

## AMENDED RULES OF PRACTICE IN THE 387<sup>TH</sup> JUDICIAL DISTRICT COURT EFFECTIVE JANUARY 4, 2021

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 4, 2021 until further order.

The health and safety of our community, litigants, and staff is of the utmost importance. The 387<sup>th</sup> District Court intends to serve as many litigants and attorneys as possible during this pandemic, 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, Standing Orders, if any, and 387<sup>th</sup> Rules of Practice should be consulted. These rules apply to both attorneys and pro se 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 sealed, 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.
  
- di. Communication with the Coordinator is preferred 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.
  
- dii. 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.
  
- diii. APPROPRIATE ATTIRE REQUIRED – Appropriate professional attire is required for appearances 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.
  
- div. 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:**

Escape Family Resource Center, locations in Richmond / Houston,  
(713) 942-9500

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

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

**APPROVED ONLINE COURSES:**

The Court has approved the following online courses:

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

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

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

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

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

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

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

2. **MEDIATION REQUIRED**

- a. Prior to temporary order hearings if rights and duties or possession and access is contested.
- b. All final trials except protective orders and enforcement/contempt actions. Mediation may be waived after filing a motion and with a hearing showing 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.

4. **DOCKET CALL**

All docket calls will be via ZOOM at 9:00 am 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. Please refer to Video Conferencing Procedures below.

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 be proven up 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 prove-up 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 cancelling 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. If you do not request a specific date for your hearing in advance, the Court Coordinator will select the hearing date. 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 bills, 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. Exhibits should be marked and exchanged **electronically** with opposing party/counsel **PRIOR** to hearing or trial. The paper exchange of exhibits on the day of trial will not be permitted, unless they are rebuttal exhibits or exhibits that could not have been anticipated. For hearings by video conference please refer to those procedures below.
- f. Appearance by video conferencing of attorneys, parties or witnesses must be set up in advance with the Court Coordinator.
- g. **BRING LAPTOP/DEVICE TO COURT IN THE EVENT SOMEONE MAY APPEAR BY VIDEO CONFERENCE.**

7. **TRIAL SETTINGS**

**TRIAL SETTING REQUEST FORMS ARE REQUIRED FOR ALL TRIAL SETTINGS.**

- a. A completed Trial Setting Request form (TSR form) **MUST** be e-mailed to the Coordinator once she has confirmed the date and time of your trial setting.
- b. Trials will be scheduled by specific time slots.
- c. Virtual Pre-trial conferences for bench trials shall be scheduled by the Court Coordinator, as needed, approximately 14 days prior to the trial setting.
- d. Virtual Pre-Trial conferences are required in all jury cases no less than 14 days prior to the jury trial setting.
- e. **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.**
- f. Appearance by video conferencing of attorneys, parties or witnesses must be set up in advance with the Court Coordinator.

- g. **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, following a pre-trial conference, on specific time slots on the 2<sup>nd</sup> Friday of each month by time slots provided by the Court Coordinator or as otherwise scheduled by the Court.
- b. All documentation and orders are required to be filed by 4:00 p.m. on **Thursday of the week preceding** the hearing date (*not the day before*).
- c. Appearance by video conferencing of attorneys, parties or witnesses must be set up in advance with the Court Coordinator.
- d. **BRING LAPTOP/DEVICE TO COURT IN THE EVENT SOMEONE MAY APPEAR BY VIDEO CONFERENCE.**

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

All adult requests for a name change require a fingerprint card AND 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.

10. **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)
- e. Appearance by video conferencing of attorneys, parties or witnesses will be scheduled in advance with the Court Coordinator.

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

- a. Prose/Self-Represented Litigant cases are heard on Wednesday and Thursday of each week between 8:30 a.m. and 10:30 a.m. and will be given a specific time slot. To obtain a date and time for your hearing contact the Court Coordinator at [janie.gaeta.fortbendcountytexas.gov](mailto:janie.gaeta.fortbendcountytexas.gov). Virtual hearings may be scheduled by the Court Coordinator outside of these times.
- b. All documentation required for contested matters or final trial must be completed, signed and filed with the District Clerk by 5:00 p.m. the Wednesday of the week preceding the court date to be considered for scheduling on the docket. The documentation required is listed in the pro se checklist available on the Court's website.

12. **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.

13. **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.

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

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

15. **VIDEO CONFERENCING POLICIES AND PROCEDURES**

The 387<sup>th</sup> District Court of Fort Bend County, Texas is now conducting hearings via video conference presently through the Zoom platform. See the Court's separate policies which apply to the 387<sup>th</sup> District Court and are effective until further order of the Court.

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

SIGNED ON: JANUARY 4, 2021

Hon. Janet Buening Heppard, Judge Presiding

Hon. Richard T. Bell, Associate Judge