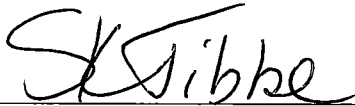


STANDING ORDER ADOPTING LOCAL RULES AUG 22 2024  
FOR THE DISTRICT COURTS OF HAYS COUNTY, TEXAS

DISTRICT CLERK

Pursuant to the authority granted to the District Courts by Rule 3a of the *Texas Rules of Civil Procedure* and in compliance with Rule 10 of the *Texas Rules of Judicial Administration*, IT IS ORDERED that the ***Local Rules for the District Courts of Hays County, Texas*** are approved and adopted as of the effective date noted below. IT IS FURTHER ORDERED that the ***Local Rules for the District Courts of Hays County, Texas*** shall supersede all local rules previously adopted by the District Courts and shall apply to all cases pending in the District Courts as of the effective date. Finally, IT IS ORDERED that the ***Local Rules for the District Courts of Hays County, Texas*** shall be submitted to the Office of Court Administration for publication on its website.

IT IS SO ORDERED, EFFECTIVE THIS 21 DAY OF August, 2024.




JUDGE SHERRI K. TIBBE  
453<sup>RD</sup> District Court



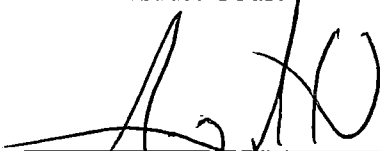
JUDGE TRACIE WRIGHT-RENEAU  
207<sup>TH</sup> District Court



JUDGE JOE POOL  
428<sup>TH</sup> District Court



JUDGE R. BRUCE BOYER  
22<sup>ND</sup> District Court



JUDGE GARY L. STEEL  
274<sup>TH</sup> District Court



JUDGE TANNER NEIDHARDT  
483<sup>RD</sup> District Court

LOCAL RULES  
FOR THE  
DISTRICT COURTS  
OF  
HAYS COUNTY,  
TEXAS

EFFECTIVE AUGUST 21, 2024

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# **I. General Rules Applicable to All District Courts**

## **Chapter 1 – General Provisions**

### **1.1 Scope of Local Rules**

These Local Rules for the District Courts of Hays County, Texas are promulgated pursuant to the authority granted to the District Courts by Rule 3a of the Texas Rules of Civil Procedure and are intended to comply with Rule 10 of the Texas Rules of Judicial Administration and Rule 3 of the Rules of Administration for the Third Administrative Judicial Region. These rules supersede and replace all prior Local Rules adopted by the District Courts. These rules also supersede the Emergency Standing Order regarding Cases Arising Under Title 1, Chapter 45. Title 4 or Title 5, Texas Family Code, signed on March 19, 2020.

These Local Rules are effective as of the effective date of the Standing Order Adopting Local Rules for the District Courts of Hays County, Texas signed by the District Courts.

Except when expressly superseded by Emergency Orders rendered by the Texas Supreme Court, the Presiding Judge of the Third Administrative Judicial Region of the State of Texas or the Local Administrative Judge for the District Courts of Hays County or any Standing Order collectively approved by the District Courts of Hays County, these rules govern procedures in each of the District Courts of Hays County and in the Family Court of Hays County.

Any Emergency Orders, as well as any Standing Orders, are available on the Hays County District Court's Website and the Office of Court Administration's Local Rules, Forms, and Standing Orders website.

To the extent these Local Rules conflict with the Texas Rules of Civil Procedure or the Rules of Administration for the Third Administrative Judicial Region, the Texas Rules of Civil Procedure and Rules of Administration shall prevail.

### **1.2 Docketing and Assignment of Cases**

The District Clerk will file Criminal and Civil cases by assigning cases to the District Courts pursuant to the current Hays County District Courts Case Assignment Guidelines approved by the District Judges. Unless a case is transferred pursuant to Rule 1.3 below, all hearings and trials will be heard by the Judge of the Court to which that case is assigned.

### **1.3 Transfer of Cases between Courts**

The transfer of cases between District Courts shall be done by written order upon the consent of the judges in those courts participating in the transfer or through redistribution directed by the Local Administrative Judge.

### **1.4 Local Administrative Judge**

By majority vote, the judges of the District Courts of Hays County elect their Local Administrative Judge in June every two years. The Local Administrative Judge has the general administrative responsibility and authority necessary to ensure the proper functioning of the District Courts, including the authority to allocate cases and adjust dockets to facilitate the orderly and timely disposition of cases.

### **1.5 District Court Administrator**

All dockets for the District Courts and the Family Court are administered by the District Court Administrator under the supervision of the Local Administrative Judge. All settings for hearings and trials must be scheduled through the office of the District Court Administrator, even those included in an order signed by a judge. Any reference in these Local Rules to the office of the District Court Administrator shall include the Court Coordinators for each District Court and the Family Court.

### **1.6 Certification Regarding Use of Artificial Intelligence**

All self-represented litigants and attorneys who utilize any form of artificial intelligence for legal research or drafting in connection with any civil or criminal case shall before filing or presenting to a court any AI-generated information in a court submission or proceeding certify in writing that:

1. All information created or contributed to by generative artificial intelligence – including all language, quotations, sources, citations, arguments, and legal analysis – was verified as accurate through traditional (non-AI) legal sources by an attorney licensed to practice law in the State of Texas prior to submission, and
2. The person understands and acknowledges that they are and will be held responsible and subject to possible sanction under the Texas Disciplinary Rules of Professional Conduct, Texas Rule of Civil Procedure 10, and the inherent power of the Court, or for contempt of court for failing to comply with this Rule.

## **Chapter 2 – Rules of Decorum**

### **2.1 General Provisions**

Pursuant to the judicial duty to require order and decorum in proceedings before a judge, as provided by Canon 3B (3), Texas Code of Judicial Conduct, and in compliance with Rule 9 of the Rules of Administration for the Third Administrative Region of Texas, the District Courts have adopted the following rules regarding decorum in the courtroom. A copy of these rules shall be prominently displayed outside the courtroom of each District Court and the Family Court.

Attorneys shall advise their clients and witnesses of these rules of decorum and seek their full cooperation in observing these rules. Self-represented parties must familiarize themselves and their witnesses with these rules. Self-represented litigants are expected to behave with professional decorum to the Court, other attorneys, and other people involved with the litigation. These rules apply equally to self-represented litigants and attorneys.

All District Judges and Associate Judges and all Court Staff shall have the authority to enforce these rules of decorum.

The reference to "courtrooms" in this chapter refers to both in-person and virtual courtrooms.

### **2.2 Conduct of All Persons**

All persons in the courtroom during any court proceeding shall be attentive to the proceedings of the Court and shall refrain from any action which is disruptive of the Court's proceeding. When the Court is in session, all persons, before entering the courtroom, shall first remove their hats and sunglasses, and shall be seated quietly in the proper places provided.

