

# 246th, 247th, 308th, and 310th District Courts’ Joint Policies and Procedures

## 1. Policies and Procedures Incorporated by Reference

Additional supplemental instructions and policies are published on each court’s website and scheduling platform.

## 2. Scheduling Information for the 246th

Matters can be scheduled for oral hearings or consideration by submission by emailing [246hearings@justex.net](mailto:246hearings@justex.net).

## 3. Scheduling Information for the 247th and 308th

### 3.1. Online Scheduling

Matters can be scheduled for oral hearings or consideration by submission using the online scheduling system available on each court’s website.

### 3.2. Signing Box

Select “Signing Box” in the online scheduling system to call the court’s attention to orders that are ready for signing.

### 3.3. Availability

Frequently check the scheduling system as dates/times may become available throughout the week as settings are passed or canceled.

## 4. Scheduling Information for the 310th

Except for CPS hearings and final trials, all hearing dates for e-filed motions must be scheduled through the e-hearing system available through the District Clerk’s website. For non-electronically filed motions by self-represented litigants, the party should contact the Court Clerk to schedule a hearing.

[CLICK HERE TO LEARN HOW TO SCHEDULE YOUR EHEARING.](#)

## 5. General Docket Information

### 5.1. 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. The courts’ websites have links to sample affidavits and declarations provided by the Harris County Law Library. Entries of agreed orders do not need to be set for submission unless contested or the order is missing signatures from a party to the agreement or that party’s counsel.

### 5.2. Dismissals for Want of Prosecution

The 246th’s Dismissal for want of prosecution (“DWOPs”) are set on the court’s DWOP docket (oral hearing will be held). The 247th, 308th, and 310th DWOPs are set on the court’s submission docket (no oral hearing will be held).

- 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, (2) trial has been set and approved to occur within 90 days of the dismissal date, or (3) have a motion to retain granted prior to the date of dismissal.

### **5.3. Monitoring the Docket Sheet**

It is the responsibility of the parties to monitor 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](#).

## **6. General Policies for Hearings**

### **6.1. Late Calls**

If you are running late for a hearing, email the "late" email address listed on the court's website with a copy to all counsel or self-represented litigants. Tardiness, without reasonable excuse, will result in the duration of the delay being deducted from the tardy party's time in the hearing.

### **6.2. Mediation**

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

Required where custody or possession and access is at issue, or if estimated to exceed 30 minutes.

#### *Before a Final Trial*

Required in all cases, unless waived by the court.

### **6.3. Time Limits**

#### *Temporary Orders*

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

#### *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.

#### *Assessment of Time*

Time will be assessed 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.

### **6.4. Exhibits**

#### *Labeling and Naming*

Exhibits must be pre-marked and numbered using numerals. Exhibits must be pre-marked on the document itself and the title of each exhibit file shall correspond with the pre-marked exhibit, for example, "Petitioner Ex. 01."

### Exchange by Parties

For all hearings exhibits must be exchanged by the parties by 2:00 p.m. the business day before the hearing. Failure to timely exchange exhibits may result in the exclusion of those exhibits. Rebuttal or impeachment exhibits that were not exchanged before the hearing must be responsive to a matter raised by the other side.

### Providing to Court

- a. Create and email a file share link using your cloud storage service to the designated exhibit email listed on the court's website. The subject line of the email shall state the full cause number, your party identification, and the date of the court proceeding. Do not use the share feature intended for collaboration that requires an account with that service.
- b. For property divisions involving marital estates with numerous assets or debts, include with the exhibits an editable file (i.e., .xls) containing the party's proposed property division.

## **7. Hearings by Submission**

### **7.1. No Oral Hearing**

A matter set for consideration by submission will be considered and ruled upon without an oral hearing.

### **7.2. Hearings that Must Be Set by Submission**

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

- a. Adoption evaluation;
- b. Appointment of attorney ad litem or amicus attorney;
- c. Attorney's fees (interim fees or deposit of costs);\*
- d. Confer with child;\*
- e. Consolidate;
- f. Continuance;\*
- g. Custody Evaluation;
- h. Discovery disputes (compel discovery/deposition, motion for protection/to quash);\*\*
- i. Drug testing;\*
- j. Enter/sign order;
- k. Genetic testing;
- l. Judgment nunc pro tunc;
- m. Objection to remote proceeding;
- n. Reinstate;
- o. Retain;
- p. Substituted service;
- q. Summary judgment;
- r. Transfers that are not mandatory (e.g. inconvenient forum); and
- s. Withdrawal of counsel.\*

\*These motions may be set concurrently with a hearing for temporary orders, pretrial, or final trial, if insufficient time exists to set by submission before the oral hearing/trial.

\*\* These motions are considered by oral argument (not by submission) in the 310th District Court.

### **7.3. Notice**

Notice of submission setting must be served 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.

#### **7.4. Responses**

Must be filed and served at least 3 days before the submission date, or earlier if required by statute or rule.

### **8. Entries**

#### **8.1. Temporary/Interim Orders**

Entry dates on Temporary/Interim Orders will be set by the Court in its rendition or at an oral announcement of an agreement.

#### **8.2. Final Orders**

Entry dates on final orders will be set by the Court in its rendition or at an oral prove-up of an agreement. Failure to enter the order before that date may result in dismissal of the case.

#### **8.3. Contested Entries**

Set for hearing by submission (see above). Movant must attach a proposed order as an attachment to the motion (do not mark with exhibit label) and the proponent must sign indicating approval as to form. Nonmovant must attach markup identifying proposed edits and a clean copy signed approved as to form.

#### **8.4. Uncontested Entries**

If the order has all signatures, file the proposed order before your entry date for the judge's signature.

### **9. Temporary Orders and Final Trial**

#### **9.1. 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.

#### **9.2. 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.

#### **9.3. Trial to Occur Within One Year**

Trial should occur within one year of the initiation of the suit.

#### **9.4. Scheduling Trial**

Trial dates will be set by the court in automatically generated scheduling orders. You may also contact the court coordinator to request a scheduling order be generated.

### **10. Trial by Default**

#### **10.1. No Answer**

If the respondent has not filed an answer or appeared in the case, a certificate of last known address and nonmilitary affidavit/declaration must be on file before trial.

## **10.2. Divorce With Marital Estate**

A sworn inventory and proposed division of property must be on file before trial.

## **10.3. Uncontested Checklist**

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

## **11. Pretrial Conferences**

Pretrial conferences are required only for the following matters: jury trials; adoptions; and suits requesting special immigrant status findings (i.e. SIJS). Failure to attend pretrial may result in the suit being dismissed for want of prosecution.

Other matters may be set for a pretrial conference on a case-by-case basis if requested by the court or by the parties.

## **12. Remote Hearings**

### **12.1. Method.**

Remote proceedings will occur via [Zoom](#).

### **12.2. Notice.**

It is the responsibility of the scheduling party to provide notice of the Zoom Meeting details (link and meeting ID) to all parties to the suit. A sample “Notice of Remote Hearing” is available on the court’s website.

## **13. Court Appointments**

### **13.1. Wheel**

Wheels are used for appointments where the parties are not in agreement, although the court may deviate from the wheel for good cause.

### **13.2. Applications for Inclusion**

Counsel wanting to be placed on a wheel shall send the application located on the court’s website to [Melissa\\_Love@justex.net](mailto:Melissa_Love@justex.net).

## **14. 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.