



HOUSTON BAR ASSOCIATION

FAMILY LAW SECTION

ANNUAL ASSOCIATE JUDGES' LUNCHEON

October 2, 2013

245TH JUDICIAL DISTRICT COURT

Presiding Judge: Roy Moore

Associate Judge: Diane Guariglia

Mediation prior to Temporary Orders	Required, unless parties can agree on Temporary Orders without mediation.
Mediation prior to Final Trial	Required, unless parties resolve case without mediation.
Parenting Classes	Not required.
Name Changes	Per Texas Family Code.
Pre-Trials	Required prior to all jury trials.
Issuance of Scheduling Orders	Generated after Answer/Waiver/Counter Petition is filed.
DWOPs	120 days after case is filed.
Use of Parenting Coordinators/Facilitators	Case-by-case basis.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	At the conclusion of the Temporary Orders hearing or Trial. No children under 12 will be interviewed.
Preferential Settings	Case-by-case basis.
Motions for Continuance	First continuance is automatic if (1) parties agree; (2) first trial setting; and (3) case is less than one year old.
Amicus Appointments	Case-by-case basis.
Other	<ol style="list-style-type: none">(1) Motions for Summary Judgment set by Submission ONLY (Court will determine if it wants oral argument.(2) Discovery hearings will not be set unless Movant follows the local rules with regard to certificates of conference.(3) TROs MUST be joint and mutual, absent extraordinary circumstances.(4) No temporary orders on modifications of child support. Fast track trial instead.

246TH JUDICIAL DISTRICT COURT

Presiding Judge: Jim York
Associate Judge: Michael Hay

Mediation prior to Temporary Orders	Mediation is an alternative per Local Rule 7.1, Alternate Dispute Resolution, but is not required in most cases. The court does not appoint mediators.
Mediation prior to Final Trial	Mediation is an alternative per Local Rule 7.2, Alternate Dispute Resolution, but is not required in most cases. The court does not appoint mediators.
Parenting Classes	Required per Local Rule 12, Parenting Education and Counseling, except for good cause shown. The issue is not normally raised by the court.
Name Changes	Required documents include the Petition in current name per TFC Chapter 45, Change of Name, certified copy of birth certificate and translation if not in English, copy of photo ID, copy of SSA Card, certified copies of court orders that previously changed name, copy of marriage license when spouse took name of other spouse and DPS criminal history report that includes name search of current name, prior names and names "also known as: with FBI fingerprint search attached.
Pre-Trials	Not unless requested by counsel.
Issuance of Scheduling Orders	About 3 months after suit filed for a final trial set about 7 months after suit filed. Jury trials are scheduled in the same manner as all other cases on the trial docket in cause number order.
DWOPs	Periodic with retention and reinstatements liberally granted if TRCP followed.
Use of Parenting Coordinators/Facilitators	Only occasionally.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	Per TFC and after school dismissed on a day after the hearing or trial with a record made and attorneys for the parties and amicus present
Preferential Settings	All settings are considered preferential; each docket is completed in 2 weeks. Really!
Motions for Continuance	Refer to TRCP Rules 251-254. See also Local Rule 8, Conflicting Engagements, and Local Rule 9, Vacations of Counsel.
Amicus Appointments	By the District Judge on a case-by-case basis. Attorneys do not select the Amicus Attorney.
Other	<ol style="list-style-type: none">(1) Certificates of Service – include details including who was served by name and capacity, what was served, and where, when and how. See Rule 21a.(2) Jury cases are tried in due order as listed on the trial document in case number order and are assigned at docket call on Mondays at 9:00 A.M.

247TH JUDICIAL DISTRICT COURT

Presiding Judge: Bonnie Hellums

Associate Judge: Meca Walker

Mediation prior to Temporary Orders	Not necessary unless the time estimate is in excess of 4 hours.
Mediation prior to Final Trial	Not necessary unless the time estimate is in excess of 1 day.
Parenting Classes	Mandatory for any case involving children. Parenting classes are also required on adoptions (both parties). Escape offers a class for adopting parents called Circle of Love.
Name Changes	Uncontested docket or trial docket. Criminal background check is required in addition to fingerprint cards. Also please provide a copy of the Petitioner's drivers license.
Pre-Trials	Mandatory for all adoptions, jury trials and any bench trial in excess of 1 day.
Issuance of Scheduling Orders	Issued 90 days after Petition has been filed.
DWOPs	No show on trial date, no show on entry date, if Petitioner hasn't taken the Parenting Class, not proceed on trial day. Cannot reset a trial setting through a Rule 11 Agreement.
Use of Parenting Coordinators/Facilitators	On some high conflict cases court will appoint. Rarely appoint unless the parties request.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	We try to avoid interfering during school hours and prior arrangements must be made with the court.
Preferential Settings	Make them through the coordinator, Pamela Hunt. If with the AJ you can go through Pamela or the AJ. If parties reach an agreement please contact Pamela immediately so we can take your case off the calendar and make room for another case.
Motions for Continuance	If timely filed vacation letter. Every attempt will be made to hear your case on the first setting. Therefore, continuances are rarely granted. It would be wise to get a preferential setting on cases that will take more than 2 hours or if you have parties/witnesses coming from another state.
Amicus Appointments	Case-by-case basis if deemed needed or requested. If the parties have an agreement for an Amicus they must get court approval.
Other	(1) Contempt: Have your proposed order with you, otherwise the person will be ordered to appear for commitment the next day. (2) Please keep in mind that all inmates must be returned at 12:00 p.m. each day.

