



**SANDRA PEAKE**  
JUDGE, 257TH DISTRICT COURT  
201 CAROLINE  
HOUSTON, TEXAS 77002  
(713) 274-4560

## **257<sup>th</sup> JUDICIAL DISTRICT REVISED POLICIES AND PROCEDURES**

### **EFFECTIVE FEBRUARY 1, 2021**

**NOTICE: BEGINNING 01/11/2021 ALL HEARING/TRIALS  
(EXCEPT JURY TRIALS) WILL BE CONDUCTED VIA VIRTUAL COURTROOM!**

- I. AS OF 01/11/2021 THE 257<sup>TH</sup> WILL NO LONGER UTILIZE SCHEDULISTA. ALL HEARINGS WILL BE SET THROUGH THE DISTRICT CLERK E-HEARING SYSTEM OR VIA SCHEDULING ORDER.**
  
- II. VIRTUAL HEARING PROTOCOL:**
  - 1. Raise your hand to be acknowledged during the hearing (objections, et cetera).**
  - 2. Make sure your full name is displayed on the Zoom screen.**
  - 3. Recording of the virtual hearing proceedings is strictly prohibited under all circumstances.**
  - 4. No children are allowed in the courtroom without prior specific permission.**
  - 5. Appropriate attire is expected.**
  - 6. No smoking, vaping, gum chewing, eating or drinking (except water).**
  - 7. No inappropriate background pictures or backdrop screens.**
  
- III. TRIAL DOCKETS:**
  - A. The 257<sup>th</sup> has implemented VIRTUAL COURTROOMS, effective 8/10/2020.**
  - B. General 9:00 AM trial/dismissal/ancillary docket will begin 2/1/2020 via the Zoom Virtual Courtroom.**
  - C. Each courtroom is assigned a separate ZOOM meeting number.**

**YOU MAY ACCESS THE VIRTUAL COURTROOMS DIRECTLY FROM THE COURTS WEBSITE: WWW.JUSTEX.NET (Click on the streaming link)**

- D.** Trial dockets will be held 2 times per month except months with dead weeks.

There will be a schedule of docket dates on the court's website by 02/01/2021 for trial/dismissal dockets through 12/31/2021.

- E.** The court coordinator will establish Virtual Courtroom Zoom trial dockets.

1. Notification will be sent at least 60 days prior to the setting. If this is the first trial setting, we will continue our policy of granting one continuance, with or without cause.
2. If your case is ready for trial, it will be scheduled for later in the day, later in the week, during the week immediately following the Monday trial docket or as the courts' scheduling permits. Your case will be scheduled depending on time estimates. All settings occurring after the trial date will be considered preferential settings.

- F.** If you are requesting a record of testimony be made at your Trial, you must follow the guidelines for a hearing requiring a record as set out in section IX below.

**IV. PRE-TRIAL CONFERENCES REQUIRED FOR THE FOLLOWING MATTERS:**

**A. Adoptions and Terminations** (including CPS in which termination has already been completed).

**B. Jury Trials**

Prior to the pre-trial conference, parties shall:

1. Have mediated;
2. Prepared a Pre-trial Conference Checklist;
3. Timely filed motions in limine and any other pre-trial motions;
4. Drafted proposed jury charge.

Please refer to local rules regarding the exchange of exhibits.

**C. Bench trials lasting 1 day or longer:**

Prior to pre-trial conference, parties shall:

1. Have mediated; and
2. Completed pre-trial exchange of exhibits.

**D. Any trials lasting 2 days or longer:**

1. Submit at pre-trial a draft of findings of fact and conclusions of law in an editable format in addition to the requirements set forth in C (1) and

C (2) above.

**E. Requesting A Record of Testimony**

If you are requesting a record of testimony be made at your Pre-Trial Conference, you **must** follow the guidelines for a hearing requiring a record as set out in section IX below.

**V. TEMPORARY ORDERS HEARINGS**

**A. Newly-filed Divorce/SAPCR/Paternity**

1. Mediation is required prior to the hearing if custody is at issue.
2. The Court may waive the mediation pre-temporary orders hearing requirement provided an affidavit is filed with the initial pleadings detailing an emergency circumstance concerning the health or safety of a child and may consider issuing "band-aid" orders prior to mediation.
3. Once your hearing date is obtained, please incorporate the VIRTUAL COURTROOM number and access code into the hearing notice to be filed with the clerk.
4. Temporary Orders time limitation: 1 hour per side absent leave of court.

**B. Modification of Existing Orders**

1. Request for modification of existing orders requires that an affidavit be filed with the pleadings evidencing the necessity of a hearing for Temporary Orders.
2. If custody is at issue, mediation is required prior to the hearing.
3. Modification of support will be considered on a case-by-case basis. The Court requires 3 recent paycheck stubs, 2 years tax returns, and a copy of the Attorney General payment record be exchanged and/or filed with court prior to the hearing.

