

Rule 4

Disposition of Family Law and Juvenile Cases

(All rules for civil cases shall apply to family law cases unless specifically superseded by Rule 4.)

Rule 4.1 General

All suits authorized under the Family code shall be filed by order of the 306th Family District Court. These rules shall be applicable to all family law cases filed in Galveston County.

Rule 4.11 Time Standards for Family Law Case Disposition (per Rules of Judicial Administration):

A. Family Law Cases.

1. Case Information Statement. Each litigant shall complete a Case Information Statement from the District Clerk's Office which shall set the nature of the case, length of preparation time required, and other relevant data as found necessary by the court.
2. Contested Family Law Cases. Within 6 months from the appearance date or within 6 months from the expiration of the waiting period provided by the Family code where such is required, whichever is later.
3. Uncontested Family Law Cases. Within 3 months from the appearance date or within 3 months from the expiration of the waiting period provided by the Family Code where such is required, whichever is later.

B. Juvenile Cases.

In addition to the requirements of Title 3, Texas Juvenile Justice Code:

1. All juvenile cases shall be tried before the Juvenile Referee pursuant to Section 54.10 TJJC except the following:
 - a. Adjudicatory or Transfer (Waiver) Hearings pursuant to Section 54.02 TJJC (and the following time standards shall apply)
 1. concerning a juvenile in detention facility: Not later than 10 days following admission to such a facility, except for good cause shown of record,
 2. concerning a juvenile not in a detention facility: Not later than 30 days following the filing of the petition, except for good cause shown of record,
 - a. Jury trials, which shall be tried at the county seat,
 - b. Hearings provided by Sections 54.03, 54.04, and 54.05 TJJC shall be conducted by the judge if the grand jury approved a petition under Section 53.045 TJJC,
 - c. Cases where the child and his/her attorney refuse to waive the hearing by a juvenile judge pursuant to 54.10 (a)(2).
 1. The following time standards shall be met in all cases whether tried by a judge or referee:
 - a. All initial detention hearings shall be heard on the next business day following the admission to the detention facility,
 - b. All adjudication and modification hearings shall be held:
 1. not later than ten (10) working days after the initial detention hearing if the child is detained pending trial.
 2. not later than thirty (30) days after the initial detention hearing if the child is released from detention pending trial.
 - a. Disposition Hearing. Not later than 15 days following the Adjudicatory hearing. The Court may grant additional time in exceptional cases that require more complex evaluation.

1. Nothing herein shall prevent a judge from recessing a juvenile hearing at any stage of the proceedings where the parties are agreeable or when in the opinion of the judge presiding in the case the best interests of the child and of society shall be served.

A. Complex Cases.

It is recognized that in especially complex cases or special circumstances it may not be possible to adhere to these standards.

Rule 4.12 Juvenile Disposition Provisions:

No provision is made in these rules for the disposition of juvenile cases other than as set out above, since juvenile cases are heard by the 306th Family District Court, and the County Courts at Law No. One and Two. Rules for the disposition of juvenile cases will be adopted by the aforementioned courts.

Rule 4.13 Financial Information Statements:

In all family law cases related to divorce or modification of support, the following shall be included in all orders granted ex parte setting a hearing on temporary orders involving any support or alimony or setting a hearing on support modification:

All parties to this action shall file with the Clerk and deliver a copy to the judge and all counsel or pro se parties a Financial Information Statement (FIS), pay receipts for one month, and/or statement of income from employer.

Rule 4.14

The Clerk shall attach a copy of the Financial Information Statement form to each Notice of Temporary Hearing or Citation on Modification which is served on a party and shall furnish a copy of same to each counsel or pro se party not served with the Order. All parties are required to file Financial Information Statement as set out in these rules.

Rule 4.15

Financial Information Statement shall be verified by the party and signed by counsel for such party. Counsel and parties are encouraged to prepare Financial Information Statement in such manner that it can be presented as evidence in lieu of direct testimony. Counsel and parties are encouraged to offer the same as evidence in such proceeding.

