



HOUSTON BAR ASSOCIATION
FAMILY LAW SECTION

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**ANNUAL ASSOCIATE JUDGES'
LUNCHEON**

March 2, 2016

245TH JUDICIAL DISTRICT COURT

Presiding Judge: Roy L. Moore
Associate Judge: James “Jim” Cooper

Contact:

Telephone:

713-368-5900

Website:

<https://www.justex.net/Courts/Family/FAMILYCourt.aspx?crt=27>

Court Staff:

Court Coordinator:

Rosie Diaz

Head Clerk:

Chandria Hutchinsen

Assistant Clerk:

Sandra McCain

Bailiff:

Troy Byers

Bailiff:

Tarshia Banks

Court Reporter:

Rebecca Hammons

Mediation prior to Temporary Orders	Required in all cases absent a Motion and Order Waiving same.
Mediation prior to Final Trial	Required in all cases absent a Motion and Order Waiving same.
Parenting Classes	Recommended and encouraged but not required.
Name Changes	Daily on the Uncontested Docket.
Pre-Trials	Set by Judges as required
Issuance of Scheduling Orders	Five months after filing or as requested Post-Answer
DWOPs	Four to five months if no Answer, Waiver, or Service
Use of Parenting Coordinators/Facilitators	Not required.
Cases Involving Children’s Preferences/ Interviewing Children in Chambers	Per the Tex. Fam. Code; Interviews conducted at the conclusion of testimony.
Preferential Settings	Approved by Judges based on calendar availability.
Motions for Continuance	First Trial setting, if agreed may by Rule 11; all others by Judge. Motion required to be filed two weeks out.
Amicus Appointments	By Judges consistent with the appointment wheel unless deviation is required.

246TH JUDICIAL DISTRICT COURT

Presiding Judge: Charley Prine
Associate Judge: Chelsie Ramos

Contact:

Clerks: 713-274-4500
 Coordinator: 713-274-4505
 Court Reporter: 713-274-4504
 Bailiff: 713-274-4517
 Website: <https://www.justex.net/Courts/Family/FAMILYCourt.aspx?crt=52>

Court Staff:

Court Coordinator: Yolanda Harris
 Head Clerk: Shanell Collins
 Assistant Clerk: Ramos Pickrom
 Official Bailiff: Deputy K.D. Williams
 Bailiff for AJ: Deputy M. Garcia
 Official Court Reporter: Chelsea Erickson
 Court Reporter for AJ: Cynthia Shepherd

Mediation prior to Temporary Orders	Mediation prior to a Temporary Orders hearing is required per Local Rule 7.1 in an appropriate case involving disputed custody or visitation issues.
Mediation prior to Final Trial	Mediation prior to final trial is required per Harris County Local Rule 7.2.
Parenting Classes	Parenting Classes are required per Harris County Local Rule 12.1. Online parenting classes are allowed.
Name Changes	<p><u>The following documents are required for an Adult Name Change:</u> Criminal Record (CHFF) through the Crime Records Division (DPS) in Austin or FBI (must be electronically filed); Certified/Original Birth Certificate; Copy of Petitioner’s Driver’s License; Copy of Social Security Card; and Order Granting Change of Name.</p> <p><u>The following documents are required for a Name Change of a Child:</u> Both parents must be present unless Waiver of Appearance/Citation is filed by non-appearing parent; Certified/Original Birth Certificate of Child; Copy of Petitioner’s Driver’s License; Copy of Social Security Card for Petitioner(s) and Child; and Order Granting Change of Name.</p>
Pre-Trials	Pre-Trial Conference will be held 10 days prior to trial.
Issuance of Scheduling Orders	Scheduling Orders are issued 90 days after the case is filed with 90 days’ notice of the Trial setting.
DWOPs	Nonappearance by parties and their counsel at Pre-Trial conference may result in DWOP. Petitioner’s or Movant’s Nonappearance at trial will result in DWOP.

Use of Parenting Coordinators/Facilitators	Parenting Coordinators may be appointed after notice and hearing to present facts and circumstances supporting the need.
Cases Involving Children’s Preferences/ Interviewing Children in Chambers	The Court will conduct a child interview after notice and hearing, and if granted, the interview will be scheduled after school hours. No children are to be brought to the courthouse without prior approval of the court.
Preferential Settings	Preferential settings are rare.
Motions for Continuance	Motions for Continuance require a hearing and must state specifics about the reason the continuance is requested. Agreed Continuances are not automatic but subject to the same requirements. If continuance is granted, a scheduling order must be attached with new pretrial and trial date. Attorney Vacation letters that are timely filed with the Harris County District Clerk are honored without a hearing or motion for continuance.
Amicus Appointments	The Court will appoint an Amicus Attorney in appropriate circumstances. Any attorney interested in being appointed as an Amicus or Ad Litem should tender to the Court a resume and two business cards.

