be cleared for confidentiality purposes and cases will be heard as the various attorney's complete the paperwork on their client(s) and present it to the Clerk.

2. **Forms:** A request has been made to put various forms onto the Juvenile Section of the County's website. Of particular importance due to some changes are the following forms:
 - a. **Financial Affidavit Concerning Indigent Status: Each and every parent/guardian shall complete the financial information prior to the first**

hearing and present it to the Clerk and swear to the truth and accuracy of it, before presenting it to the Court for a determination as to whether the juvenile's family shall be responsible for reimbursement to the County of a flat fee (currently set at \$100.00), actual hours billed by the Court Appointed Attorney at the County's hourly rate (currently \$65.00 per hour), or if the parent/guardian needs to retain counsel for the juvenile. Attorneys should be aware that failure to comply with this requirement will likely result in the hearing being delayed or reset while such determination is made by the Court. Whenever possible, the parent/guardian will be asked to complete the affidavit prior to release of the child from the detention center.

- b. Rules and Conditions of Probation:** Attorneys should review these provisions carefully with the child and the parent/guardian. Please have the child initial beside each provision that is a part of the proposed agreement for all pleas. Please be sure the child you represent and his parent/guardian is fully aware of the following issues related to the Rules and Conditions of Probation.

Restitution: If there is restitution that has not been resolved at the time of the adjudication hearing and that is subject to future litigation - please make that notation beside the appropriate paragraph before presenting the forms to the Court. ***Do not leave blanks on any provisions that apply to the child made the subject of the suit. Restitution shall be ordered paid in regular monthly installments over the period of time the child will be on probation minus two months, i.e., if the child is to be on probation for 12 months the restitution shall be ordered paid in 10 months.*** Restitution payments are to be made payable to the victim and should be paid in a separate money order made out to the victim. Payments are given to the Probation Officer who will forward same to the victim.

Reimbursement of Attorneys Fees: Similarly, reimbursement of attorneys fees, if appropriate, shall be ordered paid in equally installments over the child's period of probation minus two months.

Court Costs and Probation Fees: This fees should also be paid monthly and require a separate money order from payments for restitution and/or attorney's fees.

Community Service: These hours are scheduled in full seven (7) day periods. Each probation office is only given a set number of slots for their respective children and if the child does not appear, they may or may not be able to complete their community service hours during their original period of probation.

Child Support: Except under very unusual circumstances, i.e. a child in custody with CPS or a child who resides with a family member that does not actually have legal conservatorship of the child and there are no parents to assume parental responsibility, child support shall be assessed against the parents of any and all

children being placed outside their homes by the Galveston County Probation Department or being committed to the Texas Youth Commission. Child support will be accessed based upon the Texas Family Code Guidelines provisions and a Wage Withholding Order shall be entered.

Attorneys preparing to plea a child to placement should advise the parent/legal guardian aware of this policy prior to or during the completion of the necessary paperwork for the plea. The Court may also elicit testimony from the parent(s) to determine the amount of child support to be ordered.

- c. **Adjudication/Modification/Disposition Orders:** The proposed orders should be completed, in full, prior to presenting them to the Court for entry. **Do not leave anything blank except the date for the Compliance Hearing.** Please circle the appropriate references to who is appearing with the child (mother/father/guardian/ad litem - whatever) and be sure to correctly spell the name of the District Attorney handling the case and insert the name of the person to whom the child will be released following the hearing, as well as the attorney's name.
- d. **Request for Trial by Court / Jury Trial:** Copies of the request form are available to the attorneys and District Attorney in the black file box near the Detention Center door of the Courtroom. Please complete the form, as soon as possible, and advise the court of the request so that the child and family of that case can be dismissed immediately following docket call. The attorneys and family will need to approach the Court before being released so that all parties can be admonished of their duty to return upon notice **from the attorney** of the trial date and confirmation that the Financial Affidavit has been completed and filed with the Court, unless the attorney has been retained for the child. The Trial Request cannot be forwarded to the Court without a determination of whether the child qualifies for a court appointed attorney to proceed.
- e. **Waiver of Fees and/or Community Service by the Court:** Some minor modifications have been made to this form used primarily by Probation Officers. It should be available on the website in the near future. Copies are available from the Court, at this time. Please be sure to include an explanation for the requested relief.
- f. **Attorney Pay Voucher:** Changes have been made to this form. It should be completed on the Attorney's last appearance during their appointment month and presented to the Court for approval and signature. A copy will be kept at the court. The attorney is responsible for submitting the voucher to Auditing for payment. (See additional information below.)
- g. **Order of Release with Conditions:** This form has changed significantly. Please note that it is, in fact, an **Order** rather than just a statement of conditions. This was

