

**RULES GOVERNING FAMILY LAW PROCEEDINGS
IN THE 397th DISTRICT COURT**

RULE 1.1. TEMPORARY RESTRAINING ORDERS

A. Application Without Supporting Affidavit.

1. If a party applies for a temporary restraining order without a supporting affidavit, the Court will enter the Court's Standing Order relating to family law matters which will remain in place until any further Court orders.
2. If a party desires relief from or modification of the Court's Standing Family Law Order, that party must file a motion with the Court setting out specifically the grounds for the requested relief.
 - a. No hearing will be granted on such motion unless the requesting party files a Certificate of Conference indicating agreement could not be reached on the specific grounds mentioned in the motion.
3. If no temporary order is requested consistent with these policies and rules, the Court will set the matter for a status hearing.

B. Application With Supporting Affidavit.

1. Upon application for a temporary restraining order supported by appropriate affidavit, the Court will set a hearing within 14 days.
2. If it does not appear from the face of the affidavit filed in support of a request for a temporary restraining order that a hearing is required, or is required within 14 days, the Court may issue its Standing Family Law Order.
3. If a hearing is granted and cannot be scheduled within 14 days, the Court will grant an extension of its temporary standing order.

RULE 1.2. TEMPORARY HEARINGS

A. Scheduling

1. All temporary orders hearings shall be set on a date and at a time scheduled by the Court. Any party may request that the Court set a matter for a temporary orders hearing.
2. At the time set for the temporary hearing, the parties shall be required to confer about possible resolution of the case. If an agreement for temporary orders is not reached, counsel shall make an announcement of the estimate of time required to present the case. Once a hearing has been set and announced by the Court, it may not be continued unless a proper motion for continuance has been filed.
3. The parties shall also be prepared to discuss mediation or ADR, the necessity of any social studies in cases where child custody is at issue, and scheduling of a final hearing.

4. The Court reserves the right, particularly where custody is at issue in temporary hearings, to order alternative dispute resolution (ADR) at that time.

B. Notice Required When Responding Party Seeking Affirmative Relief

1. An application to the Court for a temporary order and notice of any hearing thereon which is presented by a party responding to an application for temporary orders in which that party is seeking affirmative relief shall be served on the adverse party in accordance with Rule 5 and Rule 21a of the Texas Rules of Civil Procedure, as amended.

C. Time Limits

1. In all temporary hearings in which managing conservatorship is in issue, the parties shall not be granted more than two (2) hours to present the case, which time shall be equally divided.
2. In all other temporary matters, including a modification of a temporary order, the parties shall be granted not more than thirty minutes to present the case, which time shall be equally divided.
3. Counsel should request a special setting or extra time at the time the application for temporary relief is presented to the Court for scheduling when, because of unusual circumstances, the time limits are unworkable or inappropriate. The Court shall determine the amount of time that shall be allotted for any such hearing.

D. Order of Cases

All cases in which counsel announce a settlement shall be heard first. All other cases shall be scheduled according to counsel's announcement and the Court's calender. It should be anticipated that those matters requiring the least amount of time will be heard first.

E. Documents Required

1. In all cases in which temporary support of a spouse and /or the child is in issue, each party shall be required to furnish:
 - a. a statement of monthly income and expenses in a form substantially similar to that attached to these rules as Appendix 1.
 - b. Copies of that party's federal income tax returns for the two calendar years prior to the temporary hearing.
 - c. All payroll statements, pay stubs, W2 forms, and 1099 forms which evidence that party's earnings for the calendar year prior to the temporary hearing and from January 1 of the current year through the date of the temporary hearing.
 - d. All checking account statements, including all canceled checks, deposit slips and check registers, all savings account statements, including all deposit and withdrawal slips, to or from which that party has made any deposits or withdrawals during the two years prior to the temporary hearing.

- e. Copies of any financial statements filed by that party with any financial institution in the two years prior to the hearing.

F. Duration of Orders

No temporary order shall exceed two hundred and seventy (270) days in duration from the date the order is signed, except by agreement of the parties or order of the Court.

