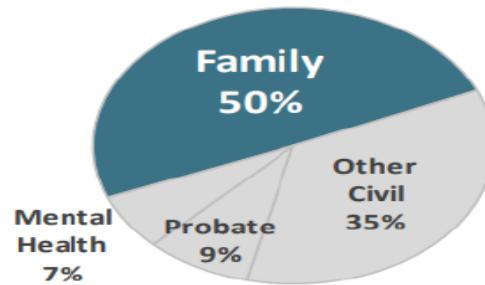




# The Role and Responsibilities of the Court Coordinator in a Child Support Court

## Part III

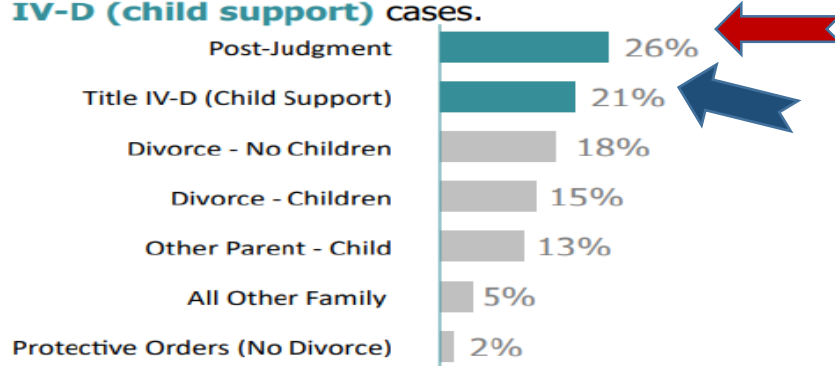
# Family Law Cases in 2017



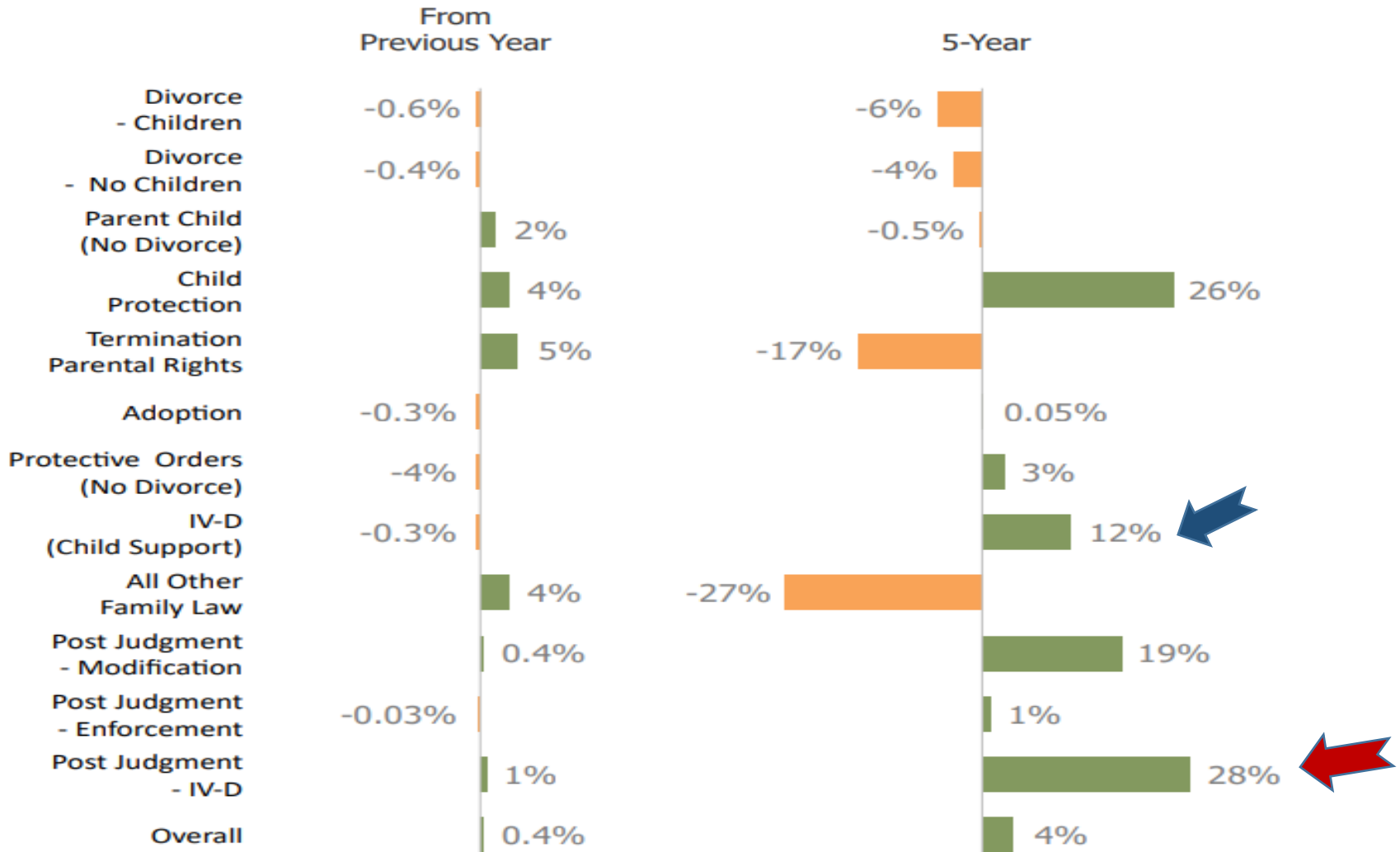
Most family cases were handled in the **district** courts.



