

## 470<sup>TH</sup> District Court Court Policies

### No Auxiliary Court

All 470th cases must be heard by the 470th District Court and not by the auxiliary court. No prove-ups or ex parte requests may be heard in the auxiliary court.

If the judge is out when an emergency request for ex parte relief is presented, the court will either rule remotely based on the electronically-filed pleadings, or the 470th court coordinator may refer you to a sitting district judge.

### Appearing by Phone or Video

Attorneys, parties, and witnesses shall appear in-person unless all attorneys and parties agree, and the court approves, appearance by Zoom.

### Child Interview

If Texas Family Code Section 153.009 requires the Court to interview a child, the interview will be conducted on the day of trial, after the child is released from school. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case. If a child interview is requested in the pleadings, it must be listed in your pre-trial scheduling order or docketed on the court's docket in advance. Requests made on the day of trial will not be considered. Contact the court coordinator at [470@co.collin.tx.us](mailto:470@co.collin.tx.us) **before** your trial date to ensure the child interview is properly scheduled on the Court's calendar. A parent or conservator shall not discuss the child interview with the child except to the extent of the date and time of the interview and that the judge will be talking with the child. **DO NOT BRING YOUR CHILD TO THE COURTHOUSE UNLESS SPECIFICALLY INSTRUCTED TO BY THE COURT.**

### Continuances

Any continuance (even if agreed) for a case that was filed more than 9 months ago requires a hearing and court approval. The Court reserves the right to set any motion for continuance for hearing in person or by submission. Failure to mediate or failure to schedule mediation are not grounds for a continuance.

## Courtroom Cell Phone Policy

Attorneys are welcome to silently use phones, tablets, laptops, etc. in the courtroom. Parties, witnesses, and observers shall turn off their cell phones. It is expected that attorneys will refrain from using phones during court proceedings except as to facilitate the hearing or trial proceedings. If device use becomes disruptive, you will not be allowed to continue to use the device. During jury trials, if your device makes any sound in the courtroom, you will be subject to an immediate \$50 fine. No video or photography is allowed at any point in the courtroom.

## Courtroom Technology

If you plan to display a device (laptop, tablet, etc.) on the screens in the courtroom, you are encouraged to test and troubleshoot the equipment in advance. There is one HDMI connection at each counsel table and one document camera to be shared by counsel:



If you plan to play a video, please test the playback and sound in advance. The court is not responsible for playing your video for you. If you are offering audios or videos as exhibits, please provide the court reporter your exhibits on a flash drive. The Court cannot accept as an exhibit any video or audio recording that is not on a flash drive.

## Default Judgments

Before you can schedule a hearing to finalize a default judgment, you must complete the Default Judgment checklist (located at <https://www.collincountytx.gov/Courts/District-Courts/470dc>) and file it with the court. Once it has been completed and filed, including filing documents required to be filed, email the court coordinator at [470@co.collin.tx.us](mailto:470@co.collin.tx.us) to schedule your default.

This will help ensure you do not have to come back to court multiple times in order to finalize your default.

If a default divorce is being requested, be prepared to put on evidence of the value of property through testimony and present an inventory and appraisal as an exhibit.

If the Petitioner and Respondent are still residing at the same residence, the Court will not schedule a default hearing but will instead schedule a final trial with 45 days' notice to Respondent.

## **Dismissal for Want of Prosecution (DWOP)**

The DWOP docket is held in person on the date/time stated in the notice. Every case is called. You must appear for the DWOP docket unless you have been removed from the DWOP docket by the court coordinator after following the instructions in the DWOP notice.

## **Docket – Checking In and Calling Cases**

Check in with the bailiff before the time of your hearing. Provide a copy of your summary of requested relief. If you plan to leave our courtroom, give the bailiff your cell phone number.

Let the bailiff know if you have an expert or professional witness, such as a first responder, teacher, doctor, counselor, or caseworker. The court will allow these witnesses to be called out of order to respect their other duties and reduce cost to the litigants.

The court will call through the docket each day and decide the order in which cases will be heard — the court does not put cases in order in advance.

## **Exhibit Copies and Labeling**

Please bring at least three copies of each exhibit and an exhibit list for the court reporter. For any summary of requested relief, please provide an extra copy to the bailiff when you check in. Please have your exhibits labeled or have exhibit stickers already applied and ready to be labeled. When labeling, please label chronologically (i.e., Exhibit 1, Exhibit 2, Exhibit 3). Do not label Exhibit 1a, Exhibit 1b, Exhibit 1.a.i, Exhibit 1.a.ii, Exhibit 1.a.iii, etc.

## **Ex Parte Relief – TROs, etc.**

Request for ex parte relief will be decided on the pleadings and will be reviewed by submission. If you file a motion requesting ex parte relief and submit your proposed order through e-filing, please call (972-548-5670) or email the court coordinator ([470@co.collin.tx.us](mailto:470@co.collin.tx.us)) to let her know that you want action taken on the request. If you do not call or email the coordinator to alert her that you want the request addressed, it will just remain in the e-filing queue without action.