All persons entering the courtroom must be dressed in clothing befitting the dignity and solemnity of the court proceedings. No person should wear shorts, tank tops, flip flops, or t-shirts displaying pictures or words that are derogatory, crude, offensive, profane, or disrespectful to the court proceedings.

Absent the express permission of the judge, no children are permitted in the courtroom.

In the courtrooms, there must be:



No talking or making any other noise that interferes with court proceedings.

No talking on any electronic devices. Any use of electronic devices during court proceedings must not be disruptive or disrespectful of court proceedings and all electronic devices must be silenced.

No photography or audio and/or video recording or streaming of the proceedings, unless in compliance with Rule 18c of the Texas Rules of Civil Procedure and Chapter 7 of these Local Rules.

No conduct that exhibits approval or disapproval of any ruling of the Court, any testimony, or any statement or event that has occurred in the courtroom.

No chewing gum.

No tobacco use.

No eating.

No reading newspapers or magazines.

No liquids of any kind, except for a water bottle with a lid, or if provided by the Court.

No propping of feet on tables or chairs.

No other behavior that is disruptive or disrespectful of court proceedings.

### **2.3 Conduct of Court Officers and Self-Represented Parties**

All attorneys and self-represented parties are admonished to respect the letter and spirit of all rules of ethics including the Texas Lawyer's Creed, those rules dealing with discussion of cases with representatives of the press, television, or other media, and discussion of facts or law with a judge while not in the presence of opposing counsel.

The Judge, the attorneys, any self-represented party, and all officers of the court shall be prompt in their attendance at all sessions and in the dispatch of all court business.

All parties must promptly enter the courtroom before the scheduled time for each court session.

In the courtroom, all attorneys and court officials shall dress in keeping with the dignity required for court proceedings. For example, all male attorneys and court officials shall wear coats and ties, except as permitted by the judge.

While the Court is in session, all remarks of counsel and any self-represented party shall be directed to the Court and not to opposing counsel or any self-represented party or informally to the Judge.

While addressing the Court, attorneys and any self-represented party shall rise and remain standing at counsel table, unless otherwise instructed by the Judge. They shall remain seated at counsel table while interrogating witnesses, except as may be necessary to handle exhibits or demonstrative displays.

The Judge, the attorneys, any self-represented party and other court officers shall refer to other court officers and participants by using appropriate titles and surnames rather than first names.

Attorneys and self-represented parties shall not lean on the bench or engage the Judge in an informal or confidential manner except with permission of the Judge.

After jury selection, and until jurors are finally excused, attorneys and self-represented parties shall not address a juror individually or by name, except with permission of the Judge. Except during opening statements and final argument, attorneys and self-represented parties should not address the jury. During trial, attorneys and self-represented parties should not exhibit familiarity with the parties, witnesses, jurors, opposing counsel or the Judge.

Attorneys and self-represented parties should refrain from interrupting the Judge, opposing counsel or any self-represented party, except when necessary to protect the rights of a party or client.

## **Chapter 3 – Attorney Vacations**

### **3.1 Designation of Vacation Time**

Any attorney in charge, as defined by Rule 8 of the Texas Rules of Civil Procedure, may designate no more than four (4) weeks (cumulative) during any given calendar year as vacation time. Vacation time may be designated by filing a written notice with the District Clerk and serving a copy on all affected opposing counsel. A copy of the notice must be delivered to the office of the District Court Administrator and directed to the attention of the Civil Court Coordinator for the

District Court Judges and the Court Coordinator for the Family Court as appropriate. The notice must be filed at least ninety (90) days in advance of each designated period of vacation, and such notice shall apply only to cases not already scheduled for a hearing or trial.

### **3.2 No Hearings to be Set During Properly Designated Vacation Time**

A case shall not be set for hearing or trial during the time that an attorney has properly designated as vacation.

### **3.3 Continuance**

If an attorney does not properly designate a period of vacation in accordance with this rule, the Court retains the discretion to consider the granting of a motion for continuance in appropriate circumstances.

## **Chapter 4 – Conflicting Settings**

### **4.1 Attorney in Trial**

If an attorney is actually in trial in one court, such attorney may not be put to trial in another court.

### **4.2 Settings in Multiple Courts**

When an attorney is assigned to two courts for the same date, it is the duty of the attorney to call each affected judge's attention to the conflicting settings as soon as they are known to the attorney or reasonably may be anticipated. Upon being notified of a conflicting setting, the affected judges should confer and agree on which case has priority.

### **4.3 Priority of Settings.**

The following priorities are established to aid judges in determining which case has priority:

- a. District Court cases take priority over cases set in the County Court.
- b. Criminal cases (pursuant to Article 32A.01 of the Texas Code of Criminal Procedure, criminal cases have priority over civil case settings).

A conflict of settings of two criminal District Court cases should be resolved by considering all relevant circumstances including the factors outlined in Article 32A.01, whether the defendant is confined pending trial (including other detainers

such as "blue" warrants), the length of time each case has been pending, the number of times each case has previously been set for trial, a defendant's right to a speedy trial based upon the circumstances of the respective cases, the availability of future trial dates for each case, witness availability, and any other legal requirement necessary for a prompt trial of either case under applicable law.

Notwithstanding the foregoing, all criminal cases where the defendant is in custody will have priority over cases where the defendant is on bond.

c. Cases given preference by statute (see Section 23.101 of the Texas Government Code), and de novo proceedings under Chapter 201 of the Texas Family Code.

d. Earliest set case.

e. Earliest filed case.

## **Chapter 5 – Remote Proceedings**

### **5.1 In-Person Proceedings by Default**

All hearings and trials (proceedings) in the Hays County District Courts will be in person unless (a) the case involves an action under the Family Code filed by or against the Title IV-D agency in a Title IV-D case or is a child protection action under Subtitle E, Title 5 of the Texas Family Code, in which instance, remote proceedings will be at the discretion of the Judge, or (b) a judge finds good cause to determine that a remote proceeding is appropriate, after notice and opportunity for objections to be heard.

### **5.2 Remote Testimony of a Witness**

Upon agreement of the parties, and with the consent of the Judge, a witness may be permitted to testify remotely. In the absence of an agreement, the judge, after notice and opportunity for objections to be heard, may permit a witness to testify remotely.

Despite the agreement of the parties, a judge may determine the remote testimony of a witness is not appropriate and may require the witness to testify in person.

### **5.3 Procedures for Remote Proceedings**

Each District Court, by standing order, may adopt procedures for remote proceedings and for witnesses to testify remotely.

#### **5.4 Arrangements for Remote Proceedings**

Arrangements for remote proceedings or testimony must be made prior to the date and time of the proceeding.

### **Chapter 6 – Interpreters**

#### **6.1 Grounds**

Pursuant to Section 57.002(a) of the Texas Government Code, the Court shall appoint a certified court interpreter or a certified CART provider for any individual who has a hearing impairment or a licensed court interpreter for an individual who can hear but does not comprehend or communicate in English if a motion for the appointment of an interpreter or provider is filed by a party or requested by a witness in a civil or criminal proceeding in the Court.