247TH JUDICIAL DISTRICT COURT

Presiding Judge: John Schmude
Associate Judge: Paula Vlahakos

Contact:

Telephone:

713-368-6570

Website:

<https://www.justex.net/Courts/Family/FamilyCourt.aspx?crt=53>

Court Staff:

Court Coordinator:

Pamela Hunt

Head Clerk:

Raven Hubbard

Assistant Clerk:

Ann Rodriguez

Bailiff:

Mark Thierry

Bailiff:

Wilma Dearmon

Official Court Reporter:

Phyllis Gonzales

Mediation prior to Temporary Orders	Absent good cause shown, all parties and their attorneys are required to attend mediation prior to Temporary Orders hearings in which: 1) conservatorship and/or possession and access is at issue; or 2) the total time estimate for the hearing exceeds three hours.
Mediation prior to Final Trial	Mediation is required prior to final trial in all cases. Mediation is required even if the parties mediated temporary orders.
Parenting Classes	Per Harris County Local Rule 12. Adoption cases and modification cases no longer require a parenting class.
Name Changes	Per Texas Family Code.
Pre-Trials	Pre-trial conferences are required for jury trials and for trials with a time estimate of more than four hours.
Issuance of Scheduling Orders	Scheduling Orders will be issued six months after a case is filed.
DWOPs	Cases will not be dismissed because an entry is missed or needs to be reset.
Use of Parenting Coordinators/Facilitators	May be appointed by agreement of the parties or on the Court's own motion. If the parties agree on the coordinator/facilitator, the Court will generally honor those agreements.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	Handled on a case-by-case basis.
Preferential Settings	The Court will preferentially set matters that have been reset multiple times or that the Court, due to time constraints, has been unable to accommodate.
Motions for Continuance	If a case has been pending less than one year, the parties may re-set with a Rule 11 Agreement directly with the Court Coordinator. If a case has been pending more than one year, please file a Motion of Continuance and set for hearing even if it is an unopposed or agreed motion.

Amicus Appointments

Appointments are always made when required by law. The parties may choose their amicus/ad litem by agreement. In the absence of an agreement, the Court shall choose. When an amicus/ad litem appointment is discretionary, the parties are free to agree whether an amicus/ad litem is appointed. If no agreement is reached, the parties may request that the Court make the appointment. If the Court decides that an amicus/ad litem should be appointed, the parties will be given the opportunity to agree on the amicus/ad litem. In the absence of an agreement, the Court shall choose. The Court may also decide that an amicus is necessary on its own motion.

257TH JUDICIAL DISTRICT COURT

Presiding Judge: Judy Warne
Associate Judge: Deborah Patterson

Contact:

Clerks: 713-274-4560
 Coordinator: 713-274-4564
 Website: <https://www.justex.net/Courts/Family/FamilyCourt.aspx?crt=54>

Court Staff:

Court Coordinator: **Melissa Parker**
 Head Clerk: **Kristel Rubio**
 Assistant Clerk: **Lorena Mayett**
 Bailiff: **Deputy Thomas**
 Bailiff: **Deputy Johnson**
 Official Court Reporter: **Eunice Tillman**
 Court Reporter: **Beverly Ellis**

Mediation prior to Temporary Orders	Required if custody is an issue; Court cannot issue 'Band-aid' Temporary Orders without testimony
Mediation prior to Final Trial	Required unless waived via motion and hearing
Parenting Classes	Per local rules.
Name Changes	Uncontested docket. If agreed – Children's name change requires birth certificates/ID – parents.
Pre-Trials	As set by the Coordinator. Generally, uncontested terminations, jury Trials
Issuance of Scheduling Orders	Issued 90-100 days after filing and set for 9 months from filing
DWOPs	If no service after 75 days, case set for DWOP.
Use of Parenting Coordinators/Facilitators	Will consider after Notice and hearing.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	Before Temporary Orders hearing set, must have hearing on Motion to Confer. If child designates, Temporary Orders hearing will be set based on designations. If additional issues in affidavit, Court will consider Temporary Orders on that basis as well.
Preferential Settings	Set Motion or on Court's own Motion. Consideration of Preferential Setting includes times issues and out of area parties/witnesses.
Motions for Continuance	Do not stand and announce agreed continuance on Trial day. Cannot agree to Continuance. Set Motion and Hearing before Trial on Merits – Clerks will accommodate you.
Amicus Appointments	As needed. File motion and set hearing. Be prepared to assure Court there are funds to pay.
Other	Despite above rules, we are a Court that will consider extenuating circumstances. File motions and set hearings – or request approach, if all parties or counsel are present.

308TH JUDICIAL DISTRICT COURT

Presiding Judge: James Lombardino

Associate Judge: David Sydow

Contact:

Contact:

713-274-4600

Website:

<https://www.justex.net/courts/Family/FAMILYCourt.aspx?crt=55>

Court Staff:

Court Coordinator:

Norma Ovalle

Head Clerk:

Rachel Handy

Assistant Clerk:

Vantres Davis-Flanagain

Bailiff:

Joe Morin

Court Reporter:

Leticia Salas

Court Reporter:

Karen DeShetler

Mediation prior to Temporary Orders	Required, but exceptions may be made.
Mediation prior to Final Trial	Required, but exceptions may be made.
Parenting Classes	Required on contested custody matters and contested visitation schedules.
Name Changes	Per Tex. Fam. Code.
Pre-Trials	Generally, only if jury trial or complex case. Required to be set by party requesting jury.
Issuance of Scheduling Orders	Yes.
DWOPs	If you do not appear for Trial or Entry of Final Order, your case will be DWOP'd.
Use of Parenting Coordinators/Facilitators	Generally not court-ordered.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	Upon request, if age 12 or older; case-by-case basis, if under 12. Generally, righter before or after Trial or hearing.
Preferential Settings	Generally, restricted to out-of-state parties and military personnel.
Motions for Continuance	Contact Coordinator regarding Rule 11 Agreements to reset Trial dates; if not agreed, set motion for hearing.
Amicus Appointments	Amicus appointed on all adoptions; case-by-case on contested custody/possession cases.
Other	No late calls on Trial date.

