

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 94-9031

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## ORDER RELATING TO JUDICIAL EDUCATION ON FAMILY VIOLENCE, SEXUAL ASSAULT, CHILD ABUSE, AND GUARDIANSHIP ISSUES

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### I.

Pursuant to the provisions of Section 22.011, Government Code, which directs the Supreme Court to provide judicial training related to the problems of family violence, sexual assault, and child abuse, 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 which 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, and child abuse;
- (4) methods for providing protection for victims of family violence, sexual assault, 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, or child abuse.

At least six hours of the training must be dedicated to the training described by items (5), (6), and (7), 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, or child abuse is exempt from this training.

## II.

Pursuant to the provisions of Section 22.013, Government Code, 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 which 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.

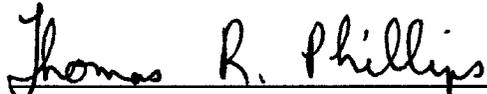
The instruction may include information about:

- (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-relating needs of elderly persons and persons with disabilities.

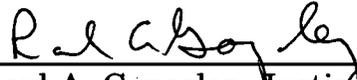
## III.

Whereas 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, the Court of Criminal Appeals is requested to direct all entities receiving funds for education of judges who are affected by Sections 22.011 and 22.013, Government Code, to provide courses of instruction which meet the requirements of those two sections.

SIGNED AND ENTERED this 11th day of February, 1994.



Thomas R. Phillips, Chief Justice



Raul A. Gonzalez, Justice



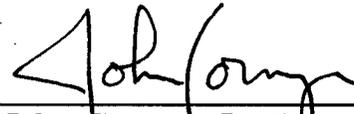
Jack Hightower, Justice



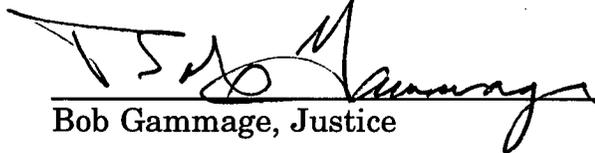
Nathan L. Hecht, Justice



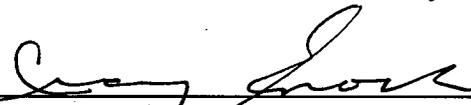
Lloyd Doggett, Justice



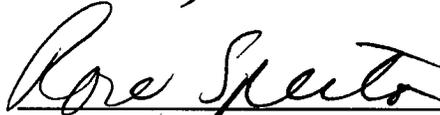
John Cornyn, Justice



Bob Gammage, Justice



Craig Enoch, Justice



Rose Spector, Justice

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STATE OF TEXAS  
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February 3, 1994

Mr. John T. Adams  
Clerk, Supreme Court of Texas  
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Austin, Texas 78701

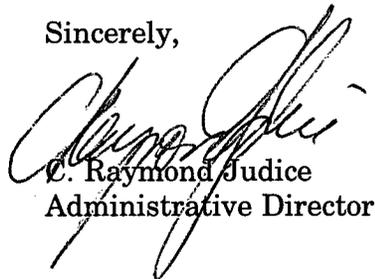
Dear Mr. Adams:

Enclosed is the original and a copy of a proposed Order of the Supreme Court relating to judicial education on family violence, sexual assault, child abuse, and guardianship issues.

After you have entered this proposed order on the Miscellaneous Docket of the Court, please forward the original of the proposed order to the chambers of Justice Gammage for further action by the Court.

Thank your for your attention to this matter.

Sincerely,



C. Raymond Judice  
Administrative Director

Enclosures

cc: Justice Bob Gammage  
Supreme Court