

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 00- 9017

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## ORDER APPROVING NUECES COUNTY LOCAL RULES IMPLEMENTING JUDICIAL BYPASS PROCEDURES UNDER CHAPTER 33, TEXAS FAMILY CODE

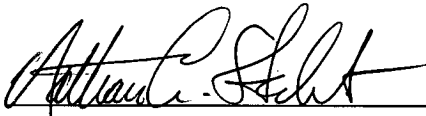
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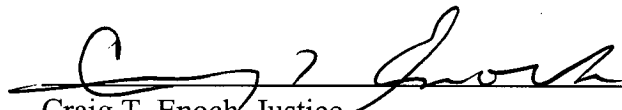
**ORDERED** that:

1. Pursuant to Rule 3a of the Texas Rules of Civil Procedure, the following amendments to the Local Rules of the District Courts and the County Courts at Law of Nueces County, Texas, which implement the procedures regarding applications for waiver of parental notification under Chapter 33, Texas Family Code, are approved.
2. In view of the urgency that procedures be adopted for handling applications under Chapter 33, Family Code, the requirement of Rule 3a(4) is suspended, and these amendments may take effect immediately.

BY THE COURT, IN CHAMBERS this 26th day of January, 2000.

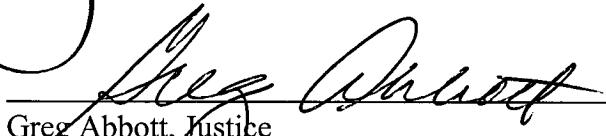
  
Thomas R. Phillips, Chief Justice

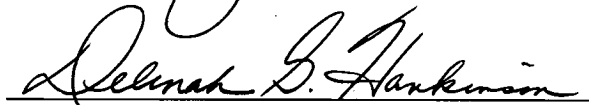
  
Nathan L. Hecht, Justice

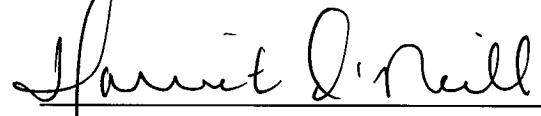
  
Craig T. Enoch, Justice

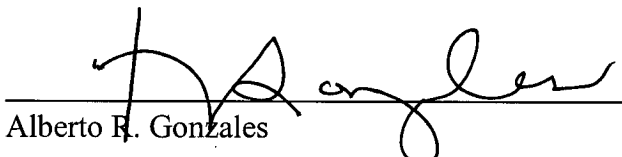
  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice

  
Deborah G. Hankinson, Justice

  
Harriet O'Neill

  
Alberto R. Gonzales

**IN THE DISTRICT COURTS AND COUNTY COURTS AT LAW  
OF NUECES COUNTY, TEXAS**

**MISC. NO. 99-\_\_\_\_\_**

**ORDER ADOPTING LOCAL RULES  
IMPLEMENTING JUDICIAL BYPASS PROCEDURES  
UNDER CHAPTER 33, TEXAS FAMILY CODE**

**IT IS ORDERED** that the Local Rules of the District Courts and the County Courts at Law of Nueces County are amended in order to implement the Judicial Bypass Procedures of Chapter 33, Texas Family Code as follows:

**SECTION 1.** The Local Rules are amended by added Rule 20 as follows:

**RULE 20.** Judicial Bypass Procedures under Chapter 33, Family Code.

**Rule 20.01.** Definitions

- a. "Court" or "courts" means and includes the District Courts and the County Courts at Law of Nueces County.
- b. "Judge" means the Judge of any of the District Courts and the County Courts at Law of Nueces County.
- c. "Application" means an application for a court order authorizing a minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

**Rule 20.02.** Filing of Application

- a. An application shall be filed with the District Clerk during business hours.
- b. The Clerk shall assign a cause number to an application as follows: the first number shall note the the year in which the application is filed, followed by the letters "MA," followed by a four digit number given sequentially each year, and concluding with the letter or number designating the court to which the application is assigned.

**Rule 20.03.** Assignment to a Court

- a. The Clerk shall randomly assign the application among the courts in equal proportions.
- b. After a court is assigned an application, that Court shall not be assigned another application until all thirteen courts have been assigned an application.

