

## **POLICIES AND PROCEDURES**

### **246<sup>TH</sup> Family District Court, Harris County, TX Judge Charley Prine**

#### 1. Docket Call

M-F	8:00 am – 9:00 am Uncontested Matters and at other times subject to court availability
Monday	9:00 am Trial Docket – two week
Tuesday	9:00 am Ancillary Matters, Enforcements, DRO, Entry
Wednesday	9:00 am Ancillary Matters, Entry
Thursday	9:00 am CPS, FOCAS, Ancillary Matters, Entry
Friday	9:00 am Ancillary Matters, PreTrial

All hearings may be combined to be heard on the same day.

#### 2. Late Calls

A party or attorney running late to court must notify the clerk at least 30 minutes before docket call. Provide clerk the attorney's name, cause number, where they are, time estimate before arrival, contact telephone number if more than 30 minutes late. Frequent late calls subject to verification. Frequent late calls due to traffic are unacceptable. Leave earlier.

#### 3. Scheduling Orders

Scheduling Orders are issued 90 days after the case is filed with 90 days' notice of the trial setting. Pretrial Conference will be held 10 days prior to trial.

Follow Scheduling Orders, including but not limited to the following:

- a. Exchange of exhibit lists, exhibits, witness lists;
- b. Reasonable cooperation in response to discovery requests;
- c. Adherence to deadlines;
- d. Make courtesy calls to court regarding late appearance;
- e. Speak one at a time particularly with a record is being taken;

- f. Be courteous to court personnel;
- g. Check files before trial and temporary orders hearings for relevant pleadings and have in front of the file; and
- h. Certificate of Conference for CPS, for special status, and modification of temporary orders.

4. Trial or Hearing Reset

Ancillary Hearing Resets – The party requesting the reset may reset through the clerk. If multiple parties have set a hearing for same date and time, all parties must agree to reset date.

Trial Settings – Motions for Continuance require a hearing and must state specifics about the reason the continuance is requested. Agreed Continuances are not automatic but subject to the same requirements. If continuance is granted, a scheduling order must be attached with new pretrial and trial date.

Attorney Vacation letters that are timely filed with the Harris County District Clerk are honored without a hearing or motion for continuance.

5. Dismissals With Out Prejudice (DWOP)

Nonappearance by parties and their counsel at pretrial conference may result in DWOP.

Petitioner’s or Movant’s Nonappearance at trial will result in DWOP.

6. Mediation

Mediation prior to a temporary orders hearing is required under Harris County Local Rule 7.1 in an appropriate case involving disputed custody or visitation issues. Mediation prior to final trial is required per Harris County Local Rule 7.2.

7. “Prove Up” Hearings

Divorce – Party must be present with counsel, if represented. Must present final Decree. Heading should reflect if the Decree is an agreement or default. If child support is ordered must present Employer’s Withholding Order and Medical Support Order. If the Waiver of Service states that the party reserves the right to sign all orders or requires notice of the hearing then follow the terms of the

Waiver! BVS and FOCAS forms must be completed and turned in before the hearing.

SAPCR – Party must be present with counsel, if represented. Must present final Order adjudicating parentage. Heading should reflect if the Order is an agreement or default. If child support is ordered must present Employer’s Withholding Order and Medical Support Order. If the Waiver of Service states that the party reserves the right to sign all orders or requires notice of the hearing then follow the terms of the Waiver! Mother, alleged father and presumed father if there is one must sign acknowledgement of paternity or DNA test results must be entered presented. BVS and FOCAS forms must be completed and turned in before the hearing.

SAPCR – Modification of Child Support: May be submitted for consideration by submission if all parties and attorneys sign the final order. Must include new Employer’s Withholding Order. BVS and FOCAS forms must be completed and turned in before the hearing.

SAPCR – Modification of Powers, Duties, Possession, or Access: Party must be present, with counsel if represented. Heading should reflect if the Order is an agreement or default. If child support is ordered must present Employer’s Withholding Order and Medical Support Order. If the Waiver of Service states that the party reserves the right to sign all orders or requires notice of the hearing then follow the terms of the Waiver! BVS and FOCAS forms must be completed and turned in before the hearing.

Settlement Agreements – Party must be present, with counsel if represented. Entry generally two weeks after prove up.

8. Forms Needed for Non-Contested Cases

***Waiver Divorce, No children –***

Waiver of Citation (Must be electronically filed)

Decree

BVS 165

***Waiver Divorce with Children –***

Waiver of Citation (Must be electronically filed)

Divorce Decree

Employers Order to Withhold Wages

Medical Child Support Order

BVS 165

H.C. Child Support Information Sheet aka FOCAS Setup Sheet

***Default Divorces, Paternity, Custody, Modifications –***

Check file for proof of service return (citation) – (Must be electronically filed & be on file for 10 days)

Decree/Judgment

Employers Order to Withhold Wages (if children)

Medical Child Support Order (if children)

Non-Military Affidavit (Must be electronically filed)

Certificate of Last Known Address (Must be electronically filed)

BVS 165

H.C. Child Support Information Sheet aka FOCAS Setup Sheet (if children)

***Name Change –***

For Adults:

Criminal Record (CHFF) ran through the Crime Records Division (DPS) in Austin or FBI (Must be electronically filed)

Certified/Original Birth Certificate of Petitioner

Copy of Driver's License

Copy of Social Security Card

Order Granting Change of Name

For Children:

Both parents must be present unless Waiver of Appearance/Citation is filed by non-appearing parent

Certified/Original Birth Certificate of Child

Copy of Petitioner's Driver's License

Copy of Social Security Card for Petitioner(s) and Child

Order Granting Change of Name

***Adoption/Termination –***

Final Order Granting Adoption and Termination

Confidential Copy Request Order

BVS 160 (Certificate of Adoption for each child)

BVS 165 (for Cases with Termination only)

\*\*If child support was established by a IV-D case, a certified copy of the Decree is necessary and must be referenced and attached to the Decree being filed.

9. Entry of Orders

Entry of orders is generally two weeks after rendition of the order. Orders may be submitted prior to entry date if signed by all parties and attorneys. Must also file BVS and FOCAS forms.

10. Parenting Coordinators

Parenting Coordinators may be appointed after notice and a hearing to present facts and circumstances supporting the need.

11. Child Interviews

Child interviews may be conducted after notice and hearing. Conferences should be scheduled after school hours. No children are to be brought to the courthouse without prior approval of the court.

12. Parenting Courses

Parenting classes are required by local rule. Online classes are allowed.

13. Cases involving Military Personnel

Agreed Divorces and original and Agreed SAPCR may be proved up through Respondent or deposition by written questions if the Petitioner is assigned overseas and both parties have signed the final order. The same applies to civilians working overseas.

14. Amicus Attorney/Attorney Ad Litem

Persons who wish to be appointed by the Court must submit a resume, business card, and a copy of certification for the position for which they wish to be appointed or resume must provide acceptable experience.

15. Supervised Visitation

When supervised visitation may be in the best interest of the children, it is preferable that the parties suggest acceptable supervisor. If none can be found then visitations through SAFE or Guardians of Hope will be ordered.

If a party requests drug testing they must demonstrate why the request is appropriate; be prepared to also be tested; and pay for the all tests they are requesting.

16. Psychological Evaluation

Psychological testing will be ordered only in extreme cases after notice, hearing, and appointment of Amicus.