**D. Requesting A Record of Testimony**

If you are requesting a record of testimony be made at your Modification or Temporary Orders hearing, you **must** follow the guidelines for a hearing requiring a record as set out in section IX below.

**VI. ENFORCEMENTS**

- A.** Enforcement of possession and access and child support shall be set on Thursdays by motion. Visitation and access enforcement hearings will be limited to 45 minutes per side. Child support and spousal support hearings will be limited to 30 minutes per side. If Attorney General is a necessary party, you must provide proof of notice.

- B. Enforcements of property division will be set on the trial docket.
- C. Habeas Corpus proceedings will be set upon motion as soon as possible.  
Immediately upon filing your motion and obtaining your date, contact the court clerk for further instructions.
- E. Since the making of a record of testimony is required in all Enforcements and Habeas Corpus proceedings, you must follow the guidelines for a hearing requiring a record as set out in section IX below.

#### VI. CPS

- A. CPS hearings will continue to be heard on Tuesdays as scheduled in Judge Gooden's VIRTUAL COURTROOM.
- B. If you are appointed to represent a party in CPS companion cases and you make a court appearance for both cases on the same day, only bill on 1 case per court appearance. Beginning March 1, 2021, all out of court hours must be submitted for payments within 90 days of the date of submission of the voucher.

#### VII. PROVE-UPS

Agreed prove-ups may be accomplished via a submission setting or by appearing in the Virtual Courtroom between 8:30 and 9:00 AM Wednesday, Thursday, or Friday.

##### A. Prove-ups by submission:

1. Sign up on through the District Clerk E-hearing System page for a submission.
2. File the necessary documents 10 days before the submission will be considered including your affidavit of testimony and proper notice of submission when required. Responses and/or objections are due 3 days prior to submission date. The Court will advise if a hearing is necessary to address any issues in opposed submissions.
3. Submit a final order signed by both parties or provide a waiver of citation that allows the court to proceed without further notice to Respondent.
4. File the MSA if that is part of the agreed order.

##### B. Agreed Prove-ups in the Virtual Courtroom

1. All documents that in the past were brought to the court for a prove-up must be properly signed and filed at least 24 hours before you appear in the Virtual Courtroom.

The Harris County Law Library's website has sample forms for prove-ups available for download at <https://texaslawhelp.org>. PLEASE NOTE: Your affidavit or unsworn declaration

must contain all testimony necessary to prove up the essential elements of your cause of actions. *Forms are not appropriate for all cases.*

#### **VIII. DEFAULTS**

Defaults will be heard in the virtual courtroom. Since the making of a record of testimony is required in all defaults, you must follow the guidelines for a hearing requiring a record as set out in section IX below.

- A. If prove-up is for default, a non-military affidavit completed by the litigant and certificate of last known address are required to be filed along with final order and prove-up affidavit.
- B. If the default is a divorce, you must also file a sworn Inventory and Appraisement.

#### **IX. HEARINGS REQUIRING OR REQUESTING A RECORD & EXHIBITS:**

- A. **HEARINGS REQUIRING OR REQUESTING A RECORD:** If any hearing requires the making of a record of testimony, or you are requesting a record, complete and send the Court Reporter Form for Zoom Including Zoom Oath and any exhibits you wish to offer to: [Angela McBride@justex.net](mailto:Angela.McBride@justex.net) at least 48 business hours prior to your hearing date.

*A record is required or frequently requested in the following trials/hearings: Defaults, Habeas Corpus, Enforcements/Revocations, Protective Orders, CPS Cases Termination/Adoptions, New Trials, TFC Chapter 33 Hearings, Bill of Review, SIJ Cases, Recusals, Motions to Disqualify, & TFC Chapter 31 Hearings.*

- B. **EXHIBITS:** If you have any exhibits you intend to offer, they must be given directly to the court reporter, Angela McBride, at least 48 business hours prior to the hearing date. If your exhibits total less than 25 pages, you may email them to the court reporter at [Angela McBride@justex.net](mailto:Angela.McBride@justex.net) at least 48 business hours prior to your hearing date. If your exhibits total more than 25 pages or you are presenting audio or video files, then you must courier the exhibits to the 257<sup>th</sup> District Court, Attention Angela McBride at least 48 business hours prior to your hearing date. All exhibits, Whether they are couriered or emailed, must be marked and accompanied by an Exhibit List. If your exhibits are couriered they must be printed, marked and stapled or bound and audio or video files must be downloaded to a separate thumb drive. Additionally, a copy of your exhibits should be provided to the testifying witness and a courtesy copy provided for the Court's use.

- X. **ESSENTIAL MATTERS (CONTESTED OR UNCONTESTED):** Essential matters are generally considered to consist of the following and may be conducted **via in-person hearings** or by the **Virtual Courtroom** if requested.

