

## **RULES OF PRACTICE IN THE 387TH JUDICIAL DISTRICT COURT**

**JANET B. HEPPARD, PRESIDING JUDGE**

**RICHARD T. BELL, ASSOCIATE JUDGE**

The following rules of practice apply to all legal proceedings in the 387<sup>th</sup> Judicial District Court of Fort Bend County, Texas effective January 24, 2022, until further order.

The health and safety of our community, litigants, and staff is of the utmost importance. The 387<sup>th</sup> Judicial District Court intends to serve as many litigants and attorneys as possible during this pandemic and beyond, while also following all safety measures recommended or mandated by federal, state, and local authorities.

The Texas Supreme Court has responded to this public health crisis by authorizing district courts to make policies and modify certain rules and deadlines in the interest of justice and public safety. The current policies implemented by the 387<sup>th</sup> Judicial District Court are made pursuant to Texas Supreme Court's COVID-19 Emergency Orders, and as such, the 387<sup>th</sup> Judicial District Court **“will allow or require anyone involved in any hearing, deposition, or other proceeding of any kind - including but not limited to a party, attorney, witness, court reporter, ... - to participate remotely, such as by teleconferencing, videoconferencing, or other means”**. Note that these policies are subject to change as the COVID-19 pandemic develops.

Thank you for your patience as we work through these challenges.

The 387<sup>th</sup> Judicial District Court adheres to the Code of Professional Responsibility, the Lawyer's Creed and the Rules of Judicial Conduct. Violations will result in appropriate sanctions. The Applicable State Law and Rules, Fort Bend County Rules and 387<sup>th</sup> Rules of Court should be consulted. These rules apply to both attorneys and self-represented litigants.

### **1. GENERAL**

a. Each party shall consult the Applicable State Law and the Fort Bend County Local Rules for additional specifics and time deadlines.

b. The Court staff does NOT provide legal advice or participate in ex parte communications (except as allowed by law).

c. FILES – 387<sup>th</sup> District Court is paperless. Pleadings are routed electronically to the Court through the District Clerk's office. Any questions regarding a file, filing, service, etc. should be directed to the District Clerk's office at 281-341-4509 or [www.fortbendcountytexas.gov](http://www.fortbendcountytexas.gov) for online services. Most civil cases may be accessed online unless a case is confidential, such as adoption, termination and CPS cases.

d. DOCUMENTS – ALL pleadings and/or documents are to be filed with the District Clerk. Pleadings and documents filed with the District Clerk will be routed through the ordinary course of business to the Court as appropriate. Any faxes or e-filing shall be directly to the District Clerk's office and not to the Court or the Coordinator. The District

Clerk's fax-file number is 281-341-4519. Courtesy copies are not accepted outside the courtroom.

e. Communication with the Court Coordinator is recommended to be via email at [janie.gaeta@fortbendcountytexas.gov](mailto:janie.gaeta@fortbendcountytexas.gov). The phone number to the 387<sup>th</sup> office is 281-238-3290.

f. The 387<sup>th</sup> is a District Court wherein the rules of the ELEVENTH ADMINISTRATIVE DISTRICT apply and establish priorities. Please review the rules when determining the order of appearances. Lower Court hearings, agreed mediations, depositions, Harris County Civil appearances (unless rules apply otherwise) do NOT take precedence over hearings/trials in Fort Bend County.

g. APPROPRIATE ATTIRE REQUIRED – Appropriate professional attire is required to appear in court or by video conference. Suit jackets and ties are required for male attorneys. No hats, sunglasses (unless prescription), or inappropriate clothing are permitted in the courtroom.

h. PARENTING CLASS – Parents in ALL cases involving children (Divorce and Original Suits Affecting the Parent-Child Relationship) are required to attend and complete a parenting class prior to trial and the certificates of completion should be filed with the District Clerk's office prior to finalization of the case.

**APPROVED RECOGNIZED COURSES:**

DePelchin Children's Center, location in Houston, (713) 730-2335

Divorce as Friends-Stop the Conflict, Houston, (713) 520-5370

Positive Parenting Through Divorce – LIVE ZOOM: [www.livevideocoparentingclass.com](http://www.livevideocoparentingclass.com)

**APPROVED ONLINE COURSES:**

The Court has approved the following online courses:

[www.ucrecovery.com](http://www.ucrecovery.com)

[www.puttingkidsfirst.org](http://www.puttingkidsfirst.org)

[www.kidsfirsttexas.com](http://www.kidsfirsttexas.com)

[www.family-affairs.org](http://www.family-affairs.org)

[www.parentingchoice.com](http://www.parentingchoice.com)

[www.parentingpartnerships.com](http://www.parentingpartnerships.com)

[www.txparent.com](http://www.txparent.com)

[www.parentclassonline.com](http://www.parentclassonline.com)

[www.courtapprovedparenting.com](http://www.courtapprovedparenting.com)

**2. MEDIATION REQUIRED**

a. Prior to scheduling a temporary order hearing unless extra-ordinary relief is granted by the Court or the Court waives the mediation requirement.

b. All final trials except protective orders and enforcement/contempt actions. Mediation may be waived after filing a motion and a showing of good cause to the Court. Fort Bend County Dispute Resolution Center (281-342-5000) will mediate cases for parties with proof of limited income at a reduced or nominal fee.

