

Q: What matters are assigned to ancillary court?

Under Rule 3.5 Ancillary Docket of the Harris County Rules of the Civil Trial Division, the ancillary docket consists of the following:

- (a) Applications for temporary restraining orders;
- (b) Motions to dissolve or modify temporary restraining orders;
- (c) Motions to modify the bond for a temporary restraining order;
- (d) Motions to authorize emergency medical treatment;
- (e) Requests before any suit has been filed to appoint umpires or arbitrators;
- (f) The following matters, when brought under Chapter 81 of the Texas Health & Safety Code:
 - (1) Motions for orders of protective custody;
 - (2) Motions for orders of temporary protective custody;
 - (3) Motions for orders for temporary detention pending a hearing on a motion to modify an order for outpatient treatment;
 - (4) Appointment of attorneys for persons subject to protective custody or detention orders; and
 - (5) Probable cause hearings.

Generally, Applications for Temporary Restraining Orders and Motions to Dissolve TROs make up the majority of the work in ancillary court. The relief sought is extraordinary. To prevail on a Temporary Restraining Order, the movant must show an underlying cause of action against the defendant, a probable right to the relief sought and a probable, imminent and irreparable injury in the interim.

Matters other than ancillary issues should be directed to the clerk of the court assigned to the case.

Q: Can the judge assigned to the case hear an application for TRO?

No judge other than the Ancillary Judge may hear an application for a TRO and grant ancillary relief without a written order from the Ancillary Judge or Administrative Judge of the Civil Trial Division.

Q: How do I reach the ancillary clerk?

To reach the clerk call 832-927-5732 or email ancillarycourtclerk@justex.net. The office for the ancillary clerk is located on the 2nd floor, Suite 208 of the Harris County Civil Courthouse, 201 Caroline.

Q: Who is the ancillary court judge?

The civil district judges share the responsibility of civil ancillary court. Each judge will serve as Ancillary Judge for one-half of a calendar month. To find out which judge is currently assigned to ancillary court, please go to the judicial assignment's page [www.justex.net/JudicialAssignments/Ancillary.aspx]. Future assignments to ancillary court are not publically disclosed.

Q: Where is the ancillary courtroom?

Most of the judges hear ancillary matters in their own courtrooms, located on floors 9 – 14 of the civil courthouse. There are four courtrooms on each floor. The courtrooms are located on the corners of the floors. The clerks assigned to the courts are located in offices near the elevators at the center on each side of the central corridor. For a directory of the locations of the courtrooms, click <http://www.harriscountytexas.gov/phonedirectory.aspx> once the directory opens, select “search by court” then select “District Civil Courts”.

Q: Can the hearing for an application for TRO be *ex parte*?

While the law provides that under limited circumstances applications for TRO may be granted without notice to the other side, absent extenuating circumstances, the ancillary judge is likely to require notice to the other side and provide an opportunity for the other side to be heard. The application, therefore, must describe specific facts showing why the TRO must be granted without notice. There must be a satisfactory explanation of why the respondent should not be given the opportunity to contest the TRO.

Q: How long does a TRO last?

If the Court grants a Temporary Restraining Order, it will not exceed 14 days unless it is extended by agreement or on motion. During the time the TRO is pending, the court in which the case is assigned will hear the application for a Temporary Injunction.

Q: Is a bond for required for a TRO?

A bond is required for all TROs. The applicant must post the bond before the clerk will issue the writ. The Civil Intake Department accepts payment for a cash bond and issues the writ. Civil Intake Department is located on the first floor of the Harris County Civil Courthouse at 201 Caroline. Consult with the district clerk's office on acceptable forms of payment. Cash and a check from a local law firm are generally acceptable forms of payment. Personal checks are generally not accepted.

Q: Will the ancillary judge who hears the application for TRO also hear the application for Temporary Injunction?

No. The judge of the court to which the case is assigned will have the Temporary Injunction hearing and handle all subsequent matters, unless another application for TRO is filed.

Q: Can the Ancillary Court order expedited discovery after granting the TRO?

That depends on whether the judge in whose court the case is assigned allows any discovery before the Temporary Injunction hearing. Some courts allow it and some do not. Some courts grant the Ancillary Court the authority to order expedited discovery while some require you to go to the court in which the case is assigned.

Q: What if I need a TRO at night or over a weekend?

If you have an emergency and need a TRO after normal working hours or over a weekend, please call the Harris County Operator at 713-755-5000. The operator will know how to get in touch with the ancillary judge on duty, the ancillary clerk and the bond clerk in Civil Intake Department.