Please do not request TROs that contain items that are in the Collin County Standing Order. The court will reject the TROs that largely overlap the standing orders. Please put the few items of genuine concern in the TRO so that the court can tell what relief you're actually requesting.

Please attach a Certificate of Ex Parte Relief to your pleading which indicates that the party or attorney has complied with [Collin County Local Rule 3.4](#).

## **Health Insurance and Cash Medical Support**

In every case involving children, the parties must file a pleading or statement describing the children's health insurance. *See* Tex. Fam. Code § 154.181(b).

If the children are receiving health insurance through a government program such as CHIP or Medicaid, the obligor must pay cash medical support in the approximate amount of 9% of the obligor's annual resources for all children. *See* Tex. Fam. Code § 154.182(b-2). The court will not sign any order where the children are receiving government health insurance unless the obligor is ordered to make payments of cash medical support pursuant to the Family Code.

## **Hearings by Submission**

For any motion set for hearing by submission, the movant shall submit a Notice of Court Proceeding. Any responsive pleading to the set motion is due at 11:59 p.m. the day before the setting unless another deadline is ordered by the Court.

## **Illness**

If you have tested positive for COVID-19, have the flu, strep throat, or any other illness causing fever, DO NOT come to the courthouse. You may request to appear remotely by Zoom. Contact the court at [470@co.collin.tx.us](mailto:470@co.collin.tx.us) as soon as you know.

## **Inventory and Appraisements**

Parties in a divorce case are expected to exchange sworn inventories and appraisements. Please note that the [Discovery Control Plan and Scheduling Order](#) (DCP) requires parties to exchange sworn inventories within 30 days of signing the DCP.

## **Mediation**

Mediation is required at least 45 days before trial. Scheduling orders without a mediator's name will be rejected. Parties who fail to mediate will be limited to 1 hour per side at trial. Failure to schedule mediation or attend mediation prior to final trial are not grounds for a continuance.

## **Motions for Alternative or Substitute Service**

Any motion for alternative service or motion for substitute service requires an affidavit or declaration clearly setting forth how the movant knows the address, email address, phone number, or other requested alternative service method to be that of the party to be served. The Court reviews these motions by submission, and the Court may set a motion for in-person or Zoom hearing at the Court's discretion.

## **Motions to Compel**

All motions to compel must be filed and heard at least 31 days before trial. The Court reserves the right to set the hearing in person or by submission. The Court reserves the right to set any motion to compel within 31 days of trial.

The Conference Requirement certification for a motion to compel must include the date of a phone call between the two attorneys made in an effort to resolve the dispute, which is in addition to any deficiency letter which may have been sent.

## **Motions to Enter / Sign**

A proposed order in Word should be submitted to the court coordinator at [470@co.collin.tx.us](mailto:470@co.collin.tx.us) two days before the hearing. Any objections to a proposed order should be on file one day before the hearing.

## **Motion for New Trial**

A Motion for New Trial will be decided on the pleadings and will only be set for hearing if argument is requested by the Court.

## **Motions to Reopen to Enter Qualified Domestic Relations Orders**

A Motion to Reopen to Enter Qualified Domestic Relations Orders will be considered by submission. Please file an Order to Reopen and the Qualified Domestic Relations Order(s) signed by the attorneys (if any) and parties when filing the Motion to Reopen.

## **Motions for Summary Judgment**

Motions for Summary Judgment will be decided on the pleadings and will only be set for hearing if argument is requested by the Court. Please do not file any proposed order on the motion until you receive a ruling. All motions for summary judgment must be filed in such a time that the Court can rule at least 31 days before trial.

## **Office of the Attorney General (OAG)**

If the OAG was ever a party in the case, the OAG must be served with all pleadings and noticed for all hearings and trial until further order of the Court or until the OAG requests to be excused. No hearing or trial will move forward on a case where the OAG is a party without proper notice to the OAG. Please consult the Collin County Case Record Search (<https://cijspub.co.collin.tx.us/PublicAccess/default.aspx>) to see if the OAG has ever been a party to the case.

## **Photos of Children**

In hearings relating to children, it can be helpful to offer exhibits containing photos of children. You may combine individual photos into one exhibit but please either Bates label the individual photos or page number each page of the photo packet.

## Possession Schedules

The Court will not sign any order where possession of a child or children is solely by agreement of the parties. The non-primary or possessory conservator must have a set possession schedule.

## Proof of Notice

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

The Office of the Attorney General Child Support Division has a website for sending citations and notices for cases in which the OAG is a party or needs to be noticed: <http://csapps.oag.texas.gov/service-citation-notice>

## Property Division

If you are asking the Court to divide property, you must provide a proposed property division which lists all assets and debts and their values. In addition to the printed property division spreadsheet, the Court requests an editable format, such as an Excel spreadsheet. If you do not bring a proposed property division with you on the date of your trial, you will be required to fill one out prior to trial. A property division spreadsheet can be located at <https://www.collincountytx.gov/Courts/District-Courts/470dc>.

