



## Harris County Family District Courts’ First Amended Policies and Procedures during COVID-19

These policies and procedures supersede the March 12, 2020 Family Courts’ Joint Statement. The following policies and procedures apply to all Family District Courts and are effective April 1, 2020, and will expire on June 1, 2020, unless otherwise extended.

The health and safety of our community, litigants, and staff is of the utmost importance. The Family Courts intend to serve as many litigants and attorneys as possible during this pandemic, while also following all safety measures recommended or mandated by federal, state, and local authorities. Effective March 24, 2020, the [Office of the County Engineer](#) closed about 2/3 of the courtrooms in the Justice Complex, leaving the Family Division with the ability to use only the 280<sup>th</sup>, 310<sup>th</sup>, and 312<sup>th</sup> courtrooms for essential matters. In addition, the buildings are closed on Fridays until further notice.

The Texas Supreme Court has responded to this public health crisis by authorizing district courts to make policies and modify certain rules and deadlines in the interest of justice and public safety. These policies are made pursuant to those [Texas Supreme Court’s COVID-19 Emergency Orders](#). Note that these policies are subject to change as the COVID-19 pandemic develops.

Thank you for your patience as we work through these challenges.

- 1. No docket call**—There will be no docket calls. Existing general trial and DWOP dockets (with the exception of enter/dismiss settings for final orders) will be reset automatically by each court for the duration of this order. All other hearings and previously scheduled preferential settings should be addressed directly with each court.
- 2. No in-person uncontested docket**—There will be no walk-in uncontested docket. Agreements can still be approved by submission with an appropriate affidavit.

3. **Agreements proved-up by affidavit or unsworn declaration**

- a. The following matters may be proven-up by affidavit or unsworn declaration:
  - i. Agreed orders or mediated settlement agreements (MSAs) disposing of all issues and containing signatures of all parties; and
  - ii. Orders containing the signature of one or more parties, provided that the respondent(s) executed general waivers, waiving notice and participation in suit.
- b. The Harris County Law Library's website has sample forms for prove-ups available for download [here](#). **PLEASE NOTE:** Your affidavit or unsworn declaration must contain all testimony necessary to prove-up the essential elements of your cause of action. ***Forms are not appropriate for all cases.***
- c. Your affidavit, or unsworn declaration, must be attached to your proposed order or MSA as an exhibit.

4. **Essential Matters**—The most common essential matters are CPS cases, habeas corpus, writs of attachment for children, and cases where a respondent is in custody due to a warrant or capias. Hearings on essential matters will be given priority and shall be preferentially set by each court's court coordinator. Essential Matters are defined as:

- a. Suits brought under Texas Family Code Title 4 (protective orders and family violence);
- b. Suits brought under TFC Chapter 157, Subchapter H (Habeas corpus and writs of attachment for children);
- c. Suits filed by a governmental entity under TFC Title 5 (CPS cases);
- d. Suits brought under TFC Chapter 33 (judicial bypass);
- e. Enforcements under TFC Chapter 157 if a respondent is in custody;
- f. Other suits or hearings with jurisdictional deadlines; and
- g. Other matters that may be designated by the Court at its discretion.

5. **Non-Essential Matters**—The current circumstances and limited courtrooms do not allow us to hear the same number of Non-Essential Matters as we did before this pandemic. Here are the accommodations we have made to help keep cases moving despite the current situation:

- a. All courts have expanded the list of motions that may be heard by submission. See No. 6, below.
- b. Agreements may be proved up by affidavit or unsworn declaration. See No. 3, above.
- c. **Temporary orders in emergencies**—In the case of a true emergency involving an imminent threat to the health or safety of a child or where there is an imminent risk to a party's property, an otherwise Non-Essential Matter may be deemed essential by the court and given priority for a temporary orders hearing. Such an emergency motion must include a request for the court to deem matter essential and must be supported by an affidavit or unsworn declaration. Please include a blank notice of hearing for the judge's signature and approval.

d. Virtual Hearings (e.g., Zoom, Audio-Conference):

1. Each court is equipped to conduct virtual hearings via Zoom and/or Audio-Conferencing Bridge. Generally, the use of virtual hearings will be at the judge's discretion.
2. Specific policies for virtual hearings listed on each court's [justex website](#) shall serve as an addendum to these policies and procedures.

