

IN THE DISTRICT COURT OF
MARTIN COUNTY, TEXAS
118TH JUDICIAL DISTRICT

**STANDING ORDER ESTABLISHING CONFIDENTIALITY OF DFPS COURT
RECORDS**

On the 15th day of April, 2025, the Court considered the following and issues findings and orders related to pleadings, orders, and documents filed in a suit brought by the Department of Family and Protective Services, (hereinafter referred to as "DFPS") pursuant to Chapters 261, 262, and 264 of the Texas Family Code.

The Court finds that the Child Abuse Prevention and Treatment Act (CAPTA) requires that states preserve the confidentiality of all child abuse and neglect reports and records to protect the rights of the child and the child's parents or guardians. 42 U.S.C.A. 5106a(b)(2)(B)(viii).

The Court finds that CAPTA provides for the use of discretion in allowing public access to court proceedings involving child abuse cases, provided that the State, "at a minimum, ensure(s) the safety and well-being of the child, parent, and families." 42 U.S.C.A. 5106a(b)(2).

The Court finds that the plain language of Texas Family Code 261.201 deems DFPS records of abuse or neglect to be confidential and not subject to public release absent a court order following an in-camera inspection and a finding of necessity.

The Court finds that the affidavits, court reports, and other documents contain sensitive information regarding children who have been or may have been abused or neglected by parties responsible for their care.

The Court finds that these affidavits, court reports, and other documents contain sensitive information regarding family members, specifically regarding the parents of the children who may be alleged perpetrators of abuse or neglect.

The Court finds that because of the sensitive information contained within these affidavits, court reports, and other documents, it is necessary to restrict access to these pleadings, orders, and documents.

The Court finds that restricting access to these affidavits, court reports, and other documents would protect the privacy rights of both children and other family members, including the parents of the children.

The Court further finds that it has authority to control access to court file records.

IT IS THEREFORE ORDERED that access to affidavits, court reports, and other documents filed in a suit brought by DFPS pursuant to Chapters 261, 262, and 264 of the Texas Family Code are **CONFIDENTIAL** and shall be maintained by the District Clerk of Martin County as such. The Clerk of the Court shall allow access to these pleadings, orders, and documents to the court,

an associate judge, DFPS employees, employees of a Single Source Continuum Contractor (SSCC) acting as an authorized agent of DFPS, a party, a party's attorney, any attorney ad litem or guardian ad litem for the child, an adoptive parent, and the Office of the Attorney General.

Any other person or entity requesting access to a confidential case file subject to this standing order may submit a request to the Court using the form attached as Exhibit "A".

Nothing in this standing order prohibits the use of electronic filing as mandated by TRCP 21(f).

The Clerk is directed to:

- a. Submit a copy of this order to the Office of Court Administration's Local Rules, Forms and Standing Orders website.

SIGNED this 15th day of April, 2025.

R. Ilene Leath
JUDGE PRESIDING

IN THE DISTRICT COURT OF
MARTIN COUNTY, TEXAS
118TH JUDICIAL DISTRICT

REQUEST FOR ACCESS TO CONFIDENTIAL DFPS COURT RECORDS

1. CAUSE NUMBER: _____
2. NAME OF REQUESTOR AND AGENCY NAME AS APPLICABLE: _____
3. ADDRESS OF REQUESTOR: _____
4. EMAIL ADDRESS OF REQUESTOR: _____
5. TELEPHONE NUMBER OF REQUESTOR: _____
6. WHAT DOCUMENTS ARE YOU SEEKING: _____
7. REASON FOR REQUEST: _____

SIGNATURE OF REQUESTOR: _____

DATE SIGNED: _____

COURT REVIEW OF REQUEST

APPROVED: _____

DENIED: _____

SIGNATURE OF COURT: _____

DATE SIGNED: _____