#### **6.2 Request**

Any attorney or self-represented litigant who requires a licensed Court Appointed Interpreter for a court proceeding for either a party or witness shall reflect such need in their notice of setting and separately notify the office of the District Court Administrator in writing of their request. The request should be sent not less than ten (10) business days prior to the setting. If the hearing for which an interpreter is required is set at such a time that there are not ten (10) business days prior to the setting, then notice shall be given to the office of the District Court Administrator as soon as possible after the hearing is set.

#### **6.3 Appointment**

Pursuant to Section 57.002(d) of the Texas Government Code, a court may appoint a spoken language interpreter who is not a certified or licensed court interpreter if:

(1) the language necessary in the proceeding is a language other than Spanish; and

(2) the Court makes a finding that there is no licensed court interpreter within 75 miles who can interpret in the language that is necessary in a proceeding.

## **6.4 Cancellations**

In the event a hearing or trial is canceled, the attorney or self-represented litigant who requested the Court Appointed Interpreter is required to notice the office of the District Court Administrator as soon as possible, but not later than 30 hours prior to the scheduled court date. Attorneys and self-represented litigants who fail to timely notify the office of the District Court Administrator that an interpreter is no longer required may, subject to the Judge's discretion, be held liable for any fees incurred by the County as a result of the failure to timely notify the Court of the cancellation.

## **Chapter 7 – Rules Governing the Recording, Broadcasting, or Photographing of Court Proceedings**

The following rules govern the recording, broadcasting, or photographing of persons, objects, and proceedings in the District Courts of Hays County and their Associate Judges and Magistrates.

### **7.1 Definitions**

(a) "Courtroom" means both in-person and virtual courtrooms.

(b) "Court" means the particular Judge or Associate Judge before whom the proceeding will be held.

(c) "Recording, Broadcasting, or Photographing" means any visual or audio recording, broadcasting, or photographing by any equipment, any means, and any individual or entity.

### **7.2 Recording, Broadcasting, or Photographing Inside a Courtroom Is Not Permitted by Anyone, Absent Court Approval**

The recording, broadcasting, or photographing of any person, object, or proceeding inside the courtroom is not permitted unless expressly authorized by the Court prior to recording, broadcasting or photographing. Any individual or entity who violates this rule may be subject to punishment by contempt and/or being removed from the courtroom and the Hays County Government Center.

### **7.3 When Recording, Broadcasting, or Photographing Permitted**

(a) Investiture, Ceremonial, or Adoption Proceedings. If the recording, broadcasting, or photographing is of investiture, a ceremonial or adoption proceeding, permission and the manner of recording, broadcasting or

photographing are determined solely by the Court, with or without guidance from this rule. If the recording, broadcasting, or photographing is desired for other than investiture, a ceremonial or adoption proceeding, the provisions of this rule governs.

(b) Trials or Other Court Proceedings. A person wishing to record, broadcast, or photograph any person, object, or proceeding in a physical or virtual courtroom must seek permission with the bailiff in charge of the Court or the office of the District Court Administrator, who will convey the request to the Judge. The requestor should be prepared to provide the following information:

- (i) The case style and cause number;
- (ii) The date and time when the proceeding is to begin;
- (iii) The name of the requesting individual or entity;
- (iv) The type of recording, broadcasting, or photographing; and
- (v) The type and extent of equipment to be used.

Failure to provide the above information will constitute sufficient grounds to deny the request.

In determining a request, the Court will consider all relevant factors, including but not limited to:

- (i) The type of case involved;
- (ii) Whether the recording, broadcasting, or photographing would cause harm to any participants;
- (iii) Whether the recording, broadcasting, or photographing would interfere with the fair administration of justice, advancement of a fair trial, or the rights of the parties;
- (iv) Whether the recording, broadcasting, or photographing would interfere with any law enforcement activity;
- (v) The objections of any of the parties, prospective witnesses, victims, or other participants in the proceeding;
- (vi) The physical structure of the courtroom and the likelihood that any equipment required for recording, broadcasting, or photographing proceedings can

be installed and operated without disturbance to those proceedings or any other proceedings in the Hays County Government Center;

(vii) The extent to which the recording, broadcasting, or photographing would be barred by law in the proceeding; and

(viii) The fact that any party, prospective witness, victim, or other participant in the proceeding is a child, to which fact the Court will give great weight.

If the Court grants the request, the requestor must comply with Rules 7.4 through 7.7. The failure to comply with these rules or any other order of the Court regarding the recording, broadcasting or photographing of proceedings may result in the violator being held in contempt of court.

#### **7.4 Media Coverage Prohibited**

Recording, broadcasting, or photographing of proceedings held in chambers, proceedings closed to the public, and jury selection is prohibited. Audio or close-up video or photographic coverage of conferences between an attorney and client, witness, or aide, between attorneys, or between counsel and the Court at the bench is prohibited unless expressly authorized by the Judge.

#### **7.5 Coverage of Jurors Prohibited**

Visual recording, broadcasting, or photographing of potential jurors and jurors in the Hays County Government Center is prohibited except when the physical layout of the courtroom makes it impossible to conduct visual recording, broadcasting, or photographing of the proceedings without including the jury, and the Court so finds. In such cases visual recording, broadcasting, or photographing is allowed only if the jury is in the background of some other subject and only if individual jurors are not identifiable.

#### **7.6 Equipment and Personnel**

The Court may, among other things:

(a) Require that a person seeking to record, broadcast, or photograph a proceeding demonstrate or display the equipment that will be used;

(b) Prohibit equipment that produces distracting sound or light;



- (c) Prohibit signal lights or devices showing when equipment is operating, or require their concealment;
- (d) Prohibit moving lights, flash attachments, or sudden light changes;
- (e) Require the use of the courtroom's existing video, audio, and lighting systems, if any;
- (f) Specify the placement of personnel and equipment;
- (g) Determine the amount of equipment to be allowed in the courtroom;
- (h) Require pooling of equipment if more than one person wishes to record, broadcast, or photograph a proceeding;
- (i) Require that operators not move equipment or enter or leave the courtroom while the Court is in session, or otherwise cause a distraction. All equipment must be in place in advance of the proceeding or session; and
- (j) Require that identifying marks, call letters, words and symbols must be concealed on all equipment. Personnel must not display any identifying insignia on their clothing.

## **7.7 No Delay of Proceedings**

No proceeding or session must be delayed or continued for the sole purpose of allowing recording, broadcasting, or photographing, whether because of installation of equipment, obtaining consent, conduct of the proceeding related to the recording, broadcasting, or photographing, or other questions. To assist those preparing in advance for recording, broadcasting, or photographing proceedings, and when requested to do so:

- (a) The Court will attempt to make the courtroom available when not in use for the purpose of installing equipment;
- (b) Counsel (to the extent they deem their client's rights will not be jeopardized) must make witness lists available; and,
- (c) The District Court Administrator on request will inform those requesting to record, broadcast, or photograph proceedings in a particular matter of settings in that matter.