Rule 4.16

Compliance with this rule may be by the completion of a Financial Information Statement in the form attached hereto. Counsel are responsible for accuracy and timeliness.

Rule 4.17 Inventory and Appraisalment:

Each party shall file a sworn inventory and appraisalment in accordance with the deadline set out in the docket control order, a copy being furnished to the Judge, opposing counsel and pro se parties. The sworn inventory and appraisalment of all property shall contain statements regarding both separate and community property of the parties, including any property belonging to children of the parties. In the event of a substantial disparity in property evaluation filed by parties to a proceeding, within ten days after the filing of the original inventories and appraisalments, the parties shall file a sworn statement setting forth the reason for the evaluations assigned by each such party. In the event a dispute as to character of property, each party's contention shall be supported by affidavit and documents, if any filed at least ten days prior to trial.

Rule 4.18

In the event of the filing of a written agreement completely settling the property of the parties to such action and all custody and support matters, it shall not be necessary to file such inventories and appraisalments.

Rule 4.19

The failure to timely file such inventories and appraisalments, affidavits or statements set out in these rules may result, in addition to sanctions provided by law, in the continuance of temporary alimony and/or support or the discontinuation of same, or dismissal of the case for want of prosecution, or the values and statements of the party filing same be taken as true with no evidence in opposition thereto being admitted.

Rule 4.2 Ex Parte Restraining Orders and Protective Orders:

Rule 4.21

Ex Parte Restraining Orders: In all cases where there is counsel of record, the party filing the ex parte restraining order is required to notify opposing counsel prior to the filing thereof so opposing counsel may present any objections to the Court.

Except in emergency situations wherein immediate orders are necessary, all ex parte restraining orders may be filed with the clerk who shall transport the files for signature each day at 10:00 a.m. and 4:00 p.m. Settings shall be faxed by the court coordinator to counsel the day the order is presented for signature. If at all possible, the court coordinator shall accommodate the settings requested by atty. by attachment thereto.

No ex parte restraining order shall evict a party from the home unless filed in conjunction with Title 4, T.F.C.

Rule 4.22

Except as otherwise provided by law, ex parte protective orders shall be granted only when presented by attorney accompanied by client.

The duration of an Ex Parte Protective Order is 14 days.

Rule 4.23

No ex parte order shall restrain a parent from having access to that person's child (ren) except upon affirmation showing that the interest of the children require such restraint.

Rule 4.31 Possession of and access to a child:

Possession of and access to a child, including temporary orders, shall be pursuant to T.F.C. Chapter 153.

Rule 4.32 Child Support:

The setting of child support, including temporary child support, shall be pursuant to T.F.C. Chapter 154.

Rule 4.33 Temporary orders:

- A. Hearings on Temporary Orders shall be heard by the Associate Judge on Mondays and Tuesdays of each week.
- B. Settings on Temporary Orders shall be on a first come, first service basis but hearings shall be by docket call with announcements at 9:00 a.m. and 1:30 p.m. each Monday and Tuesday. The amount of time allotted for each such hearing shall be at the discretion of the Associate Judge.
- C. No record of such hearing shall be made unless reporter is provided by a party to the suit.
- D. All temporary orders shall be filed with the Clerk of the Court within seven (7) days of the hearing or the case shall be subject to dismissal. Such order need not be submitted to other counsel for approval so long as it comports with the Associate Judge's Report, but a copy of the order delivered to the Clerk shall be forwarded to opposing counsel at the same time as to the Court Clerk.
- E. Appeals shall be as set out in Chapter 201 T.F.C. except proposed order shall be forwarded to the court by non-appealing party.

Rule 4.4 Final Hearings:

Rule 4.41

With the exception of jury trials, all final hearings are preferentially set as the only case for that time slot. Notice of all first settings shall be pursuant to Rule 245 of the Texas Rules of Civil Procedure (i.e. 45 days notice) and shall be set out in the Docket Control Order.

