

Welcome to the 309th District Court

Court Policies and Procedures – Effective January 1, 2020

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. 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 Mondays. Counsels must exchange exhibits prior to trial. Final trial **exhibits** must be given to the court reporter along with a paper copy for the Judge, the witness, and opposing counsel(s).
4. Hearings for **temporary orders** and **ancillary matters** (for example, withdrawals of counsel and reinstatements) are set on Tuesdays, Wednesdays and Thursdays. Temporary orders may be limited to one hour per party. 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.
5. **Enforcement actions/DRO/AG** are set on Wednesdays. 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.
6. **CPS hearings** are set on Thursdays, except for emergencies.
7. **Vouchers:** This court is now operating under the ViPS program.
8. **Entries of orders** and **Pretrial conferences** are set on Fridays. If you call to inform the court that your order has been e-filed, please make sure that all documents listed as Required Orders and Forms for Entry of Final Decree/Order have also been e-filed, otherwise your case may be dismissed on the date of the entry hearing.
9. **Submission docket:** The following motions may be considered by the Court by submission:
 - a. Motion to Substitute Counsel
 - b. Agreed Motion to Withdraw
 - c. Motion for Substitute Service (if properly accompanied by an affidavit that includes at least 3-4 attempts)
 - d. Motion for Service by Publication (if properly accompanied by an affidavit)
 - e. Motion for Summary Judgment – oral hearings at party’s request or upon sua

- sponte of the Court
- f. Agreed QDRO (if properly accompanied by a motion to enter after plenary power has expired)
 - g. Agreed Modifications modifying child support or possession and access. A change of custody **MUST** be proved up.
 - h. Motion for Arbitration
 - i. Appointment of attorney ad litem for respondent cited by publication/posting – after proper service
 - j. Appointment of amicus and social study on adoption cases
 - k. Motions to Transfer – after proper service and no answer and no controverting affidavit on file

Please be sure to include a proposed order along with the motion. Movant shall contact the court clerk and request for the motion to be considered by the Judge.

10. Discovery disputes: *Discovery disputes hearing* will be set for hearing on Fridays at 1:30 p.m., **ONLY AFTER** the following procedures have been performed.

PLEASE NOTE: It is imperative that counsel make every effort possible to resolve any and all discovery issues without Court intervention, as not to waste the Court's time. If there has not been a conference between the parties, the court will closely examine that efforts made by both counsel to effectuate one.

If Court intervention is necessary, the following procedure must be followed, before an Oral hearing is held:

1. The party seeking Court intervention must file a letter not to exceed three(3) pages (13 point font) explaining the nature of the dispute and include the date, time, and place of prior out-of-court discovery or scheduling discussion(s) and the names of all counsel participating in the discussion(s).
2. Please attached the “**309TH DISCOVERY TEMPLATE.XLS**” (in xls form) which will show each discovery item in dispute.
3. This letter and template must be both **e-mailed** to the lead clerk and all non-movants;
 - a. after receiving the **letter AND template (in xls form)**, the Court will schedule a ten (10) to fifteen (15) minute telephonic conference with all parties.
4. The responding/nonmovant party will have an opportunity to **e-mail** a two (2) page (13 point font) response, along with its updates to **movant's “309TH DISCOVERY TEMPLATE.XLS”**, detailing whether objections will be removed or if the requested item is within the care, custody, and control of non-movant. (THE PORTION OF THE SPREADSHEET LABELED “NONMOVANT”).
5. Responses will be sent to the lead clerk and movant (within the forty-eight (48) hours prior to the telephonic conference); and
6. at the conclusion of the telephonic conference, the Court may make a order from the submitted template or the court may order further briefing and/or a submission/hearing date.
7. The Court will send the notice to all parties of any discovery submissions/hearings.

IN ACCORDANCE, WITH
RULES OF THE JUDICIAL DISTRICT COURTS OF HARRIS COUNTY, TEXAS
FAMILY TRIAL DIVISION

RULE 6. REFERRAL TO ASSOCIATE JUDGE

- 6.1 Referral.** All pending cases and cases filed after the date of the adoption of these rules are hereby referred to the associate judge of each court pursuant to Chapter 201, Tex. Fam. Code, subject to limitations imposed by that same chapter.
- 6.2 Order of Referral.** This Rule shall constitute the Order of Referral required by 201.006, Tex. Fam. Code, as to any pending or future cases under Title 1, 2, 4, or 5, Tex. Fam. Code.

- 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 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.
- 13. A sworn inventory** must be on file on or before prove up of a default divorce.
- 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 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 (see court's website for checklist).
- 16. 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.
- 17. Late calls:** attorneys who will be late for docket call **should email the clerks** 309late@justex.net 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. **DO NOT CALL** the clerks to confirm receipt of the email. Cases may be dismissed or reset if the attorney for the moving party does not arrive in the courtroom within thirty minutes of the of time docket call. Attorneys should update the clerks of further lateness if attorneys will not appear at estimated time given at first.

18. In cases regarding children, use each child's entire name. Do not use initials to identify children.
19. **Ex parte temporary restraining orders** should be joint and mutual, although exceptions may be made if supported by an 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.
20. 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.
21. **Appointment of Attorney Ad Litem.** (1) Service by publication – An **attorney ad litem** will be appointed to represent a party served by publication. Attorney should contact the court after the return of service and actual publication has been e-filed, (2) Service by posting on courthouse door – in cases with no children and no property – the court may waive ad litem after appropriate motion and hearing.
22. **Appointment of Amicus Attorney** – The court may appoint an **amicus attorney** in a case in which conservatorship or possession of or access to a child is in dispute.
23. 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.
24. Parties to a custody dispute **must** complete a 4-hour **parenting class** prior to trial. Court may order an 8-hour parenting class if determined necessary.
25. All electronic devices should be in silent mode or turned off in the courtroom. No food or gum chewing is allowed in the courtroom. No photos or videos are allowed, except in adoption cases. While in trial, parties and attorneys may have water or beverages at the counsel table.
26. 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(ren) to the courthouse at the interview time.
27. 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