done to support the probation officers and make clear to both the children and their parents/guardians that they may be subject to a directive to apprehend, additional time in detention and/or contempt for failure to comply with the conditions of release. If you have a child on probation that is released from detention pending an adjudication of violations of probation or a new offense, please check with Matthew Herring if you do not receive a copy of this Order for your file.

2. Duties of Court-Appointed Attorney(s) of the Month

- a. **Prior to the First Setting of the Case before the Juvenile Court.** Court-Appointed Attorneys of the month are expected to review the Court's file and the file maintained by the Galveston County District Attorney's Office. (NOTE: Staff members from your office may **not** view confidential juvenile files on your behalf - ***Do Not Even Ask!***)
- b. **Initial Contact with Clients, Prior to the first Setting of the Case:** Court-Appointed Attorneys are expected to at least attempt an initial contact with their clients prior to the first setting and to determine whether the case can be ready to proceed at the first setting. If there is a need for additional discovery, evaluations or other matters to be completed before the case can proceed, attorneys may request a reset prior to the hearing. This will avoid parents and juveniles having to appear in court for the sole purpose of a reset date. The need for a reset shall be discussed with opposing counsel (Assistant District Attorneys) prior to approaching the Court for a reset date. Any and all resets shall be made only by the Court and/or Court Coordinator, Matthew Herring and will require a Motion for Continuance or at a minimum a letter from the attorney to the court requesting the reset. It shall be the responsibility of the attorney to notify, in writing, the Galveston County District Attorney, Galveston County District Clerk and the child and his family of any resets and their duty to appear on the new date. If the reset is done while the parties are present, they shall be sworn to reappear. **If the reset is done via a written request from the attorney, the defense attorney shall notify the child and parent(s)/guardian(s), in writing of the new date and advise that the child will remain subject to a Directive to Apprehend and the parent/guardian to a Writ of Attachment if they fail to appear on the new hearing date.**
- c. **Completion of All Forms prior to Pleas:** The court will assure timely completion of Financial Affidavit(s) by parents/guardians of the child as noted above. It will be helpful and avoid delays if the attorneys and/or probation officers will inquire as to whether the parent/guardian has completed the affidavit and been notified if their child qualifies for a court appointed attorney.

Review and have initialed by the child, the Rules & Conditions of Probation, as noted above under **Forms**.

Review and complete the Orders related to the child's adjudication/disposition prior to presenting them to the Court (see details above under **Forms**)