## **7.8 Live Streaming**

An official livestream directed by the Judge of each Court may be permitted pursuant to applicable rules. The Court must use systems and platform established by the Texas Office of Court Administration.

## **7.9 Official Record**

Any product of recording, broadcasting, or photographing of a proceeding pursuant to these rules will not be considered as part of the official court record.

## **Chapter 8 – Reserved for Expansion**

## **II. Rules Applicable to Civil Cases**

### **Chapter 9 - Settings**

#### **9.1 Certificate of Conference Requirements**

Prior to setting any hearing, the parties must make reasonable efforts to actually speak to one another regarding the date and time of the hearing and the substance of the motion in a genuine effort to narrow their disputes before seeking court intervention. To that end, every notice of setting must include a certificate of conference confirming that “counsel has conferred with (or made reasonable efforts to confer with) all parties about the date and time of the setting as well as the proposed time announcement.”

The requirement of a certificate of conference confirming that the parties have attempted to confer about the date and time of a setting should not be construed as a requirement that the parties must agree on a trial setting. In the absence of an agreement, any hearing or trial may be set at the discretion of the office of the District Court Administrator.

Additionally, every motion (other than dispositive motions) must contain a certificate of conference certifying either:

1. “Counsel has conferred with all parties who may be affected by the relief sought in this motion in a good faith effort to resolve or narrow the issues raised.”; or
2. “Counsel has made reasonable efforts to confer with all parties who may be affected by the relief sought in this motion but has been unable to do so.”

The District Court and the office of the District Court Administrator retain discretion to strike any setting in which the motion and any amendment thereof does not include such certificates.

#### **9.2 Setting Hearings and Trials**

For any setting other than a setting for a final trial, the motion being set must be on file before a party may request a setting.

All civil jury and non-jury matters will be set by the office of the District Court Administrator upon written or oral request of any party. All matters will be

scheduled based upon the estimate of the total time required for the hearing and the availability of the District and Family Courts.

Each request for a setting must include an estimate of the total amount of time required for the entire hearing or trial, on all matters, for all participants, including the time necessary to read any materials presented. For jury trials, the total announced time must include time for consideration of all pretrial motions, voir dire, opening statements, evidence, charge conference, closing argument and deliberation. Please note that a half-day hearing usually includes a break, and a full-day hearing includes breaks in the morning and afternoon as well as a lunch break. As a result, a half-day hearing generally provides fewer than three hours, and a full-day hearing generally provides fewer than six hours.

Any matter which the Court determines cannot reasonably be heard within the announced time will be rescheduled at the discretion of the Court.

### **9.3 Notice of Setting**

Neither the Court nor the office of the District Court Administrator sends notices of settings on civil matters. The party who obtains the setting pursuant to Local Rule 9.2 must give notice to all parties of the time and date of a setting and the total time needed for the entire hearing for all participants. Notice must be given in the manner and within the time provided by the Texas Rules of Civil Procedure.

A written Notice of Setting must be e-filed for approval by the office of the District Court Administrator no later than seven (7) days after a hearing or trial date is obtained from the appropriate court coordinator. No matter will be considered as being formally set for hearing in the absence of a Notice of Setting that has been approved by the office of the District Court Administrator.

Notice must be served on all parties on the same day that the notice of setting is approved by the office of the District Court Administrator, and any delay in sending notice may be argued by opposing counsel as a basis for continuance.

All Notices of Setting must include the following:

- (a) A reference to the specific motion(s) being set, or, if the setting is for final trial, a statement that the case is being set for a final trial on the merits;
- (b) The time announcement;

- (c) Telephone numbers for all attorneys and/or self-represented litigants;
- (d) Email addresses for all attorneys and/or self-represented litigants;
- (e) Whether an interpreter is required and the desired language (for specific information regarding interpreters, please see Chapter 6);
- (f) A certificate of conference as noted in 9.1 above; and
- (g) A signature line for the approval of the Notice of Setting by the appropriate court coordinator.

#### **9.4 Nonconforming Notices of Setting.**

The District Courts and the office of the District Court Administrator retain discretion to reject or strike any Notice of Setting which does not conform with these Rules.

Any matter that the Court determines cannot reasonably be heard within the announced time will be rescheduled at the discretion of the Court.

#### **9.5 Orders Setting Cases**

No order setting a case for hearing or trial on the merits should be presented to a judge for signature except when a show cause order or order to appear is necessary or when some rule of law requires an order for a setting to be signed by a judge. Any show cause order or other order setting a case presented for signature by a judge must be contained in a separate document and not combined with any pleading or motion. In the event a judge signs an order for a setting, the setting must still be made through the District Court Administrator's office. However, under such circumstances, a separate Notice of Setting is not required.

#### **9.6 Agreement to Pass Setting**

Once a written Notice of Setting is signed by the District Court Administrator's office, a setting may not be passed except by agreement of all counsel. Counsel must notify the District Court Administrator's office of an agreement to pass. The failure of counsel to promptly notify the District Court Administrator's office of an agreement to pass a setting may result in the imposition of sanctions against counsel.

### **Chapter 10 Computation of Time**

Consistent with Rules 4, 21 and 21a of the Texas Rules of Civil Procedure, the courts will not count Saturdays, Sundays, or legal holidays when calculating the three-day notice required by Rule 21 of the Texas Rules of Civil Procedure,

except when notice has been given by mail. Accordingly, notice must be given by Wednesday for a motion hearing set on Monday.

## **Chapter 11 - Jury Trials**

### **11.1 Jury Trial Pretrial Scheduling Order and Motions in Limine**

The District Judges may by standing order adopt a uniform pretrial order for jury trials and/or an approved motion in limine. Should such orders be adopted, they will be used in every civil jury trial. Counsel must not repeat or otherwise address the subject matter of any approved pretrial order or motion in limine except to seek modification of such order.

### **11.2 Pre-Trial Hearing**

The Court may set civil jury cases for a pre-trial hearing. Any motions in limine will be heard at that time, and all other matters considered for pre-trial pursuant to Rule 166 of the Texas Rules of Civil Procedure. If counsel for any party fails to appear at the pre-trial hearing, the Court may:

- A) Rule on all pending motions in the absence of said counsel;
- B) Declare any motions of the absent party to be waived; or
- C) Advance or delay the trial setting according to the convenience of counsel who are present.

Counsel appearing at the pre-trial hearing shall either be the attorney who expects to try the case or be familiar with the case and fully authorized to state his client's position on the law and the facts, make stipulations and enter into settlement negotiations as trial counsel. If the Court finds that counsel is not qualified, the Court may consider that no counsel has appeared and act accordingly.

## **Chapter 12 – Requests for Ex Parte Relief**

### **12.1 Submission**

All requests for ex parte relief shall be presented to the Court by submission.

