



**DISTRICT COURT**  
**90<sup>th</sup> Judicial District**  
**Young and Stephens Counties, Texas**

**HON. STEPHEN E. BRISTOW**  
**BEVERLY A. FORD, Court Coordinator**  
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**90<sup>th</sup> Judicial District Court**  
**516 Fourth Street, Room 205**  
**Graham, Texas 76450**  
**(940) 549-0091; fax (940) 549-9372**

March 20, 2020

On March 13, 2020, Governor Abbott declared a state of disaster in all 254 counties in the State of Texas. Further, the Texas Supreme Court and Texas Court of Criminal Appeals recently issued an Emergency Order on March 13, 2020 (see attached Exhibit "B"). Each of these declarations and orders are intended to ensure the safety of the public. This week, Stephens and Young County have issued local declaration of disaster for each County.

The District Court of Young and Stephens County need to take unprecedented action to address the novel coronavirus and the COVID-19 respiratory disorder which it causes because of the need to avoid or at least limit large public gatherings. The health and safety of the public, litigants, and courthouse personnel remain paramount concern. Therefore, subject only to constitutional limitations, the District Court is enacting the following guidelines and shall be effective from March 16, 2020 through May 8, 2020 (hereinafter "effective period"):

1. All jury trials are cancelled. Any matters set on jury trial weeks will be rescheduled to the jury weeks of May/June 2020.
2. All District Court criminal dockets are cancelled during the effective period except for the following exceptions:
  - a. Applications for Writs of Habeas Corpus;
  - b. Texas Code of Criminal Procedure Article 17 bond hearings;

- c. Matters in which the person is incarcerated and expected to plea, but only if the pleas will result in the Defendant being released from the custody of the respective county jail;
- d. Time sensitive hearings required to be conducted by an Appellate Court.
- e. Any other matters determined essential to the administration of justice and protection of the accused constitutional rights as determined by the judge after discussion with the 90<sup>th</sup> Judicial District Attorneys Office and Counsel for the Defendant.

Ordering continuances of pending trials and other matters serves the best interest of the public, serves the ends of justice, and outweighs defendants' rights under the speedy-trial provisions and under the Interstate Agreement on Detainers Act.

Any matters that are cancelled during the effective period shall be reset with notice provided to all appropriate parties and/or entities.

3. All civil and/or family law hearings pending before the courts during the effective period are cancelled and shall be rescheduled after the effective period. Additionally:

The following essential proceedings will be heard during the effective period:

1. Department of Family and Protective Services removal hearing;
2. Juvenile detention hearings;
3. Texas Family Code Title 4 family violence and protective orders;
4. Texas Family Code Chapter 157 enforcements if a respondent is in custody;
5. Texas Family Code Chapter 157, Subchapter H— habeas corpus and writs of attachment for children;
6. Family law matters seeking emergency relief, if determined necessary by the court after reviewing any attached affidavits; and
7. Any temporary restraining order or temporary injunctions that must be supported by testimony;

4. In all family law cases in which a temporary order has not been entered, the attached Exhibit A shall be entered as standing temporary orders until a final hearing. During the effective period, a copy of the attached Exhibit A shall be attached to any newly filed family law matter so as to constitute appropriate notice to all parties of the Court's standing temporary orders;
  - a. Spring Break Visitation: The District Court of Young/Stephens County take the position that any school district's additional school closure following the week of spring break, does not extend a parent's period of possession beyond the week designated for spring break as set forth in the district's academic calendar in effect prior to any additional closures as a result of COVID-19;
  - b. Further, it is of the opinion of this Court that all visitation should be exercised as if school was in session. This includes summer holidays and notification requirements. Any denial of visitation will be subject to court enforcement by contempt or writs necessary to enforce current court orders.
  - c. The courts, when appropriate and at the court's discretion, will consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, video conferencing or other means when such means are reasonably available; and
  - d. Any party desiring to conduct a hearing by way of telephonic or other electronic means must obtain a written agreement with all opposing counsel, and written permission from the Court. Any hearings conducted by telephonic or other electronic means will be recorded by the Official Court reporter or must be accompanied with a written waiver of a record filed with the clerk of the court prior to the start of any hearing.
  