RULE 1.4 FINAL HEARINGS/TRIALS

A. Scheduling

1. All final hearings or trials shall be set on a date and at a time scheduled by the Court. If a final hearing date is not set at the time of a temporary orders hearing, a party may request the Court to set a case for final hearing if all other prerequisites have been met as described below.
2. No continuance of a final hearing or trial shall be granted unless a proper motion has been filed more than three (3) business days before the date set for final hearing.
3. At the time set for final hearing or trial, the parties shall be required to report to the Court the length of time necessary for the final hearing. The Court will set the amount of time for the hearing or trial.

B. Mediation

1. No final hearing or trial on the merits shall be conducted in any case until all contested issues have been referred to ADR, and ADR has been unsuccessful.
2. If any party objects to ADR, it may object to ADR by filing a motion similar to the procedure outlined in Texas Civil Practice and Remedies Code, § 154. If, after conducting a hearing, the Court finds there is a reasonable basis for the objection, the Court may, in its discretion, order than the case be set for a trial on the merits.
3. The Court reserves the right to excuse the parties from mediation as it deems appropriate.

C. Social Studies

1. In cases where child custody is at issue, the parties shall be required to have a Social Study completed prior to any final hearing.
2. If any party objects to a Social Study, ADR, it may file a motion asking to relieve the parties of that requirement. If, after conducting a hearing, the Court finds a Social Study is not needed, the Court may, in its discretion, excuse the parties from this requirement.

D. Inventory and Appraisalment

1. Inventory and Appraisalment Required

- a. In all cases in which the character, value or division of property or debts is in issue, each party shall file, not less than thirty (30)

days prior to trial or the final hearing, a sworn inventory and appraisal of all of the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties.

- b. It is recommended that each party file this inventory in a form substantially similar to Form 5-1 of the Texas Family Law Practice Manual published by the State Bar of Texas, or in a form substantially similar to the one available from the Coordinator of the 397th District Court.

2. Composite Inventory and Appraisal

- a. After each party's sworn inventory and appraisal has been filed, the parties shall file a composite inventory and appraisal in a form substantially similar to the one available from the Coordinator of the 397th District Court.
- b. The Petitioner shall initiate the composite inventory and forward it to the Respondent for completion not less than fourteen (14) days prior to trial or final hearing.
- c. The Respondent shall complete and file the composite inventory with the Court and serve a copy of the same on the Petitioner not less than seven (7) days prior to trial or final hearing.

3. Sanctions for Failure to File

If a party or the parties fail to prepare and/or file the initial inventory or the composite inventory as required, the Court may conduct a pretrial hearing and make such orders with regard to the failure as are just, including but not limited to, sanctions pursuant to Rule 215(2)(b) of the Texas Rules of Civil Procedure, as amended.

RULE 1.4. PARENT EDUCATION

A. Course Mandatory

All parties in a suit affecting the parent-child relationship, including an action to modify an order in a suit affecting the parent-child relationship, shall attend and complete a parent education and family stabilization course approved by the court in which the suit is pending. Except as provided herein, the provisions governing a parent education and family stabilization course in Section 105.009, Texas Family Code, as amended, shall apply.

B. Waiver of Course

For good cause shown, after notice and hearing, the court may waive the requirement of a course. If a party claims an inability to afford to take a course, and the court finds the claim is meritorious, the court may order that party to attend and complete a course that is offered on a sliding scale fee or without charge, if a course of that type is available.

C. Deadline for Completion

Each party shall complete the course prior to a final hearing on the merits of the case.

D. Verification of Attendance

Each party completing the course shall file a certificate of completion with the court within thirty (30) days of completion of the course, or at the time of that party's next court appearance, whichever is sooner.

E. Sanctions

If a party fails to attend and complete the course, the court may make such orders with regard to the failure as are just, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure, as amended.