### **12.2 Certificate of Conference**

Except with respect to a request presented under Subchapter B of Chapter 262 of the Texas Family Code, every application for ex parte relief shall contain a certificate signed by counsel or a party that:

(a) to the best of his or her knowledge the party against whom relief is sought ex parte is not represented by counsel in the case in which the relief is sought;

(b) counsel for the party against whom relief is sought ex parte has been notified of the application and has stated whether he or she wishes to be heard; or

(c) diligent attempts to notify counsel for the party against whom ex parte relief is sought have been unsuccessful and the circumstances do not permit additional efforts to give notice.

### **12.3 Filing and Disposition**

Attorneys and self-represented parties seeking ex parte relief from the Court shall e-file a relevant pleading or motion and a proposed order and then contact the office of the District Court Administrator to request that the pleading or motion for ex parte relief be brought to the attention of the Court. Attorneys and self-represented parties shall not contact the Office of the District Court Administrator unless the relevant pleading or motion and a proposed order have been e-filed. Attorneys and self-represented parties shall not send motions or proposed orders directly to the Office of the District Court Administrator unless expressly instructed to do so.

### **12.4 Hearing**

At the discretion of the Court, the Court may require a remote or in-person hearing before granting an ex parte request for relief.

## **Chapter 13 – Attorneys - Appearances, Motions to Withdraw as Attorney of Record and Motions to Substitute Attorneys**

### **13.1 Limited Scope Appearances**

The District Courts of Hays County, Texas do not recognize limited scope representation. Pursuant to Rule 8 of the Texas Rules of Civil Procedure, on the occasion of a party's first appearance through counsel, the attorney whose signature first appears on the initial pleadings for any party shall be the attorney in charge, unless another attorney is specifically designated therein, and that attorney shall remain the attorney in charge for all purposes unless the attorney withdraws, another attorney substitutes into the case or another attorney is designated attorney in charge pursuant to Rule 8.

### **13.2 Hearing Required for Motion to Withdraw**

A hearing is required for a motion to withdraw unless the motion complies with Rule 10 of the Texas Rules of Civil Procedure and is filed with:

- (a) A written consent to the withdrawal signed by the withdrawing attorney's client(s);
- (b) A written consent to the withdrawal signed by all other parties in the action who have appeared;
- (c) A certificate of last known address of the client(s), containing the client's address, telephone number, email address, and, if available, fax number; and
- (d) A certification that there are no rulings of the Court that have yet to be reduced to writing.

### **13.3 Hearing Required for Motion to Substitute Attorneys**

A hearing is required for a motion to substitute attorneys unless the motion complies with Rule 10 of the Texas Rules of Civil Procedure, and is filed with:

- (a) A written consent to the substitution signed by all other parties in the action who have appeared;
- (b) A certificate of service notifying the withdrawing attorney of the motion to substitute;
- (c) The substituting attorney's name, State bar number; address, telephone number, email address, and, if available, fax number; and
- (d) A certification that there are no rulings of the Court that have yet to be reduced to writing.

### **13.4 If No Hearing Is Required**

If no hearing is required under Local Rules 13.2 or 13.3, a party may present an order for signature by submission pursuant to Local Rule 14.3.

### **13.5 Discretion of Court**

- (a) Even if all parties and counsel agree to a motion to withdraw, the Court retains discretion to grant or deny a motion to withdraw.



(b) Even if all requirements of Rules 13.2 or 13.3 are met, the Court retains discretion to require the motion to be set for hearing.

## **Chapter 14 - Orders and Judgments**

### **14.1 Proposed Orders**

Proposed orders are not required. If a proposed order is filed, it must be filed separately from any motion or other document.

### **14.2 Entry of Orders After Rendition**

Unless otherwise ordered by the Court, all orders and judgments rendered by the Court must be reduced to writing and presented to the Court no later than thirty (30) days from the date of rendition. All orders and judgments must be approved as to form by all attorneys of record and/or self-represented litigants and contain full signature blocks for all attorneys of record and/or self-represented litigants. A full signature block consists of the attorney's and/or self-represented litigant's signature, printed name, mailing address, email address, bar number, telephone number, and the identity of the party represented, if applicable. An order or judgment that has been approved as to form may be submitted to the Court for signature by e-mailing said proposed order or judgment to the Civil Court Coordinator for the District Court Judges. Proposed orders and judgments that are filed with the District Clerk are not forwarded by the District Clerk to the Judge.

If a proponent of the order or judgment is unable to secure the approval of any other attorney/party as to the form of the proposed order or judgment, a motion to enter shall be filed and set for hearing in the Court that rendered the order/judgment.

### **14.3 Submission of Agreed Orders and Judgments**

Agreed orders and judgments, in cases not arising out of the Texas Family Code, may be submitted to the Court for signature by e-mailing said proposed orders and judgments to the Civil Court Coordinator for the District Court Judges, whose email address is available on the Hays County District Court's Website. Any proposed agreed order or judgment must be signed by all attorneys of record and/or self-represented litigants and state "Agreed" or "Agreed as to Form and Substance." Proposed orders and judgments that are filed with the District Clerk are not forwarded by the District Clerk to the Judge.

## **Chapter 15 - Post-Trial Matters**

### **15.1 Post-Trial Hearings**

With the exception of post-judgment discovery and enforcement proceedings and family law motions to modify brought pursuant to Chapter 156 of the Texas Family Code, all post-trial motions must be heard by the Judge who presided over the trial. Motions to enter a judgment or order should be heard by the Judge who made the ruling at issue. All motions for a new trial seeking to set aside a default judgment must be heard by the Judge who granted the default judgment, unless that Judge is not available to hear the motion within the requisite time frame. In such an event, another District Judge may be assigned to hear the motion for new trial.

### **15.2 Duty to Notify Court of Post-Trial Pleadings.**

Pleadings and notices that are filed with the District Clerk are not forwarded by the District Clerk to the Judge. Notice must be given directly to the Judge when a party files one or more of the following post-trial pleadings:

- (a) Request for Findings of Fact and Conclusions of Law (TRCP 296)
- (b) Notice of Past Due Findings of Fact and Conclusions of Law (TRCP 296)
- (c) Any affidavit of indigence filed in connection with an appeal (TRAP 20.1)

### **15.3 Notice to the Court**

Notice must be given to the Judge by the party filing the pleading by emailing a copy to the office of the District Court Administrator whose email address is available on the Hays County District Court's Website.

## **Chapter 16 - Mediation**

### **16.1 Alternative Dispute Resolution is Encouraged**

It is the policy of the Hays County District Courts to encourage the peaceable resolution of disputes and the early settlement of pending litigation by identifying cases appropriate for referral to mediation. Parties are also encouraged to attempt to settle their cases through the use of alternative dispute resolution methods such as mediation, arbitration, and informal settlement discussions.

## **16.2 Non-Jury Cases**

Mediation may be ordered in a non-jury case at the Judge's discretion.

## **16.3 Jury Cases Must Be Mediated**

All cases set on the jury docket must be mediated no later than forty-five (45) days prior to trial. Mediation is required in jury cases unless waived by the Court. Parties are responsible for ensuring that the Mediator's report is filed with the District Clerk no later than thirty (30) days before the trial date. A copy of the Mediator's report must be delivered to the Civil Court Coordinator for the District Court Judges on the same day it is filed with the District Clerk. Failure to comply with the provisions of this section regarding mediation could result in the trial setting being dropped or other sanctions deemed appropriate by the Court.

