**Welcome to the 311th District Court**

**Court Policies and Procedures — Effective January 1, 2023**

**General Court Times**

**Uncontested Docket - Monday-Thursday -8:00 a.m. to 8:45 a.m. and at other times subject to court availability**

**Trial Docket - Mondays at 10:00 a.m.**

**Temporary Orders Hearings- Tuesday and Wednesday at 10:00 am**

**CPS Docket - Wednesdays at 10:00 a.m.**

**Contempt - Thursdays at 10:00 a.m.**

**Entry and Submission Docket-Fridays at 10:00 a.m.**

**Other Ancillary Matters including Protective Orders- Monday-Thursday 9 a.m.**

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**General Docket Information**

All trials on the merits and evidentiary hearings **shall be in-person,** unless both parties agree to a zoom appearance by Rule 11 agreement. Ancillary matters *may* be heard via zoom. Parties may also have a hybrid zoom/in-person hearing before the Presiding Judge. It is the responsibility of the scheduling party to provide the appropriate notice, complete with manner of appearance by zoom ID and Password or specific court location. All Zoom and Hybrid hearings require advance notice with the Court Coordinator, for scheduling purposes.

***Late calls/emails***: attorneys who will be late for docket call should call or email 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.*

**Prove Ups**

An agreed order, mediated settlement agreement, or divorce, may be proven up in-person, 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. 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. \*An appropriately executed and filed waiver, may negate the need for a signature from all parties.

**Dismissals for want of prosecution (DWOP)**

DWOP’s are set on the court’s submission docket (no oral hearing will be held)

**Monitoring the Docket Sheet**

It is the responsibility of the parties to monitor the case docket sheet for the court’s ruling and other related notes.

**GENERAL POLICIES for HEARINGS**

Hearings for ***temporary orders*** are set on Tuesdays and Wednesdays. Temporary orders may be limited to 1.5 hours per party, for a total of 3 hours. 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.

***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.

***Enforcement actions*** are set on Thursdays. 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.

***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.

***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.

When based on a ***mediated settlement agreement***, the terms of a final order must comport with the mediated settlement agreement.

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*.

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.

A ***pre-trial conference*** is required for SIJS cases.

Parties to a custody dispute **must** complete a 4-hour ***parenting class*** prior to trial.

**HEARINGS BY SUBMISSION**

Certain motions may be heard by written submission. Motions shall state Fridays at 9:00 am as the date for written submission. This date shall be at least 10 days from filing, except with leave of court. Responses shall be filed at least two working days before the date of submission, except with leave of court. Parties may file a request for oral hearing along with their submission notice; and must receive an oral hearing date from the clerk. The following motions may be heard by submission:

* 1. Motions for Adoption Evaluation;
  2. Motions for Alternative or Substituted Service;
  3. Motions for Appointment of Attorney Ad Litem, Amicus Attorney, or Custody Evaluation;
  4. Motions to Compel; \*\*\*
  5. Motions to Confer with a Child;
  6. Motions to Consolidate;
  7. Motions for Cost Deposit (private appointment);
  8. Motions for Continuance;
  9. Motions for Drug Screening;
  10. Motions to Enter;
  11. Motions for Genetic Testing;
      1. Motions for Judgment Nunc Pro Tunc;

1. Motions to Reinstate;
2. Motions for Summary Judgment; \*\*\*
3. Motions for Withdrawal/Substitution of Counsel.

Please be sure to include a proposed order, when filing your motion. Movant shall call the clerk as soon as the motion is filed, for placement on the submission docket.

\*\*\*Court reserves the right to request an oral hearing after reviewing the filed motions\*\*\*

***Entries of orders*** are set on Fridays, and are by submission. 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. ***Contested Entries*** involving drafting disputes, must be set for oral hearing.

**Ad Litems/Amicus Attorneys**

An ***attorney ad litem*** will be appointed to represent a party served by publication, although exceptions may be made in cases with no children and no property. Parties seeking such an exception should approach the presiding judge or associate judge, or file a motion to request waiver of the attorney ad litem and set on the submission docket. An ad litem will not be waived in cases involving children. In each such case, the ad litem’s affidavit of due diligence must be on file prior to finalization of the case.

The court *may* appoint an ***amicus attorney*** in a case in which conservatorship or possession of or access to a child is in dispute and in the case of an adoption.

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.

*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.*