



245TH, 247TH, AND 308TH DISTRICT COURTS' JOINT POLICIES AND PROCEDURES

1. Policies and Procedures Incorporated by Reference

1.1. Court's Website and Scheduling Platform

Additional supplemental instructions and policies are published on each court's website and scheduling platform.

1.2. Extraordinary Circumstances

In the event of a pandemic, natural disaster, courthouse closure, or other occurrence that prevents the normal operation of the courts, additional policies and guidance will be published on each court's individual website.

2. General Docket Information

2.1. Online Scheduling

Matters can be scheduled for oral hearings or consideration by submission using the online scheduling system available on each court's website.

2.2. Signing Box

Select "Signing Box" in the online scheduling system to call the court's attention to orders that are ready for signing.

2.3. Availability

Frequently check the scheduling system as dates/times may become available throughout the week as settings are passed or canceled.

2.4. Proving Up an Agreed Order

An agreed order may be proven-up by Zoom or by filing an affidavit or unsworn declaration together with all necessary forms and the final order signed by all counsel and parties. The courts' websites have links to sample affidavits and declarations provided by the Harris County Law Library. Entries of agreed orders do not need to be set for submission unless contested or the order is missing signatures from a party to the agreement or that party's counsel.

2.5. Dismissals for Want of Prosecution

Dismissals for want of prosecution ("DWOPs") are set on the court's submission docket. No oral hearings will be held. Specifically:

- If the respondent has not appeared, a case may be dismissed unless a return of service or a properly executed waiver is on file before the dismissal date.
- If the respondent has appeared, the case may be dismissed unless: (1) the case has been settled and proven-up before the dismissal date, or (2) trial has been set and approved to occur within 90 days of the dismissal date.

2.6. Monitoring the Docket Sheet

It is the responsibility of the parties to monitor the case docket sheet for the court's rulings. Docket sheets are available through the Case Search function on the [Harris County District Clerk's website](#).

3. General Policies for Hearings

3.1. Late Calls

If you are running late for a hearing, email the "late" email address listed on the court's website with a copy to all counsel or self-represented litigants. Tardiness, without reasonable excuse, will result in the duration of the delay being deducted from the tardy party's time in the hearing.

3.2. Mediation

Before a Hearing on Temporary Orders

Required where custody or possession and access is at issue, or where the time estimate exceeds 30 minutes.

Before a Final Trial

Required in all cases, unless waived by the court.

3.3. Time Limits

Temporary Orders

Where there are no contested parent-child issues, the hearing is limited to 1.5 hours. When parent-child issues are contested, the hearing is limited to 3 hours. Time will be evenly allocated between the parties with an allotment for 1-2 short breaks.

Final Trial

The parties will be limited to the amount of time reserved for trial when scheduling, with the time evenly allocated between the parties or as otherwise equitably allocated by the court.

Assessment of Time

Time will be assessed against the party that is making an argument or conducting an examination. Time will be paused and assessed against the other side during speaking objections or voir dire examination of a witness.

3.4. Exhibits

Labeling and Naming

Exhibits must be pre-marked and numbered using numerals. Exhibits must be pre-marked on the document itself and the title of each exhibit file shall correspond with the pre-marked exhibit, for example, "Petitioner Ex. 01." The file "00" should be the party's exhibit list, for example, "Petitioner Ex. 00."

File Types

Documents and photos must be tendered in PDF format. Audio and video files must be playable by [VLC media player](#).

Exchange by Parties

For all hearings other than contempt proceedings, exhibits must be exchanged by the parties by 2:00 p.m. the business day before the hearing. Failure to timely exchange exhibits may result in the exclusion of those exhibits. Rebuttal or impeachment exhibits that were not exchanged before the hearing must be responsive to a matter raised by the other side.

Providing to Court

- a. Hearings Conducted in Person - tender one USB flash drive to the court.
- b. Hearings Conducted Remotely - create and email a file share link using your cloud storage service to the designated exhibit email listed on the court's website. The subject line of the email shall state the full cause number, your party identification, and the date of the court proceeding. Do not use the share feature intended for collaboration that requires an account with that service.
- c. For property divisions involving marital estates with numerous assets or debts, include with the exhibits an editable file (i.e., .xls) containing the party's proposed property division.

3.5. Records

If a record is requested, that request must be indicated when scheduling. The "Record Request" form on the court's website must be given/sent to the court reporter before the hearing.

4. Hearings by Submission

4.1. No Oral Hearing

A matter set for consideration by submission will be considered and ruled upon without an oral hearing.

4.2. Hearings that Must Be Set by Submission

The following contested motions must be set for hearing by submission (see exceptions below):

- a. Adoption evaluation;
- b. Appointment of attorney ad litem or amicus attorney;
- c. Attorney's fees (interim fees or deposit of costs);*
- d. Confer with child ≥ 12 -years-old;*
- e. Consolidate;
- f. Continuance;*
- g. Custody Evaluation;
- h. Discovery disputes (compel discovery/deposition, motion for protection/to quash);
- i. Drug testing;*
- j. Enter/sign order;
- k. Genetic testing;
- l. Judgment nunc pro tunc;
- m. Objection to remote proceeding;
- n. Reinstate;
- o. Retain;
- p. Substituted service;

- q. Summary judgment;
- r. Transfers that are not mandatory (e.g. inconvenient forum); and
- s. Withdrawal of counsel.*

*These motions may be set concurrently with a hearing for temporary orders, pretrial, or final trial, if insufficient time exists to set by submission before the oral hearing/trial.

