

County Court at Law

Polk County, Texas

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Re: child visitation and possession orders

To all concerned:

It has come to my attention that someone has taken an order that on its face specifically applies only to children who are in the conservatorship of the Texas Department of Family and Protective Services (CPS cases) during the COVID-19 and published it on social media as authority that visitation in non-CPS cases is terminated or prohibited.

The order applies only to CPS cases. The web page for this court contains two links to orders by the Texas Supreme Court stating that court orders in suits affecting the parent child relationship (either divorces or original cases concerning the child) concerning possession or visitation with a child remain in effect and are not altered in any way by any executive declaration or order. Additionally, the Supreme Court has ordered that any provision of a possession schedule determined by a school schedule, such as spring break, is to follow the published school calendar and the suspension of school does not change or extend a parent's right to possession from that which would occur if school were normally in session.

The CPS order is perhaps poorly drafted, but it is styled "In Re Texas Department of Family and Protective Services" and the second paragraph clearly instructs only CPS.

The law as stated by the Texas Supreme Court will be enforced and the CPS order is not a defense to the violation of a non-CPS order.

All general orders of this court are posted on our website. Check the website, not Facebook.