Rule 4.42 Jury Trials

Upon proper request and payment of a jury fee pursuant to Rule 216 T.R.C.P., cases shall be set for jury trial at the time of the Status Conference or pursuant to T.R.C.P., whichever shall come later. Cases shall be set on the first available calendar opening corresponding to a scheduled jury week. Cases shall be called in

the order in which they are requested. If not reached, the case shall be reset by the Court for the next calendar opening corresponding to a scheduled jury week.

Rule 4.43 Status Conferences and Docket Control Orders:

Status Conferences shall be scheduled at 4:00 p.m. on the Thursday approximately one hundred twenty (120) days from the date of the filing of a suit. Attorneys or pro se litigants shall either appear in person to report on the status of the case and assist in the preparation of a Docket Control Order including appointment of a mediator and a final hearing date or shall notify the Court Coordinator by fax or regular mail as to the status of the case and the agreed upon mediator and receive a Docket Control Order by return mail. In the event that appearance is made by submission, any objection to dates and/or extensions requested shall be by motion and hearing thereon, or (except for final hearing or jury trial date) by written agreement of the parties. All deadlines in Docket Control Order shall be strictly adhered to and enforced by the Court.

In the event that no appearance is made at the status conference and no communication made to the court, the case shall be dismissed for want of prosecution.

Rule 4.44 Non-Jury Trials:

Requests for settings for final hearings in all contested family law cases made prior to the Status Conference shall be in writing and directed to the Judge's office with copies to opposing counsel and the Clerk of the Court. In all cases where there is property, a sworn inventory and appraisal must be filed with the District Clerk's office before the case will be set for trial. If a party fails to file an inventory, the one filed will be taken as uncontested. Such request shall, in addition to the requirements set forth in these rules, a) certify that all parties have fully complied with Rule 4.3 (inventories), b) contain a general statement of the contested issues (i.e. property, conservatorship, support), c) estimate the time required to hear the entire matter, and d) contain a statement that the parties have complied with all local rules.

Rule 4.45 Alternative Dispute Resolution:

- A. In all cases in which there are children, the parties **shall** attend the parenting seminar "**For Kid's Sake**" or the equivalent thereof at their own expense and file proof thereof with the court with a copy to the opposing party prior to the first mediation session. Failure to attend the seminar may cause delay in the trial of the case or limitation of visitation privileges as well as an increased child support obligation to the party failing to comply. Registration shall be held in the County Law Library, 6th Floor, Courthouse, 722 Moody, Galveston, Texas, or as may be designated from time to time.
- B. In all cases, the parties shall engage in ADR at their own expense, or if they are unable to afford ADR, they may make application for financially aided mediation through the County Law Library as approved by the Galveston County Mediation Board prior to attending the mediation.
- C. In cases involving family violence or substance abuse, ADR is not permitted and shall be waived upon a showing after Motion filed and hearing had.
- D. All mediators shall have completed basic 40 hour mediation training and advanced family 24 hour mediation training. All mediators of Galveston County cases are subject to performing three (3) pro bono and/or financially aided mediations per year for Galveston County lawsuits.

Rule 4.46 Uncontested Matters:

Uncontested matters are heard in 306th District Court from 8:30 - 9:00 a.m., Monday through Friday or later in the day, at the Court's discretion. If the 306th District Court Judge is unavailable, the party may request any other District Court or County Court at Law Judge to hear the uncontested matter after advising the 306th District Court Coordinator of same.

Rule 4.47 Default Judgments:

No default judgments in cases involving children or substantial real or personal property shall be granted without proof of attempted notice of final hearing to opposing party. If notice was not given, MNT shall be granted upon application.

Rule 4.48 Exhibits:

All exhibits shall be premarked prior to beginning of hearing or trial.

Rule 4.51 Continuances:

No continuances shall be granted, in any case, except upon good cause shown, in writing, signed by the attorneys and the clients and **approved** by the Court, and in accordance with T.R.C.P. Rule 251.

Rule 4.61 Dead Week:

The week of the Advanced Family Law Course (usually in August) shall be a dead week for family law.

Rule 4.71 Entry Date:

Entry date for all final orders and decrees is no later than 21 days post hearing at 9:00 a.m. unless granted an extension by the Court.

Failure to appear may subject case to be dismissed for want of prosecution.