4.3. Notice

Notice of submission setting must be served at least 10 days before the date of the hearing, or more if required by statute or rule. The notice must state 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.

4.4. Responses

Must be filed and served at least 3 days before the submission date, or earlier if required by statute or rule.

5. Entries

5.1. Temporary/Interim Orders

No entry date will be assigned.

5.2. Final Orders

Entry dates for final orders will be set by submission. Failure to enter the order before that date may result in dismissal of the case.

5.3. Contested Entries

Set for hearing by submission (see above). Movant must attach a proposed order as an attachment to the motion (but do not mark with exhibit label) and the proponent must sign indicating approval as to form. Nonmovant must attach markup identifying proposed edits and a clean copy signed approved as to form.

5.4. Uncontested Entries

If the order has all signatures, file the proposed order before your entry date for the judge's signature.

6. Temporary Orders and Final Trial

6.1. Local Rules

The parties shall comply with the applicable provisions of the Rules of the Judicial District Courts of Harris County, Texas Family Trial Division, specifically Rule 4.

6.2. Temporary Injunctions

The parties are encouraged to agree to standard mutual injunctions and it is the policy of the court to grant these to maintain the status quo of the parties.

6.3. Trial to Occur Within One Year

Trial should occur within one year of the initiation of the suit.

6.4. Scheduling Trial to the 245th

For cases in the 245th, pretrial and trial dates may be scheduled by reserving online and filing an agreed scheduling order or setting for consideration by submission a proposed scheduling order (if contested). Leave of court is required to schedule a trial that will last more than one day. Once scheduled, a trial setting may not be rescheduled, except by leave of court.

6.5. Scheduling Trial to the 247th and 308th

For cases in the 247th and 308th, trial dates will be automatically generated.

7. Trial by Default

7.1. No Answer

Where the respondent has not filed an answer or appeared in the case, a certificate of last known address and nonmilitary affidavit/declaration must be on file before trial.

7.2. Divorce With Marital Estate >\$50,000

A sworn inventory and proposed division must be on file before trial.

7.3. Uncontested Checklist

Before scheduling a final trial by default, a completed “Uncontested Checklist” (available on the court’s website) must be filed, along with required documents indicated in the checklist.

8. Pretrial

8.1. Scheduling

Pretrial should be scheduled to occur 1-3 weeks before trial where the responding party is not in default.

8.2. Pretrial Checklist

No appearance is needed at pretrial if the answers on a timely-filed pretrial checklist states an appearance is not needed.

8.3. Failure to Attend

Failure to attend pretrial, if not excused by the pretrial checklist, may result in the suit being dismissed for want of prosecution.

9. Remote Hearings

9.1. Method.

Remote proceedings will occur via [Zoom](#).

9.2. Notice.

It is the responsibility of the scheduling party to provide notice of the Zoom Meeting details (link and meeting ID) to all parties to the suit. A sample “Notice of Remote Hearing” is available on the court’s website.

9.3. Objection to Remote Hearing

An objection to a remote hearing must be set on the court's submission docket to be heard before the date of the hearing. A hearing noticed to occur remotely will be conducted via Zoom unless the court finds there is good cause to conduct the hearing in person. A lack of comfort or familiarity with Zoom shall not constitute good cause.

9.4. Joining the Remote Hearing

To join the hearing, either click on the link provided by the scheduling system or navigate to www.zoom.us and enter the meeting ID and password (if applicable) into the Zoom application. Once loaded, remain in the virtual waiting room until admitted into the hearing by the judge.

9.5. Witnesses and "The Rule"

Testifying parties and witnesses shall participate by video. Testifying witnesses shall conduct themselves as if in the courtroom, pause to allow attorneys to lodge objections, wait for a ruling from the court before answering, and shall not refer to notes or communicate with anyone while testifying. If a witness is placed under The Rule (Tex. R. Civ. P., Rule 267 & Tex. R. Evid., Rule 614), they may not watch the court's live stream of the hearing or otherwise violate The Rule.

9.6. Logistics

It is the responsibility of each party to address all hardware, software, connectivity, and logistics in connection with their participation and any witnesses being called by that party.

10. Court Appointments

10.1. Wheel

Wheels are used for appointments where the parties are not in agreement, although the court may deviate from the wheel for good cause.

10.2. Applications for Inclusion

Counsel wanting to be placed on a wheel shall send the application located on the court's website to Melissa_Love@justex.net.

11. Birth or Adoption of Child

The birth or adoption of a child by lead counsel or a party shall create a rebuttable presumption that a 90-day-continuance should be granted upon request.