## Prove-Ups for Agreed Orders

Generally, if you have an agreed final order that has been signed by all parties, you do not have to prove up the case in person or by affidavit if **ALL** of the following conditions are met:

1. There is an agreed decree or order signed by **every** party and attorney involved in the case (including the OAG if the OAG was ever a party in the case);
2. All signatures are distinctive written signatures or DocuSign-style signatures, **not “/s/ Typed Name;”** and
3. The *Appearances* section of the order indicates that the parties **did not appear** in person and that the making of a **record was waived**.

However, the Court reserves the right to set any agreed final order for prove-up at which each party will need to appear.

## Recording Devices / Transcription Programs

Recording devices (audio or video) and transcription programs (Otter.ai; Temi; Amberscript; etc.) are prohibited in the Courtroom.

## Safety / Extra Security

If you think your case might need extra security (whether for the parties or due to family members), please email the bailiff at [470@co.collin.tx.us](mailto:470@co.collin.tx.us) before your hearing so that we can schedule sufficient court security in advance. If you have concerns, please help us be safe.

## Sealing Cases

A motion to seal case must allege the grounds in Texas Rules of Civil Procedure 76a. Cases will not be sealed before final trial. If you are requesting to seal a case, please contact the court coordinator at [470@co.collin.tx.us](mailto:470@co.collin.tx.us) to schedule the hearing.

## Sensitive Data and Children's Initials

Under TRCP 21c, attorneys are prohibited from filing documents containing unredacted sensitive data. You must redact the sensitive data and use initials for each child's name in all pleadings. Do not mark filings as containing sensitive data—it is not a substitute for redacting.

Tex. Fam. Code § 102.008(b)(2) requires a child's name and date of birth to be included in a petition in a suit affecting the parent-child relationship or a divorce petition involving children. These are the only filings that should contain a child's name or birth date. Since the inclusion of unredacted sensitive data is required, these petitions are the only filings that should be marked "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." **All other filings should not contain unredacted sensitive data and should not be marked CONTAINS SENSITIVE DATA.**

To ensure a final order is enforceable by contempt, you may want to include the children's names in the final order.

## Settings

**Time Limits** — A “full-day” trial is two hours and fifteen minutes per side. A “half-day” trial is approximately one hour and fifteen minutes per side. A 2-day jury trial is four hours per side. A temporary orders hearing is 20 minutes per side.

**Hearing** — To set a hearing, please email the court coordinator at [470@co.collin.tx.us](mailto:470@co.collin.tx.us). You will be provided with the Court’s available dates and should work with the other side to get an agreed date. Please e-file a notice of court proceeding with the date filled in. The coordinator does not add the case to the Court’s calendar until a completed notice of court proceeding is submitted.

**Trial** — To set a trial, please email the court coordinator at [470@co.collin.tx.us](mailto:470@co.collin.tx.us). You will be provided with the Court’s available dates and should work with the other side to get an agreed date. Please e-file the Court’s form [Scheduling Order](#) with the trial date and mediation details filled in. If, after several attempts, you are unable to get an agreed date, please e-file a proposed scheduling order with a letter describing your efforts.

**Trials without a scheduling order on file are limited to 1 HOUR per side.**

**Jury Trials** — A formal pre-trial hearing is required, no later than the Wednesday before the jury trial begins. A [Jury Trial Discovery Control Plan and Scheduling Order](#) must be completed and signed when the trial is set. The scheduling order specifies the many tasks that must be completed at or before the pre-trial hearing, including expert challenges, proposed jury charges, pre-marked exhibits, witness lists, etc.

## Spousal Support or Payment of Expenses

If you are asking the Court to order spousal support or divide expenses, you must provide a financial information statement listing income and expenses. If you do not bring an FIS with you on the date of your hearing, you will be required to fill one out prior to the hearing/trial.

## Temporary Orders

Any request for a temporary orders hearing which will be set within 60 days of trial requires approval by the Court before the court coordinator will set a hearing.

## **Weather/Emergency Closures or Delays**

If any two of Plano ISD, Frisco ISD, Allen ISD, McKinney ISD, Prosper ISD, or Wylie ISD has a delayed start or closes, the 470<sup>th</sup> District Court will follow the same schedule for in-person proceedings. Virtual proceedings will continue as scheduled, unless it is impossible (for example, loss of power).

## **Withdrawals**

Withdrawals within 30 days of trial must be set for hearing so that the court can admonish the client.

The Collin County Local Rules may provide one way for attorneys to withdraw without the necessity of appearing. Review and follow TRCP 10 and local rule 4.4:

*(c) A motion to withdraw may be granted without a hearing under the following circumstances:*

*(1) the motion is accompanied by a certificate by the client attesting to the client's consent to the withdrawal or a certificate by another lawyer attesting that the lawyer has been retained to represent the client in the case; or*

*(2) the motion is accompanied by a letter that notifies the client of the client's right to object to the withdrawal within ten days of the date that the letter was mailed; the withdrawing attorney certifies that the motion and letter were sent to the client's last known address by certified and regular mail; and no objection is filed.*

## **Witness List**

A witness list for the court reporter is incredibly helpful and encouraged.