## **Chapter 17 - Settlement Week**

In accordance with Section 155.001 of the Texas Civil Practice & Remedies Code, Settlement Weeks shall be scheduled in the Spring and Fall of each year, preferably during the weeks of the annual Judicial Conferences. The dates for Settlement Week will be approved annually by the Local Administrative Judge.

Except for emergency matters, no civil cases may be set for hearing or trial during Settlement Week.

Pursuant to Section 155.002, the Local Administrative Judge shall appoint a committee of attorneys and lay persons to effectuate each Settlement Week. The committee should include the director or a representative from the Central Texas Dispute Resolution Center and the current chairperson of the Hays County Bar Association and the current chairperson of the Family Law Section of the Hays County Bar Association.

## **Chapter 18 – Dismissal for Want of Prosecution by the Court**

### **18.1 Case Selection**

The following cases are eligible for dismissal for want of prosecution sua sponte by the Court:

- (a) Cases on file for more than 180 days in which no answer has been filed;
- (b) Cases on file for more than 18 months that are not set for trial and have had no filings or settings within 180 days; and

(c) Any other case designated by the Court.

In addition, a case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial of which the party had notice.

## **18.2 Copies to District Court Administrator**

A copy of notices, motions, and pleadings required to be filed by this Chapter also must be delivered to the office of the District Court Administrator.

## **18.3 Notice and Summary Dismissal if No Motion to Retain**

The Clerk will send notice to the parties of the Court's intention to dismiss and the date and place of the dismissal hearing. Any case set for dismissal will be dismissed without further proceedings on the dismissal date indicated in the notice of dismissal unless at least one party files a motion to retain that complies with the requirements of this Chapter and the Court finds good cause for the case to be maintained on the docket. Failure to appear at the dismissal hearing will result in the dismissal of the case.

If counsel receives a notice of dismissal of a previously dismissed or concluded case, they may contact the District Court Administrator's office with documentation of the prior dismissal and the matter will be removed from the dismissal docket.

## **18.4 Pocket Settings**

No settings may be obtained in cases set for dismissal until the dismissal docket process is complete, except with leave of court.

## **18.5 Motions to Retain and Objections to Motions to Retain**

Motions to retain must set forth the factual and legal basis for retaining the case and must be filed at least 14 days prior to the dismissal date specified in the notice of dismissal.

Any objection to a motion to retain must be filed at least 7 days prior to the dismissal date specified in the notice of dismissal.

## **18.6 Objection to Mediation**

(a) Parties filing motions to retain must file any objection to mediation simultaneously with a motion to retain.

(b) Parties receiving notice of a motion to retain must file any objection to mediation at least 7 days prior to the dismissal date specified in the notice of dismissal.

(c) Objections to referral to mediation will be taken on submission without hearing.

### **18.7 No Discovery**

No further discovery may be conducted in cases retained by the Court and ordered to complete mediation unless permitted by court order. Further discovery will not extend the deadlines prescribed in this Chapter unless ordered by the Court.

### **18.8. Trial Settings**

Cases set for trial after entry of an order to retain may not be removed from the Docket by agreement.

## **Chapter 19 - Copies**

The office of the District Courts of Hays County, Texas does not provide copies of any documents. All persons requesting copies of any documents must obtain those copies from the Hays County District Clerk.

## **Chapter 20 – Reserved for Expansion**

### **III. Rules Applicable to Criminal Cases**

#### **Chapter 21 – Attorneys – Withdrawal and Substitution**

An attorney remains the attorney of record until relieved by written order of the Court. If, prior to the disposition of the case, an appointed or retained counsel has reason to withdraw, the attorney must file a written motion to withdraw with the Court and appear before the Court with the Defendant to address the motion. The motion will be heard at the next setting or at any time designated by the Court when the Defendant has had notice to appear. Adequate notice of the motion to withdraw may be shown by certified mail, return receipt requested, to the last known address of the defendant. The Court shall have discretion whether to grant the motion to withdraw.

A retained attorney shall notify in writing the previously appointed attorney and the Court of his/her retention immediately upon being retained. The motion must also have attached a certificate of service reflecting notice to both previous counsel in the case and the District Attorney. If an attorney is retained to replace existing counsel, the attorney must file a motion to substitute counsel, naming both himself and the attorney to be relieved. The Court will hear the incoming attorney's motion at the next setting. If the motion is signed by the Defendant, as well as the incoming and outgoing attorneys, and the motion states that the incoming attorney accepts the case's next setting, the Court may sign the motion without a hearing. A motion to substitute counsel that will cause delay requires a hearing and is subject to the discretion of the Court. Motions to withdraw or substitute counsel should be set with notification to the State as to when the motion is set.

#### **Chapter 22 – Settings**

All criminal cases shall be set ONLY by Court Order or by administrative notice of setting by the District Court Administrator.

If for good cause defense counsel cannot go to trial on such date, he shall, within five (5) days of receipt of the setting notice, so advise the District Court Administrator in writing stating such reason. The parties may, by agreement, request a reset through the court coordinator with the Judge's approval. In no event shall the case be reset beyond the time limits set out in the Code of Criminal Procedure or the Rules of Judicial Administration.

## **Chapter 23 – Pretrial Matters**

### **23.1 Pretrial Date Required**

All cases shall be set for a pretrial hearing.

Evidentiary pretrial motions will be heard at time of trial unless otherwise ordered by the Court.

### **23.2 Paperwork**

All pretrial motions shall be filed in accordance with Code of Criminal Procedure.

All paperwork shall be prepared in advance, whether it be a negotiated plea or a pretrial.

On pretrial motions, attach by separate page on all motions an order with the proper cause number and style of case.

## **Chapter 24 – Jury Trial**

After pretrial hearing, all cases will be set for jury trial unless the Court or defense attorney requests a bench trial or a date for a plea of guilty.

## **Chapter 25 – Trial before the Court**

### **25.1 Waiver**

If the Defendant requests a bench trial, a jury waiver must be filed with the Court. Said waiver shall be signed and sworn to by the Defendant and approved by defense counsel and the District Attorney.

## **Chapter 26 – Judgments**

The prosecutor shall prepare all Judgments in criminal cases.

## **Chapter 27 – Reserved for Expansion**

## **IV. Rules Applicable to the Family Court**

### **Chapter 28 - Proceedings before the Associate District Judge in Family Law Cases**

#### **28.1 Appointment of the Associate District Judge and Creation of the Family Court**

Pursuant to Chapter 201 of the Texas Family Code, the District Courts have appointed an Associate District Judge to preside over the Family Court of Hays County, Texas and to hear certain matters as provided in the Omnibus Order of Referral dated October 22, 2019, and these Local Rules.

