

**IN THE SUPREME COURT OF TEXAS**

Misc. Docket No. 09- 9044


**APPROVAL OF LOCAL RULE REGARDING THE  
APPLICATION FOR AND REFUSAL OF TITLE IV-D SERVICES  
IN THE 321st FAMILY DISTRICT COURT OF SMITH COUNTY**

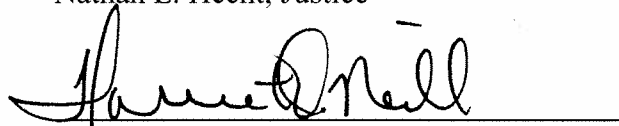
**ORDERED** that:

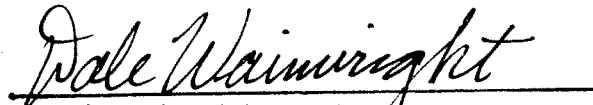
Pursuant to Texas Rule of Civil Procedure 3a, the Supreme Court of Texas approves the following local rule regarding the application for and refusal of Title IV-D child-support and parentage-determination services in the 321st District Court of Smith County. This Order supersedes the Order dated March 7, 2005, in Misc. Docket No. 05-9052.


In Chambers, this 24~~th~~ day of March, 2009.

  
Wallace B. Jefferson, Chief Justice


  
Nathan L. Hecht, Justice


  
Harriet O'Neill, Justice

  
J. Dale Wainwright, Justice

  
Scott Brister, Justice

David M. Medina, Justice

  
Paul W. Green, Justice

  
Phil Johnson, Justice

Don R. Willett, Justice

IN THE MATTER OF ) ( IN THE 321<sup>st</sup> FAMILY DISTRICT COURT  
GENERAL ADMINISTRATIVE AND ) ( OF  
LOCAL RULES ) ( SMITH COUNTY, TEXAS

ORDER FOR APPLICATION AND REFUSAL OF IV-D CHILD SUPPORT AND PARENTAGE DETERMINATION SERVICES

On this date the undersigned Presiding Judge of the 321st Family District Court of Smith County, Texas, determined that the 321st Family District Court of Smith County having Family Law jurisdiction, requires that all cases involving parentage as a issue to be determined and adjudicated by the Court, shall, upon filing, be deemed to include an application for Title IV-D services provided by the Attorney General of Texas, who, shall, as appropriate under the law, coordinate genetic paternity testing, and it is necessary to adopt local rules for this procedure.

It is hereby ORDERED that the Proposed Local Rule for 321st Family District Court of Smith County attached hereto and made a part of this order for all purposes is hereby adopted and shall include by reference the Local Rules of the 321st Family District Court of Smith County and shall pertain to all Title IV-D Services provided pursuant to said Local Rule.

Signed this 2 day of March 2009.



\_\_\_\_\_  
Judge Presiding, 321st Family District Court  
Smith County, Texas

PROPOSED LOCAL RULE FOR THE 321st FAMILY DISTRICT COURT OF SMITH COUNTY

Application and Refusal of Title IV-D Child Support Services and Parentage Determination Services.

- a. All cases involving parentage as an issue to be determined and adjudicated by the Court, whether an action arising in a Suit to Establish or Terminate the Parent Child Relationship, Divorce, or other proceeding, shall, upon filing, be deemed to include an application for Title IV-D services provided by the Office of the Attorney General of Texas, pursuant to Chapter 231 of the Texas Family Code. (This rule shall apply to all cases involving parentage as an issue to be determined and adjudicated by the 321st<sup>th</sup> Family District Court of Smith County after the effective date of these rules.)
- b. In all such cases where parentage is an issue to be determined and adjudicated by the Court, if there is no agreement or acknowledgment of parentage, as appropriate under the law, the Attorney General shall coordinate genetic paternity testing through the accredited and state approved and contracted vendor laboratory.
- c. Each final decree entered by the 321<sup>st</sup> District Court for Smith County, Texas, in a Suit Affecting the Parent-Child Relationship, which orders the payment of child support, shall be deemed to be an application for Title IV-D services provided through the Office of the Attorney General of Texas, pursuant to Section 231 of the Texas Family Code. This rule shall apply to all final decrees in Suits Affecting the Parent-Child Relationship entered by the 321<sup>st</sup> District Court, whether entered before or after the effective date of this rule.
- d. Unless required to accept Title IV-D child support services pursuant to other laws, a petitioner or an obligee entitled to receive services pursuant to this rule may decline services by filing a written Refusal of IV-D Child Support Services with the Office of the Attorney General.
- e. Refusal of IV-D services pursuant to this rule does not preclude a subsequent written application for services.

Said Local Rule is effective on approval by Supreme Court. E



Carole W. Clark, Judge Presiding  
321st Family District Court  
Smith County, Texas

A pproved

Judge John Howard  
March 4, 2009



**CAROLE CLARK**  
JUDGE 321ST JUDICIAL DISTRICT COURT  
SMITH COUNTY COURTHOUSE  
TYLER, TEXAS 75702  
903 / 590-1601  
Fax 903 / 590-1606

*Court Coordinator*  
*Vicki Dunn*

*Assistant Court Coordinator*  
*Pat Ammons*

February 27, 2009

Judge John Ovard  
Presiding Judge, Region One  
133 N. Industrial, LB 50  
Dallas, Texas 75207

Re: Local Rules

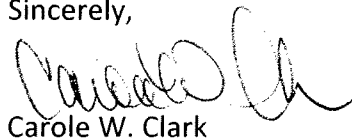
Dear Judge Ovard:

Enclosed please find proposed local rules involving AG child support cases. I previously sent these items but the lawyer assigned to local rules at the Supreme Court requested some changes. Those changes have been made.

If you approve these rules, please forward to the Supreme Court for their consideration.

Feel free to call me if you have questions.

Sincerely,



Carole W. Clark