5. Prior to appearing in any court, all parties, attorneys, witnesses, and any other participant in any matter pending before the courts shall immediately notify the court of the following:
  - a. A suspected or confirmed diagnosis of COVID-19;
  - b. Flu-like symptoms;
  - c. Fever;
  - d. Coughing;
  - e. Sneezing;
  - f. Any condition or circumstance that may result in a compromised or diminished immune system; and
  - g. Travel to any foreign country or any area within the U.S. that has a confirmed case.

Notice of any such condition shall be by way of email to the court coordinator of the court in which the appearance is expected. Nothing in these guidelines shall be construed to prohibit the public's access to the court pursuant to the Open Courts provision of the Constitution. Any person who desires to be present at any hearing being held in court, telephonically, electronically, or by other means may contact the court to obtain information on how to observe a hearing.

Your understanding and cooperation are greatly appreciated during this time. The District Court shall continue to monitor the developments of COVID-19 as well as recommendations and guidance from the Center for Disease Control, and will make adjustments to these guidelines as necessary.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Bristow". The signature is fluid and cursive, with a prominent initial "S" and "B".

STEPHEN H. BRISTOW

90<sup>th</sup> District Judge

**FILED**  
2:13 o'clock PM

90<sup>TH</sup> JUDICIAL DISTRICT STANDING ORDER REGARDING  
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES  
DURING THE PENDENCY OF CASES  
*As Amended February 2016*

FEB 24 2016

DISTRICT CLERK, YOUNG COUNTY, TEXAS  
BY *Jamie Lind* DEPUTY

No party to this lawsuit has requested this order. Rather, this order is a standing order of the 90<sup>th</sup> Judicial District Court that applies in every divorce suit and every suit affecting the parent-child relationship, including Motions to Modify Possession and Access filed in Young or Stephens County. The 90<sup>th</sup> Judicial District Court has adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the Court.

Therefore, IT IS ORDERED:

1. **NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this cause:
  - 1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
  - 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parties or an order of this Court.
  - 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
  - 1.4 Disturbing the peace of the children.
  - 1.5 Making disparaging remarks about each other or the other person's family members, to include but not limited to the child's grandparents, aunts, uncles, or stepparents.
  - 1.6 Discussing with the children, or with any other person in the presence of the children, any litigation related to the children or the other party.
  - 1.7 Having the children in the presence of any person or place of disreputable or harmful character, including convicted felons, drug offenders, or those on community supervision.
  - 1.8 Using or possessing alcohol or drugs other than those properly prescribed by a physician, and used strictly in accordance with the prescription, during periods of possession and access with the children and within 24 hours prior to the commencement of any period of possession.

**1.9 If this is an original divorce action, allowing anyone with whom the party is romantically involved , to remain overnight in the home while in possession of the children. Overnight is defined from 10:00 p.m. to 7:00 a.m.**

**1.10 Posting or otherwise commenting in a derogatory manner concerning the divorce, children, property or families of the parties on any social media outlet. Once this Order is in effect, the parties are prohibited from erasing or otherwise changing social media entries.**

**2. CONDUCT OF THE PARTIES DURING THE CASE. Both parties are ORDERED to refrain from doing the following acts:**

- 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.**
- 2.2 Threatening the other party in person, by telephone or in writing to take unlawful action against any person.**
- 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication, or anonymously.**
- 2.4 Opening or diverting mail addressed to the other party.**

**3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from the following acts:**

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.**
- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property of one or both of the parties.**
- 3.3 Damaging or destroying the tangible property of one or both of the parties, including any document that represents or embodies anything of value.**
- 3.4 Tampering with the tangible property of one or both of the parties, including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.**
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property or real estate property, and whether separate or community, except as specifically authorized by this order.**

- 3.6 Incurring any indebtedness, other than legal expense in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit or charge cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or altering the withholding for federal income taxes on wage or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or other contractual services, such as security, pest control, landscaping or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.
- 3.15 Intercepting or recording the other party's electronic communications.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are **ORDERED** to refrain from doing the following acts:

4.1 Concealing or destroying any family records, property records, financial records, business records of any records of income, debts, or other obligations.

4.2 Falsifying any writing or record relating to the property of either party.

4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.

5. INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

5.1 Withdrawing or borrowing in any manner all or any part of the case surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.

5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.

5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.

6. SPECIFIC AUTHORIZATIONS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

6.1 To engage in acts reasonable and necessary to the conduct of that party's usual business and occupation.

6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses commensurate with such expenditures and indebtedness incurred for the past six months.