1. **COURTESY IS THE NUMBER ONE RULE IN THE 308TH.** That means the attorneys, the parties, and the court staff are expected to be courteous to each other.
2. **UNCONTESTED matters** are heard every day from 8:00 through 8:45 a.m., or at any other time if arranged with the court.
3. **TRIAL DOCKET** is on Tuesdays at 9:00 a.m.
 - a. **Mediation is required** before all final trials, although exceptions may be made in certain cases.
 - b. Trials will generally be held on the day scheduled, and if not, during the week scheduled. If the court cannot reach the case that week, the trial will be reset.
 - c. If the court resets the trial, the discovery and scheduling deadlines are not extended and there will be no new scheduling order issued. However, the duty to supplement discovery continues per the Texas Rules of Civil Procedure.
4. **TEMPORARY ORDERS** hearings are set on Mondays and Wednesdays at 9:00 a.m.
 - a. **Mediation is required** before all *Temporary Orders* hearings, although exceptions may be made in certain cases.
 - b. *Temporary Orders* hearings will generally be limited to 45 minutes per party, including cross-examination.
 - c. A request for a *Temporary Orders* hearing on a modification case or for additional *Temporary Orders* must be supported by *Affidavit* and approved by the Associate Judge.
5. **ANCILLARY hearings (LAW DAY DOCKET)** are set on Mondays and Wednesdays at 9:00 a.m. (*Motions to Withdraw, Summary Judgments, jurisdiction/venue issues, discovery disputes, etc.*). A *Certificate of Conference* is required for contested motions, except *Summary Judgments*.
6. **CPS hearings** are set on Wednesdays at 8:00 a.m. and Thursdays at 1:30 p.m.

7. **ENFORCEMENT hearings** are set on Thursdays at 9:00 a.m.
8. **ENTRIES** are generally set on Fridays at 9:00 a.m.
9. **PRO SE** (no attorneys for any party) orders must be reviewed and approved by the Houston Volunteer Lawyers Program (HVLP). If not finalized on or before their first trial setting, Pro Se cases will be set for trial on Fridays at 9:00 a.m. with the Associate Judge.
10. **PRE-TRIAL CONFERENCES** are required for all jury trials and will generally be scheduled on the Wednesday before the trial. At the Pre-Trial Conference, all exhibits should be pre-marked and exchanged, any objections to the exhibits should be made, the *Proposed Jury Charge* should be submitted, *Motions in Limine* will be heard, any visual aids (Power Points, videos, a day in the life, etc.) to be used at trial should be disclosed, and requests for proposed relief and proposed property divisions should be filed and exchanged. All supplemental production must be exchanged on or before the Friday before trial.
11. **Attorneys** who plan to be **late for docket call** must call the clerk before docket call and state their expected time of arrival, the reason for their delay, and the other court(s) where they are appearing. **Cases are subject to being dismissed or reset** if the attorney for the moving party **does not arrive in the courtroom by 9:30 a.m.**
12. **TEMPORARY RESTRAINING ORDERS** should be mutual, although exceptions may be made if supported by an *Affidavit*. The court may edit a proposed TRO to make it mutual before signing it. The court may also strike certain non-standard proposed injunctions if they are not supported by an *Affidavit*. A TRO on a counterclaim must contain a *Certificate of Conference*. Alternatively, counter-petitioners should notice the other side of a hearing for Temporary Orders instead of having the petitioner served with a TRO.
13. **For children under 3**, competent parents may have frequent and regular visitation, including overnights. Exceptions may be made if appropriate, including cases involving drugs or family violence.

14. 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 Associate Judge.
15. The **court may deviate from presumptions in the Texas Family Code**, such as child support guidelines or the *Standard Possession Order*, if there is sufficient evidence to support the relief requested.
16. An **Amicus Attorney** will be appointed in most contested custody and SAPCR cases. The parties' income will be taken into consideration when setting and allocating amicus fees. Parties may choose their own Amicus Attorney subject to the court's approval.
17. **Cell phones and laptops** must be in silent mode or turned off in the courtroom, and no **food or chewing gum** should be brought into the courtroom.
18. **Children** should not be brought to the courthouse and may not be brought into the courtroom without consent of the court, except for children being adopted, who may be brought to the courthouse and will be invited into the courtroom at the appropriate time.
19. **These rules are subject to change. Exceptions may be made on a case by case basis.**

309TH JUDICIAL DISTRICT COURT

Presiding Judge: Sheri Y. Dean
Associate Judge: Beverly B. Malazzo

Contact:

Clerks: 713-274-4520
Coordinators: 713-274-4527
Court Reporter: 713-274-4528
Website: <https://www.justex.net/courts/Family/FAMILYCourt.aspx?crt=56>

Court Staff:

Court Coordinator: **Madeline Russell**
Head Clerk: **Sandra “Sandy” Gomez**
Assistant Clerk: **Patricia “Pat” Montgomery**
Bailiff: **Deputy Earnest Lee**
Bailiff: **Deputy M.K. Johnson**
Official Court Reporter: **Delores Johnson**
Court Reporter for AJ: **Angelia Singleton**

