

RULES OF THE 328TH AND 387TH DISTRICT COURTS
OF FORT BEND COUNTY, TEXAS

(Amended effective September 18, 2000)

RULE 1. OBJECTIVE

- 1.1 Purpose of the Rules. Obtaining a fair, just and impartial adjudication of the rights of the parties and the children is the purpose of these rules. These rules encourage using alternate dispute resolution in all appropriate cases.
- 1.2 The rules shall apply equally to attorneys, parties and parties appearing pro se.

RULE 2. TRANSFER OF CASES

- 2.1 Transfer. Continuing Exclusive Jurisdiction. All provisions of the Texas Family Code ("TFC") regarding continuing, exclusive jurisdiction and transfer shall take priority over these rules, provided that all such cases ending in an odd cause number shall be heard in the 387th District Court, except that all cases filed by the Texas Department of Protective and Regulatory Services shall be heard in the 328th District Court, per General Transfer Order signed August 27, 1999. All such cases ending in an even number shall be heard in the 328th District Court.
- 2.2 Multiple Suits. Subject to paragraph 2.1, when a suit is filed in the 328th or the 387th District Court of Fort Bend County (referred to as Family District courts) and is in any way terminated (by non-suit or otherwise), a subsequent suit or cause of action involving substantially the same parties or the same subject matter shall be filed in, or transferred to, the court that first had jurisdiction of the parties or subject matter. This rule applies to all controversies, including divorce, support, conservatorship and all matters incident to them, whether sought by original proceedings or by modification, clarification or enforcement of a former order, judgement or settlement agreement. When such a situation is disclosed for the first time after the hearing begins, the judge of the court shall immediately order the suit transferred to the court in which the prior suit was filed.
- 2.3 Enforcement of Consent Decree or Contract. Subject to paragraph 2.1 any action for the enforcement of a consent decree or contract arising out of or in conjunction with any action previously filed in any of the family District Courts shall be filed in the same court.

- 2.4 Consolidation. A motion to consolidate cases shall be heard in the court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest numbered case and assigned to the appropriate court.
- 2.5 Severance. If a severance is granted, the new case remains assigned to the court where the original case is pending, bearing the same file date and the same number as the original case with a letter suffix.
- 2.6 Presiding for Another. In all cases where a judge signs an order on behalf of another court, the case shall remain in the original court.
- 2.7 Improper Court. If a case is improperly placed on the docket of one Family District Court, the judge of that court shall transfer the case to the proper court.

RULE 3. FLOW OF CASES

- 3.1 Appearance of Counsel. Any attorney representing a party or pro se party in a case shall file an appropriate initial pleading with the court, be it a Petition, Answer, Notice of Appearance as Attorney of Record, or Motion and Order for Substitution of Counsel and promptly furnish a true copy thereof to opposing attorney or pro se party, as applicable. The pleading shall contain all information required under the Texas Rules of Civil Procedure ("T.R.C.P.") Rule 57.
- 3.2. Docket Call Procedures.
- 3.2.1 Attorneys who will be late for court 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.
- 3.2.2 If an attorney does not appear in the courtroom within thirty (30) minutes of docket call, that party's motion may be ruled upon by the court and/or sanctions issued consistent with the Texas Rules of Civil Procedure, at the request of the opponent.
- 3.3 Telephone conferences. Use of telephone hearings between judges or associate judges and all attorneys in a case is encouraged for non-evidentiary matters. Telephone hearings shall be scheduled through the court coordinator.