

246th Family District Court
Harris County, Texas

COURT POLICIES AND PROCEDURES

General Docket information

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

Trial Docket - Monday at 9:00 a.m.

**Temporary Orders Hearings
and Ancillary Matters - Tuesday and Wednesday at 9:00 a.m.**

CPS Docket - Thursday at 9:00 a.m.

Contempt - Tuesday at 9:00 a.m.

Entry, Submission and Pre-Trial Docket - Friday at 9:00 am

Discovery disputes – Friday at 1:30 p.m.

1. The **DOCKET CALL** each day is at 9 a.m.
2. The court will hear **UNCONTESTED MATTERS** between 8:00 a.m. and 8:45 a.m. each day or at any other time if we are not in trial and you are willing to wait. If you would like to prove up an uncontested matter at any other time, you should contact the coordinator to make sure that a judge will be available. Your case will be heard as an uncontested matter only if you have filed all documents listed as *Required Orders and Forms for Entry of Final Decree/Order*.
3. **TRIALS** are set on Monday at 9:00 a.m.
4. Hearings for **TEMPORARY ORDERS AND OTHER ANCILLARY MATTERS** are set on Tuesday and Wednesday at 9:00 a.m. 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 must be supported by an affidavit and approved by a judge before it can be set for hearing.

5. **SUBMISSION DOCKET.** Certain motions may be considered by written submission. Motions shall include a notice of hearing by submission and contain a date certain as the date for written submission. The submission hearing shall be no less than 10 days from the day it was filed, except with leave of court.

RESPONSES shall be filed at least two working days before the date of the submission

hearing, 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 considered by submission: Agreed Motion to Withdraw, Motion to Substitute Counsel, Motion for Substitute Service, Motion for Service by Publication, Motion for Amicus Attorney, and Motions to Transfer.

Please be sure to include a proposed order, when filing your motion. Movant shall contact the clerk and request for the motion to be placed on the submission docket.

6. ***ENFORCEMENT ACTIONS*** are set on Tuesday at 9:00 a.m. 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.

7. ***ENTRY OF ORDERS*** are set on Friday at 9:00 a.m.. If you call to inform the court that your order has been filed, please make sure that all documents listed as *Required Orders and Forms for Entry of Final Decree/Order* have also been filed, otherwise your case may be dismissed on the date of the entry hearing.

8. ***DISCOVERY DISPUTES*** are set on Friday at 1:30 p.m. Please review and strictly follow the discovery policies on the 246th Court's webpage and Harris County local rules. Discovery disputes may be limited to 15 minutes per party, for a total of 30 minutes.

9. ***HEARING AND TRIAL EXHIBITS***- Please review and strictly follow the exhibit policies on the 246th Court's webpage and Harris County local rules.

10. A ***SWORN INVENTORY*** must be on file on or before trial or prove up of any default divorce.

11. ***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.

12. ***MEDIATION BEFORE TEMPORARY ORDERS IS STRONGLY ENCOURAGED, BUT NOT REQUIRED.*** The Court may order the parties to mediation prior to a temporary orders hearing on a case by case basis.

13. ***MEDIATED SETTLEMENT AGREEMENTS*** and Rule 11 agreements that dispose of all issues in a case must be e-filed prior to prove up.

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

15. A ***PRE-TRIAL CONFERENCE*** is required for all ***jury trial***. ***Pre-trial conferences*** will generally be scheduled on the Friday, seventeen days before trial. Prior to the pre-trial conference, the parties to a jury trial must file the ***Pretrial Conference Checklist***.

16. A ***pre-trial conference*** is required in each ***ADOPTION*** case. Prior to the pre-trial conference,

the parties must file the *Pretrial Adoption Checklist*. The final trial of the case will be set at the pre-trial conference.

17. **SIJS** cases are required to have a status conference. These conferences will be held on Fridays at 9:00 a.m. Each status conference must be set by the coordinator; the final trial of the case will be set at status conference.

18. Parties making a non-*ex parte* **OFF-DOCKET APPROACH** may (1) sign up on the uncontested docket and will be able to approach the Court at the end of the uncontested docket or (2) make an appointment to approach. Each approach will be limited to five (5) minutes, no exceptions. If your approach will take more time, please set for a hearing on the Court's ancillary docket.

19. In **CASES REGARDING CHILDREN**, use each child's entire name. *Do not use initials to identify children.*

20. **PARENTING CLASS**: In contested cases involving children or default cases involving children, all litigants are required to complete a four-hour parenting class prior to prove up of a final order or trial on the merits.

21. **AGREED FINAL ORDERS** must be signed (handwritten signature, typed signature will be accepted) by ALL parties and their attorneys prior to submitting to the Court.

22. **EX PARTE TEMPORARY RESTRAINING ORDERS** must be joint and mutual, although exceptions may be made if supported by affidavit. In divorce actions, ex parte TROs should use the language included in section 6.501 of the Texas Family Code. In SAPCR cases, the court will strike certain proposed injunctions (such as alcohol or paramour injunctions) if they are not supported by an affidavit. A TRO on a counterpetition must contain a certificate of conference. Alternatively, a counterpetitioner should notice the other side of a hearing for temporary orders instead of having a represented party served with a TRO. If a party is requesting that a parent's possession be supervised, the requesting party should be prepared to pay the costs associated with providing the proposed supervisor.

23. 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 must file the appropriate motion. 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.

24. The court may appoint an **AMICUS ATTORNEY** in a case in which conservatorship or possession of or access to a child is in dispute. The *amicus attorney* shall charge the parties an amount not to exceed \$250.00 per hour. Total hours worked shall not exceed 40 hours, unless prior approval by the court.

25. 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.

26. All requests for **ATTORNEY'S FEES** (interim and final) in private cases, must be supported by a detailed invoice.

27. **LATE CALLS/EMAILS:** Attorneys who will be late for docket call must email the clerk (246Late@justex.net) at least 10 minutes prior to docket call and provide the Clerk with the following: (a) Case number and party representing, (b) expected time of arrival, (c) reason for delay, (d) list any other court(s) where attorney will be appearing; and (e) a working phone number. *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.*

28. All electronic devices must be in silent mode or turned off in the courtroom. Taking pictures or video recording in the courtroom is NOT allowed, except in adoption cases.

29. Drinking, eating or gum chewing is not allowed in the courtroom. While in trial, parties and attorneys may have water or beverages at the counsel table.

30. Children may not be in the courtroom without court approval. If the court approves a request for a judge to interview a child in chambers, bring the child to the courthouse at the interview time.

31. Exceptions to these rules may be made on a case-by-case basis.

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