Mediation prior to Temporary Orders	Parties must appear personally in Court unless they have settled. Court will determine need for mediation referral for Temporary Orders at first setting/hearing. Interim Orders (Band-aid Orders) are required with a reset date for the full hearing contained in the Order.
Mediation prior to Final Trial	Mediation is required per local rules. Attorneys and parties should attend mediation sessions. If they do not attend, Court will consider failure to attend at Trial and may assess attorney’s fees to non-compliant party.
Parenting Classes	Parenting classes are required per local rules. Online classes are accepted unless specified by Court.
Name Changes	Name changes require Texas Driver’s License or another form of identification, completed criminal background check and report, and birth certificate if for a child. See statute for specific requirements.
Pre-Trials	All requirements per scheduling orders and/or reset orders are to be completed, including the exchange of exhibits. Announcement should include agreement as to exhibits (see attached sample Exhibits list), Motions for Continuance, Motions in Limine, etc. PLEASE NOTE: IF A PRETRIAL CONFERENCE CHECKLIST (see attached sample) IS COMPLETED, SIGNED BY ATTORNEYS OF RECORD OR PRO SE PARTIES, WITH ALL PREREQUISITES MET AND TURNED IN, ATTENDANCE AT THE PRETRIAL CONFERENCE SETTING IS NOT REQUIRED. Otherwise, if no PreTrial Conference Checklist is turned in and/or a continuance is being sought,

	attorneys and Pro Se parties must appear and approach on PreTrial issues and when requesting a motion for continuance even if it is an agreed motion. Vacation letters, timely filed and in the JWEB System, will be honored, but a reset of the Pre-Trial setting will be required.
Issuance of Scheduling Orders	Scheduling Orders are issued 75-90 days after Initial Pleadings are filed with no less than 60 days notice for Trial.
DWOPs	Petitioner's or Movant's non-appearance at Trial will result in a DWOP if parties have been properly noticed for Trial. Cases set for Trial will be dismissed if there is no appearance and no service.
Use of Parenting Coordinators/Facilitators	There is no preconceived policy for Parenting Coordinators. After notice and hearing, the Court will apply the relevant statute to determine the need for a Parenting Coordinator.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	After notice and hearing, the Court will interview children in chambers. Conferences should be scheduled after school hours. No children are to be brought to the courthouse without prior approval of the Court.
Preferential Settings	Preferential settings are rarely granted, but the Court will entertain requests supported by the facts and circumstances.
Reset Procedures for Trial Settings or Hearings	<u>Ancillary hearing resets:</u> The party requesting the reset may reset through the Clerk. If multiple parties have set a hearing for the same date and time, all parties must agree to the reset date. <u>Trial settings:</u> Motions for Continuance require a hearing and must state specifics about the reason the continuance is requested. Agreed continuances are not automatic. If a continuance is granted, a reset order must be attached with new Pre-Trial and Trial date. Attorney vacation letters that are in the JWEB System are honored without a hearing or Motion for Continuance.
Motions for Continuance	Motions for Continuance are to be filed on or before the Pre-Trial Conference. A rare continuance may be considered on day of Trial. Appearance is required on Trial day. See above also.
Improved PreTrial Conference Checklist (see attached example)	There is no requirement to appear for a Pre-Trial Conference setting if the Pre-Trial Conference Checklist is completed, all prerequisites are met, and the checklist is signed by both attorneys. The hope is this will encourage cooperation and preparation for Trial BEFORE you get to Trial.
Amicus Appointments	With few exceptions, a Temporary Hearing is required prior to the appointment of an Amicus. If the Court finds a need for an Amicus, the case will be recessed.

Other

Prove-ups:

Divorce cases: Party must be present with counsel if represented. Final decree must be e-filed prior to the setting date. The heading should reflect if the decree is an agreement or a default. If child support is ordered, the Employer's Withholding Order and Medical Support Order must be e-filed with the District Clerk. If the Waiver of Service states that the party reserves the right to sign all orders or requires notice of the hearing, then follow the terms of the Waiver. BVS and FOCAS forms must be completed and turned in before the hearing.

SAPCR: Party must be present with counsel if represented. Final Orders must be e-filed adjudicating parentage. Heading should reflect if the Order is an agreement or default. If child support is ordered, the Employer's Withholding and Medical Support Orders must be e-filed. If the Waiver of Service states that the party reserves the right to sign all orders or requires notice of the hearing, then follow the terms of the Waiver. Mother, alleged father and presumed father, if there is one, must sign acknowledgement of paternity or DNA test results must be entered or presented. BVS and FOCAS forms must be e-filed before the hearing.

SAPCR – Modification of Child Support: May be submitted for consideration by submission if all parties and attorneys sign the final order. They must include new Employer's Withholding Order. BVS and FOCAS forms must be e-filed before the hearing.

SAPCR – Modification of Powers, Duties, Possession or Access: Party must be present with counsel if represented. Heading should reflect if the order is an agreement or default. If child support is ordered, must present employer's Withholding Orders and Medical Support Order. If the Waiver of Service states that the party reserves the right to sign all orders or requires notice of the hearing, then follow the terms of the Waiver. BVS and FOCAS forms must be e-filed before the hearing.

Settlement Agreements: Party must be present with counsel to prove-up agreements. Entry generally two weeks after prove up. If it is a mediated settlement (MSA), the prove-up is required to meet the statutory and case law requirements. No **findings language** shall be included in the final orders per In

Re Stephanie Lee. (See attached sample of decree which excludes findings language.)

Calling in late or “checking in late” to appear in other courts: Counsel must notify the Clerk at least 30 minutes prior to docket call. Provide to the Clerk the attorney’s name, cause number, where they are, time estimate before arrival, contact telephone number if more than 30 minutes late. Frequent late calls subject to verification. Frequent late calls due to traffic are unacceptable. Leave earlier. Same relative dying six times will not work!

Entry of Orders: Entry of orders is generally two weeks after rendition of the order. Orders may be submitted prior to entry date if signed by all parties and attorneys. E-file BVS and FOCAS forms with the final orders.

Cases involving military personnel: Agreed divorces and original and agreed SAPCR cases may be proved up through the Respondent or deposition by written questions if the Petitioner is assigned overseas and both parties have signed the final order. The same applies to civilians working overseas.

