

505TH DISTRICT COURT
HON. KALI MORGAN, PRESIDING JUDGE
HON. LATOSHA MCGILL CLAYTON, ASSOCIATE JUDGE

SECOND AMENDED RULES OF PRACTICE

Effective **January 1, 2022**, the following rules of practice will apply to all legal proceedings in the 505th District Court. These policies and procedures do not supplant the Fort Bend County Local Rules.

The 505th District Court adheres to the Texas Rules of Professional Conduct, the Texas Lawyer's Creed, and the Texas Code of Judicial Conduct. Violations will result in appropriate sanctions.

The following rules apply to attorneys and self-represented litigants.
Please read them carefully.

1. GENERAL

- a. Each party shall consult the applicable state law(s) and the Fort Bend County Local Rules for additional specifics and time deadlines.
- b. The court's telephone number is **281-238-3244**. The court staff will **not** provide legal advice or participate in ex parte communications (except as allowed by law).
- c. **LEGAL AID**: Free legal information and court forms for many family law matters can be found online at <https://texaslawhelp.org>. There is also a *Self-Represented Litigant Packet* available on the court's website that contains helpful information for those representing themselves in Fort Bend County family courts. Please seek independent legal advice for additional specifics.
- d. General communication with the court is preferred by email to Angella Powers, Court Coordinator at: Angella.Powers@fortbendcountytexas.gov (**Do not use this**

email address to request a hearing date or to submit exhibits. Please follow the instructions below.)

- e. The 505th is a paperless court. **All pleadings and/or documents must be filed with the Fort Bend County District Clerk's Office.** Documents may be filed in person or online. Please visit the Fort Bend County District Clerk's website for more information on e-filing. Questions regarding documents, files, filings, service, etc. should be directed to the District Clerk's office at 281-341-4509. **Please do not include the Court or the Court Coordinator on any e-service requests.**
- f. COURT CLOSURES: Please refer to the Court's **Inclement Weather Policy** on page 11.
- g. CASE ASSIGNMENTS: Per Standing Order of the Court, cases ending in **ODD** numbers will be heard by Presiding Judge Kali Morgan. Cases ending in **EVEN** numbers will be heard by Associate Judge LaTosha McGill Clayton. However, the court reserves the right to reassign cases as necessary.
 - i. **Effective January 1, 2022**, all enforcements seeking contempt, protective orders, and motions to revoke community supervision will be heard by the Presiding Judge unless the parties agree on the record to waive their right to appeal the Associate Judge's Ruling.
- h. Appropriate attire is required for all appearances whether in person or on Zoom. No food or gum chewing is allowed in the courtroom or during Zoom proceedings. During in person hearings or trials, attorneys may have water at counsel table. **No photos or videos are allowed, except in adoption cases. Recording or screenshotting court proceedings is strictly prohibited.**
- i. Trial Docket: The general trial docket will be on the 1st and 3rd Monday of each month at 9:30 AM **via Zoom**. Cases set on the general trial docket may be heard that day (depending on the time announcement) or continued and preferentially set for a future date. Please note: Pref-set trials will be heard in person.
- j. UNCONTESTED DOCKET: To request a hearing on an uncontested matter, please send an email to: 505Hearings@fortbendcountytexas.gov. The subject line of the email must include the cause number, the case name, and the type of hearing requested. For example, "*Cause Number 20-DCV-0000, Smith, Final Divorce Hearing*". The Court Coordinator will respond with available dates.

- i. The party requesting the hearing **must** complete and file the *Uncontested Matters Checklist* (located on the court's website) before requesting a hearing.
 - ii. If your case is contested (no agreement), you will have to follow the procedures in Sections 2, 3, 4, 5, and 6 below.
- k. **AGREED ORDERS:** The court will sign agreed orders without a prove-up hearing when at least one party is represented by counsel. Agreed orders must contain signatures of all parties and attorneys. All signatures must be distinctive written signatures or electronic signatures generated by the signing party. **Agreed orders may NOT be signed by permission or by using “/s/ Typed Name.”**
- i. Agreed Orders must indicate (1) that the parties did not appear in person but agreed to the terms of the order as evidenced by their signatures; and (2) that the making of a record was waived by the Court with consent of the parties.
 - ii. If both parties are pro se, a prove-up hearing is required. Please refer to the *Uncontested Matters Checklist*.
- l. **SUBMISSION DOCKET:** The following contested motions will be heard by submission only; if the court believes that an oral hearing is needed, the court will contact the parties with further instructions:
- Motion for Adoption or Custody Evaluation
 - Motion for Alternative or Substituted Service
 - Motion for Appointment of Attorney Ad Litem or Amicus
 - Motion to Confer with a Child
 - Motion to Consolidate or Sever
 - Motion for Continuance (see Section 8 below)
 - Motion for Genetic Testing
 - Motion to Enter/Sign Orders
 - Motion for Judgment Nunc Pro Tunc
 - Motion for Mediation (compel/waive)
 - Motion to Reinstate/Retain
 - Motion for Summary Judgment
 - Motion for Withdrawal/Substitution of Counsel

NOTICE OF SUBMISSION SETTING: Notice of the submission setting **must** be served at least **10** days before the date of the hearing, or more if required by statute or rule. The notice **must** state (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, or longer if required by statute or rule. Proof of notice must be filed prior to the submission date. Responses must be filed at least **3** days before the submission date to be considered.