257TH JUDICIAL DISTRICT COURT

Presiding Judge: Judy Warne

Associate Judge: Deborah Patterson

Mediation prior to Temporary Orders	If custody is an issue.
Mediation prior to Final Trial	Per local rules.
Parenting Classes	Per local rules.
Name Changes	Usually during uncontested docket. Title 2 must be done by District Judge (straight name change/not divorce, paternity, adoption).
Pre-Trials	Set per coordinator. All terminations must have pre-trial before final hearing set.
Issuance of Scheduling Orders	Per coordinator.
DWOPs	Contact the Court.
Use of Parenting Coordinators/Facilitators	If requested and agreed to usually case-by-case basis.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	For designation need hearing requesting interview in chambers/giving notice to other side. Then coordinator sets time for child to come to court.
Preferential Settings	Case-by-case. Court tries to accommodate litigants and counsel if hearings more than 1-1/2 hours.
Motions for Continuance	Case-by-case. To be filed and set per Local Rules. Do not come day of trial with continuance motion.
Amicus Appointments	Will appoint upon request if there are funds to pay. Always get appointed on terminations. Occasionally appoint on court's own motion.

308TH JUDICIAL DISTRICT COURT

Presiding Judge: James Lombardino

Associate Judge: Alyssa Lemkuil

Mediation prior to Temporary Orders	Required, but exceptions may be made.
Mediation prior to Final Trial	Required, but exceptions may be made.
Parenting Classes	Contact the Court.
Name Changes	Per TFC.
Pre-Trials	Generally only if jury trial or complex case. Required to be set by party requesting jury.
Issuance of Scheduling Orders	The Court will issue.
DWOPs	If you do not appear for trial or entry of final order, your case will be DWOPed.
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 if under 12. Generally right before or after trial or hearing.
Preferential Settings	Case by case basis; generally will preferentially set cases involving out of state parties & members of the military.
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.

309TH JUDICIAL DISTRICT COURT

Presiding Judge: Sheri Y. Dean
Associate Judge: Charley E. Prine, Jr.

Mediation prior to Temporary Orders	Mediation is required by the local rules. This Court requires an appearance first in temporary orders, and then based on time announcements and stated positions, the Court may require mediation.
Mediation prior to Final Trial	Mediation is required by the local rules. This Court requires it in all cases as to persons, property and children, on final.
Parenting Classes	Parenting class are required by local rule. Online classes are allowed.
Name Changes	Per TFC. Attorneys can prove up name changes on uncontested docket if all paperwork is in order.
Pre-Trials	Held on Fridays in all cases. Pre-trial checklist available online. If pre-trial checklist is executed by attorneys and filed with the Court certifying compliance then pre-trial can be passed.
Issuance of Scheduling Orders	Scheduling Orders are issued 75-90 days with no less than 60 days notice for trial.
DWOPs	Non-appearance by parties and their counsel at pre-trial conference may result in DWOP. Petitioner's or Movant's non-appearance at trial will result in DWOP.
Use of Parenting Coordinators/Facilitators	After notice and a hearing to present facts and circumstances supporting the need.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	After notice and hearing. Conferences should be scheduled after school hours. No children are to be brought to the courthouse with prior approval of the Court.
Preferential Settings	Preferential settings are rarely granted, but the Court will entertain requests supported by the facts and circumstances.
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 pre-trial and trial date. Attorney vacation letters that are in the JIMS system are honored without a hearing or motion for continuance.
Amicus Appointments	Persons who wish to be appointed by the Court must submit a resume, business card, and a copy of certification for the position which they wish to be appointed or resume must provide acceptable experience.
Other	(1) This Court requires parties on first appearance for temporary orders, if a reset is requested or required, to enter into an interim order which

includes standard mutual injunctions, an interim physical place for the children to be without designation of which parent is primary. Consideration of the best interest and safety of the children is required. The parties are instructed that their agreement on an interim basis will not be used against them in a hearing at a later date, except as to enforcement. The parties must also acquire a reset date in this instance as part of the agreement. If no agreement is made, then the parties will be required to stay until one of the Judges can order these basics before the parties leave, on breaks or other matters. If the parties cannot settle informally, they must go to formal mediation. Failure to cooperate to go to mediation may result in the assessment of attorney fees. Failure to mediate will not be, in and of itself, a reason to continue a case.

