



**ANGELA GRAVES-HARRINGTON**  
JUDGE, 246<sup>TH</sup> JUDICIAL DISTRICT COURT

**246<sup>TH</sup> DISTRICT COURT POLICIES AND PROCEDURES**

**1. Policies and Procedures Incorporated by Reference**

**1.1. Court's Website**

The Court has published supplemental instructions and policies on its website.

**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, the Court will publish additional policies and guidance on its website.

**2. General Docket Information**

<b>Docket Type</b>	<b>Days</b>	<b>Time</b>	<b>Method</b>
Trial	Monday	9:00 AM	In-person
Uncontested (including no-answer defaults)	Monday – Thursday	8:00 AM – 8:45 AM*	In-person and Virtual
Contempt	Tuesday	9:00 AM	In-person
Ancillary (including Temporary Orders)	Tuesday & Wednesday	9:00 AM	In-person
CPS	Thursday	9:00 AM	In-person
Protective Orders	Thursday	9:00 AM	In-person
Discovery Disputes	Friday	9:00 AM	In-person
Contested Entries	Friday	9:00 AM	In-person
Pretrial	Friday	9:00 AM	Virtual
Submission	Friday	NA	Submission
DWOP	Friday	10:00 AM	In-person

**\*The Court will also hear uncontested matters at other times subject to the Court's availability.**

**2.2. 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. Entries of agreed orders do not need to be set for submission unless the order is missing signatures from a party to the agreement or that party's counsel.

### **2.3. Dismissals for Want of Prosecution (DWOP)**

The Court automatically schedules dismissals for want of prosecution (“DWOPs”).

- 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.

### **2.4. Monitoring the Docket Sheet**

Parties are responsible for monitoring 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 Contacting the Court**

#### **3.1.1 General Inquiries**

Please email all general inquiries to the clerks at [246hearings@justex.net](mailto:246hearings@justex.net).

#### **3.1.2 Requesting Hearing Dates**

To request a hearing date, please file the motion(s) and notice(s) of hearing, then email the clerks at [246hearings@justex.net](mailto:246hearings@justex.net) to schedule your hearing.

### **3.2. Late Calls**

When running late for a hearing, email [246late@justex.net](mailto:246late@justex.net) and all counsel or self-represented litigants with the case number, expected time of arrival, and reason for the delay. Without a reasonable excuse for the tardiness, the Court will deduct the duration of the delay from the tardy party’s time in the hearing.

### **3.3. Mediation**

#### **3.3.1. Before a Hearing on Temporary Orders**

Mediation is required where custody or possession and access is at issue, or where the time estimate exceeds 1 hour, unless waived by the Court.

#### **3.3.2. Before a Final Trial**

Mediation is required before final trials, unless waived by the Court.

### **3.4. Time Limits**

#### **3.4.1. Temporary Orders**

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

#### **3.4.2. 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.

### 3.4.3. Assessment of Time

The Court will assess time 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.

## 3.5. Exhibits

To be potentially admissible into evidence in a Zoom hearing, all exhibits, except rebuttal exhibits, must be pre-marked and emailed sent to the court reporter and all other parties before the hearing.

### 3.5.1. Deadline.

The deadline for submitting and exchanging exhibits and an exhibit list is no later than 2:00 p.m. the day before the proceeding. If the day of the proceeding is a Monday or court holiday, the deadline will be 2:00 p.m. on the weekday that is not a court holiday and that immediately precedes the day of the proceeding.

### 3.5.2. Cloud Transfer.

To transmit your documents to the Court, please email a link to a Dropbox folder (or other common file-sharing platform) to the Official Court Reporter, Delores Johnson at delores\_johnson@justex.net. The subject line of the email shall state the following: (1) full cause number, (2) party identification (Petitioner, Respondent, Intervenor, etc.), and (3) the date of the court proceeding.

For example, "Cause No. 2020-12345; Petitioner's Exhibits; May 8, 2020." NOTE: Do not e-file your exhibits.

### 3.5.3. Format of Exhibits.

The only acceptable formats for exhibits are PDFs and MP4s. Each exhibit shall be a separate file, and the title of each file shall state the name of the exhibit and a brief description. For example, "Petitioner Ex. 1 – 2018 Tax Return."

### 3.5.4. Marking Exhibits.

You must pre-mark your documents, using numbers only. Please do not mark your documents with letters. For example, "Petitioner Ex. 1," but not "Petitioner Ex. A."

### 3.5.5. Exhibit List Required.

You must e-file an exhibit list no later than 2:00 p.m. the day before the proceeding.

### 3.5.6. Exhibits with Rebuttal or Unanticipated Evidence.

During a Remote Proceeding, with the permission of the Court, a party may offer an exhibit with rebuttal evidence or an exhibit with evidence that the party could not have reasonable anticipated or submitted prior to the proceeding by emailing the Court and all parties (through their counsel if represented). The Court may take a brief recess for this purpose.