6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

7. SERVICE AND APPLICATION OF THIS ORDER.

7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.



7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. Unless modified by the court, this order shall continue in full force and effect as a temporary injunction until further order of this Court. This entire order will terminate and will no longer be effective when the Court signs a final order or the case is dismissed.

8. EFFECT OF OTHER COURT ORDERS. If any part of this order is different from any part of a protective order that has already been entered or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order of the Court remains in full force and effect until the Court signs a final decree or final order.

9. PARTIES ENCOURGAGED/ORDERED TO MEDIATE/COLLABORATE. The parties are encouraged to settle their disputes amicably without court intervention. In the event the parties are unable to settle their disputes, they are hereby ORDERED to use alternative dispute resolution methods, such as mediation, to settle those items that cannot be agreed to before setting a final hearing.

THIS FIRST AMENDED 90<sup>TH</sup> JUDICIAL DISTRICT STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON March 1, 2016.



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JUDGE STEPHEN E. BRISTOW  
90<sup>TH</sup> JUDICIAL DISTRICT COURT

## EXHIBIT "B"

### **New Emergency Orders Issued by Supreme Court and Court of Criminal Appeals (All orders expire May 8, 2020, unless extended by the Chief Justice of the Supreme Court)**

Please be aware of the emergency orders issued since our last guidance:

- First Emergency Order (Issued March 13) – Permits all judges in the state at their discretion, and requires all judges “to avoid risk to court staff, parties, attorneys, jurors, and the public”, without a participant’s consent:
  - To modify or suspend any and all deadlines and procedures prescribed by statute, rule, or order for a stated period ending no later than 30 days after the Governor’s State of Disaster has been lifted. NOTE: The Third Emergency Order (see below) clarified that this applies to all proceedings under Subtitle E, Title 5, of the Family Code (Child Abuse and Neglect Cases), and specifically to deadlines in Section 263.401 (dismissal deadlines in termination cases filed by the government).
  - Allow or require anyone involved in any hearing, deposition, or other proceeding of any kind – including a party, attorney, witness, or court reporter, but not a juror – to participate remotely, such as by teleconferencing, videoconferencing, or other means (see below on OCA-provided tool).
  - Consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means.
  - Conduct proceedings away from the court’s usual location, ~~but in the county of venue~~, and only with reasonable notice and access to the participants and the public. NOTE: Third Emergency Order strikes the requirement that the proceeding must be conducted in the county of venue but still requires notice and public access.
  - Require every participant in a proceeding to alert the court if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, or a fever, cough, or sneezing.
  - Take any other reasonable action to avoid exposing court proceedings to the threat of COVID-19.
  - Permitting judges to extend the statute of limitations in any civil case for a period ending no later than 30 days after the Governor’s state of disaster has been lifted.
- Second Emergency Order (Issued March 17) – Clarifies that child possession schedules establishing access to a child under a court-ordered possession schedule are not affected by the school’s closure that arises from an epidemic or pandemic and that the original published school schedule controls.
- Third Emergency Order (Issued March 18)
  - Modifies First Emergency Order as described above.
  - Prohibits judges from conducting non-essential proceedings in person contrary to local, state, or national directives, whichever is most restrictive, regarding maximum group size.
    - Governor Abbott’s Executive Order limits groups to 10 or less, so **courts should not schedule any in person proceedings that would cause more than 10 people to gather in a courtroom or area in the courthouse.** Proceedings that are conducted remotely have no limit.

- Examples of essential functions include: criminal magistration proceedings, CPS removal hearings, temporary restraining orders/temporary injunctions, juvenile detention hearings, family violence protective orders. If you want to inquire whether you believe a proceeding is an essential function, please feel free to email (see below).
- Fourth Emergency Order (Issued March 18)
  - **Prohibits a trial, hearing, or other proceeding in an eviction** to recover possession of residential property under Chapter 24 of the Property Code and Rule 510 of the Texas Rules of Civil Procedure until after April 19, 2020,.
  - Prohibits the posting of the written warning required by Sec. 24.0061(d)(1) of the Property Code and the execution of a writ of possession until after April 26, 2020.
  - Permits new filings of eviction cases, but prohibits issuance and service of citation until after April 19, 2020.
  - Permits one of these proceedings to proceed only if the following three actions are met:
    - the plaintiff files a "sworn complaint for forcible detainer for threat to person or for cause";
    - the court determines the facts and grounds for eviction stated in the complaint, under oath with personal knowledge, taken as true, show that the actions of the tenant, or the tenant's household members or guests, pose an imminent threat of (i) physical harm to the plaintiff, the plaintiff's employees, or other tenants, or (ii) criminal activity; and
    - the court signs an order stating procedure for the case to proceed.