- (2) Ancillary Hearing Resets: Party requesting the reset may reset through the clerk. If multiple parties have set a hearing for same date and time all parties must agree to reset date.

310TH JUDICIAL DISTRICT COURT

Presiding Judge: Lisa Millard

Associate Judge: Conrad Moren

Mediation prior to Temporary Orders	Not required.
Mediation prior to Final Trial	Required. Failure to mediate may result in dismissal.
Parenting Classes	The court requires a parent education course as set out in the Texas Family Code and the Rules of the Judicial District Courts of Harris County, Texas, Family Trial Division.
Name Changes	Criminal background checks are required for adult name changes.
Pre-Trials	Set by court coordinator on all jury trials. Otherwise, hearing will be set upon request.
Issuance of Scheduling Orders	The Court does not issue Scheduling Orders. Attorneys are allowed to set their own trial date by agreement. If counsels 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 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 Texas Family 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: 3.5 Interview of Child / Child's Testimony</i> . 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

	<p>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.</p>
Preferential Settings	<p>Hearing will be set upon written motion. 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.</p>
Motions for Continuance	<p>Motion must be filed well before the trial date.</p>
Amicus Appointments	<p>Appointments are made according to TFC Chap. 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.</p>

311TH JUDICIAL DISTRICT COURT

Presiding Judge: Denise Pratt
Associate Judge: Robert Newey

Mediation prior to Temporary Orders	Contact the Court.
Mediation prior to Final Trial	Contact the Court.
Parenting Classes	Contact the Court.
Name Changes	Contact the Court.
Pre-Trials	Contact the Court.
Issuance of Scheduling Orders	Contact the Court.
DWOPs	Contact the Court.
Use of Parenting Coordinators/Facilitators	We use them on a case-by-case basis.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	We interview in chambers as appropriate.
Preferential Settings	On proper motion we will grant preferential settings. Our coordinator will do the scheduling.
Motions for Continuance	Contact the Court.
Amicus Appointments	Contact the Court.
Other	(1) Except in CPS cases, non-suits are effective on filing. (2) Motions to Withdraw: If the case is set for trial we require new counsel, otherwise we only let them off if the motion is not opposed.

312TH JUDICIAL DISTRICT COURT

Presiding Judge: David Farr

Associate Judge: Eileen Gaffney

Mediation prior to Temporary Orders	Not required in a divorce without children. Is required if custody is in issue.
Mediation prior to Final Trial	Required in all contested matters prior to trial, unless it is expressly waived by the Court.
Parenting Classes	There is no specific policy on which course, manner of attendance, or date for filing of the certificates. If factors warrant a specific class or type of class, or a deadline for attendance, the court will so mandate. Court does not have a set list of approved courses. Court may make specific mandate if case factors warrant. Policy is per Local Rules.
Name Changes	May only be heard by the Presiding Judge pursuant to TFC requirements.
Pre-Trials	Scheduled in jury trials, adoption cases, and for other trials at the Court's discretion.
Issuance of Scheduling Orders	Scheduling Orders are issued 75 days after the case is filed.
DWOPs	If there is no announcement on final trial setting or at a final order, the case is DWOP'd.
Use of Parenting Coordinators/Facilitators	There is no specific court policy on use of parenting coordinators/facilitators. The court reviews the allegations in the case, the request or consent for appointments and applies the applicable statutes, rules and controlling law. TFC §153.010 and §§153.605, 154.607 & 153.609 on the appointment and removal of parenting coordinators, and TFC §§153.6051, 153.6071 & 153.6091 on the appointment and removal of parenting facilitators.
Cases Involving Children's Preferences/ Interviewing Children in Chambers	Requires affidavit detailing child's request for interview per statute, coupled with a motion requesting the Court to interview the child in chambers to determine whether child is expressing a preference that would trigger the necessity of a temporary hearing on custody. If so, a hearing is scheduled.
Preferential Settings	Party requesting needs to file a motion requesting a hearing for pref. setting. All adoptions will be set for pref. hearing after the Amicus advises the Court that the case is ready and the Associate Judge reviews the file.
Motions for Continuance	Set for hearing no later than Friday at least 10 days prior to trial date. Agreed motions, passes and resets will not be automatically honored.
Amicus Appointments	There is no specific court policy on appointments of amicus attorneys. The court reviews the allegations in the case, the request or consent for appointments