When appropriate, motions may be set concurrently with a hearing for temporary orders.

- m. ENTRY SETTINGS: Entries will be on Fridays by submission only. Failure to file a Proposed Order by the entry date may result in the case being dismissed. Contested entries may be set for hearing and are limited to 15 minutes. The party opposing entry of the Proposed Order must file a markup identifying all proposed edits **and** a clean copy signed indicating approval as to form.
- n. CHILDREN IN COURT: Children may not be brought into the courtroom without court approval. If the court approves a request for a child to be interviewed in chambers, the child should be brought to the courthouse at the scheduled interview time. Upon arrival, please check in with the Bailiff or Court Coordinator. Do not enter the courtroom.

2. PARENTING CLASSES

- a. Parents and/or conservators in all **contested** cases involving children are required to complete a 4-hour parenting class. The court may order an 8-hour parenting class if determined necessary. The certificates of completion must be filed with the District Clerk's office before the case is finalized.
- b. Possession and access may be restricted for any party refusing to participate in the required parenting course.
- c. The Court recognizes and approves the following **in person** courses (in no particular order):

Parenting 101 (currently being offered via Zoom)
DePelchin Children's Center
713-730-2335

Escape Family Resource Center
713-942-9500

- d. The Court recognizes and approves the following **online** courses (in no particular order):

Putting Kids First
<https://puttingkidsfirst.org>

Texas Cooperative Parenting
<https://txparent.com>

Parent Class Online
<https://www.parentclassonline.com>

Co-Parenting into the Future
<https://coparentingintothefuture.com>

Family Affairs
<http://familyaffairs.org>

Kids First
<https://kidsfirsttoday.com>

Parenting Choice
<https://www.parentingchoice.com>

3. MEDIATION

- a. Mediation is required prior to a hearing for temporary orders if rights and duties or possession and access are at issue **or if the total time estimate exceeds one hour per side.**
- b. If a party is being denied possession of the party's child, the court may waive the mediation requirement.
- c. Mediation is required prior to final trial in all cases (except protective orders and contempt actions). Failure to mediate before trial may result in the case being dismissed. Mediation for Temporary Orders does not satisfy this requirement.
- d. Mediation may be waived only after filing a motion and upon a showing of good cause. The motion must be heard at least 10 days prior to the trial date.
- e. Parties may agree to resolve a case without formal mediation. *Please see the*

rules governing Agreed Orders above.

- f. Parties should make a good faith attempt to agree on mediators. If no agreement can be reached, a motion should be filed with the court and the court will choose a mediator from the wheel. *The court may deviate from the wheel for good cause.
- g. The Fort Bend County Dispute Resolution Center “DRC” is also an option for mediation. The DRC utilizes an income-based fee scale to determine the amount that each party pays for mediation. They may be reached at 281-342-5000.
- h. If parties reach an agreement at mediation and a hearing or trial setting is no longer necessary, please notify the court ASAP so that your setting can be removed from the docket.

4. CONTESTED HEARINGS

- a. Requests for contested hearing dates must be made by sending an email to: 505Hearings@fortbendcountytexas.gov. The subject line of the email must include the cause number, the case name, and the type of setting requested. For example, “Cause Number 21-DCV-000000, Smith, Temporary Orders Hearing”.
- b. In the interest of judicial economy, parties should make all efforts to have competing motions heard at the same time.
- c. **Temporary Orders hearings may be limited to 1 hour per side.**
- d. **Motions to Modify Temporary Orders** – Absent a true emergency supported by affidavit, the parties will be ordered back to mediation.
- e. **SUPPORT CASES:** If child support or spousal support is an issue, the following documents **must** be exchanged before the hearing: (1) Financial Information Statements (FIS); (2) Income tax returns for the past two years; and (3) Three most recent payroll stubs. A blank FIS can be found on the court’s website. Please refer to the exhibit rules below if you intend to use these documents as exhibits during your hearing/trial.
- f. **PROPERTY CASES:** Proposed Property Divisions and Sworn Inventory & Appraisements (from both sides) are required in **all** cases in which property is an issue. For cases involving marital estates with numerous assets/debts,

please provide (to the court) an Excel spreadsheet containing the party's proposed property division.

