

HARRIS COUNTY DISTRICT COURT — FAMILY

257TH COURT

1. When is Docket Call? 9:00 a.m.
2. When are **uncontested matters** heard? What are the procedures for requesting an uncontested prove-up at any other time? What forms (if any) does the Court require be on file before it hears an uncontested matter? 8:30 a.m. Monday through Friday. If there are special circumstances, our clerk will advise if there is a Judge available. We need proof of service if applicable, proposed final order/decree or MSA. Also, waivers of service will be checked to see whether Respondent's signature is required on final decree. Matters can be heard without proposed final orders. We will provide entry date at conclusion of prove-up.
3. When are **contempt** hearings set? What are the Court's requirements for requesting the same? Thursdays at 9:00 a.m. If motion is filed, hearing date is provided.
4. What day(s) is **Trials** set? Our general trial docket is held twice per month and always called at 9:00 a.m. on Monday. Non-trial docket weeks are used for preferential trials/contested hearings with start time settings at 10:00 a.m., 11:00 a.m. or 1:30 p.m., depending on the time announcement.
5. When are hearings for **Temporary Orders and other ancillary matters** set? What documents does the Court require be on file if a party requests to modify temporary orders or for additional temporary orders? Temporary Orders and ancillary matters set at 9:00 a.m. docket. Requests for temporary orders or for additional temporary orders must be accompanied by an affidavit.
6. Which types of Motions does the Court hear **on submission**? What are the Court's procedural requirements for the same? (e.g., Must a Notice of Hearing be included? How many days from filing will the Motion be heard? May parties request an oral hearing?) What are the Court's procedural requirements for filing Responses? None.
7. When are hearing for **Enforcement Actions** set? What documents does the Court require parties bring if seeking enforcement of child support? Child conservatorship/custody? If parties are requesting incarceration? For incarceration requests, what are the Court's rules regarding commitment orders? Hearings for Enforcement actions are usually scheduled for Thursdays at 9:00 a.m.
8. When are **CPS** hearings set? CPS dockets are Tuesdays at 8:00 a.m.
9. When are **entries of orders** set? Entries are Friday's at 9:00 a.m. Which documents does the Court require be on file before the date of the entry hearing? Final orders with signatures, BVS. If opposing counsel/party have not signed order by entry, an approach is necessary to obtain a docket sheet entry so that order will be signed.
10. When are **discovery disputes** heard? What procedural requirements does this Court have regarding the same? Discovery disputes are heard throughout the week. If hearing is necessary and involves exhibits, courtesy copies of the Motion and all exhibits should be provided to court and court reporter prior to the start of the hearing. In addition, if contested, counsel needs to advise court whether any effort has been made to streamline issues still in dispute.
11. What are the Court's rules regarding **Exhibits** for hearings and trial? All exhibits should

be pre-marked and exchanged prior to hearing/trial; if record requested, copy available for court reporter and courtesy copy provided for court use.

