



# SCHARLENE W. VALDEZ

Presiding Judge  
County Court at Law No. 6

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November 27, 2024

Mr. Joel Lieurance  
Texas Indigent Defense Council

via email: JLieurance@tidc.texas.gov

Dear Mr. Lieurance,

After thorough review of TIDC's *Follow-up Policy Monitoring Review of Montgomery County's Indigent Defense Systems, October 2024*, I have written the following Action Plan for the Juvenile Court to address TIDC's concerns presented in the Report, specifically *Core Requirement 4 Appoint Counsel Promptly*. I sincerely believe that our Action Plan will alleviate said concerns and that the Juvenile Court in conjunction with the Montgomery County Attorney's Office and Juvenile Department will attain a 90% rating upon any future review.

## ***MONTGOMERY COUNTY REVISED ACTION PLAN 2024 – JUVENILE CASES***

1. The Juvenile Court revised the Summons served upon the Parent(s)/Guardian(s) and the Juvenile-Respondent to include Section 51.101, Texas Family Code, mandatory requirement of court-appointed attorney for Juvenile-Respondent in indigency findings. The Parent(s)/Guardian(s) are provided therein the Juvenile Court's Court Administrator's contact information, including the telephone number and email. The Parent(s)/Guardian(s) are instructed therein to contact the Court Administrator immediately, but no later than five working days from the Juvenile-Respondent's date of service.
  2. We will continue to have the County Attorney's Office provide notification to the Juvenile Department when their office files an original petition or modification pleading.
  3. The Juvenile Department will continue to notify the Parent(s)/Guardian(s) that the County Attorney filed a petition and inform the Parent(s)/Guardian(s) of the mandatory requirement to have an attorney for the Juvenile-Respondent prior to the "Announcement Date." Additionally, the Juvenile Department will inform the Parent(s)/Guardian(s) that they may be eligible for a court-appointed attorney if they qualify and that it is imperative
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for the Court to appoint an attorney for the Juvenile-Respondent within five (5) working days from the date that the Juvenile-Respondent is served with the pleading, or any time prior to the date the Juvenile-Respondent is served.

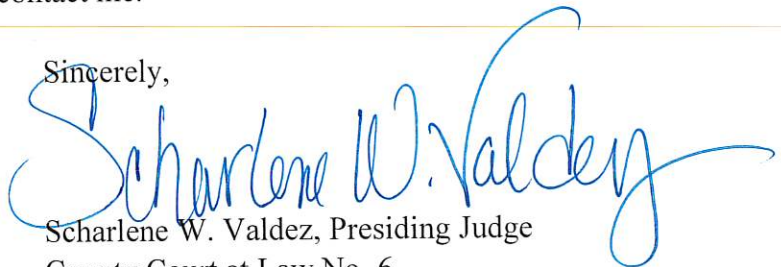
4. At that same time of the foregoing notification, the Juvenile Department will provide the Parent(s)/Guardian(s) with the Juvenile Intake and Unsworn Financial Declaration Forms. The Juvenile Department will instruct the Parent(s)/Guardian(s) to contact immediately the Court Administrator of the Juvenile Court via the contact information provided within said forms. The Juvenile Department will assist the Parent(s)/Guardian(s) with the processing of these forms and ensure compliance with this policy. If the Parent(s)/Guardian(s) wish to obtain counsel for the Juvenile-Respondent, then the Parent(s)/Guardian(s) shall complete the Juvenile Intake form and select the box confirming same. The Juvenile Department shall forward all forms collected from the Parent(s)/Guardian(s) to the Juvenile Court Administrator and those forms shall be filed within the Odyssey case file.
5. The Juvenile Department will notify the Court Administrator of the Parent(s)/Guardian(s) who have received the Juvenile Intake and Unsworn Financial Declaration Forms via completion of Receipt of Documents [Juvenile Intake and Unsworn Financial Declaration Forms] Form signed by the Parent(s)/Guardian(s).
6. The Court Administrator will inform the Juvenile Department of those Parent(s)/Guardian(s) who have contacted the Juvenile Court. If there are any Parent(s)/Guardian(s) that the Juvenile Department is aware of that have not made contact with the Court Administrator, then the Juvenile Department shall immediately contact those Parent(s)/Guardian(s) again and reiterate the necessity for the Parent(s)/Guardian(s) to contact the Court Administrator.
7. If a Juvenile Probation Officer ("JPO") from the Juvenile Department is the Process Server serving the Summons and Pleadings upon the Juvenile-Respondent, then the JPO shall immediately provide all the foregoing documents to the Parent(s)/Guardian(s) and ensure compliance with Numbers 3 through 6 above.
8. Upon receipt of an executed Return of Service and confirmation that the Juvenile-Respondents family has NOT contacted the Court Administrator, the Court Coordinator will notify the Juvenile Department of this information. Then, the Juvenile Department will contact the Parent(s)/Guardian(s) of the Juvenile-Respondent to complete the Juvenile Intake and Unsworn Financial Declaration Forms.

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9. The Juvenile Court will review this policy every six (6) months *sua sponte* to confirm all Departments compliance with the policy. If the Juvenile Court finds that compliance with this policy and Section 51.101(d) of the Texas Family Code remains below the TIDC's threshold of 90% timeliness for the appointment of an attorney, then the Juvenile Court will implement a revised policy which may include the creation of an "Appearance Docket" wherein the revised Summons will require the Parent(s)/Guardian(s) and the Juvenile-Respondent to appear in the Juvenile Court on the **First Thursday** following the Juvenile-Respondent's service at 10:00 a.m. to complete the Juvenile Intake and Unsworn Financial Declaration Forms and to receive the Juvenile-Respondent's "Announcement Date" court setting. Should the Juvenile Court revise the current policy, the Juvenile Court will forward a copy of the revised policy to TIDC upon implementation.

The foregoing policy coupled with the response I submitted to you in my email of June 25, 2204, should bring us where we need to be for compliance with TIDC Policy. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,



Scharlene W. Valdez, Presiding Judge  
County Court at Law No. 6  
Juvenile Court

cc: Rick Sutton, Interim Director, Juvenile Department  
Marc Brumberger, Chief – Juvenile Department, County Attorney's Office