APPENDIX 1

FINANCIAL INFORMATION STATEMENT

CLIENT:
CAUSE NUMBER:

MONTHLY INCOME

Gross Income \$

Total Monthly Payroll Deductions:

Withholding	\$
FICA (Social Security)	\$
Mandatory Retirement	\$
Voluntary Retirement	\$
Deferred Compensation	\$
Life Insurance	\$
Credit Union (savings)	\$
Credit Union (loan payment)	\$
Health Insurance	\$
Other Deductions:	
	\$
	\$

Total Deductions \$

NET PAY \$

Other Income: (itemize below)

_____	\$ <input type="text"/>
_____	\$ <input type="text"/>
_____	\$ <input type="text"/>

TOTAL MONTHLY INCOME \$

MONTHLY EXPENSES

Rent or mortgage payment	\$
Real property taxes (if not included in the mortgage payment)	\$
Homeowner's insurance (if not included in the mortgage payment)	\$
Renter's or fire insurance	\$
Maintenance of residence (repairs, yardwork, etc.)	\$
Utilities (gas, water, electric, garbage, sewer, etc.)	\$
Telephone	\$
Groceries	\$
Dining out	\$
School lunches	\$
Uninsured doctor expenses	\$
Uninsured prescription and pharmaceutical expenses	\$
Uninsured routine dental care	\$
Uninsured orthodontal care	\$
Health and hospitalization insurance (if not pd by employer or deducted from wages)	\$
Life insurance (if not paid by employer or deducted from wages)	\$
Clothing purchases	\$
Laundry and dry cleaning	\$
Vehicle payment	\$
Gas and oil for vehicle	\$
Vehicle repair and maintenance	\$
Vehicle insurance	\$
Parking fees	\$
School tuition	\$
School supplies	\$
Children's extracurricular activities	\$
Childcare while at work	\$
Childcare for other times	\$
Entertainment	\$
Hairstyling, barber	\$
Contributions	\$
Dues	\$
Subscriptions	\$
Prior obligations for child support or alimony	\$

Other Creditors: (itemize below)

NAME	PURPOSE	BALANCE	MONTHLY PAYMENT
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Total monthly payments to other creditors \$

TOTAL MONTHLY EXPENSES **\$**

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

I, _____, state on oath that, to the best of my knowledge and belief, the foregoing financial information statement contains a full and complete accounting of my monthly income from all sources and my monthly expenses.

SIGNED on the _____ day of _____, _____.

SIGNATURE OF PARTY

SIGNED under oath before me on the _____ day of _____, _____.

NOTARY PUBLIC

APPENDIX 2

COMPOSITE INVENTORY

CAUSE NUMBER _____

IN THE MATTER OF THE MARRIAGE OF

_____ **AND** _____

PETITIONER: _____ **RESPONDENT:** _____

PETITIONER'S ATTORNEY: _____

RESPONDENT'S ATTORNEY: _____

COMPOSITE INVENTORY

CAUSE NUMBER _____

STATE OF TEXAS §
 §
COUNTY OF GRAYSON §

I, Petitioner in the above-styled and numbered cause, state on oath that, to the best of my knowledge and belief, the foregoing composite inventory contains:

- (1) a full and complete list of all properties in my possession or subject to my control that I claim belong to the community estate of myself and my spouse, with the values thereof;
- (2) a full and complete list of all properties in my possession or subject to my control that I claim or admit as my or my spouse's separate property and estate, with the values thereof;
- (3) a full and complete list of the debts claimed by me or my spouse.

SIGNED on the _____ day of _____.

PETITIONER

SIGNED under oath before me on the _____ day of _____.

NOTARY PUBLIC

COMPOSITE INVENTORY

CAUSE NUMBER _____

STATE OF TEXAS

§
§
§

COUNTY OF GRAYSON

I, Respondent in the above-styled and numbered cause, state on oath that, to the best of my knowledge and belief, the foregoing composite inventory contains:

- (4) a full and complete list of all properties in my possession or subject to my control that I claim belong to the community estate of myself and my spouse, with the values thereof;
- (5) a full and complete list of all properties in my possession or subject to my control that I claim or admit as my or my spouse's separate property and estate, with the values thereof;
- (6) a full and complete list of the debts claimed by me or my spouse.

SIGNED on the _____ day of _____, _____.

RESPONDENT

SIGNED under oath before me on the _____ day of _____, _____.

NOTARY PUBLIC