**3. NO IN-PERSON UNCONTESTED DOCKETS**

There will be no walk-in uncontested dockets. Agreements may be approved by submission with an appropriate affidavit or by video conference scheduled through the court coordinator.

**4. DOCKET CALL**

All docket calls will be via ZOOM at 9:00 a.m. or as scheduled by the Court.

**5. PROVE-UP OF DIVORCES AND OTHER AGREED ORDERS**

Prove-up of divorces and other agreed orders may be done by submission with a sworn affidavit or by video conference.

Agreed Orders include temporary/ancillary issues as well as final orders for divorces, modifications, suits affecting the parent-child relationship, name changes and enforcements as long as the enforcement order does not hold the Respondent in contempt.

a. Agreed orders disposing of all issues **must** contain signatures of **all** parties/attorneys to be eligible to finalized by sworn affidavit. All signatures must be distinctive written signatures or DocuSign-style signatures, not “/s/ Typed Name”, or signed by permission;

b. The *Appearances* section of the order must indicate that the parties **did NOT appear in person** and that **the making of a record was waived**; and

c. The sworn affidavit should be e-filed as a separate document at the same time as the proposed order and must include the same information solicited during a final hearing with the witness in the courtroom.

**6. CONTESTED HEARINGS**

All contested hearings will be scheduled through the Court Coordinator. Please keep in mind that it is the Court’s obligation to try to use judicial time efficiently and effectively. The practice of scheduling hearings and then canceling the hearing without sufficient time for the Court to use that time for other matters negatively impacts the Court’s calendar.

a. Date and estimated time for hearing – Provide an estimated time for your hearing to the Court Coordinator through email (janie.gaeta@fortbendcountytexas.gov) **PRIOR** to filing a motion when requesting a hearing date. The court will attempt to schedule per your requested specific hearing date, if possible. If the specific requested date is not available, the Court Coordinator will either select a hearing date or offer other

possible dates for approval. Keep in mind the Court will give you a more specific hearing time for your hearing on that date following docket call taking into consideration your estimated time for the hearing. Due to current scheduling procedures time requested cannot be guaranteed.

For new filings that do not have a court assignment, list your preferred hearing dates in the comments section of the e-file receipt.

b. Notice and proof of notice to opposing attorney or party shall be pursuant to the Texas Rules of Civil Procedure.

c. Financial Information Statements (FIS) shall be filed and exchanged **PRIOR** to a contested hearing if financial matters are at issue (i.e. child support, community debts, temporary spousal maintenance, etc.). A working copy for the Court is advised.

d. Forms for agreements are available in the courtroom and online on the Court's website.

e. **IF HEARING WILL BE IN PERSON, BRING LAPTOP/DEVICE TO COURT IN THE EVENT SOMEONE MAY APPEAR BY VIDEO CONFERENCE.**

## **7. TRIAL SETTINGS**

**TRIAL SETTINGS SHOULD BE REQUESTED BY CONTACTING THE COURT COORDINATOR VIA EMAIL.**

a. For trials expected to last more than one day, a zoom status hearing will be scheduled and the trial will be scheduled at that time.

b. Virtual Pre-trial conferences for bench trials shall be scheduled by the Court Coordinator, as needed, approximately 14 days prior to the trial setting.

c. Virtual Pre-Trial conferences are required in all jury cases no less than 14 days prior to the jury trial setting.

d. **The Stipulated Waiver of Appeal from Associate Judge's Ruling/ Recommendation form MUST BE FILED PRIOR TO YOUR TRIAL DATE if your trial will be heard by the Associate Judge.**

e. **IF HEARING WILL BE IN PERSON, BRING LAPTOP/DEVICE TO COURT IN THE EVENT SOMEONE MAY APPEAR BY VIDEO CONFERENCE.**

## **8. TERMINATION/ADOPTION CASES**

a. All termination/adoption cases are scheduled for final hearing/trial, following a virtual pre-trial conference or as otherwise scheduled by the Court.

b. Final hearings will normally be a virtual hearing unless scheduled otherwise with the Court Coordinator.

c. **IF FINAL HEARING IS IN PERSON, BRING LAPTOP/DEVICE TO COURT IN THE EVENT SOMEONE MAY APPEAR BY VIDEO CONFERENCE.**

9. **EXHIBITS – PLEASE READ CAREFULLY**

a. In all cases, other than contempt proceedings and cases under a Scheduling Order, exhibits **must** be pre-marked and exchanged **by 12:00 PM** the business day before the hearing. The exchange of exhibits on the day of hearing or trial will not be permitted unless they are rebuttal exhibits or exhibits that could not have been anticipated. **Failure to timely pre-mark and exchange exhibits may result in the exclusion of those exhibits.**

b. Parties should attempt in good faith to obtain an agreement regarding exhibit admissibility before the hearing or trial.