Discovery issues and disputes: Discovery disputes and other discovery issues are heard during the ancillary dockets on Tuesday and Wednesday beginning at 9 a.m.

Miscellaneous specific settings:

Monday is the Trial Docket call. All Trial settings are for two weeks.

Once a month there is a Jury Trial week. Jury trial dockets are called on Monday.

Final Trials in which the parties agree to waive de novo appeal, may be heard by the Associate Judge.

Other Miscellaneous information:

Court appointments – THE “WHEEL”. A NEW STATUTE NOW REQUIRES RANDOM SELECTION OF AD LITEMS AND MEDIATORS FROM AN APPROVED LIST PREPARED BY EACH COURT. This list is updated on a quarterly basis. If an attorney wishes to be considered by the

Court and added to the “WHEEL”, submit a resume, business card, and a copy of any certification for the position(s) for which the attorney wishes to be appointed. The resume must provide acceptable experience. Please specify what languages are spoken as there are language qualifications.

There are several different lists, so the applicant needs to specify to which or all lists application and consideration is being made. Attorneys can be on more than one list. (Lists include attorney ad litem for child and parents (CPS cases), guardian ad litem, amicus, and mediator.)

As an attorney appointment is made from the list on the wheel, that attorney’s name then drops to the bottom of the list. An attorney can be selected out of list order based upon prior connection with the case, need for an attorney with a certain language requirement or for good cause as stated by the Court in the wheel system.

Supervised Visitation – When supervised visitation may be in the best interest of the child, it is preferable that the parties suggest an acceptable supervisor. If none can be found, then visitations through SAFE or Guardians of Hope will be ordered.

Requests for drug testing - If a party requests drug testing, they must demonstrate why the request is appropriate and be prepared to also be tested.

Psychological testing – Psychological testing will be ordered only in extreme cases after notice, hearing and appointment of an amicus.

Custody Evaluations – Beginning March 1, 2016 a new statute has made changes to the requirements in Custody Evaluations. Please read this statute.

E-filing: Bring a courtesy copy for the Court’s review. Copies filed prior to the night before or the day of a hearing will not be in the court system for judge’s review. After e-filing, there is some time required for processing. Therefore, a practice tip is to e-file motions, orders, etc. two days in advance of a scheduled hearing or setting to assure receipt by the Court and that the document is in the system for the Court’s review at the setting. Also, watch and make sure orders get signed after you e-file them. If not, call the clerk and inquire.

Attorneys must be diligent in tracking their cases and to make sure orders with deadlines are presented to the Courts in a timely manner. Suggestion: Calendar these deadlines. Call the Court when filing orders by submission. If you call in and say an order was e-filed on entry date and it is not visible, expect a reset of the entry date.

Attorney Vacation Letters: Letters that are in the JWEB System are honored without a hearing or Motion for Continuance. Please make sure to call in if you have a setting. **DO NOT** assume the Court is aware of your vacation letter.

309th Judicial District Court

APPROPRIATE LANGUAGE FOR DECREES and MOTIONS TO MODIFY BASED ON AN MSA AFTER IN RE STEPHANIE LEE

(LANGUAGE WHICH EXCLUDES FINDINGS LANGUAGE)

Agreement of the Parties: The parties have entered into a written agreement as contained in this decree by virtue of having reviewed, approved, and consented to the entry of this Agreed Final Decree of Divorce in both form and substance. To the extent permitted by law, the parties stipulate the agreement is enforceable as a contract.

The agreements in this Agreed Final Decree of Divorce were reached in mediation with _____ on _____. This Agreed Final Decree of Divorce is stipulated to represent a merger of a mediated settlement agreement between the parties. To the extent there exists any differences between the mediated settlement agreement and this Agreed Final Decree of Divorce, this Agreed Final Decree of Divorce shall control in all instances.

Child of the Marriage: The parties stipulate that Petitioner and Respondent are the parents of the following child.

Prerequisites to Possession and Access: The parties agree that the following Orders are in the best interest of the children and shall be complied with as a condition precedent of the periods of possession set forth herein below.....

Parenting Plan: The Parties agree that the provisions in this decree relating to the rights and duties of the parties with relation to the children, possession of and access to the children, child support, and optimizing the development of a close and continuing relationship between each party and the children constitute the parties' agreed parenting plan.

Conservatorship: 1) The parties agreed that the following order is in the best interest of the children. Or, 2) Petitioner and Respondent stipulate that the following orders are in the best interest of the child.

Child Support: The parties have agreed that _____ is obligated to pay and shall pay to _____ child support of _____.....

Withholdings from Earnings: The parties agree that any employer of _____ shall be ordered to withhold from earnings for child support from the disposable earning of

In circumstances where there are additional orders regarding Child Support or Possession and Access: The parties further agree and IT IS THEREFORE FURTHER ORDERED.....

Findings on Health Insurance Availability: The Parties agree that the following orders regarding health-care coverage are in the best interest of the children.

Division of Marital Estate: The parties agree that there is no community property other than personal effects that have been accumulated by the parties. The parties agree that the personal effects of the parties are awarded to the party having possession.