1. Suits brought under Texas Family Code Title 4 (protective orders and family violence); and
2. Suits brought under TFC 157, Subchapter H (habeas corpus and writs of attachment for children; and
3. Suits filed by a governmental entity under TFC Title 5 (CPS cases); and
4. Suits brought under TFC Chapter 33 (judicial bypass); and
5. Enforcements under TFC Chapter 157 if a respondent is in custody; and
6. Other suits or hearings with jurisdictional deadlines; and
7. Other matters that may be designated at the Court's discretion. (Ex. In cases involving an emergency situation involving the health or safety of child, or imminent risk to property, a request to have the matter deemed essential must be accompanied by an affidavit or unsworn declaration where temporary orders are necessary.

For each of the above-enumerated matters, please note the following:

1. In-person hearing dates for **enforcement hearings** for visitation and access and support issues shall be scheduled on Thursdays when in person hearings resume.
2. For all other matters, please contact court clerk for a date and time.
3. File an Order Setting Hearing with the hearing date included.
4. Please note first setting will require rights be read to Respondent if jail time is being requested.
5. Future setting will be provided at the time of the initial setting.
6. If any hearing requires a record or you request a record, you must follow the guidelines for a hearing requiring a record as set out in section IX above.

#### **XI. SUBMISSION DOCKET:**

**A. SUBMISSION DOCKET MOTIONS:** The court will consider the following motions by written submission (i.e. no oral hearing). These submissions shall be scheduled through the District Clerk E-hearing System, the court's online scheduling system. If the court believes that an oral hearing is necessary, the court will contact the parties via docket sheet entry with further instructions:

1. Motions for Adoption Evaluation;
2. Motions for Alternative or Substituted Service;
3. Motions for Appointment of Attorney Ad Litem (Motions for Appointments which require an allocation of cost should be set for Virtual hearing or in-person hearing);
4. Motions to Consolidate;
5. Motions for Cost Deposit (private appointment)
6. Motions for Continuance;
7. Motions for Drug Testing;
8. Motions to Enter;
9. Motions for Genetic Testing;
10. Motions for Judgment Nunc Pro Tunc;
11. Motions for Reconsideration;

12. Motions to Reinstate;
13. Motion To Appoint Mediator;
14. Motions for Summary Judgment (traditional or no-evidence).

**B. OBTAINING A SUBMISSION DATE:**

1. After filing your motion, obtain a submission date from District Clerk E-hearing System. File a notice of submission using the submission date obtained.
2. 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 REQUIREMENTS:**

1. Notice of submission SHALL 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).
2. Notice of Submission should state that:
  - a) The motion will be heard by submission;
  - b) No party may appear for the hearing in person; and
  - c) Except on leave of court, any response to the motion shall be filed at least 3 days prior to the submission date.
3. Please note: If your motion is dispositive, such as a motion for final summary judgment, please contact the court to confirm the submission schedule.
4. It is the responsibility of the attorneys or pro se parties to monitor the docket sheet for the ruling.

**XII. 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. Inform the court clerk that the agreed order has been filed so the order may be moved into the judge's box for signature.
- B. If the order is missing signatures: A motion to enter must be filed and will be considered by submission (XI.C. above). The motion to enter should have the proposed order attached and contain the signature of the moving party. 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 attaching the objecting party's proposed order signed by that party. If the Court is unable to resolve the drafting disputes via submission, a docket entry will be made to that effect and either side may request a virtual hearing to resolve dispute via District Clerk E-hearing System.

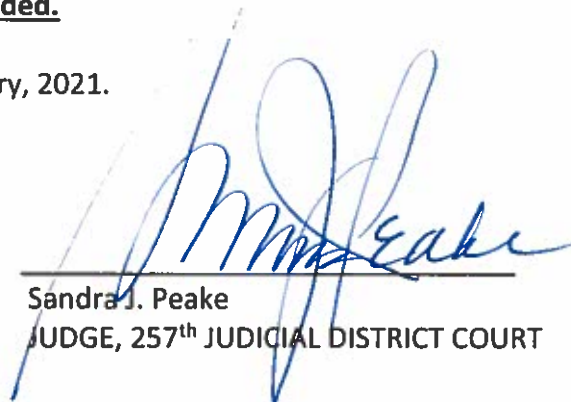
**XIII. IN-PERSON HEARINGS:**

The OCA has suggested guidelines for the safe use of our courtrooms during this Covid-19 pandemic for the safety of the bar, family and staff, court family, and the public. **Until further notice, there will be no in-person hearings without a Finding by the Court that a party, attorney, witness or interpreter cannot participate remotely via virtual hearing and when all reasonable efforts do not permit the proceeding to be conducted remotely. If you believe a party, attorney, witness or interpreter cannot participate remotely via virtual hearing, you must email the court coordinator, and all parties/attorneys, at least 3 days in advance of the hearing of your request for an in-person hearing.**

#### **APPROACHES**

**Judge Peake and Judge Gooden will entertain approaches in their Virtual Courtrooms as time permits provided that all parties/attorneys are present. Please call the clerk or coordinator to set up a time if needed.**

SIGNED this 15<sup>th</sup> day of February, 2021.



Sandra J. Peake  
JUDGE, 257<sup>th</sup> JUDICIAL DISTRICT COURT