More than one-quarter of the 376,192 new family cases filed were **post-judgment suits for modification or enforcement**, and another 21 percent involved **Title IV-D (child support)** cases.



# Family Law Cases – Previous Year and 5 Year Comparison



# Types of Child Support Cases

The following require a setting before the court and a hearing:

- Original Suits to Establish Parent Child Relationship
- Motions to Enforce Child Support and/or Medical Support
- Motions to Modify Child Support and/or Medical Support
- Motions to Intervene in a Child Support Case (filed by non-parents)
- Motions to Re-direct Child Support (filed when an agency has custody of the child – CPS; or, a relative has custody of the child, other than a parent)
- Motions on Retroactive Support
- Notice of Change of Status (filed when the child no longer resides with the former custodial parent).

Within these cases you might see orders that are presented to the judge as the case proceeds to final hearing but do not dispose of the case, such as temporary orders or orders for DNA testing.



# Timeframes for Child Support Cases

Family Code, Section 201.110 Time for Disposition of Title IV-D Cases:

- (a) Title IV-D cases must be completed **from the time of successful service** to the time of disposition within the following time:
1. 75 percent within six months; and,
  2. 90 percent within one year.



# Active and Inactive Cases

The following definitions are taken from the instructions given to clerks when reporting court activity to OCA on behalf of the Judicial Council.

**Active Cases** – “are cases that the court has control over and are awaiting disposition”.

**Inactive Cases** – “ are cases placed in an inactive pending status because further court proceedings and activities cannot be resumed until an event restores the case to the court’s active pending caseload”.

Such as:

- A Case stayed due to the Servicemember’s Civil Relief Act;
- Cases in which a capias has been issued for failure to appear.



# Pending Cases

“Pending” child support cases are:

- Cases that have a temporary order;
- Cases with a setting date and no final disposition;
- Cases with a setting that was scheduled 6 months ago or longer.

In your role of bringing administrative processes and judicial processes together for effective case management, it is a good idea to periodically look at your court’s “pending” caseload. In doing so, you should identify which pending cases are not in compliance with time standards.



# Setting Child Support Cases

## Things to know and remember:

- The OAG initiates the case and the service process.

Family Code 231.118

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.231.htm#231.118>

- Because the OAG controls the service process, you might see an order setting hearing attached to a motion; yet when the case is called in court, service is still pending.
- Your duty in setting these cases is to provide the OAG, the clerk and the bailiff with a court calendar (for 6 months – 1 year). This calendar allows the OAG to target setting cases on those identified dates.
- The most common complaint from custodial parents is that the non-custodial parent hasn't been served although everyone knows where he/she lives.





# Cases that Do Not Require a Hearing

The OAG handles other matters such as:

- Administrative writs of withholding
- Liens
- Seizures
- Administrative License Suspension
- Federal Offset

These matters are handled administratively by the OAG, meaning you will not see these matters in a hearing before your judge. However, you might hear the OAG refer to them in an active case.



# Child Support Review Orders

The Child Support Review Process (CSRP) is a quasi-administrative process and does not require a hearing in most actions. The result will be an **agreed** or **non-agreed** CSRP Order.

- **Agreed orders** should be signed by the judge within 3 days.<sup>\*</sup> At the expiration of 3 days, the order is confirmed by operation of law. The judge may sign the order before the order is filed with the clerk.