310TH JUDICIAL DISTRICT COURT

Presiding Judge: Lisa Millard
Associate Judge: Conrad Moren

Contact:

Telephone:

713-368-6550

Website:

<https://www.justex.net/courts/Family/FAMILYCourt.aspx?crt=57>

Court Staff:

Court Coordinator:

Molly Nguyen

Head Clerk:

Nidia Alberto

Assistant Clerk:

Tomas Cruz

Bailiff:

Fred Harrison

Court Reporter:

Ben Alva

Mediation prior to Temporary Orders	Not required.
Mediation prior to Final Trial	Failure to mediate prior to Trial will result in the matter being considered for dismissal. If the opposing party is not cooperating regarding the mediation, it is the responsibility of the moving party to file a Motion to Compel Mediation prior to Trial. Violation of the Motion to Compel Mediation will be considered for sanctions.
Parenting Classes	The Court requires a parent education course as set out in the Tex. Fam. Code and the <i>Rules of the Judicial District Courts of Harris County, Texas, Family Trial Division</i> . 12.1 Except for good cause shown, in all divorces joined with suits affecting the parent-child relationship, the court shall require parents to attend an educational program for divorcing parents. In its discretion, the court may also refer parents involved in modification or enforcement litigation, or a child involved in any type of custody litigation, to an education course or for counseling. In protective order cases authorized by Chapter 85, Tex. Fam. Code, the court may refer a party to a batterers' treatment program.
Name Changes	Criminal background check required. Birth certificate of child on minor name change required.
Pre-Trials	When a Pre-Trial conference is set, the Court has a published and posted standing Pre-Trial order. Parties are required to comply with the order and be prepared to discuss all aspects of the case at the Pre-Trial conference.
Issuance of Scheduling Orders	Attorneys are allowed to set their own Trial date by agreement. A scheduling order will be issued upon the matter being set for Trial. If counsel cannot agree on a Trial date, attorneys should file a Motion for Trial Request. Cases that have not been set for Trial by attorneys will be set on the Motion to

	Retain/DWOP docket.
DWOPs	A case is subject to being dismissed for want of prosecution on the date of the scheduled dismissal docket or status conference if, prior to that date, (a) the Respondent has not been properly served with citation OR (b) the Respondent has not filed an answer or otherwise made a formal appearance OR (c) a properly executed Waiver is not on file OR (d) Petitioner has not filed a proper Motion to Retain and relief granted at or before the status conference or dismissal docket. A case also is subject to being dismissed for want of prosecution if a written order is not submitted timely after rendition or order and for such other reasons as may be specified by the court, as provided by T.R.C.P., Rule 165a.
Use of Parenting Coordinators/Facilitators	Other than the requirements set out in the Tex. Fam. Code, the Court has no particular policies as to the use of Parenting Coordinators.
Cases Involving Children’s Preferences/ Interviewing Children in Chambers	Per Texas Family Code 153.009(a), the Court will interview, in chambers, children 12 years of age or older to determine the child’s wishes as to conservatorship and/or primary residence. It is not the Court’s preference to interview the children prior to hearing between the parties. Attorneys should be reminded of <i>Family Trial Division, Local Rule 3.5</i> : 3.5 Interview of Child / Child's Testimony. In all cases in which the court deems testimony of a child to be necessary or required by statute, the attorney wishing to have the child interviewed shall arrange a specific time through the court coordinator for the court to interview the child. No party is to bring a child to the courthouse to testify without prior arrangement pursuant to this rule, unless the child's attendance is required by court order including a writ of habeas corpus or attachment. The attorney or pro se party who is responsible for the child's attendance at court shall immediately notify the court coordinator of the child's presence in the courthouse. The child shall not be brought into the courtroom without the express consent of the judge or associate judge.
Preferential Settings	Any request for preferential settings must be made through the court coordinator prior to trial. Request for preferential settings before the Associate Judge will be considered only upon waiver of appeal to the District Judge. The Associate Judge’s preferential settings are generally set on Thursdays and Fridays.
Motions for Continuance	Continuances are governed by T.R.C.P. 251 through 254 (Local Rule 3.7.6). All motions for continuance MUST contain the signature(s) of the party(ies). All Motions for Continuance must be filed well before the Trial date. Upon being granted a continuance it

	is the responsibility of the parties to obtain a new Trial date from the Trial Coordinator.
Amicus Appointments	Appointments are made according to Tex. Fam. Code ch. 107. Ad litem are appointed when required by law. When appointment is discretionary, an ad litem is appointed when it appears as though the positions of other parties may not afford the fact finder independent or thorough advocacy for the person(s) to be represented by an ad litem. In granting ad litem fees, the factors and guidance contained in Rule 104a(b) of the Texas Disciplinary Rules of Professional Conduct and which are relevant to the specific case are considered in conjunction with the litigants' ability to pay fee.
Other	<p>Amicus attorneys must be appointed prior to Trial in all contested matters concerning custody of children.</p> <p>Regarding ancillary matters, including Notice of Hearing for Temporary Orders/Temporary Restraining Orders: if another attorney/pro se party has made an appearance in the case, the moving party must attach a Certificate of Conference to their motion.</p> <p>5.1 <u>Certificate of Conference.</u></p> <p>5.1.1 Unopposed motions shall be labeled "Unopposed" in the caption.</p> <p>5.1.2 Opposed motions shall contain a certificate that:</p> <ol style="list-style-type: none"> 1) states that the movant and respondent have conferred with each other and in good faith have attempted to resolve the matter; and 2) identifies the basis of disagreement between counsel; or 3) states that the parties have not been able to confer, and states in detail all efforts made to confer, including dates and methods of attempted communication. <p>5.1.3 The clerk of each court is directed not to submit opposed motions to the judge which do not comply with this rule.</p> <p>5.1.4 The provisions of subparts 5.1.2 and 5.1.3 do not apply to motions for summary judgment, default judgments, agreed judgments, motions for voluntary dismissal or non-suit, and motions</p>

involving service of citation.

Prior to hearing on Temporary Orders, all information, including the party's Financial Information Sheet, must be exchanged.

