

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 17-9164

**ORDER ON JUDICIAL INSTRUCTION RELATING TO FAMILY VIOLENCE,
SEXUAL ASSAULT, TRAFFICKING OF PERSONS, CHILD ABUSE, SEX OFFENDER
CHARACTERISTICS, GUARDIANSHIP ISSUES, AND ISSUES REGARDING
FOREIGN LAW IN ACTIONS UNDER THE FAMILY CODE**

Miscellaneous Docket No. 15-9157 is withdrawn, and this order is substituted.

I.

Pursuant to the provisions of Government Code section 22.011, which directs the Supreme Court to provide judicial training related to the problems of family violence, sexual assault, trafficking of persons, and child abuse and to issues concerning sex offender characteristics, the Supreme Court directs each district judge and each judge of a statutory county court to complete within the judge's first term of office at least eight hours of training that includes information about:

- (1) statutory and case law relating to videotaping a child's testimony and relating to competency of children to testify;
- (2) methods for eliminating the trauma to the child caused by the court process;
- (3) case law, statutory law, and procedural rules relating to family violence, sexual assault, trafficking of persons, and child abuse;
- (4) methods for providing protection for victims of family violence, sexual assault, trafficking of persons, or child abuse;
- (5) available community and state resources for counseling and other aid to victims and to offenders;
- (6) gender bias in the judicial process; and
- (7) dynamics and effects of being a victim of family violence, sexual assault, trafficking of persons, or child abuse; and
- (8) issues concerning sex offender characteristics.

At least six hours of the training must be dedicated to the training described by items (5), (6), (7), and (8), above. Each judge who files an affidavit with the Office of Court Administration stating that the judge does not hear any cases involving family violence, sexual assault, trafficking of persons, or child abuse is exempt from this training.

II.

Pursuant to the provisions of Government Code section 22.013, which directs the Supreme Court to provide judicial training relating to the issues that arise in guardianship cases, the Supreme Court directs each judge involved in guardianship cases to complete a course of instruction that includes information about:

- (1) statutory and case law relating to guardianships;
- (2) the aging process and the nature of disabilities;
- (3) the requirements of the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.) and related case and statutory law, rules, and compliance methods;
- (4) the principles of equal access and accommodation;
- (5) the use of community resources for the disabled; and
- (6) avoidance of stereotypes through a focus on people's individual abilities, support needs, and inherent individual value.

The instruction may include information about:

- (1) substantive areas of law concerning the needs of elderly persons and persons with disabilities;
- (2) barriers to physical access and methods to overcome those barriers;
- (3) communication needs of elderly persons and persons with disabilities and the technology available to provide access to communication;
- (4) duties and responsibilities of guardians, guardians ad litem, attorneys, and court personnel in guardianship proceedings;
- (5) standard definitions and procedures for determining incapacity;
- (6) standards for surrogate decision-making;
- (7) the doctrine of least-restrictive alternative;

- (8) the dispute resolution process, especially its application to elderly persons and persons with disabilities; and
- (9) successful programs and funding efforts for addressing the court-related needs of elderly persons and persons with disabilities.

III.

Pursuant to the provisions of Government Code section 22.022, which directs the Supreme Court to provide judicial training relating to issues regarding foreign law, foreign judgments, and arbitration awards in relation to foreign law that arise in actions under the Family Code involving the marriage relationship and the parent-child relationship, the Supreme Court directs judges involved in those actions to complete a course of instruction that includes information about:

- (1) the limits of comity and the freedom to contract for arbitration that protect against violations of constitutional rights and public policy in the application of foreign law and the recognition and enforcement of foreign judgments and arbitration awards in actions brought under the Family Code; and
- (2) the rules of evidence and procedure adopted under section 22.0041.

IV.

Senate Bill 947, enacted by the 73rd Legislature in 1993, transferred the authority and responsibility for judicial education funds from the Supreme Court to the Court of Criminal Appeals. This Court therefore requests that the Court of Criminal Appeals direct all entities receiving funds for education of judges who are affected by Government Code sections 22.011, 22.013, and 22.022 to provide courses of instruction that meet the requirements of those sections.

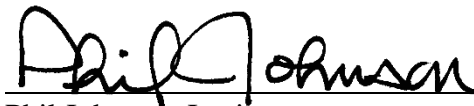
Dated: December 28, 2017.



Nathan L. Hecht, Chief Justice



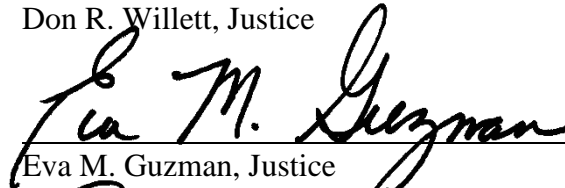
Paul W. Green, Justice



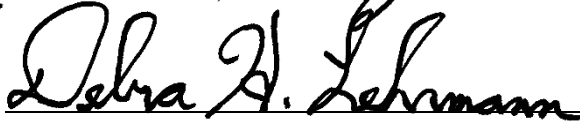
Phil Johnson, Justice



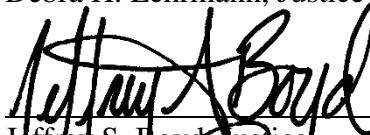
Don R. Willett, Justice



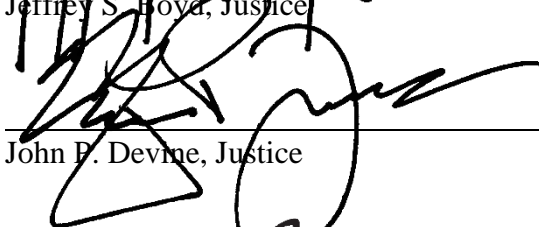
Eva M. Guzman, Justice



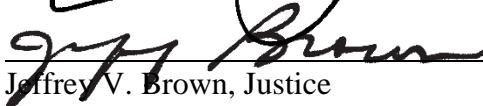
Debra H. Lehrmann, Justice



Jeffrey S. Boyd, Justice



John F. Devine, Justice



Jeffrey V. Brown, Justice