3. **Dress Code:** A part of teaching the juveniles to respect the Court is achieved by presenting ourselves as professionals. Attorneys and probation officers are role models. It is difficult to enforce appropriate dress code with the juveniles and parents/guardians if we, as the adult role models, are not subject to the same standards.
 - a. **General Rule: For juveniles, parents/guardians: No tank tops; no bare mid-riff tops; no shorts, no hats; Shirts should be tucked in; and pants should be worn at the waist, preferably with a belt :-)**
 - b. **Female Attorneys and Staff:** No blue jeans shall be worn in the Courtroom during hearing(s) or trial(s), except for Detention Officers who are required to accompany juveniles into the courtroom due to a lack of staff or extraordinary circumstances, no shorts or **short** capri pants (just above the ankle is acceptable but not preferred), and no tank tops, etc. . An "official" Juvenile Justice Center shirt may be worn with slacks **or** skirts.
 - c. **Male Attorneys and Staff:** A shirt and tie or shirt and jacket shall be worn during court hearings and/or trials. An "official" Juvenile Center shirt may be worn by staff members. Blue jeans are acceptable in the courtroom, even during hearings and/or trial(s) for Detention Offices who are required to accompany juveniles into the courtroom due to lack of staff or extraordinary circumstances.
4. **Pay Vouchers:** Attorneys shall complete their pay requests on the last day of their respective assignments for the month. The number of appointments shall be verified with the Court's record prior to submission to the Juvenile Referee for signature. Once the voucher has been approved and signed by the Court, it is the responsibility of the attorney to present it to auditing for payment. A copy shall be maintained by the Court.
5. **Violations of Probation:** Probation Officers are requested to file a violation of probation request with the District Attorney's office as soon as possible after determining that the child is not in compliance and that a modification needs to be filed. (**NOTE:** The DA needs to be able to screen new charges and requests for modification petitions in time to file the petition and request service from the District Clerk's Office by 10:45 a.m. Please, do not procrastinate about getting the request to the DA. They need time to screen and file the Petition and the District Clerk needs time to prepare the service. If you anticipate requesting the child be detained due to violations of probation, the VOP should be ready to file when the child is placed in detention.

6. **Motion to Obtain Records:** If a child is in detention and the probation officer, defense attorney or district attorney are aware that the child needs to be tested or additional records secured, ***please do not*** wait until the next scheduled hearing (10 day or otherwise) to approach the court about entering an Order to Obtain Records. The Court will entertain such motions on short-term notice, particularly if all parties are in agreement about the request. If it is anticipated there will be opposition to the request, a hearing should be set, as soon as possible.

7. **Miscellaneous Items:** A posting of appropriate dress code and rules for Court appearances is available from the Court for anyone who works directly with the children or parents/guardians, including but not limited to the following issues:
 - a. Please help make all parents/guardians aware that the courtroom is not a place for young children, specifically, children under ten (10) should **not** be brought into the courtroom.
 - b. Cell phones should be off or turned to silent mode.
 - c. Dress code (as noted above).
 - d. No food or gum.
 - e. Hats should not be worn in the courtroom.

8. **Other Protocol Issues While Court is in Session:**
 - a. Obviously, no one should approach the bench while a hearing, plea or trial is in progress. It is appropriate to request permission to approach the bench anytime parents/guardians/children and/or attorneys are present in the courtroom.
 - b. Children and parents/guardians should not be brought into courtroom until time for their respective hearing or without the permission of the Court, to maintain confidentiality for the juveniles.
 - c. Once detention hearings have been completed, parties present for scheduled hearings will be allowed in the courtroom for the general docket call and then dismissed back to the lobby until time for their case to be heard.

9. **My Space; Facebook and Similar Website Issues:**

Attorneys should be aware that the court has a policy concerning My Space and any other similar website. Although the Probation Officers have been advised that non-compliance with these policies is not to be considered a formal Violation of Probation - the child will still be subject to

detention for any inappropriate website material and/or to an order to delete the site entirely for non-compliance with the rules.

The policy is as follows:

“My Space, Facebook and/or similar websites must be age and content appropriate. All references to drugs, alcohol, guns or other weapons, gambling, sex and/or derogatory comments about women, race, color or creed shall be deleted. No profanity or nudity in any videos, music or pics shall be on the site. “Friends” who are on probation or parole shall be deleted from the site while the child is subject to the jurisdiction of the court. “Friends” with inappropriate names shall be deleted. Backgrounds and pics of people with tatoos or insufficient clothing (no shirt, skimpy swim suits, etc.) shall be deleted. The child shall provide the parent/guardian and the court with the email associated with the site and further shall provide the password for the site to the parent(s)/guardian(s).”