- g. **ENFORCEMENTS:** The party requesting incarceration should bring a proposed Commitment Order to court on the day of the hearing.
- h. **Temporary Restraining Orders:** There are *Standing Mutual Temporary Injunctions* that apply in all cases. Ex parte Temporary Restraining Orders should not be filed unless extraordinary relief is requested and is supported by an affidavit.
- i. Notice and proof of notice to the opposing attorney/party shall be pursuant to the Texas Rules of Civil Procedure. Please refer to the court's **Zoom Hearing Procedures** for a sample Notice of Zoom Hearing. The Zoom meeting ID and password must be included in the Notice of Hearing/Order to Appear if the matter is set for a Zoom hearing.
- j. Please do not file blank Hearing Notices/Orders to Appear. The court will not sign them. Please obtain your hearing date prior to filing the Notice/Order.

5. TRIALS

- a. Requests for trial dates must be made in accordance with paragraph 4(a) above.
- b. **Time Limits:** A "full-day" trial is 3 hours per side (6 hours total). A "half-day" trial is 1.5 hours per side (3 hours total).
- c. **If your case is assigned to the Associate Judge,** the *Waiver of Appeal from Associate Judge's Ruling/Recommendation* form must be signed and filed prior to your trial date. Failure to timely file the form will result in your case being removed from the Associate Judge's docket.
- d. **Scheduling Orders and Pretrial Conferences** are required for all jury trials and for all bench trials **with a total time estimate that exceeds one day.** The *Scheduling Order* details the many tasks that must be completed at or before the pre-trial conference. The *Scheduling Order* can be found on the court's website

6. EXHIBITS - PLEASE READ CAREFULLY - FAILURE TO COMPLY WITH THESE PROCEDURES MAY RESULT IN EXHIBIT EXCLUSION.

- a. Exhibits and Exhibit Lists must be exchanged (submitted to the opposing party) by **12:00 PM THE BUSINESS DAY BEFORE THE HEARING**. The submission or exchange of exhibits after the deadline will not be permitted unless they are rebuttal exhibits and/or the parties have agreed. **This does not apply to cases under an approved Scheduling Order. In those cases, the Scheduling Order will control.*
- b. Parties must attempt in good faith to confer and obtain agreements regarding exhibit admissibility before appearing in court. Time spent discussing the admissibility of exhibits will be deducted from the total time allotted for the hearing or trial.
- c. **Court Copies:**
 - i. Exhibits for all proceedings **must** be delivered to the court via email to: 505Exhibits@fortbendcountytexas.gov or on a USB Flash Drive as specified below. **Do not email exhibits to the Court Coordinator or to the Court Reporter. Do not file exhibits with the Clerk's Office.** (Exhibit Lists may be filed).
 - ii. The Courtroom is equipped with technology to allow exhibits to be published from a USB Flash Drive. Please do not bring paper copies unless prior approval is obtained from the court.
 - iii. **Dropbox:** The court does **not** accept exhibits via Dropbox or Google Drive links.
 - iv. **LESS THAN 50 TOTAL 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.
 - v. **MORE THAN 50 TOTAL PAGES:** If a party's combined exhibits **exceed 50** total pages, the exhibits must be delivered to the court on a USB Flash Drive – no exceptions.

- vi. **AUDIO/VIDEO**: Audio and video files **must** be on a USB Flash Drive – no exceptions.
- vii. **For in person hearings**, Flash Drives may be submitted at the time of the hearing. Please bring two (one for use at counsel table and one for the Court). **For Zoom hearings**, Flash Drives **must be received** by 12:00 PM the business day before the hearing. **Please note that delivery on Fridays is by appointment only.**
- viii. Flash Drives must be clearly labeled with the cause number, party name and hearing date.
- ix. Flash Drives may be delivered in person or mailed to:

505th District Court
Attn: Melinda Bowers
301 Jackson Street (mailing address)
1422 Eugene Heimann Circle (physical address)
Richmond, TX 77469

Please be mindful of the deadline when delivering by mail.

- d. **All exhibits must be accompanied by an Exhibit List.** A sample Exhibit List can be found on the court's website.
- e. The only formats accepted are PDF for documents, JPG and PNG for images, and MP4 for audio and videos.
- f. **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.*" **The actual document or image must also be marked for identification.** (Naming the file without marking the document is insufficient.)
- g. 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).
- h. The party tendering the exhibits is responsible for ensuring that witnesses have copies of the exhibits for use during hearings. **The Court Reporter will NOT forward or otherwise circulate exhibits.** Courtroom equipment may be tested in

advance of any hearing or trial. Please contact the Court Coordinator to make arrangements. The “share screen” feature may be used during Zoom hearings. The party tendering the exhibits is responsible for screen sharing. Please practice ahead of time if you are not familiar with this feature.