**Rule 20.04. Delivery of Application to Court**

- a. After assignment of an application to a court, the Clerk shall immediately personally deliver the application to the assigned Judge and a copy of the application to the Local Administrative District Judge. The Clerk shall note the time of delivery to each Judge.
- b. If the assigned Judge is not immediately available, the Clerk shall wait for the Judge to become available; however, the Clerk shall not wait for more than one hour.
- c. If the assigned Judge is not available after an hour from the time that the Clerk attempted to personally deliver the application or if the assigned Judge is otherwise absent, the Clerk shall immediately inform the Local Administrative District Judge of that fact. The Local Administrative District Judge shall then direct the Clerk to randomly reassign the cause.
- d. The District Clerk shall designate a particular Clerk to handle and dispose of all applications.

**Rule 20.05. Appointment of Guardian ad litem and Attorney for Minor**

- a. Upon receipt of the application, the Judge shall appoint a guardian ad litem for the minor.
- b. If the minor has not retained an attorney, the Judge shall appoint an attorney to represent the minor.
- c. The Local Administrative District Judge shall maintain a list of persons and attorneys who have indicated an interest in being appointed and in serving as guardians ad litem and/or appointed counsel in these proceedings. Said Judge shall make the list available to all Judges.

**Rule 20.06. Hearing**

- a. The Court shall promptly set the cause for hearing.
- b. The Court shall give precedence to proceedings on the application over all other pending matters to the extent necessary to assure that the Court reaches a decision promptly.
- c. All proceedings shall be recorded by the Reporter.

- d. All proceedings shall be closed to the public to assure the confidentiality of the minor.
- e. The Court may conduct all proceedings in chambers.

**Rule 20.07. Court's Ruling.**

- a. The Court shall rule — issue an order granting or denying the application, as well as findings of fact and conclusions of law — immediately after the hearing is concluded and not later than 5:00 p.m. on the second business day after the date the application is filed with the Court.

**Rule 20.08. Reporter's Record**

- a. At the conclusion of the hearing on an application, the Reporter shall file the original notes, including any computer disks containing such notes, of the hearing in the file of the cause.
- b. In the event of an appeal, the Reporter shall prepare the record according to the designation of record notice, shall file the record on appeal in a sealed envelope as in other appeals, and shall provide a copy thereof to the Clerk, who shall place the copy in the sealed file of the cause. On a separate sheet attached to the sealed envelope, the Reporter shall give notice to the Clerk of the Court of Appeals that the envelope contains the record of a Chapter 33, Family Code proceeding.

**Rule 20.09. Confidentiality of Order**

- a. An Order of the Court regarding an application is confidential and privileged and is not subject to disclosure.
- b. The Order may not be released to any person, except the following:
  - 1. the pregnant minor;
  - 2. the pregnant minor's guardian ad litem;
  - 3. the pregnant minor's attorney;
  - 4. another person designated by the minor to receive the Order; or,
  - 5. a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

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- e. The Court may conduct all proceedings in chambers.

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  - 5. a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

- c. Before the Clerk may release a copy of the Order, the Clerk shall require the person to sign a statement showing receipt of the Order. The Clerk shall file the signed statement in the file.

**Rule 20.10. Confidentiality of Records**

- a. The Clerk shall establish and maintain a separate and secure filing and numbering system for all applications.
- b. The Clerk shall deny access, including computer access, to all records of applications filed under Chapter 33, Fam.C.
- c. The Clerk shall keep all final and closed applications in a place separate from all other files kept in storage.
- d. The Clerk may destroy an application in the time and manner provided by law.

**Rule 20.11. Sealed Records**

- a. Notwithstanding the provisions of Rule 76a, Tx.R.Civ.P., and pursuant to the legislative directive that all Chapter 33 proceedings are confidential and privileged and not subject to disclosure or to discovery, subpoena or other legal process, the Clerk shall keep the application, all pleadings, exhibits, written findings and conclusions, Orders and all other documents in the cause in a sealed envelop at all times, except when the cause is in the possession of the Judge.
- b. No person shall unseal or open a sealed cause other than the assigned Judge or a person authorized by the Judge.
- c. The Judge or a person authorized to unseal or open a sealed cause shall sign a statement on the file that the person unsealed or opened the file.

**Rule 20.12. Duties of Local Administrative District Judge**

- a. The Local Administrative District Judge shall supervise the filing, assignment and confidentiality of all applications filed pursuant to Chapter 33, Fam.C.
- b. In the absence of the Local Administrative District Judge, the Local Administrative County Court at Law Judge shall act as provided in these Rules. In the absence of both

the Local Administrative District Judge and Local Administrative County Court at Law Judge, their respective designees shall act as provided in these Rules.