6. **Submission docket**

a. The courts will consider the following motions by written submission (i.e., no oral hearing. If the court believes that an oral hearing is needed, the court will contact the parties via docket sheet entry with further instructions):

- i. Motions for Adoption Evaluation;
- ii. Motions for Alternate or Substituted Service;
- iii. Motions for Appointment of Attorney Ad Litem, Amicus Attorney, or Custody Evaluation;
- iv. Motion to Compel;
- v. Motions to Confer with a Child;
- vi. Motions to Consolidate;
- vii. Motions for Cost Deposit (private appointment);
- viii. Motions for Continuance;
- ix. Motions for Drug Testing;
- x. Motions to Enter;
- xi. Motions for Genetic Testing;
- xii. Motions for Judgment Nunc Pro Tunc;
- xiii. Motions for Reconsideration;
- xiv. Motions to Reinstate;
- xv. Motions for Summary Judgment (traditional or no-evidence)\*; and
- xvi. Motions for Withdrawal/Substitution of Counsel.

b. How to get a submission date:

- i. After filing your motion, contact the court for a submission date or use the court's online docketing system, if applicable.
- ii. The submission date shall never be less than the amount of time required by statute or rule and shall be at **least** 10 days from the date of filing, except on leave of court.

c. Notice of submission SHALL:

- i. Be served on all necessary parties at least 10 days before the submission date (unless a rule or statute requires more than 10 days' notice);
- ii. Provide notice to the responding party that:
  1. the motion will be heard by submission;
  2. no party may appear for the hearing in person; and
  3. any response to the motion must be on file at least 3 days before the submission date, or longer if required by statute or rule.

- d. Except on leave of court, any responses to the motion shall be filed at least three days before the submission date.
- e. \*PLEASE NOTE: If your motion is dispositive—such as a motion for final summary judgment—please double check with each individual court to confirm the submission schedule.
- f. It is the responsibility of the attorneys or pro se parties to monitor the docket sheet for the ruling.

7. **Entry settings and motions to enter**

- a. **If the order has all signatures:** File the proposed order before your entry date for the judge's signature.
- b. **If the order is missing signatures:** a **motion to enter must be filed** and will be considered by submission (see #6, above). The motion to enter should contain your proposed order, signed by movant. The party objecting to the form of the order must timely respond by addressing each objection to the order in the body of the response and attach the objecting party's proposed order signed by that party.

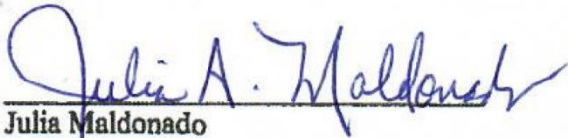
8. **Ex parte temporary restraining orders**

- a. The Family Court Division has signed a [First Amended Standing Ex Parte Temporary Restraining Order](#) which applies for all divorces and SAPCRs.
- b. Requests for ex parte extraordinary relief not covered by the Standing Order may be submitted for consideration by the Court if supported by an affidavit.

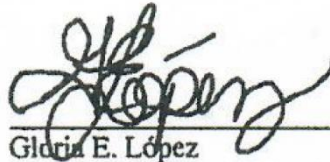
9. **Contacting the Court**—Our clerks and coordinators are working remotely. Access to phones and voicemail is limited. The best method to contact clerks and coordinators is through email. Staff email addresses are linked on each court's website. Due to a high volume of emails and voicemails, you may not receive an immediate response. We thank you in advance for your patience and consideration.

10. **Jury Trials**—The Family District Court Division will not be calling any jury trials, for Non-Essential Matters, according to the dates issued by the Harris County Board of Judges.

SIGNED on the 5th day of May 2020.



Julia Maldonado  
Judge, 507<sup>th</sup> District Court  
Administrative Judge



Gloria E. Lopez  
Judge, 308<sup>th</sup> District Court



Tristan H. Longino  
Judge, 245<sup>th</sup> District Court



Linda Marie Dunson  
Judge, 309<sup>th</sup> District Court



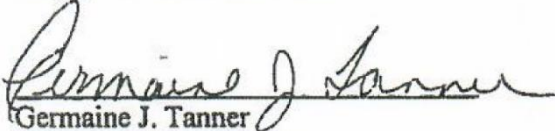
Angela L. Graves-Harrington  
Judge, 246<sup>th</sup> District Court



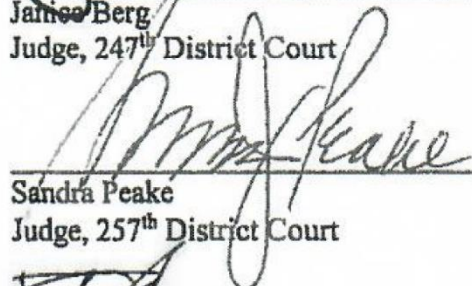
Sonya L. Heath  
Judge, 310<sup>th</sup> District Court



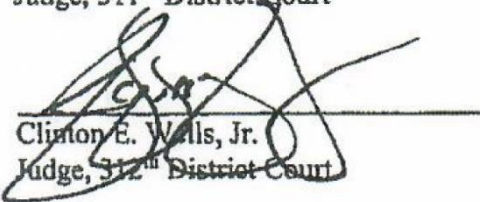
Janice Berg  
Judge, 247<sup>th</sup> District Court



Germaine J. Tanner  
Judge, 311<sup>th</sup> District Court



Sandra Peake  
Judge, 257<sup>th</sup> District Court



Clinton E. Walls, Jr.  
Judge, 312<sup>th</sup> District Court



Barbara J. Stalder  
Judge, 280<sup>th</sup> District Court