

468th DISTRICT COURT POLICIES AND PROCEDURES

**** Please refer to the Collin County Local Rules and Standing Orders
For any general policies and procedures. ****

Weather/Emergency Closures or Delays

If two or more of the following schools has a delayed start or closes, the 468th District Court will follow the same schedule for Court proceedings: Plano ISD, Frisco ISD, Allen ISD, Wylie, Prosper or McKinney ISD

Settings

Time Limits – Temporary Orders are limited to 20 minutes per side. A “full-day” bench trial is two and a half hours per side for an original proceeding. A “half-day” bench trial is approximately an hour and a half per side for an original proceeding. A 2-day jury trial is five hours per side including voir dire, opening, case in chief, cross and closing argument. Modification trials are limited to 1.5 hours a side. Most non- evidentiary hearings will be limited to 10 minutes per side. Any special settings for a hearing or a trial must be requested and approved by the Judge. Any time needed beyond the maximum allotted time per side in a bench trial or a jury trial requires a leave of court.

Mediation

Mediation is required before trial. **If mediation has not been attempted, you are limited to 1 HOUR per side at trial.** If one party appears for mediation and submits proof of attendance to the Court and the other party fails to attend mediation, the party who attempted mediation will get his/her full time per the scheduling order and the party who failed to attend mediation will be limited to one hour. If a motion to compel mediation is on file and there is no objection on file, the Court may take this matter up by submission and sign the order for mediation. If a mediated settlement agreement is filed into the case, the trial date will be removed and the case will be set for dismissal within 45 days of the date of filing the MSA. The parties shall agree on a mediator. Failure to agree on a mediator shall result in a 1 hour a side trial.

Hearings – Please email the court coordinator at 468@co.collin.tx.us and copy opposing party if you need available dates. You should work with the other side to get an agreed date. Once an agreed date is determined, the court will place the matter on the calendar once notice is filed. If there is no response, or the response from the opposing party is not timely, the court may place the matter on the calendar without agreement as long as a notice of hearing is provided to the Court.

No hearing/trial setting will be put on the calendar without a notice or scheduling order.

Bench Trials – Please email the court coordinator at 468@co.collin.tx.us. You will be provided with the Court’s available dates and should work with the other side to get an agreed date and mediator. Please e-file the Court’s form Scheduling Order (available on the Court website) with the trial date and mediation details. If, after several attempts, you are not able to get an agreed date, please e-file a letter describing your efforts and attach all attempts at obtaining a signature for the scheduling order. After ten days of receipt of your letter and no objection by opposing counsel, you may then file the Scheduling Order and the Court will sign and enter the scheduling order and set the case for trial per the scheduling order.

Jury Trials – A final in-person pre-trial hearing is required for those cases being called to jury trial. This pre-trial hearing is required and must be included in the scheduling order at the time of filing. A Discovery Control Plan and Scheduling Order (available on the Court website) must be completed and signed when the trial is set. The scheduling order specifies the many tasks that must be completed at or before the pre-trial hearing, including expert challenges, proposed jury charges, pre-marked exhibits (and stipulated exhibits), witness lists, etc. The Court will take up all pre-trial matters at the hearing and will not be taking up those matters on the day of trial. Please contact the Court Coordinator at 468@co.collin.tx.us if you anticipate your pre-trial hearing will take more than 30 minutes per side. You are required to submit a proposed jury charge to the Court at the pre-trial hearing; this can be done by emailing the court with the proposed charge in Word format and cc’ing opposing counsel.

Dismissals for Want of Prosecution – Upon receiving a ruling in a final trial or final hearing, or an MSA being filed into the case, the Court shall set the case on the DWOP docket to be dismissed within 45 days of that ruling or MSA on file. All final orders shall be entered within that 45 day period or else the case will be dismissed.

Dismissal for Want of Prosecution notices will be mailed out on cases with no dispositive activity after 90 days. The filing of a Rule 11 requesting a trial or a request sent through email is not enough to get the case removed from the Court’s DWOP docket. A scheduling order must be entered at least 24 hours prior to the dismissal date (per the DWOP notice). The parties are NOT to appear on the dismissal date.

Docket

Check in with the bailiff before the time of your hearing. If you plan to leave our courtroom, give the bailiff your cell phone number.

Let the bailiff know if you have an expert or professional witness, such as a first responder, teacher, doctor, counselor, etc. or if there is a translator in your case. The Court will try to accommodate these witnesses and/or experts by allowing them to be called out of order or by Zoom with respect to their other duties and to reduce costs to the litigants. Witness Zoom attendance must be agreed by the parties and approved by the Court.

If you want to go forward on a motion/hearing without the other side present, you must tender proof of notice to the court either by filing your proof of notice or by offering it as an exhibit for the court reporter.

The Office of the Attorney General Child Support Division has a website for sending them citations and notices: <http://csapps.oag.texas.gov/service-citation-notice>

Dispositive Motions

All dispositive motions (summary judgment, plea to the jurisdiction, plea in abatement, etc.) must be filed AND HEARD at least 30 days before trial. The purpose of the hearing date in a summary judgment is to set the deadlines for the response.

