

468TH DISTRICT COURT CPS POLICIES AND PROCEDURES

Court-Appointed Attorneys for Parents and Affidavits of Indigence

Temporary Initial Appointment – The court appoints attorneys for parents on an ex parte basis. This initial appointment ends at the adversary hearing. The parent must submit his/her affidavit of indigence and be found eligible for court appointed counsel, prior to the adversary hearing, for the appointed attorney to remain in the case.

Indigent Parent – If the parent files an affidavit of indigence and qualifies, the attorney will remain as the court appointed counsel for the parent/party. Below are links to the affidavits.

[Affidavit of Indigence \(English\)](#)

[Acuerdo de Indigencia \(Spanish\)](#)

Non-Indigent Parent – If the parent does not file an affidavit of indigence or does not qualify as indigent, the attorney will be discharged at the 14-day adversary hearing. The parent is free to make arrangements to privately retain the attorney.

Alleged Father – An attorney appointed to represent an alleged father is only required to perform the duties described in Tex. Fam. Code § 107.0132. If the alleged father is located, files an affidavit of indigence, and qualifies, the attorney will be reappointed to represent him. Otherwise **the attorney must submit the report required by 107.0132(d)** and be discharged. **The attorney will be discharged at the status hearing unless the alleged father has qualified as indigent.**

Publication or Unknown Identity/Location – an attorney appointed to represent a parent whose identity or location is unknown or who has been served by citation by publication is only required to perform the duties described in Tex. Fam. Code § 107.014. If the parent is located, files an affidavit of indigence, and qualifies, the attorney will be reappointed to represent him/her. Otherwise **the attorney must submit the report required by 107.014(e)** and be discharged. **The attorney will be discharged at the status hearing unless the parent has qualified as indigent.**

Billing, Pay Sheets, and Reimbursements

The fee schedule for court-appointed CPS cases of the Collin County CPS judges is contained within the Fair Defense Plan for felony cases, available [here](#). You are welcome to email pay sheets to the court at 468@co.collin.tx.us using the electronic PDF pay sheet form.

E-Filing

The waiver account must be used for e-filing.

If you are an attorney of record, and you have questions about “locked” pleadings, please contact the 468th District Court clerks – 972-548-4239 or 972-548-4199.

Docket Settings and Time Limits

The 468th District Court imposes time limits on all cases, including CPS cases. Please prepare in advance an estimate of the minutes needed for your side and be prepared to explain why that amount of time is appropriate and necessary, if it differs from what the Court is permitting.

14-Day Adversary Hearings

All 14-day hearings will be held **IN-PERSON** in the 468th District Court.

If you fail to notify to notify the Court two days prior to the setting that the hearing is contested, the entire hearing will be limited to 40 minutes.

If you notify the Court two days prior to the setting that the matter is contested, the Court will permit the following: 30 minutes for the Department, 20 minutes per Parent, and 20 minutes for the child's attorney. Any requests for additional time for a contested adversary hearing will require further explanation as to why it would be appropriate and necessary.

Status and Permanency Hearings and Permanency Placement Hearings

All Status, Permanency, and Permanency (Placement) hearings will be set on the 468th District Court CPS Wednesday Docket for a total of 30 minutes per case. **IF** there is any reason the setting will take longer than 30 minutes, you will need to notify the Court two days prior to the hearing as to how much time is necessary. ALL attorneys and parties will be required to appear **IN-PERSON** in the 468th District Court for all settings. Failure to timely notify the Court will result in the case having a total of 30 minutes.

If a child over age 4 is not able to attend the permanency hearing, the Attorney Ad Litem for the child must file a motion excusing the child's attendance for good reason. The **child(ren)** must be aware of each permanency hearing and given an opportunity to attend (in-person or by Zoom). If the motion is granted, the attorney ad litem is ordered to schedule a time for the child to meet with the Court. The scheduling of the child's meeting shall occur the day of the hearing.

Final Trials

Final trials will be heard **IN-PERSON** in the 468th District Court. Final trials will be limited to 1.5 hours per side. If additional time is needed, please request a leave of court and be prepared to explain why the increased amount of time requested per side is reasonable and necessary. Mediation is required prior to final trial. Failure to mediate will result in each party being limited to one hour per side at final trial.

Security

If there is a safety or security concern, please contact the bailiff in advance – Edwin McGill, emcgill@co.collin.tx.us , 972-547-7262.