c. **Court Copies:**

i. No paper copies will be accepted. Exhibits for all proceedings must be delivered to the court via email to: [387Exhibits@fortbendcountytexas.gov](mailto:387Exhibits@fortbendcountytexas.gov) or on a USB Flash Drive as specified below. **Do not email exhibits to the Court Coordinator or to the Court Reporter.**

ii. Exhibit emails must be received prior to the start of the hearing. The subject line of the exhibit email **must** include the cause number, party designation/name, and hearing date. For example, "*Cause No. 21-DCV- 000000, Respondent Jones, January 1, 2021.*" All attorneys and self-represented litigants must be copied.

iii. **LESS THAN 50 PAGES:** If a party's combined exhibits are **less than 50** total pages, submission by email only is sufficient. However, please be advised that the Court Reporter does not have access to a color printer. Admitted exhibits will be printed and delivered to the District Clerk's office in black and white. **If color is important, exhibits must be delivered on a USB Flash Drive as indicated below.**

iv. **MORE THAN 50 PAGES:** If a party's combined exhibits **exceed 50** total pages, the exhibits may only be delivered to the court on a USB Flash Drive.

v. **AUDIO/VIDEO:** Audio and video files **must** be on a USB Flash Drive.

vi. Flash Drives **must be received** by 12:00 PM the business day before the hearing. Flash Drives must be clearly labeled with the cause number, party name and hearing date.

vii. Flash Drives may be delivered in person or mailed to:

387th District Court  
Attn: Minnie Cadena  
301 Jackson Street (mailing address)  
1422 Eugene Heimann Circle (physical address)  
Richmond, TX 77469

**Please be mindful of the deadline when delivering by mail.**

viii. All exhibits must be marked on the first page (i.e., P1, R1, A1...) and accompanied by an Exhibit List. A sample Exhibit List can be found on the court's website. Exhibit Lists may be e-filed with the District Clerk's office, but the exhibits should NOT be filed.

ix. The only formats accepted are PDF for documents, JPG and PNG for images, and MP4 for audio and videos.

x. Each exhibit **must** be saved or attached as a separate file and the file name **must** include the exhibit number AND a brief description of the exhibit. For example, "*Petitioner Exhibit 5 - Bank Statements*"

d. The party tendering the exhibits is responsible for ensuring that files are saved correctly. Documents and photos should be as clear as possible and scanned upright (not sideways or upside down).

e. The party tendering the exhibits is responsible for ensuring that witnesses have copies of the exhibits for use during Zoom hearings. The Court Reporter will NOT forward or otherwise circulate exhibits to anyone other than the court. The "share screen" feature may be used during Zoom hearings. The party tendering the exhibits is responsible for screen sharing.

f. **Failure to comply with these procedures may result in exhibit exclusion.**

**10. NAME CHANGES – EXCEPT IN DIVORCE MATTERS**

All adult requests for a name change require a fingerprint card to be attached to the Petition for Name Change **AND** a criminal background check by the Texas Department of Public Safety. All documents including the criminal background check and fingerprint card must be filed with the District Clerk's office prior to the final hearing.

**11. DEFAULTS**

Default hearings will be conducted by video conferencing.

All default hearings require the following documents to be filed before the hearing date:

- a. Certificate of Last Known Address per Rule 239a;
- b. Non-Military Affidavit;
- c. Return of Service (on file for a minimum of 10 days);
- d. A sworn Inventory and Appraisement (divorce matters only); and
- e. Appearance by video conferencing of attorneys, parties or witnesses will be scheduled in advance with the Court Coordinator.

**12. PRO SE/SELF-REPRESENTED LITIGANTS**

a. Pro se/Self-Represented Litigant cases are scheduled by contacting the Court Coordinator at [janie.gaeta@fortbendcountytexas.gov](mailto:janie.gaeta@fortbendcountytexas.gov) for a hearing date. Most hearings will be virtual at 9:00 am, unless scheduled otherwise with the Court Coordinator.

b. All documentation required for uncontested, contested matters, or final trials must be completed, signed and filed with the District Clerk before the court date to be considered for scheduling on the docket. The documentation required is in the pro se/self- represented checklist available on the Court's website.

**13. VACATION LETTERS**

Vacation letters shall be filed with the District Clerk of Fort Bend County, Texas, per the local rules. Proof of filing in any other county is not satisfactory, nor relevant, to Fort Bend County. A courtesy copy should be provided to opposing counsel/party in your case.

**14. ASSOCIATE JUDGE**

All cases will be assigned to the presiding judge for the virtual docket call. Cases will be assigned to either the Presiding Judge, Janet Heppard or to the Associate Judge, Richard Bell, at the time of the docket call with specific times scheduled for your hearing by each judge depending on the amount of time specified for each hearing.

**15. HOLIDAYS / COURT NOT IN SESSION**

The 387th Judicial District Court will have days throughout the year when court is not in session. Please consult our online calendar to determine those dates.

All hearings conducted through the Zoom platform are subject to additional instructions as deemed appropriate by the Court during the time of hearing.

SIGNED January 24, 2022

  
Hon. Janet Buening Heppard, Judge Presiding  
Hon Richard T. Bell, Associate Judge