

Welcome to the 309th District Court
Court Policies and Procedures — Effective January 1, 2019

1. The **docket call** each day is at 9 a.m. beginning February 1, 2019 (but see item 8 below).

2. The court will hear **uncontested matters** between 8:00 a.m. and 8:45 a.m. each day or at any other time if we are not in trial and you are willing to wait. If you would like to prove up an uncontested matter at any other 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 listed as *Required Orders and Forms for Entry of Final Decree/Order*.

3. **Trials** are set on Mondays.

4. Hearings for **temporary orders** and **ancillary matters** (for example, withdrawals and substitutions of counsel) are set on Tuesdays, Wednesdays and Thursdays. 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.

5. **Enforcement actions/DRO/AG/** are set on Wednesdays. 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.

6. **CPS hearings** are set on Thursdays, except for emergencies.

7. **Entries of orders** and pretrial 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.

8. **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.

9. **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.

10. **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.

11. A **sworn inventory** must be on file on or before prove up of a default divorce.

12. An **agreement incident to divorce** must be approved by the court (unless the AID is binding under another rule of law) and must either be filed with the clerk or read into the record at the time the case is proved up. Parties may file a motion requesting that the AID be made confidential along with a proposed order.
13. When based on a **mediated settlement agreement**, the terms of a final order must comport with the mediated settlement agreement.
14. A **pre-trial conference** is required for all **jury trials** and will generally be scheduled on the Friday seventeen 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)
15. A **pre-trial conference** is required in each **adoption** case. This provides an opportunity to confirm that necessary documents have been filed; the final trial of the case will be set at the pre-trial conference.
16. **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, reason for delay, and any other court(s) where they are appearing. *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.*
17. 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.
18. In cases regarding children, use each child's entire name. *Do not use initials to identify children.*
19. **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.
20. If a party is requesting that a parent's possession be supervised, the requesting party should be prepared to pay the costs associated with providing the proposed supervisor.
21. **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.
22. **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.
23. An **attorney ad litem** in a DFPS matter should submit a **voucher** for out-of-court work by the next hearing date in the matter.
24. 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.

25. 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.

26. 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.

27. Exceptions to these rules may be made on a case-by-case basis. Suggested changes to these rules are welcome. If there is something you think we should do differently, please let us know.

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