"Calling in late" is not acceptable for matters set on the Trial docket. The Court does not accept late calls for Trial settings.

Any conflicting matters must be addressed prior to the Trial setting.

"Calling in late" is acceptable regarding hearings on the ancillary docket. Be sure to call in before docket. Let the clerk know what courts you will be in. Be informed that the clerks do call the other courts from time-to-time inquiring when you will be available.

Note the applicable local rule as set out below:

3.3 Docket Call Procedures.

3.3.1 Attorneys and pro se litigants who do not expect to be on time or present in the courtroom during docket call must notify the court and the opposing side of this fact.

3.3.2 Attorneys and pro se parties who will be late for docket call must give the court and opposing side notice of their estimated time of arrival at court and the reason for the delay. If the attorney is late because he or she must appear in another court at the same time, the clerk must be notified not only that the attorney will be late (as above), but also the specific court(s) in which the attorney will be appearing.

3.3.3 If the moving party (if pro se) or the party's attorney does not appear in the courtroom within thirty (30) minutes of docket call, that party's motion may be passed by the court at the request of the responding party.

311TH JUDICIAL DISTRICT COURT

Presiding Judge: Alicia K. Franklin

Associate Judge: Diane Guariglia

Contact:

Telephone:

713-274-4580

Website:

<https://www.justex.net/courts/Family/FAMILYCourt.aspx?ert=58>

Court Staff:

Court Coordinator:

Victor Almendarez

Head Clerk:

Rochele Howard

Assistant Clerk:

Jessica Contreras

Bailiff:

Deputy Eddie Harrold

Bailiff:

Deputy Charles Smart

Court Reporter:

Stephanie Wells

Mediation prior to Temporary Orders	Required in all cases if conservatorship is contested and/or if estimated time of hearing is 2 hours or more. Mediation may be waived by the Court in extreme circumstances (i.e. Family Violence).
Mediation prior to Final Trial	Required in all cases unless waived by the Court prior to Final Trial.
Parenting Classes	Per Local Rules of the Harris County Family Trial Division.
Name Changes	Must have criminal background check on file with the Court along with a valid identification card.
Pre-Trials	Pre-Trial Conferences are normally held on Friday, ten (10) days prior to trial. Parties shall complete and file the Pre-Trial Checklist available on the Court's website prior to the pre-trial conference.
Issuance of Scheduling Orders	The Court will issue Scheduling Orders ninety (90) days after the petition has been filed.
DWOPs	A case will DWOP if it is final trial setting and there is no answer at docket call or if it is entry of a Final Order and there is no answer at docket call. (Please call clerk well in advance if you have e-filed your final order prior to Entry.)
Use of Parenting Coordinators/Facilitators	Case-by-case basis.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	If the ONLY ground for modification is based on choice, Tex. Fam. Code must be complied with prior to a hearing, unless the parties stipulate that the child would make a choice and therefore the only remaining issue is best interest. In other matters, children will be interviewed in chambers per the Tex. Fam. Code. There must be prior Court approval before bringing the child to court.
Preferential Settings	All preferential trial settings before the Associate

	Judge require all parties to execute a Waiver of De Novo Hearing prior to receiving the preferential setting. If the parties reach a settlement prior to a preferential setting, please immediately contact Victor (NOT the clerks) so we can take your case off the calendar and make room for another case.
Motions for Continuance	A Motion for Continuance on a FIRST Trial setting is automatically granted if all parties are in agreement, simply contact Victor for a new Trial date. All other Motions for Continuance must be presented to the Judge.
Amicus Appointments	Determined on a case-by-case basis.
Other	<ol style="list-style-type: none"> 1. Late Calls WILL NOT be accepted after 8:45 a.m. If you have not spoken to a Clerk by 8:45 a.m. and no announcement is made at Docket Call, your case will be passed or dismissed. 2. The Court will not begin a hearing or Trial unless you have pre-marked all exhibits, and provided a courtesy copy of your Exhibit List to the Presiding Judge and the Court Reporter. (Notices regarding this policy are provided at counsel table in the main courtroom and in the AJ courtroom.) 3. On Contempt cases, please be sure to have your proposed order with you, otherwise the contemnor will be ordered to appear for commitment the next day. 4. All ancillary documents must be provided before the Final Decree will be signed, this includes Income Withholding Order and Medical Support Order. If all documents are not provided at this time of prove up, the Court will provide an entry date.

312TH JUDICIAL DISTRICT COURT

Presiding Judge: David Farr
Associate Judge: Eileen Gaffney

Contact:

Clerks: 713-274-4540; www.justex.net
 Coordinators: 713-274-4545; pat_plotkin@justex.net
 Court Reporter: 713-274-4548
 Website: <https://www.justex.net/courts/Family/FAMILYCourt.aspx?crt=59>

Court Staff:

Court Coordinator: **Patricia Plotkin**
 Head Clerk: **Dawn Hutchings**
 Assistant Clerk: **Shawn Simien**
 Bailiff: **Michelle Hoskins**
 Bailiff: **Dwayne Small**
 Official Court Reporter: **Barbara Nagji**
 Court Reporter for AJ: **Kim Weidenheft**