12. Is **Mediation** required before final Trial? Are there exceptions to this requirement? If so, what procedural steps must a party make to request such exception? Mediation is required prior to trial. Mediation may be waived if family violence involved or other “compelling” reason upon filing a Motion and obtaining a hearing date.
13. Is **Mediation** required before a Temporary Orders hearing? If so, what type of Temporary Orders hearings? Are there exceptions to this requirement? If so, what procedural steps must a party make to request such exception? If custody is in issue, the Court almost always require mediation first. If there is an emergency situation involving a child, there should be an affidavit filed with the request detailing facts and circumstances requiring immediate attention. Court will consider a “Band Aid” order after argument and/or some testimony.
14. What documents does the Court require be on file before **proving up a default divorce**? Return of citation properly executed and filed, Non-military affidavit, certificate of last known address, statement of evidence (if by publication and ad litem appointed), sworn inventory and appraisal and BVS.
15. How should a final order be drafted if there is a **Mediated Settlement Agreement** on file? It should comply with the provisions contained in the MSA and Family Practice Manual.
16. When does the Court require a **Pre-Trial Conference**? When are they generally scheduled? Does the Court require a *Pre-Trial Conference Checklist* be filed prior to? Court requires a pre-trial conference for ALL termination/adoptions. The court requires a pretrial for all JURY TRIALS at least 3 weeks prior to trial. All motions in limine, other pre-trial matters including jury charge are addressed at that time.
17. What type of family cases require a Pre-Trial Conference? Termination/Adoptions, Jury Trials and cases estimated to require 2 days or more of court time.
18. What are the Court’s instructions for **attorneys who will be late** for Docket Call? What consequences does the Court impose if attorneys do not comport with these instructions? (e.g., dismiss cases) Ideally, attorneys would be able to call in. Our clerks appreciate a late call email the day before if possible. We generally give the moving party until 9:30 a.m. to call in or risk having the case passed.
19. What are the Court’s requirements if parties are seeking a **non-ex parte off-docket approach**? They should approach clerk, provide the case number and the nature of the approach. This should be done after docket call.
20. In cases regarding children, how does the Court prefer **the child be identified in pleadings**: write out the child’s entire name, or use the child’s initials? By full name or initials and last name.
21. Does the Court require that **ex parte temporary restraining orders** be joint and mutual? Yes, typically they are joint and mutual. Are there exceptions to this requirement? Not generally. What statutory language does the Court require in ex parte TROs in divorce suits? Standard property provisions, address of residence being protected and vehicle description. What are the general requirements for ex parte TROs in SAPCR suits? If a request in any TRO is to exclude a parent from possession or access or other extraordinary relief, the pleading must be accompanied by a detailed affidavit. Children

involved suits should include a UCCJEA affidavit to provide information regarding the whereabouts of the children prior to filing.

22. Counterpetitions? Please provide any other general rules for ex parte TROs in your court. There are no specific rules for counterpetitions.
23. What does the Court require of the requesting party (e.g., documents) who wants a parent's possession to be supervised? Any documentary evidence that indicates unsupervised possession and access would not be in child's best interest: Positive drug tests results, criminal history, prior or existing protective order.
24. Which methods of service will an *attorney ad litem* be appointed? Service by publication? Service by posting? What does the Court require if a party or attorney is seeking such an exception? In what circumstances is an *attorney ad litem* waived? What documents must an AAL have on file prior to the case being finalized? Service by publication almost always requires appointment of an ad litem. The ad litem should have filed a statement of evidence detailing diligence in efforts to locate Respondent before the hearing begins.
25. What type of cases is an *amicus attorney* appointed? Does this Court impose an hourly fee limit? A limit on total hours worked? Amicus attorneys are appointed in contested custody cases where there is a serious and immediate question regarding safety and welfare of the child; AND, the parties can agree on the hourly rate range and deposit range for the amicus appointed. The court prefers fees in the 250.00 to 350.00 hourly range. There is not a limit on the total hours worked but the court will ask to review billing statements to determine reasonableness of fees.
26. In **DFPS matters**, are *attorney ad litem*s required to submit a voucher for out-of-court work? If so, by when should it be submitted to the Court? Yes, and they should be submitted to the Court at or near the time of the very next hearing scheduled in the matter.
27. Does the Court require requests for **attorney's fees** be supported by documentation? If so, what type of documentation? What are the consequences imposed, if any, if an attorney fails to present said documentation to the Court? It depends on the type of case. If there is a request in the absence of any supporting documentation, the request for fees may not be considered.
28. What are the Court's requirements regarding **parenting classes**? By when, if at all, are parties required to take a parenting class? Local rules required parenting classes. However, the 257th Court does not require that a certificate of completion be filed.
29. What are the Court's general rules regarding **courtroom etiquette**? (e.g., electronic devices, attire, food/drinks, etc.) Parties may not use electronic devices in the courtroom itself. Lawyers may use all electronic devices (laptops, smartphones) provided they are turned on vibrate. Men should wear jackets/shirts/ties/turtlenecks. Women should avoid attire that is too revealing.
30. Are **children allowed in the courtroom**? Children are not allowed in the courtroom except for adoptions. What does the Court require of an attorney or party to request a child be interviewed in chambers? Person requesting needs to file a Motion to Interview Child in chambers and request a hearing. An appointment to conduct the interview is generally scheduled so as not to interfere with the child's school schedule. Attorney's for either party are not present for the interview.