Temporary Orders

Temporary Orders are limited to 20 minutes per side per the local rules. The parties will be expected to agree on a trial setting, a mediator, and submit a scheduling order to the Court at the conclusion of the temporary orders hearing.

Temporary Orders may be signed by the Court without the necessity of a hearing under the following circumstances:

- (1) the order is accompanied by a letter that notifies the opposing counsel/party of their right to object to the order within ten days of the date that the letter was mailed;
- (2) the submitting attorney certifies that the order and letter were sent to the opposing counsel via eFile, or to the opposing party at their last known address and email address if there is previous correspondence with the opposing party via that email; and
- (3) no objection is filed.

The moving party must notify the Court that the above conditions have been met and request to the Court in writing to sign the order without hearing.

Restrictions on Sealing Cases

Parties may not agree to seal cases. Sealing requires Court approval after an evidentiary hearing. Cases will not be sealed before final trial. If you are requesting to seal a case, please contact the court coordinator at 468@co.collin.tx.us to schedule the hearing, which will be held after the final judgment is signed. *Adoptions are an exception.*

Resets

If you have an agreed reset of your Court setting, email the Court Coordinator at 468@co.collin.tx.us to ensure that your case has been removed from the docket and a new hearing set, if needed.

Ex Parte Relief – TROs POs, etc.

Please submit your request for ex parte relief electronically. There is no need to come to the Courthouse in-person. If you file a motion requesting ex parte relief and submit your proposed order through e-filing, please call or e-mail the court coordinator to let her know that you want action taken on the request. If you do not call or email the coordinator to alert her that you want the request addressed, it will just remain in the e-filing queue without action. If the ex parte relief being sought is for an ex parte temporary restraining order, you must notify the Court that you have given the opposing counsel or opposing party (if self represented) 2 hours' notice (even if the request is in a new case) or file the necessary requisites per Local Rule 3.4, which can be found on the District Court website <https://www.collincountytx.gov/Courts/District-Courts/Documents/LRP.pdf>.

Please do not request TROs that contain items that are in the standing orders. The court will reject TROs that largely overlap the standing orders. Please put the few items of genuine concern in the TRO so that the court can tell what relief you are actually requesting. Do not ask for kick-outs in TROs.

The Court Staff will send to the Auxiliary Court if needed. You are not to go to Auxiliary Court for an ex parte request.

Child Interviews

If Tex. Fam. Code §153.009 requires the Court to interview a child, the interview will be conducted on the day of trial upon the conclusion of the trial and close of evidence. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case. Contact the court coordinator at 468@co.collin.tx.us before your trial date to ensure the child interview is properly scheduled on the Court's calendar. Do NOT bring a child to court without prior express permission from the Court. *CPS is an exception to this rule*

Withdrawals

Withdrawals within 30 days of trial must be set for hearing. The order on a motion to withdraw should not be efiled if there is a pending ruling/order that needs to be entered.

The Collin County local rules may provide one way for attorneys to withdraw without the necessity of appearing. Review and follow local rule 4.3:

- (c) A motion to withdraw may be granted without a hearing under the following circumstances:
 - (1) the motion is accompanied by a certificate by the client attesting to the client's consent to the withdrawal or a certificate by another lawyer attesting that the lawyer has been retained to represent the client in the case; or
 - (2) the motion is accompanied by a letter that notifies the client of the client's right to object to the withdrawal within ten days of the date that the letter was mailed; the withdrawing attorney certifies that the motion and letter were sent to the client's last known address by certified and regular mail; and no objection is filed.

Property Division

If you are asking the Court to divide property, you must provide a proposed property division which lists all assets and debts. The Court prefers an editable format, such as an Excel spreadsheet. The property division spreadsheet should be emailed to the Court Coordinator at 468@co.collin.tx.us the day prior to the hearing/trial.

Spousal Support or Payment of Expenses

If you are asking the Court to order spousal support or divide expenses, you must provide a financial information statement listing income and expenses. The financial information statement should be emailed to the Court Coordinator at 468@co.collin.tx.us the day prior to the hearing/trial.

Health Insurance and Cash Medical Support

In every case involving children, the parties must file a pleading or statement describing the children's health insurance.

If the children are receiving health insurance through a government program such as CHIP or Medicaid, the obligor must pay cash medical support.

Courtroom Technology

If you plan to display a device (laptop, tablet, etc.) on the screens in the courtroom, you are encouraged to test and troubleshoot the equipment in advance. You will need to contact the bailiff at emcgill@co.collin.tx.us if you need assistance or to set a time to test the equipment.

Prove Ups

Agreed Decree of Divorce

No in-person prove up is required for an agreed decree of divorce as long as all of the information is filled out in the decree. For an agreed decree of divorce, you must file an affidavit (a sample is provided on the Court website) and your order must reflect that there was no appearance and no hearing before the court and the record was waived. All signatures must be on the final agreed decree. Failure to properly edit your order to reflect an affidavit or submitting an order that is missing signatures may result in the order being rejected. See Prove Up Resource Guide.