## [Texas Family Code, Section 233.024](#)

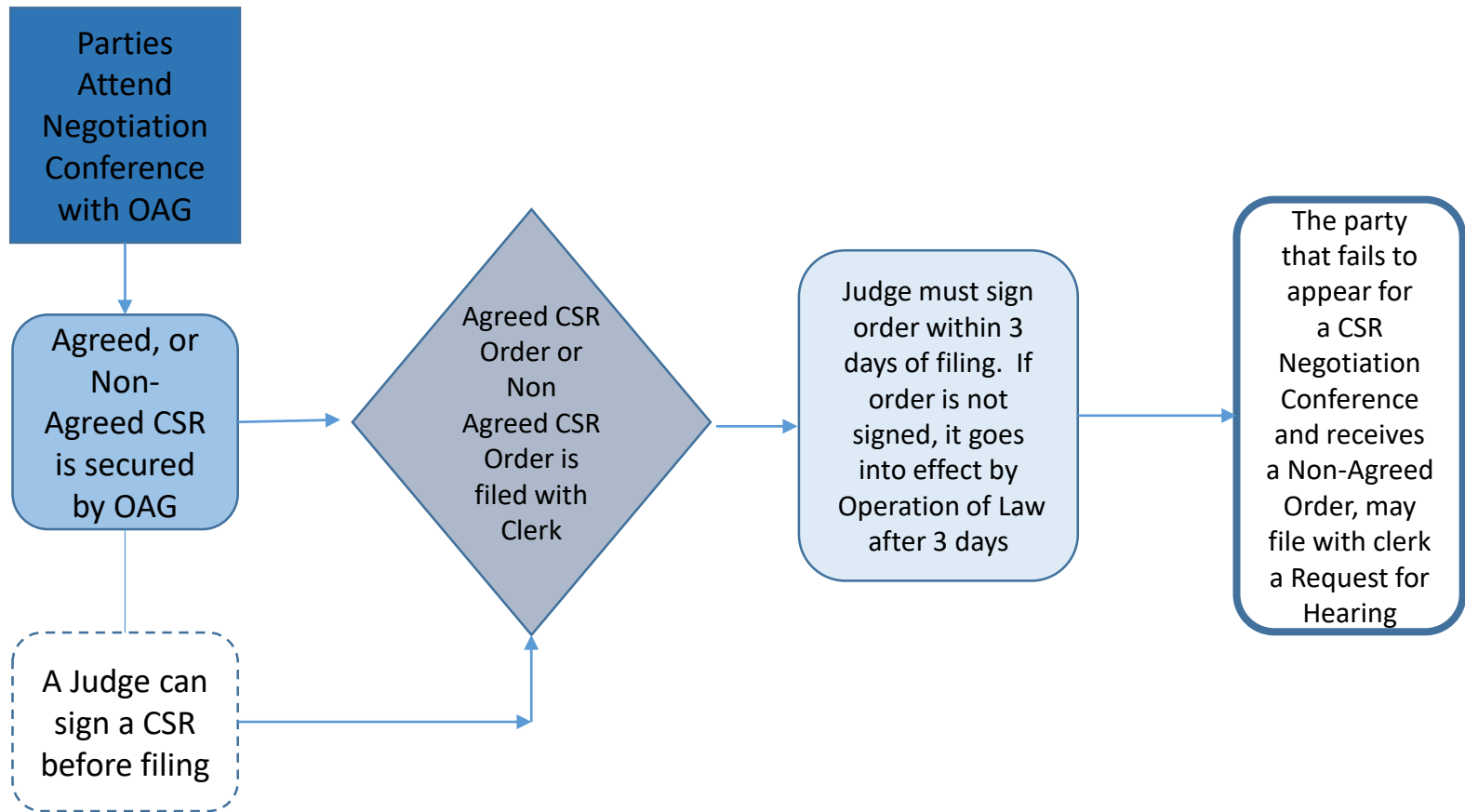
<sup>\*</sup>The court's plenary power to grant a new trial or to modify its order begins on the date the order is *signed*. Although the order may be confirmed by operation of law under 233.024, Texas Rules of Civil Procedure 306a(2) direct judges, attorneys and clerks to use their best efforts to cause all judgments, decisions and orders of any kind to be signed and with the date of the signature.

- **Non-agreed** orders are similar to default orders – the party that shows up is more likely to get what they want, so long as same is supported by law and evidence.

The party that did not show up may request a hearing by filing with the clerk a “Request for a Court Hearing to Contest Confirmation of Non-Agreed Order Child Support Review Order”.



# CSR PROCESS



# What Does Your Judge Want to Know?

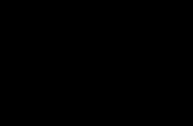
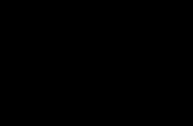
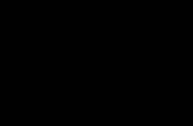
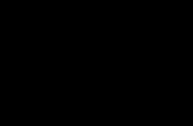
Judges approach cases differently:

1. Some judges rely on information from both parties in open court. These judges are comfortable hearing a case and making a judicial decision without receiving case information prior to court. A judge sitting by assignment will usually follow this process.
2. Then there are judges who want data, case information, party information, events, continuances and previous child support ordered information, prior to court.

Regardless of what type of judge you serve, your role and responsibility is to meet the needs of **your judge**. This is a good opportunity to shine and go beyond what is expected of you.



# Your Typical Day of Work



# The Court Record

Family Code Section 201.009 sets out the requirements of a court reporter in a child support hearing.

Rarely is a court reporter assigned to a child support court. And, less often does the associate judge preside over a jury trial, which is the only time a court reporter is required.

Section 201.009 states that except in the instance of a jury trial:

(c) in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge; and,

(e) on a request for a de novo hearing, the referring court may consider testimony or other evidence in the record...

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.201.htm#201.009>



# Appointing Attorneys

Attorneys must be appointed in these instances:

1. To represent a parent who is a minor;
2. To represent a parent whose location is unknown and has been served by citation by publication; and,
3. To represent a parent who is subject to incarceration or termination of parental rights.

The payment of the attorney services is paid from the general fund of the county in which the case is filed. Family Code 107.015 (c)., “unless the court determines one or more party can defray the costs of the appointment”.

<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.107.htm#107.015>



Questions, please!





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