#### **28.2 Authority of the Associate District Judge for the Family Court**

Pursuant to Section 201.005 of the Texas Family Code, the Omnibus Order of referral dated October 22, 2019, and these Local Rules, the District Courts have referred to the Associate District Judge for the Family Court all aspects of any suit over which the District Courts have jurisdiction under Title 1, Chapter 35, 35A, or 45, Title 4 and Title 5 of the Texas Family Code, Subchapter A, Chapter 7B, Code of Criminal Procedure or Chapter 24A, Property Code, including trial on the merits and any matter ancillary to such suits. The District Courts' general order of referral shall include suits initiated by a governmental entity for the protection of a child and Title IV-D cases, only with respect to requests for emergency relief or cases that may be referred back to the District Court by either the Child Protection Court or Title IV-D Court.

Unless limited by a separate written order regarding a specific case, the Associate District Judge for the Family Court shall have all of the powers and duties prescribed under Subchapter A of Chapter 201 of the Texas Family Code as well as any powers and duties conferred by any referring Court and by the Local Rules of the District Courts of Hays County, Texas.

#### **28.3 Matters to be Heard in the Family Court**

Pursuant to the Standing Order Regarding Settings Before the Associate District Court in Family Law Cases dated October 22, 2019 and these Local Rules, unless otherwise ordered by a District Court with respect to a particular matter, or unless it is confirmed by the Court Coordinator for the Family Court that the Associate District Judge for the Family Court is not available, the following family law matters shall be set before the Associate District Judge:



1. Any request for a temporary restraining order;
2. Any request for ex parte protective orders sought during the pendency of a divorce action or suit affecting the parent-child relationship;
3. All writs of attachment;
4. All petitions for habeas corpus;
5. Any request for temporary orders or the modification of temporary orders;
6. All discovery disputes;
7. Any final hearing on protective orders sought during the pendency of a divorce action or suit affecting the parent-child relationship;
8. Agreed adoptions, unless the matter is pending before the Child Protection Court;
9. Any agreed final order in suit affecting the parent-child relationship or a suit for divorce; and
10. Any final trial in a non-jury matter unless an objection has been filed in accordance with Section 201.005(b) & (c) of the Texas Family Code.

#### **28.4 Objection to the Associate District Judge for the Family Court**

A party may file an objection to the assignment of the Associate District Judge of the Family Court to hear any trial on the merits. A trial on the merits is any trial in which a party seeks a final adjudication from which an appeal may be taken to a court of appeals. The objection must be in writing.

The time for filing an objection is on or before ten days from receipt of a notice of setting before the Associate District Judge.

A person filing an objection must deliver a copy of the objection to all parties and to the Civil Court Coordinator for the District Court Judges and the Court Coordinator for the Family Court on the same day the objection is filed with the District Clerk.

A party may file a motion to have any other matter heard originally before a District Judge instead of the Associate District Judge for the Family Court. The motion must be in writing and must specify the grounds in support of the motion.

The party filing the motion must set the motion for hearing before a District Judge with notice to all parties as required by the applicable rules of civil procedure.

### **28.5 Notice of Right to De Novo Hearing**

Notice of the right to a de novo hearing will be posted outside the courtroom of the Associate District Judge for the Family Court or will be otherwise communicated by the Associate District Judge for the Family Court in open court as authorized by section 201.012 of the Texas Family Code.

### **28.6 Request for de Novo Hearing**

Any person requesting a de novo hearing before a District Judge must also deliver a copy of the request to the Civil Court Coordinator for the District Court Judges on the same day that the request is filed with the District Clerk.

## **Chapter 29 - Orders by Submission**

### **29.1 Matters that may be Submitted**

Parties may submit a motion to be considered without a hearing in uncontested divorces, uncontested name changes, agreed orders in pending cases, orders concerning service of citation, notices of hearing for temporary orders prior to answer day, orders to appear, friendly suits, and other such uncontested matters.,

### **29.2 Orders not Requiring Proof**

Agreed orders and uncontested matters in family law cases that do not require “prove ups” may be entered by submission without proof. Attorneys and self-represented parties shall e-mail the agreed order (signed by all necessary parties) to the Court Coordinator for the Family Court with a request that the order be presented to the Court. Proposed orders and judgments that are filed with the District Clerk are not forwarded by the District Clerk to the trial judge. Final orders in original suits affecting the parent-child relationship and modifications in which both parties are represented by counsel may be entered by submission without proof.

### **29.3 Orders Requiring Proof**

Agreed orders in family law cases that require “prove ups,” including divorce decrees and original SAPCR orders and modifications in which one or both parties are self-represented, may be proved up by sworn affidavit of at least one party or by remote teleconference hearing. In any case where both parties are

not represented by counsel, each party is required to submit a sworn affidavit. Unsworn declarations under section 132.001 of the Texas Civil Practice & Remedies Code shall not be considered as proper proof. Attorneys and self-represented parties are ordered to email the agreed order (signed by all necessary parties) to the Court Coordinator for the Family Court together with the appropriate required proof, or with a request for a remote setting. Proposed orders and judgments that are filed with the District Clerk are not forwarded by the District Clerk to the trial judge. If the Court determines that a matter involving self-represented parties cannot be finalized without a hearing, the Court will set a hearing as soon as feasible.

#### **29.4 Self-Represented Parties**

The Associate District Judge for the Family Court may, with the approval of the Local Administrative Judge establish by standing order procedures for the timely disposition of family law matters where both parties are self-represented.

### **Chapter 30 - Pre-Trials in Family Law Cases**

#### **30.1 Standing Orders**

The parties in any divorce suit or suit affecting the parent-child relationship (which include, but are not limited to, modification suits, paternity suits, and original suits) filed in Hays County are subject to the current Hays County Standing Order for Family Law Cases and any amendments thereto. The Petitioner shall attach a copy of the Standing Order for Family Law Cases to their original pleading and each copy of their initial pleading.

This and other applicable Standing Orders may be found on the Hays County District Courts' website and on the Office of Court Administration's Local Rules, Forms, and Standing Orders website. When requesting a temporary restraining order or temporary injunction, counsel must not repeat or otherwise address the subject matter contained in the standing order except to seek a modification of the standing order.