### 3.5.7. Documents Required by Local Rules for Family Law Proceedings.

Not later than 2:00 p.m. the day before the court proceeding as defined above in section 7.1, each party shall submit to the court (via cloud transfer) and to all parties all documents required by this Court's local rules for family law proceedings (e.g., financial information statement, pay statements, and tax returns). The titles of these files shall name the party and the documents (for example, Petitioner's Financial Information Statement).

### 3.5.8. Submission of Late Responses and Replies.

Each party shall email to the court coordinator and each other party any responses or replies the party e-filed with the district clerk less than forty-eight hours before the Remote Proceeding. Emailing such a document with the court coordinator is not a substitute for e-filing the document with the district clerk. No party shall include the judge or court coordinator as a service contact when e-filing a document.

### 3.5.9. Submission of Case Law, Statutes, and Similar Documents.

If a party wants the Court to consider any case law, statute, regulation, or similar document, the party shall email the document to the court coordinator and the other parties no later than 2:00 P.M. on the day before the Remote Proceeding.

### 3.5.10. Failure to Comply with Procedures.

Failure to comply with the procedures in this section of the order, without good cause, may result in the exclusion of the exhibits, the Court not considering the documents, or other sanctions as provided by the Court's local rules or inherent powers.

## **4. Hearings by Submission**

### **4.1. No Oral Hearing**

The Court will consider and rule upon all matters set for consideration by submission without an oral hearing.

### **4.2. Hearings that May Be Set by Submission**

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

- a. Adoption evaluation;
- b. Appointment of attorney ad litem or amicus attorney;
- c. Consolidate;
- d. Contested entry;
- e. Continuance;\*
- f. Custody Evaluation;
- g. Drug testing;
- h. Enter/sign order;
- i. Genetic testing;
- j. Judgment nunc pro tunc;
- k. Objection to in-person proceeding;
- l. Reinstate;
- m. Retain;
- n. Substituted service;

- o. Summary judgment; and
- p. Withdrawal of counsel.

**\*The first Motion for Continuance filed in a case will be automatically granted if the parties have scheduled mediation and included that information in the motion.**

#### **4.3. Notice**

Movants must serve the notice of submission setting 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**

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**

The Court will assign an entry date for temporary/interim orders at the conclusion of the hearing.

#### **5.2. Final Orders**

The Court will assign an entry date for final orders at the conclusion of the hearing. Failure to enter the order by the entry date may result in dismissal of the case.

#### **5.3. Uncontested Entries**

If the order has all signatures, file the proposed order by 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**

The Court automatically generates trial dates.

## **7. Trial by Default**

### **7.1. No Answer**

Where the respondent has not filed an answer or appeared in the case by the time set forth in TRCP 21, the Petitioner may prove up their default during the uncontested docket. A certificate of last known address, nonmilitary affidavit/declaration, SCRA search, sworn inventory, and proposed division of the estate must be on file before trial.

### **7.2. Uncontested Checklist**

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

## **8. Pretrial**

### **8.1. Scheduling**

The Court automatically schedules pretrial conferences. The Court will assign final trial dates for adoptions at the pretrial conference.

### **8.2. Pretrial Checklist**

Prior to pretrial conferences, attorneys and pro se litigants shall file a *Pretrial Conference Checklist* or *Pretrial Adoption Checklist*.

### **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 Policies and Procedures**

The Court’s follows the [246th DISTRICT COURT POLICIES FOR REMOTE PROCEEDINGS](#).

## **10. Court Appointments**

### **10.1. Wheel**

The Court utilizes the wheel for appointments when the parties do not agree on the appointment. The Court may deviate from the wheel for good cause.

### **10.2. Applications for Inclusion**

Please submit the application located on the court’s website to [Melissa\\_Love@justex.net](mailto:Melissa_Love@justex.net).

### **10.3 Required Training**

Applicants must have a minimum of 15 hours of trauma-informed training to be considered for the Court’s wheel.

### **10.3. Vouchers**

Counsels shall submit vouchers for payment no later than three (3) business days after a hearing.

#### **10.4. Amicus Attorneys**

The Court may appoint an Amicus Attorney in a case where conservatorship, possession of, or access to, a child is in dispute. The amicus attorney shall not charge the parties more than \$250.00 per hour. Total hours worked shall not exceed 40 hours, unless the amicus attorney receives prior approval from the Court.

#### **11. Attorney's Fees in Private Cases**

Attorneys in private cases must support all requests for attorney's fees (interim and final) with a detailed invoice.

#### **12. Electronic Devices**

All electronic devices must be in silent mode or turned off in the courtroom. Taking pictures or video recording in the courtroom is NOT allowed, except in adoption cases.

#### **13. Drinking and Eating in Courtroom**

Drinking, eating or gum chewing is not allowed in the courtroom. While in trial, parties and attorneys may have water or beverages at the counsel table.

#### **14. Children in Courtroom**

Children may not be in the courtroom without court approval. If the court approves a request for a judge to interview a child in chambers, bring the child to the courthouse at the interview time.

#### **15. 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.

*These policies and procedures do not supplant the Harris County Local Rules.*

*/s/ Judge Angela L. Graves-Harrington*