

308th District Court

Policies and Procedures — Effective January 1, 2019

General Docket Information:

- Uncontested Docket: Monday through Friday between 8:00 a.m. and 8:45 a.m.
 - Trial Docket: Tuesdays at 9:00 a.m.
 - Temporary Orders Hearings and Ancillary Matters: Mondays and Wednesdays at 9:00 a.m.
 - CPS Docket: Wednesdays at 8:00 a.m. and Thursdays at 1:30 p.m.
 - Enforcement/Contempt Docket: Thursdays at 9:00 a.m.
 - Entry: Fridays at 9:00 a.m.
 - Discovery Disputes: Fridays at 1:30 p.m.
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1. **GIFT POLICY**—The 308th District Court is fully committed to running an impartial Court and has adopted a ***No Gift policy***.
2. **DOCKET CALL**—The docket call each day is at 9 a.m. The following are the exceptions: see items 7 and 9 below.
3. **UNCONTESTED MATTERS**—The court will hear uncontested matters between 8:00 a.m. and 8:45 a.m. each day, or at any other time that the Court is not in trial and you are willing to wait. If you would like to prove up an uncontested matter outside of the designated time, you should contact the coordinator to make sure that a judge will be available. Your case will be heard as an uncontested matter only if you have filed all documents prior to the date of Prove-Up.
4. **TRIALS**—Trials are set on Tuesdays.
5. **TEMPORARY ORDERS HEARINGS AND ANCILLARY MATTER**—Hearings for temporary orders and ancillary matters (for example, withdrawals and substitutions of counsel) are set on Mondays and Wednesdays. Temporary orders may be limited to one hour per party. A request for temporary orders in a modification case or for additional temporary orders should be supported by an affidavit and approved by a judge.
6. **ENFORCEMENT/CONTEMPT DOCKET**—Enforcement actions are set on Thursday. For child support enforcement cases, please bring a payment history from the Texas Office of the Attorney General. If the moving party is requesting incarceration, the moving party should bring a proposed commitment order to the hearing. Commitment orders must be entered by 2 p.m. on the date of incarceration.
7. **CPS HEARINGS**—With the exception of emergencies, ***CPS hearings*** are set on Wednesdays at 8:00 a.m. AND Thursdays at 1:30 p.m.

8. **ENTRIES**—**Entries of orders** are set on Fridays. If you call to inform the court that your order has been filed, please make sure that all documents listed as *Required Orders and Forms for Entry of Final Decree/Order* have also been filed, otherwise your case may be dismissed on the date of the entry hearing.
9. **DISCOVERY**—**Discovery disputes** are set on Fridays at 1:30 p.m. (1) Request for hearings will not be granted unless party requesting the hearing files a certificate of conference stating all efforts made to hold an in-person conference with opposing counsel or pro se party regarding the discovery disputes. (2) Motions to quash depositions – if it is based on unavailability of the lawyer or witness, or a scheduling conflict, then the party filing the motion to quash shall provide at least three alternative dates within the body of the motion for the taking of the deposition.
10. **MEDIATION**—***Mediation is required before the final trial*** of a case; exceptions may be made in certain cases. Parties seeking such an exception should file a motion seeking such relief and set a hearing on the issue at least 10 days before trial. Failure to mediate prior to trial may result in dismissal of the case.
 - a. ***Mediation is required before temporary orders involving conservatorship disputes or complex property issues***; exceptions may be made in certain cases. If a party is being denied possession of the party’s child, the court may waive the mediation requirement. Failure to mediate may not be used as an excuse to avoid a temporary orders hearing.
 - b. ***Mediation is NOT required before temporary orders of a Petition to Modify Conservatorship where the Court has signed a Temporary Restraining Order based on the parties supporting affidavit.***
11. **INVENTORIES**—A sworn inventory must be on file on or before prove up of a default divorce.
12. **MEDIATED SETTLEMENT AGREEMENTS**—When based on a mediated settlement agreement, the terms of a final order must comport with the mediated settlement agreement.
13. **PRE-TRIAL CONFERENCE**—A pre-trial conference is required for all ***jury trials*** and will generally be scheduled on the Friday eighteen days before trial. Prior to the pre-trial conference, the parties to a jury trial should file the *Pretrial Conference Checklist* (see court’s website for checklist).
 - a. A ***pre-trial conference*** is required in each ***adoption*** case. The date for final trial will be set at the pre-trial conference.
14. **LATE CALLS**—Attorneys who will be late for docket call should call the clerk at least 10 minutes prior to docket call and state their expected time of arrival. Also, attorneys should disclose any other court(s) where they are appearing or may be located. *Cases may be dismissed or reset if the attorney for the moving party does not arrive in the courtroom within thirty minutes of the time of docket call.*

15. **OFF-DOCKET APPROACH**—Parties making a non-*ex parte* off-docket approach may (1) sign up on the uncontested docket and will be heard at the end of the uncontested docket or (2) make an appointment to approach.
16. In cases regarding children, use each child’s entire name. *Do not use initials to identify children.*
17. **EX PARTE TEMPORARY RESTRAINING ORDERS**—Ex parte temporary restraining orders should be joint and mutual, although exceptions may be made if supported by affidavit. In divorce actions, ex parte TROs should use the language included in section 6.501 of the Texas Family Code. In SAPCR cases, the court will strike certain proposed injunctions (such as alcohol or paramour injunctions) if they are not supported by an affidavit. A TRO on a counterpetition must contain a certificate of conference. Alternatively, a counterpetitioner should notice the other side of a hearing for temporary orders instead of having a represented party served with a TRO.
18. **APPOINTMENT OF ATTORNEY AD LITEM**—1) Service by publication - An attorney ad litem will be appointed to represent a party served by publication. Attorney should contact the court after the return of service and actual publication has been e-filed, (2) Service by posting on courthouse door - in cases with no children and no property – the court may waive ad litem after appropriate motion and hearing.
19. **APPOINTMENT OF AMICUS ATTORNEY**—The court may appoint an amicus attorney in a case in which conservatorship or possession of or access to a child is in dispute. The court appointed amicus attorney may charge the parties an amount not to exceed \$250.00 per hour.
20. **VOUCHERS**—A court appointed attorney ad litem should submit a voucher for out-of-court work by the next hearing date in the matter.
21. **PARENTING CLASS**—Parties to a custody dispute **must** complete an 4-hour parenting class prior to trial. Court may order an 8-hour parenting class if determined necessary.
22. **ELECTRONIC DEVICES**—All electronic devices should be in silent mode or turned off in the courtroom. No food or gum chewing is allowed in the courtroom. No photos or videos are allowed, except in adoption cases. While in trial, parties and attorneys may have water or beverages at the counsel table.
23. 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, the child may only be brought to the courthouse at the interview time.
24. Exceptions to these rules may be made on a case-by-case basis.

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