Mediation prior to Temporary Orders	Only if custody is in issue. If custody is in issue, required on both original filings and modifications, unless waived by the Court.
Mediation prior to Final Trial	Required in all contested cases, unless waived by the Court. To request waiver of mediation, party seeking waiver to file with the Court and set it for hearing well in advance of final Trial setting.
Parenting Classes	Policy is per local rules, though, generally, Court will accept an agreement even if parties did not complete parenting classes; Court does not have a list of specific or approved courses.
Name Changes	Have a copy of the Petitioner’s Driver’s License or other government-issued photo ID; criminal background check must be on file and must be in Petitioner’s name.
Pre-Trials	Scheduled in Jury Trials, adoption cases and for other trials/cases as requested by parties and/or at the Court’s discretion.
Issuance of Scheduling Orders	Scheduling orders are issued approximately 75 days after a case has been filed, when there is an Answer or Counter-Petitioner on file.
DWOPs	Cases are subject to dismissal when there is no announcement or an announcement of “not ready” at final Trial, at a Pre-Trial hearing, or at the Entry hearing of a final Order. Cases are set on the Court’s dismissal docket, if 3 to 4 months after the initial filing, there is no service or no waiver on file, OR there is a waiver on file or service has been executed but there is no answer or counter-petition on file and it appears from that file that no movement/progress

	has been made.
Use of Parenting Coordinators/Facilitators	Court reviews the pleadings, the request for the appointment and after a hearing, applies the applicable statutes. A similar procedure applies for substance abuse testing, DNA testing, mental health evaluations and child custody evaluations. Please note the substantial changes in child custody evaluations effective March 1, 2016.
Cases Involving Children’s Preferences/ Interviewing Children in Chambers	Party seeking to file a motion with the court requesting interview. If request is basis for Motion to Modify under Tex. Fam. Code 156.006(b)(3), child will be interviewed before full show cause is scheduled. Note: 156.003(b)(3) does not waive requirement for mediation before full show cause.
Preferential Settings	(1) By motion filed, requesting a hearing; or (2) by agreement after mediation through the court’s on-line calendar. Go to: www.justex.net . Go to the 312th’s webpage and to the preferential calendar.
Motions for Continuance	Set for hearing at least 10 days prior to Trial and to not if agreed, unopposed, or opposed. Note: agreed motions, passes and resets are not automatically honored; however, on 1st settings, the parties can contact the court coordinator at least 3 days before Trial and enter into a Rule 11 Agreement for a reset date which corresponds to the Court’s trial docket dates.
Amicus Appointments	No requirement for an Amicus on contested custody cases; requirement only per Tex. Fam. Code in termination/adoptions. Court requires judicial approval of all agreements for an Amicus, but will strongly defer to agreements of attorneys in that consideration. Attorneys ad litem and non-agreed mediators are appointed in accordance with the new provisions in the Tex. Gov’t Code – on a rotating basis through the FDAMS System. The Court’s list of attorneys ad litem and mediators (and the form to request inclusion on the list) can be found at the Court’s website.
Other	(1) for contested show cause hearings and final Trial, please comply with local rule disclosures; (2) if possible, please pre-mark and exchange exhibits before hearing begins; (3) for defaults, please have your client’s military status affidavit, your certificate of last known mailing address, and as applicable, your client’s inventory and appraisal and evidence to support: child support calculation requested; terms of conservatorship, possession and access, division of property and confirmation of property.

280TH JUDICIAL DISTRICT COURT

Presiding Judge: Lynn Bradshaw-Hull

Contact:

Clerks: 713-274-4680
Coordinators: 713-274-4681
Website: <https://www.justex.net/Courts/Family/FamilyCourt.aspx?crt=21>

Court Staff:

Court Coordinator: Susan Lindemann
Head Clerk: Maria Baron
Assistant Clerk: Raul Serrano
Court Reporter: Leticia Tafolla

Mediation prior to Temporary Orders	N/A
Mediation prior to Final Trial	N/A
Parenting Classes	N/A
Name Changes	N/A
Pre-Trials	N/A
Issuance of Scheduling Orders	N/A
DWOPs	N/A
Use of Parenting Coordinators/Facilitators	N/A
Cases Involving Children's Preferences/ Interviewing Children in Chambers	N/A
Preferential Settings	N/A
Motions for Continuance	Resets may be granted if less than 48 hours notice.
Amicus Appointments	N/A
Other	<u>Protective Order Hearings @ 9:00 AM</u> Monday, Tuesday, Friday – Private Attorneys and Pro Se Wednesday & Thursday – District Attorney BIPP Compliance Docket @ 8:30 AM

CPS PROJECT COURT

Associate Judge: Katrina Griffith

Contact:

Clerks/Bailiff: 713-222-4960
 Coordinator: 713-222-4965; inocensia_moreno@justex.net
 Website: <https://www.justex.net/Courts/Family/FAMILYCourt.aspx?crt=66>

Court Staff:

Court Coordinator: **Inocensia Moreno**

Mediation prior to Temporary Orders	N/A
Mediation prior to Final Trial	N/A
Parenting Classes	N/A
Name Changes	N/A
Pre-Trials	N/A
Issuance of Scheduling Orders	N/A
DWOPs	N/A
Use of Parenting Coordinators/Facilitators	N/A
Cases Involving Children’s Preferences/ Interviewing Children in Chambers	During PMC hearing or Wednesday afternoons.
Preferential Settings	Friday
Motions for Continuance	N/A
CPS Appointments	Per District Court policy
Other	<p>Children are allowed to attend ALL hearings.</p> <p>Hearings can be scheduled in the afternoon to accommodate school.</p> <p>Children are REQUIRED to attend the PAL docket.</p> <p>If your client is in a RTC contact the coordinator to schedule a video conference. The coordinator can provide a list of RTCs with video conference capability.</p> <p>CPC 30 day docket can be located at http://cpdockets.txcourts.gov/courts.aspx.</p> <p>Voucher requirements are pursuant to the District Court in which the case originated. See the October 14, 2014 Administrative Order Re Ad Litem Out of Court Hours for further reference.</p>