

**279TH DISTRICT COURT
JEFFERSON COUNTY, TEXAS
STANDING ORDER**

**DISCOVERY CONTROL PLAN ORDER
FOR ALL SUITS BROUGHT BY TEXAS DFPS
UNDER FAMILY CODE CHAPTER 262**

The Court makes this order on its own initiative. The Court has tailored this order to the circumstances of this specific suit. The permissible methods of discovery under the Texas Rule of Procedure 192.1, are hereby restricted by this court order as described below. The Court FINDS that the burden and expense of proposed additional discovery outside the scope of this order would outweigh its likely benefit, taking into consideration the factors under Rule 192.4(b). In addition, in making this order, the Court has taken a variety of relevant factors into consideration, including but not limited to: (1) the best interest of the child(ren), (2) the rights of the parent(s), (3) the significant amount of disclosure routinely made through statutorily required court reports and review hearings, (4) the publicly funded nature of this special statutory litigation, which involves the Texas Department of Family & Protective Services, (5) the frequency of applicable statutorily mandated hearings, and (6) the numerous documents filed with the District Clerk's office in cases of this nature.

This order shall not apply to any cases where the trial schedule has been accelerated due to the Department's request for aggravated circumstances.

I. DISCOVERY

A party, their attorney or the ad litem for a child (hereinafter ad litem) may undertake whatever investigation they deem appropriate and whatever formal discovery is authorized by this order. In addition, the Court shall carefully consider motions for discovery, beyond that provided by this order as the need arises, as long as they have been timely filed with the court. However, the Court encourages the cooperation of all parties involved to ensure full disclosure without costly and time-consuming formal discovery.

A. INTERROGATORIES

Except with leave of court, a party, their attorney or the ad litem for a child (hereinafter ad litem) **MAY NOT** serve interrogatories on any other party to the suit. In lieu of interrogatories, this order provides for certain standard disclosure upon request.

B. DEPOSITIONS

Except with leave of court, a party, their attorney or the ad litem **MAY NOT** take oral or written depositions. Upon a parent's or ad litem's request, the Department and/or its agent(s) shall make available for an interview any employee/personnel with relevant information to the case.

C. REQUEST FOR PRODUCTION

Except as provided by this order with leave of court, a party, their attorney or the ad litem **MAY NOT** serve a request for production on any other party to the suit.

Upon the request of any party, their attorney or the ad litem, made in writing to the assistant district attorney assigned to the case, the Department and/or its agent(s) **SHALL** produce a copy of the de-identified case record, within **45 DAYS** of said request. A “de-identified case record” is a complete case record with any confidential information redacted. After a record is produced, CPS **SHALL** supplement the record at least **30 DAYS** prior to a trial on the merits. The Department and/or its agent(s) **SHALL** make available for review all videos, audios, and photographs relevant to the case within **30 DAYS** of a written request in the office of the Department, its agent or the District Attorney’s office. Copies of photographs shall be provided and if the requesting party provides a flash drive or means of duplicating any videos or audios, then the Department and/or its agent(s) then the Department, its agent(s) or their attorney shall copy them and provide to the requesting attorney. The Department and/or its agent(s) shall make available for review any written policies or guidelines relevant to the case within 30 days of a request of a parent, their attorney or the ad litem. Please be advised: All policies and guidelines are on the DFPS website which may be accessed at any time by anyone.

A parent, guardian, or intervenor seeking conservatorship shall sign a release of information for any and all medical records, psychological records, psychiatric records, and for all treatment records including for drug and/or alcohol abuse within **TEN (10) DAYS** of a written request of the Department and/or its agent(s) or the ad litem.

D. STANDARD DISCLOSURE

Recognizing that Rule 194 permits a wide variety of disclosure requests, the Court finds it necessary, based on the reasons stated above, to specifically limit this disclosure as follows:

Upon request at least **60 DAYS** prior to the initial trial/final court proceeding as set by the Scheduling Order signed by this Court, a party shall disclose at least **30 DAYS** prior to trial:

1. Each fact witness that may be called as detailed here: their name, address and telephone number along with a brief statement of their connection to the case.
2. Each expert witness that may be called as detailed here: their name, address, and telephone number. In addition the responding party will include a brief statement of: their qualifications, subject matter of their testimony and the gist of their opinions.
3. All documentary evidence in the possession of the Department, its agent(s) or the ADA assigned to the case not found in the de-identified case record that may be offered into evidence. Such evidence that comes into the possession of the Department and/or its agent(s) or the ADA assigned the case after 30 days prior to trial shall be disclosed when obtained.
4. A list of videos, audios, and photographs that may be offered into evidence. All such videos, audios and/or photographs shall be made available for inspection.
5. A list of any physical evidence that may be offered into evidence. All such physical evidence shall be made available for inspection.

If requested, at least **20 DAYS** prior to trial, the attorney ad litem for the child(ren) shall disclose any item required by 1 through 5 above that may be part of the ad litem’s case and that has not been previously disclosed by a party.

At least **15 DAYS** prior to trial, any party required to make a 30 day disclosure may make a supplemental disclosure in response to another party's, attorney's or ad litem's disclosure.

II. DEADLINES

All pleadings must be amended or supplemented at least ten (10) days before a trial on the merits commences. All discovery must be completed at least 30 days prior to trial. All parties must be named and served at least **75 DAYS** before the second permanency or trial/final setting whichever comes first as listed on the Scheduling Order signed by the Court. Unless an extension has been granted, the case **SHALL** be tried prior to the dismissal date set by the Scheduling Order signed by the Court.

III. SERVICE

All persons who do not have an attorney representing them in this matter shall maintain a current address on file with the District Clerk of Jefferson County, Texas. Pursuant to Texas Rule of Civil Procedure 21a, notice to a person without legal representation shall be made by notice in open court, or personal service, or service to the current address on file with District Clerk by sending notice both certified and first-class mail. Parties without an attorney are hereby warned that: **THE COURT WILL PROCEED UPON SUCH NOTICE, AND THAT THEY SHOULD THEREFORE KEEP A CURRENT ADDRESS ON FILE WITH THE DISTRICT CLERK.**

IV. EFFECTIVE DATE AND DURATION OF ORDER

The terms of this Discovery Control Plan Order take effect on all cases under Texas Family Code Chapter 262 filed on and after September 1, 2026, and shall remain in effect for as long as the Texas Department of Family & Protective Services and/or its agent(s) remains a party in the case. This includes after completion of a trial or rendition of a final order if the Texas Department of Family & Protective Services and/or its agent(s) remains a party in the case.

SO ORDERED.



Honorable Randy Shelton
279th Judicial District Court
Jefferson County, Texas



Date