**Rule 20.13. Standard Forms**

- a. The Courts shall adopt standard forms either as promulgated by the Supreme Court of Texas or as prepared locally.
- b. The forms may provide for orders to reassign a case, appointment of guardian ad litem and/or attorney for the minor, setting the cause for hearing, findings of fact and conclusions of law, the final Order, compensation of guardian ad litem and/or attorney for minor, and any other written document deemed necessary in any proceeding.
- c. Notwithstanding the preceding Rule, a Court may use non-standard forms or Orders in any proceeding.

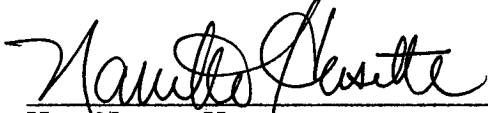
**Rule 20.14. Statistical Information**

- a. The Clerk shall maintain statistical records of all applications containing the following information, without identifying the applicants or any person named in an application:
  1. the number of applications filed;
  2. the assignment of applications among the Courts;
  3. the number of applications granted;
  4. the number of applications denied;
  5. the number of applications in which the Court failed to timely rule;
  6. the number of cases in which a Judge refused to consider the application; and,
  7. the number of cases in which notice of appeal was filed.
- b. The Clerk shall distribute of copies of report on monthly and annual bases to the Local Administrative District Judge.



**SECTION 2.** The foregoing Rules are effective January 1, 2000, or upon approval by the Supreme Court of Texas.

Approved and adopted by the Council of Judges on November 16, 1999 by a majority of the Judges present and voting at a meeting on said date.



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Hon. Nanette Haseffe  
Local Administrative District Judge



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Hon. Marisela Saldaña  
Local Administrative County Court at Law Judge

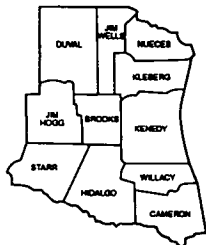


## FIFTH ADMINISTRATIVE JUDICIAL REGION

DARRELL HESTER, PRESIDING JUDGE  
CAMERON COUNTY COURTHOUSE  
964 EAST HARRISON STREET  
BROWNSVILLE, TEXAS 78520

RAUL MARTINEZ, JR.  
ADMINISTRATIVE ASSISTANT  
(956) 574-8160  
(956) 546-0724  
FAX (956) 544-0879

January 13, 2000



The Honorable Thomas R. Phillips  
Chief Justice  
Texas Supreme Court  
P.O. Box 12248  
Austin, Texas 78711

Dear Mr. Chief Justice:

I have received and reviewed proposed Local Rule 20 of Nueces County implementing judicial by-pass procedure.

I approve Local Rule 20 of Nueces County and its submission to the Supreme Court for its approval.

Yours truly,

A handwritten signature in black ink, appearing to read "Darrell Hester".

Darrell Hester

dbh/rm

cc: Judge Nanette Hasette  
Local Administrative Judge



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE  
THOMAS R. PHILLIPS

POST OFFICE BOX 12248      AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK  
JOHN T. ADAMS

EXECUTIVE ASS'T  
WILLIAM L. WILLIS

DEPUTY EXECUTIVE ASS'T  
JIM HUTCHESON

ADMINISTRATIVE ASS'T  
NADINE SCHNEIDER

JUSTICES  
NATHAN L. HECHT  
CRAIG T. ENOCH  
PRISCILLA R. OWEN  
JAMES A. BAKER  
GREG ABBOTT  
DEBORAH G. HANKINSON  
HARRIET O'NEILL  
ALBERTO R. GONZALES

February 4, 2000

Hon. Nanette Hasette  
Admin. Judge and Judge  
28th District Court  
901 Leopard, Suite 803  
Corpus Christi, Texas 78401

Hon. Marisela Saldana  
Admin. Judge and Judge  
County Court at Law #3  
901 Leopard, Suite 703.03  
Corpus Christi, Texas 78401

Dear Judge Hasette and Judge Saldana,

Please find enclosed, a copy of the order of the Supreme Court that approved local rules for Nueces County.

Sincerely,

**SIGNED**

John T. Adams  
Clerk

Hon Darrell Hester  
5th Admin Judicial Rgn

District Clerk

County Clerk

Supreme Court Adv Committee

Mr. Jerry Benedict  
Office of Court Admin

State Law Library