#### **30.2 Pre-Trial Procedure Before a Final Trial on the Merits**

Before the final trial on the merits in any divorce suit or suit affecting the parent-child relationship (which include, but are not limited to, modification suits, paternity suits, and original suits), each party must prepare and deliver pre-trial forms and any amended pleadings as follows:

(a) Forms Required

- (i) In a divorce suit, each party must prepare and deliver a Proposed Property Division using the form prescribed by the Texas Family Law Practice Manual published by the State Bar of Texas or a similarly appropriate form. In lieu of such form, a party may submit a spreadsheet that reflects that parties proposed property division. If a spreadsheet is used in lieu of the Proposed Property Division form, then a copy of such spreadsheet must be provided to the Court in an editable electronic format at the beginning of the trial.
- (ii) In any suit requiring a determination of child support or spousal maintenance, each party must prepare and deliver a Proposed Support Decision using the form prescribed by the Texas Family Law Practice Manual published by the State Bar of Texas or a similarly appropriate form. The form must be fully completed and signed by the party.
- (iii) Additionally, in any suit requiring a determination of child support or spousal maintenance, unless the parties agree or stipulate to a party's income and/or net resources as defined by the Texas Family Code, each party is required to furnish to the Court (but not file), and to opposing parties, copies of the following at the time of trial:
  - 1. The party's federal income tax returns for the previous two calendar years, or if no such return(s) have been filed, then all payroll statements, pay stubs, W-2 forms, 1099 forms, and Schedule K-1 for such years; and
  - 2. All payroll statements, pay stubs, W-2 forms, 1099 forms, and Schedule K-1 for the calendar year of the trial from January 1 through the date of the trial.
  - 3. This Rule does not supersede any requirement to respond to discovery requests.
- (iv) In any suit requiring a determination or modification of conservatorship, or possession and access to a child, each party must prepare and deliver a Proposed Parenting Plan, pursuant to Texas Family Code Section 153.603, fully completed and signed by the party, a single agreed Proposed Parenting plan signed by both parties, or must summarize the requested relief in brief

complete sentences as part of a Proposed Disposition of Other Issues. The form parenting plan is acceptable, and other forms are also acceptable.

- (v) Additionally, each party must also prepare and deliver a Proposed Disposition of Other Issues, which must state separately in brief complete sentences each trial decision that is sought by the party that is not covered by the Proposed Property Division, Proposed Support Decision, or Proposed Parenting Plan.

(b) Where to File

Each party must file the required forms with the District Clerk and deliver a copy to the opposing party.

(c) When to File

Each party must file the required pre-trial forms and any amendment to pleadings two weeks prior to the trial setting.

Amendments to pre-trial forms and amendments to pleadings may be filed after the deadline above only by agreement of the parties or upon leave of court, which leave will be granted unless there is a showing that the filing will operate as a surprise to the opposite party.

### **30.3 Pre-Trial Procedure Before a Temporary or Interim Orders Hearing**

Before any hearing on temporary or interim orders in any divorce suit or suit affecting the parent-child relationship (which include, but are not limited to, modification suits, paternity suits, and original suits) each party must prepare and deliver pre-trial forms as follows:

(a) Forms Required

(i) In any suit requiring a determination of child support or spousal maintenance, each party must prepare and deliver a Proposed Support Decision using the form prescribed by the Texas Family Law Practice Manual published by the State Bar of Texas or a similarly appropriate form. The form must be fully completed and signed by the party.

(ii) Additionally, unless the parties agree or stipulate to a party's income and/or net resources as defined by the Texas Family Code, each party is required to furnish copies of the party's preceding four payroll statements or paystubs and the party's preceding year's income tax return (if the tax return has been filed) to the

judge (but not file) at the time of the hearing and to the opposing party prior to the hearing.

(iii) Compliance with this Rule does not change the responsibility to respond to discovery requests and to make initial disclosures.

(iv) Additionally, each party must also prepare and deliver a Proposed Disposition of Issues, which must state separately in brief complete sentences each trial decision that is sought by that party.

(b) To Whom Form Is Delivered

Each party must deliver the required form to the opposing party and to the Judge hearing the case.

(c) When Form Is Delivered

Each party must deliver the required form to the opposing party before the case is called for hearing, and to the Judge at the time of the hearing.

**30.4 Not Required In IV-D Cases or Cases in the Child Protection Court**

Pre-trial forms are not required to be filed in cases filed in the IV-D Court or the Child Protection Court.

Pre-trial forms are not required to be filed by the Texas Attorney General's Office, The Texas Department of Family and Protective Services or the Hays County District Attorney's Office.

**30.5 No Extensions or Waivers by Office of the District Court Administrator or by Agreement**

The office of the District Court Administrator is not authorized to extend the time for delivering pretrial forms. The parties may not by agreement waive or modify the provisions or requirements of these rules.

**30.6 Use as Evidence**

Subject to applicable rules of evidence, the pre-trial forms required by these rules may be used during the trial or hearing and may be marked as exhibits and offered in evidence.

### **30.7 Consequences for Failure to Comply**

**(a) All Parties Fail to Comply**

If all parties in a case fail to deliver pre-trial forms as required by these rules, the case will be required to be reset.

**(b) A Party Fails to Comply**

If it appears that any party in a case failed to deliver pre-trial forms as required by these rules, the Court may conduct a pre-trial conference and the Court may impose one or more of the sanctions authorized by TRCP 215 against any party or attorney responsible for such failure.

**(c) Issues Waived**

All issues not stated in pre-trial forms as required by these procedures will be deemed waived except upon a showing of good cause for failure to comply with these rules.

### **30.8 No Limitation on Texas Rules of Civil Procedure**

These rules must not be construed as a substitute for, or as any limitation on, any pre-trial or discovery provision(s) pursuant to the Texas Rules of Civil Procedure.

### **Chapter 31 - Motions to Confer Pursuant to Section 153.009 of the Texas Family Code and Testimony by Minors**

The District Courts discourage the calling of children to testify in court in contested family law matters. Litigants are discouraged from bringing a child to the Hays County Government Center, thereby removing the child from his or her daily routine, before the Court decides whether and when to confer. Unless the child's attendance is required by court order such as a writ of attachment or writ of habeas corpus, no party shall bring a child to the Hays County Government Center to testify or confer with the Court without prior consent from the Court. If any attorney or party becomes aware of a child being present at the Courthouse, they shall immediately notify the Bailiff of the child's presence in the Courthouse. No child shall be brought into the Courtroom without the express consent of the Court.

Absent good cause shown, all Motions to Confer with a Child must be set on the same day as the hearing such motion is related to (temporary orders or final merits trial).

## **Chapter 32 - Default Judgments**

All requests for entry of a default must be set for hearing. In divorce cases, no default judgment will be rendered in the absence of sufficient evidence regarding the character and value of the parties' community estate and the amount of any joint liabilities. Additionally, a certificate of last known address, non-military affidavit, and (where applicable) a statement of evidence must be on file before the Court will render a default judgment.

## **Chapter 33 - Parent Education and Family Stabilization Course**

Except for good cause shown, in all divorces joined with suits affecting the parent-child relationship and all original suits affecting the parent-child relationship, parents are required to attend an approved Parent Education and Family Stabilization Course. In its discretion, the Court may also refer parents involved in modification or enforcement litigation, or a child involved in any type of custody litigation, to an education course or for counseling. In protective order cases authorized by Title 4 of the Texas Family Code or Chapter 7B of the Texas Code of Criminal Procedure, the Court may refer a party to a batterers' treatment program.

## **Chapter 34 - Child Support**

The party who is receiving support through a wage assignment is responsible for submitting an income withholding order to the judge at the time a decree of divorce or order in suit affecting parent child relationship is signed. The party receiving support is also responsible for completing all documents required by the District Clerk for opening a child support account and forwarding wage assignments and for timely filing those with the District Clerk.

## **Chapter 35 – Reserved for Expansion**