Agreed Suit Affecting Parent Child Relationship, Modification, and Child Support Orders

No prove up or affidavit is necessary as long as all signatures are reflected on the final order. See Prove Up Resource Guide.

All Other Matters

In-Person Prove Ups for the Court can be done in the Auxiliary Court, Monday through Wednesday between 8:30 AM and 11:00 AM as long as all signatures are on the final order. Prove ups are required on Name Change of a Child, Adoptions, and all Defaults. Prove up on name changes of an adult will be scheduled for hearing by the Court, if necessary.

*Defaults MUST be proven up in-person. (See Default Checklist on website).

Exhibits

All parties, including self-represented parties, and all counsel, must comply with the following requirements when appearing in the courtroom for hearings or trials.

EXHIBITS – Must comply with each of the following:

Exchange with opposing parties: All proposed exhibits to be used at the hearing shall be pre-marked (Applicants may use the numbering system, e.g., A-1, A-2, A-3, etc. and Respondent may use the numbering system, e.g., R-1, R-2, R-3, etc.). Parties shall exchange exhibits by email 24 hours prior to the hearing and shall confer in advance of the hearing, when possible, to determine agreements as to admissibility. Otherwise, admission of the exhibits is subject to the Texas Rules of Evidence and the court's ruling on each exhibit offered.

Delivery of exhibits to court: All proposed exhibits shall be delivered in physical form (printed on paper, and video/audio files copied onto a flash drive).

FAILURE TO COMPLY WITH ALL THE ABOVE INSTRUCTIONS MAY RESULT IN EXCLUSION OF PROPOSED EXHIBITS

NO RECORDING OF COURT PROCEEDINGS:

Recording (**AUDIO AND/OR VIDEO**) of court proceedings is prohibited without permission of the Court.

INTERACTION WITH COURT OFFICERS:

Treat all court officers (bailiff, court reporter, court coordinator, and clerks) with respect.

Court officers are not allowed to act as support staff for parties: Court officers have specific responsibilities in the court to make proceedings equally accessible for all parties. Whether you appear in person, court officers may not act as support staff for any party. All parties are responsible for their own witnesses and paperwork and may not delay proceedings because they are unprepared to proceed.

Objections, speaking, and interrupting:

The same rules apply as if in the courtroom:

1. Only one person may speak at a time. Do not talk or make noises during the proceedings;
2. Do not disrupt the proceedings by facial expression, nonverbal gestures, or by any other conduct;
3. Give a visual signal (such as raising your hand) prior to objecting or speaking (similar to those appearing in the courtroom who must stand to be recognized).

Appearance and decorum for hearing:

The same rules apply as if in the courtroom:

1. Be on time and ask the court for permission to leave;
2. Conduct yourself and dress the same as if you are in court in person; attorneys shall advise their clients and witnesses of proper courtroom decorum and attire.

Protective Order Exhibit Instructions

All parties, including self-represented parties, and all counsel, must comply with the following requirements when appearing in the courtroom for a protective order hearing in this case.

EXHIBITS – Must comply with each of the following:

Exchange with opposing parties: All proposed exhibits to be used at the hearing shall be pre-marked (Applicants may use the numbering system, e.g., A-1, A-2, A-3, etc. and Respondent may use the numbering system, e.g., R-1, R-2, R-3, etc.). Parties shall exchange exhibits by email 24 hours prior to the hearing and shall confer in advance of the hearing, when possible, to determine agreements as to admissibility. Otherwise, admission of the exhibits is subject to the Texas Rules of Evidence and the court's ruling on each exhibit offered.

Delivery of exhibits to court: All proposed exhibits shall be delivered in physical form (printed on paper, and video/audio files copied onto a flash drive). Bailiff will coordinate the exchange of exhibits for applicant and respondent when they are self represented.

FAILURE TO COMPLY WITH ALL THE ABOVE INSTRUCTIONS MAY RESULT IN EXCLUSION OF PROPOSED EXHIBITS:

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INTERACTION WITH COURT OFFICERS:

Treat all court officers (bailiff, court reporter, court coordinator, and clerks) with respect.

Court officers are not allowed to act as support staff for parties: Court officers have specific responsibilities in the court to make proceedings equally accessible for all parties. Whether you appear in person, court officers may not act as support staff for any party. All parties are responsible for their own witnesses and paperwork and may not delay proceedings because they are unprepared to proceed. The only exception is if the Bailiff is coordinating the exchange of exhibits for safety purposes.

OBJECTIONS, SPEAKING AND INTERRUPTING:

The same rules apply as if in the courtroom:

1. Only one person may speak at a time. Do not talk or make noises during the proceedings;
2. Do not disrupt the proceedings by facial expression, nonverbal gestures, or by any other conduct;
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1. Be on time and ask the court for permission to leave;
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