#### Recommendations on Delaying Proceedings

- Previous guidance had been to delay non-essential proceedings to at least April 1, including jury trials. The Supreme Court and Court of Criminal Appeals Third Emergency Order has prohibited conducting non-essential proceedings in person contrary to local, state, and national directives, whichever is most restrictive, regarding maximum group size. OCA recommends that you continue to delay in-person proceedings of any size until **at least May 1**. However, with the introduction of the new remote proceedings capability described below, some of these non-essential proceedings, except for jury trials, can be conducted remotely.

#### Remote Proceedings Capability Now Available Using Free Tool from OCA

In an effort to assist judges to hold both essential and non-essential proceedings remotely, OCA has tested and procured licenses from Zoom to permit any judge in the state to host and provide public access to the proceedings. The system has been tested by several judges at each level of court, and the feedback from the judges has been very positive. Here are some highlights of using Zoom:

- The tool is widely available and free for use by the public. Individuals can download for free the app using a cell phone, tablet, or a computer device. The only requirement on their end is an internet connection. If the person does not have access to the internet or a video-capable device, they can join using a telephone.
- The tool is easy to use by judges and court staff.

- It is easy to publish the electronic proceeding to YouTube, so that the public can have access to the proceeding away from the courthouse, which permits compliance with the Open Courts provision of the Texas Constitution and the orders of the Supreme Court and Court of Criminal Appeals.
- No cost to local government or courts.
- **Closing Courthouses**
- OCA has been informed that some counties are considering closing courthouse facilities. As you are aware, it is imperative that the clerks' offices and courts remain available for emergency matters or for other proceedings which cannot be conducted remotely. OCA has been in contact with the County Judges and Commissioners Association regarding this potential. While there may be a way in which public access can be reduced, judges are advised to communicate with their constitutional county judge or mayor/city council regarding the need for the building to remain open in certain situations.
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- **Teleworking**
- Judges and clerks are advised to extend teleworking options to the degree possible to reduce the risk of transmission of COVID-19. You should consider what options are available to you and use them to the greatest extent feasible.
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- **Grand Juries**
- Many of you have contacted OCA about how to proceed with grand juries. It is our recommendation that you not terminate grand jury proceedings completely. You should be aware that grand juries can continue during the entire length of your court's term. Sec. 24.012(a), Government Code, provides that the terms of district courts in each county are from January-June and July-December. Therefore, your existing grand jury can continue until the end of June, unless there is a statute that provides for a separate term for your court (Harris County, Armstrong County have specific subsections in 24.012). If you have an issue with your term of court, you may consider using Section 24.0125, Government Code, which permits the Regional Presiding Judge, with the approval of the affected district court, to designate the terms and sessions of court during a disaster.
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- **Jail Population**
- The Texas Commission on Jail Standards (TCJS) has advised sheriffs to attempt to reduce the jail population where possible to reduce the risk of coronavirus in the jail. In a Technical Assistance Memorandum issued on March 17 to all sheriffs and jail administrators in the state, TCJS recommended "explor[ing] options for releasing non-violent misdemeanors offenders" and "explor[ing] options with local arresting agencies regarding 'cite and release' for those who commit non-violent crimes in order to reduce number of individuals booked into the facility." Judges may wish to consider working with their sheriffs and prosecutors to assist in this effort.
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- **Judges Assigned to Ch. 81 Quarantine Proceedings**
- As has been previously discussed, 31 district judges across the state have been assigned to hear quarantine proceedings under Ch. 81, Health and Safety Code. These judges have received specific training on the proceedings. With the Public Health Emergency Declaration, the proceedings change a bit. OCA is distributing contact information for these judges to the municipal, county, and district attorneys, as well as the attorney general. It is our expectation that these 31 judges will be able to handle the cases that come in, no matter the court in which the proceedings are filed. Should you wish to handle the proceedings yourself, please contact your Regional Presiding Judge to discuss.