	<p>and applies the applicable statutes, rules and controlling law. TFC §107.021 The Court requires judicial approval of all agreements for the appointment of Amicus/Ad Litem attorneys but will strongly defer to agreements between attorneys when considering an approval of said appointments. There is absolutely NO requirement for an Amicus or Ad Litem appointment on every contested custody case.</p>
<p>Other</p>	<p>(1) In a default, do not forget – it is a trial, not an uncontested hearing. Check the court’s file to ensure the file contains (or as applicable, you have brought with you): (a) Accurately completed return of service (on file for at least 10 days), and no answer on file; (b) Service (by citation, or as applicable, Rule 21(a) upon Respondent of last, live pleading; (c) Time has run for the filing of an answer; (d) If a post answer default, proof of notice of trial setting to opposing party with at least 45 days notice of trial setting; (e) Your non-military affidavit; (f) Your certificate of last know mailing address; (g) If a divorce, your inventory and if possible, your proposed division; (h) If child support is involved, proof of income and health insurance (or if seeking only minimum wage support, evidence of ability to work); (i) If you desire to vary from TFC standards on conservatorship rights and possession and access, evidence to support variance; (j) Your proposed decree/final order; and (k) That your proposed decree/order does not exceed your pleadings.</p> <p>(2) Child born during the marriage but not of the marriage: Do not blame the courts – talk to your legislature. The UPA requires DNA testing to un-presume a presumed Dad (a/k/a husband). Test husband and child or test bio-dad and child. Your client’s choice – but test someone! TFC §160.631. Or, bring us something that shows there has already been an adjudication (including a fully and properly executed AOP with entity code) Sorry!</p>

280TH JUDICIAL DISTRICT COURT

Presiding Judge: Lynn Bradshaw-Hull

General Information (from Court's Website):

Internet Address: www.justex.net Follow the links to Family Court and then to 280th Court.

File Application for Protective Order at 280th District Court, 201 Caroline, 15th Floor.

Style of the case will be: APPLICANT'S NAME vs. RESPONDENT'S NAME, DO NOT use "In the Matter of the Marriage of"

- 1) All Applications for Protective Order pursuant to Title 4 of the Family Code are assigned separate cause numbers in the 280th District Court. If an application for protective order is filed at the same time as a petition for divorce or a suit affecting the parent-child relationship, the application for protective order is still a separate cause and the pleadings should not be intertwined in the same document.

If the Application for Protective Order is filed during the pendency of a divorce or SAPCR case, or after the final judgment has been signed in such a case, the Application for Protective Order is still a separate case and cause number assigned to the 280th District Court of Harris County.

- 2) ONLY ONE RESPONDENT may be included in an application.
- 3) SERVICE ON RESPONDENT. Applicant must fill out a Civil Process Request Form. Applicant must provide a copy of the application, together with any affidavit, for attachment to the citation to be served upon the Respondent.

For Harris County service, the citation is served at no charge to the applicant by the Constable's office. Private process service is at the expense of the Applicant. Applicant may pick up the citation and route to the serving agent of Applicant's choice. For this service, the charge will be as agreed between Applicant and the serving agent. For out-of-county service, the Applicant must pick up the citation and deliver to proper constable in the relevant County, where service is at no charge to the applicant

- 4) TO OBTAIN A KICK-OUT ORDER requiring the respondent to vacate the residence, the Applicant must appear and testify in person. No exceptions. No phone testimony. Check with the clerk for a time to appear.
- 5) EXTENSION OF TEMPORARY EX PARTE PROTECTIVE ORDER: If service is not obtained, Applicant may submit a request for extension of a Temporary Ex Parte Protective Order together with a proposed order in the form found on this website under: "ORDER EXTENDING TEMPORARY EX PARTE ORDER AND RESETTING HEARING ON PROTECTIVE ORDER." If service has been had, Applicant and Respondent may submit an agreed order for an extension of the Temporary Ex Parte Protective Order for one extension only.
- 6) BE SURE TO FILE A COMPLETED ADDRESS FORM to obtain a Temporary Ex Parte Protective Order.

BE SURE TO BRING A COMPLETED ADDRESS FORM AND TCIC FORM TO THE HEARING to obtain a final Protective Order. Address form and TCIC form can be found on this website under: "PROTECTIVE ORDER ADDRESS FORM" AND "TEXAS CRIME INFORMATION CENTER (TCIC) FORM."

Any "Information about Respondent to Aid Law Enforcement Officers" should be on a separate page, and not part of the protective order itself.