7. ADOPTIONS

- a. Adoptions may be heard in person or via Zoom. A pre-trial conference is required in all adoption cases. The proposed final order and all required documentation must be filed before the pre-trial conference. To request a setting, please send an email to 505Hearings@fortbendcountytexas.gov.
- b. Failure to file the required documents prior to the pre-trial conference will result in the pretrial conference being reset.

8. CONTINUANCES

- a. For cases pending less than one year, the first continuance will be granted with or without cause by agreement of the parties. Parties must either file an Agreed Order or appear at the trial setting and announce the agreement.
- b. For cases pending more than one year, a request for continuance requires a written motion (even if it is unopposed or agreed). If the continuance is granted, a new trial date will be set at that time.
- c. The birth or adoption of a child by lead counsel or a party shall create a rebuttable presumption that a 90 day-continuance should be granted upon request.

9. DISMISSALS FOR WANT OF PROSECUTION (DWOP)

- a. Petitioner’s or Movant’s nonappearance at trial will result in DWOP if parties have been properly noticed for trial.
- b. Nonappearance by parties and their counsel at the scheduled pretrial conference will result in DWOP.
- c. A case will DWOP if, on the day of entry of a Final Order, there is no appearance and no proposed Final Order has been filed.

10. DISCOVERY DISPUTES

- a. Requests for hearing will not be granted unless the party requesting the hearing files a *Certificate of Conference* detailing efforts made to communicate with opposing counsel or self-represented party regarding the discovery dispute. **Failure to meaningfully confer prior to the hearing may result in your hearing being passed.**
- b. Motion to Quash Deposition: If the motion is based on the unavailability of the lawyer or witness, the party filing the motion to quash must provide at least **3** alternative dates within the body of the motion for the taking of the deposition.

11. AMICUS/AD LITEM APPOINTMENTS

- a. To be eligible for Court Appointments in the 505th, the *Application for Court Appointments* (located on the court's website) must be completed and submitted between January 1 and January 31 of each calendar year. Appointments are made based on the facts and/or conduct of the parties and as required by law.
- b. The parties may agree to an Amicus/Ad litem Attorney, but judicial approval is required. In the absence of agreement, the court will select an Amicus/Ad Litem from the wheel. *The court may deviate from the wheel for good cause.
- c. If during a Temporary Orders hearing the court finds the need for an Amicus Attorney, the case may be recessed.
- d. The court will appoint an attorney for indigent parents who appear in opposition to **any** suit for termination of parental rights.

12. DOCKET SHEET MONITORING: Attorneys/Parties are responsible for monitoring the case docket entries for the court's rulings and instructions. Case records and docket entries may be viewed online through the Fort Bend County District Clerk's website. <http://tylerpaw.fortbendcountytexas.gov/PublicAccess/default.aspx>

13. INCLEMENT WEATHER POLICY

- a. The 505th District Court will follow the announcement of Fort Bend Independent School District (FBISD).
- b. *If FBISD closes due to inclement weather, the 505th District Court will also close (see below).

- c. **Court Closure:** All cases set on a day that the court is closed due to inclement weather will automatically be reset to 1:30 p.m. on the Friday following the date of closure on a special “**Inclement Weather Docket**” (via Zoom). If FBISD closes or remains closed on Friday, cases will be reset to 1:30 p.m. on the next Friday that FBISD is open.
- i. The Inclement Weather Docket will be to determine whether the case will be reset to a future date or if the matter can be heard that day.
 - ii. If an attorney or party is unable to appear at the Inclement Weather Docket, a reset may be requested by emailing the court coordinator. All attorneys and/or self-represented litigants must be copied.
- d. **Delayed Start:** If FBISD is on a “delayed start,” the 505th will delay start as well. Please contact the Court Coordinator to confirm the time of your hearing. Due to anticipated time constraints, the time allowed for each hearing may be limited. If an attorney or party is unable to appear at the updated start time, a reset may be requested.
- e. *If the school district closure extends over multiple days, the court may give parties the opportunity to have their cases heard via Zoom in lieu of being reset if **all** parties are available and agree. However, no defaults will be taken during inclement weather closures.

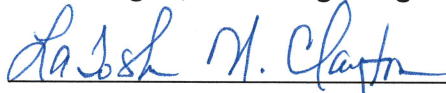
14. APPROACHES: The court will allow quick “approaches” via Zoom. Please contact the court to schedule. Opposing counsel/party must be present.

SIGNED ON: _____

1/5/2022



Kali Morgan, Presiding Judge



LaTosha McGill Clayton, Associate Judge