

## 247th District Court's Policies and Procedures for the COVID-19 Disaster

**This is effective March 27, 2020 and will expire on May 8, 2020,  
unless extended by this Court.**

The following applies only to the 247th District Court, is effective March 27, 2020, and will expire on May 8, 2020, unless extended by this Court.

These policies are made pursuant to the Texas Supreme Court's COVID-19 Emergency Orders, which can be found [here](#). These policies are subject to change as the COVID-19 crisis develops. The health and safety of our litigants and staff is of the utmost importance. The 247th District Court intends to serve as many litigants and attorneys as possible during this crisis, while following all safety measures recommended or mandated by federal, state, and local authorities. Please be patient as we navigate these new conditions together.

1. **No docket call.** There will be no docket call in the 247th District Court until at least May 11, 2020. All hearings and trials will be preferentially set. Existing trial and DWOP dockets will be reset automatically. All other hearings must be rescheduled. Check the website for reset announcements. As of 03/27/2020, the following dockets have been reset:

| Original Date | Docket Type | Reset Date |
|---------------|-------------|------------|
| 03/25/2020    | Trial       | 06/15/2020 |
| 03/27/2020    | DWOP        | 06/12/2020 |
| 04/06/2020    | Trial       | 07/06/2020 |
| 04/20/2020    | Trial       | 07/20/2020 |
| 04/24/2020    | DWOP        | 06/12/2020 |
| 05/06/2020    | Trial       | 08/10/2020 |

2. **No in-person uncontested docket.** There will be no walk-in uncontested docket. But agreements can still be approved by submission. See details below.
3. **Essential matters.** Essential Matters are defined by the Family Division's Joint Statement at #3 available [here](#). The most common essential matters are CPS cases, habeas corpus and writs of attachment for children, and cases where a respondent is in custody due to a warrant or capias. Hearings on essential matters will be given priority and shall be preferentially set by the court coordinator, [Victor Almendarez](#).
4. **Non-essential Matters.** The current circumstances and limited courthouse space mean that we cannot hear as many non-essential matters each day as we did before

this crisis. Here are the accommodations we have made to help keep cases moving despite the crisis:

- a. The Court has expanded the list of motions that may be heard by submission. See No. 7, below.
  - b. Agreements may be proved up by affidavit or unsworn declaration. See No. 6, below.
  - c. Many matters that cannot be heard by submission will be preferentially set for telephone conferences. Contact the court coordinator, [Victor Almendarez](#), to set a hearing via phone conference.
  - d. The Court is also equipped to conduct video conference hearings via Zoom. As lawyers and litigants become more comfortable with this platform the Court will conduct hearings through Zoom. At this time, all parties must agree to use Zoom and will be required to certify proficiency with the platform. To schedule a Zoom hearing, contact the court coordinator, [Victor Almendarez](#).
5. ***Emergencies.*** In the case of a true emergency involving an imminent threat to the health or safety of a child or where there is an imminent risk to a party's property, an otherwise non-essential matter may be deemed essential by the Court and given priority for a hearing date. See [Joint Statement](#) at #3. Your emergency motion must include a request for the Court to deem matter essential and must be supported by an affidavit or unsworn declaration. Please include a blank notice of hearing for the judge's signature and approval.
6. ***Agreements proved-up by affidavit or unsworn declaration.***
- a. The following matters may be proven-up by affidavit or unsworn declaration:
    - i. Agreed orders or mediated settlement agreements disposing of all issues and containing signatures of all parties;
    - ii. Orders containing the signature of one or more parties, provided that the respondent(s) executed general waivers, waiving notice and participation in suit.
  - b. The Harris County Law Library's website has sample forms for prove-ups available for download [here](#). **PLEASE NOTE:** Your affidavit must contain all testimony necessary to prove-up the essential elements of your cause of action. **Forms are not appropriate for all cases.**
  - c. Your affidavit or unsworn declaration must be attached to your proposed order or MSA as an exhibit.
7. ***Submission docket.***
- a. The Court will consider the following motions by written submission (no oral hearing):
    - i. Motions for Adoption Evaluation;
    - ii. Motions for Alternate or Substituted Service;
    - iii. Motions for Appointment of Attorney Ad Litem, Amicus Attorney, or Custody Evaluation;
    - iv. Motions to Confer with a Child;
    - v. Motions to Compel Discovery;
    - vi. Motions to Consolidate;
    - vii. Motions for Cost Deposit (private appointment);
    - viii. Motions for Continuance;

- ix. Motions for Drug Testing;
  - x. Motions to Enter;
  - xi. Motions for Genetic Testing;
  - xii. Motions for Judgment Nunc Pro Tunc;
  - xiii. Motions for Reconsideration;
  - xiv. Motions to Reinstate;
  - xv. Motions for Summary Judgment (traditional or no-evidence);
  - xvi. Motions for Withdrawal/Substitution of Counsel
- b. How to get a submission date:
    - i. After filing your motion, contact the court clerk by [email](#) or voicemail to request a submission date.
    - ii. The submission date shall be at least 10 days from filing, except on leave of court.
  - c. Notice of submission SHALL:
    - i. be served on all necessary parties at least 10 days before the submission date (unless a rule or statute requires more than 10 days' notice);
    - ii. provide notice to the responding party that:
      - 1. the motion will be heard by submission;
      - 2. no party may appear for the hearing in person; and
      - 3. any response to the motion must be on file at least 3 days before the submission date.
  - d. Except on leave of court, any responses to the motion shall be filed at least three days before the submission date.
- 8. *Entry settings and motions to enter.***
- a. **If the order has all signatures:** just file the proposed order before your entry date. Final orders must be filed together with a 247th Entry Checklist and all required ancillary documents.
  - b. **If the order is missing signatures:** a **motion to enter must be filed** and will be considered by submission (see #7, above). The motion to enter should contain your proposed order, signed by movant. The party objecting to the form of the order must timely respond by addressing its objections to the order in body of response and attaching the objecting party's proposed order signed by that party.
- 9. *Ex parte temporary restraining orders.***
- a. The Family Court Division has signed a [Standing Ex Parte Temporary Restraining Order](#) which applies for all divorces and SAPCRs filed between March 19, 2020 and May 8, 2020. The order can be found [here](#).
  - b. Requests for ex parte extraordinary relief not covered by the Standing Order may be submitted for consideration by the Court if supported by an affidavit.
- 10. *Contacting the Court*** - For now, email and voicemail are the only options for contacting the court staff. Our clerks and coordinator are working remotely and will be checking emails and voicemails. Keep in mind that due to high volume, you may not hear back until the following business day.