



**EMERGENCY GUIDELINES**

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**IN THE DISTRICT**

**360<sup>TH</sup> JUDICIAL DISTRICT**

**TARRANT COUNTY, TEXAS**

**360<sup>TH</sup> DISTRICT COURT'S SPECIFIC GUIDELINES**

This is effective from April 6, 2020, until the Governor lifts the State of Emergency for COVID-19. This supersedes the March 13, 2020, Order of this Court, but it does **not** supersede either of the following documents:

- POLICIES OF THE 231<sup>ST</sup>, 233<sup>RD</sup>, 322<sup>ND</sup>, 324<sup>TH</sup>, 325<sup>TH</sup>, AND 360<sup>TH</sup> DISTRICT COURTS AS TO DISCOVERY DISPUTES ARISING OR PENDING DURING THE CORONAVIRUS (COVID-19);
- TARRANT COUNTY FAMILY DISTRICT COURTS' GUIDELINES FOR REMOTE HEARINGS

Unless the date is specifically extended by the Texas Supreme Court and/or the Governor, these guidelines do not apply to cases set on or after June 5, 2020. In-person hearings are scheduled to resume after May 8, 2020; however, parties should continue to organize their cases for a remote hearing to prepare for the contingency that the dates may be extended.

**(a) Generally**

If you have a jury trial, please check with the Coordinator to determine if there will be a jury available.

Self-represented litigants are the attorney in the case and shall follow the instructions for the attorney herein.

**If you have a respiratory illness and/or a suspected case of the COVID-19 and/or any other virus, you are to not come to the Courthouse. Children are not to be brought to the courthouse.**

## **(b) Continuances**

Agreed continuances for trials and/or hearings during this period will be more liberally granted. Please email the agreed order for continuance to the Court Coordinator. The Court will either sign or set it for a remote hearing. All nonagreed continuances shall be submitted to this Court via audio/video conference.

## **(c) Exhibits**

All exhibits and documentary evidence should be listed on the attached Exhibit List. This applies whether the hearing is via video or in-person. The Exhibit List and all marked exhibits shall be provided to the following people by 4:00 p.m. the business day before the hearing, whether the hearing is in-person or via remote means:

- The Court<sup>1</sup> (see footnote);
- The Opposing Party; and
- Any witness that may need to refer to the document, unless that witness is an opposing party represented by counsel.

Documents will not be viewed by the Court unless offered. A document is not admitted unless it is admitted in the hearing and/or trial. Failure to provide an exhibit list and exchange exhibits as required herein may result in the exhibit being excluded from evidence, unless there is good cause shown for failure to do so.

Documents required by local rules for support shall be marked and exchanged in this manner. These documents are:

- Summary statement of monthly income and expenses.
- All payroll stubs or wage statements for the past three months.
- If self-employed, all profit and loss statements, balance sheets, income statements, and/or other evidence of earnings for the previous 12 months.
- Federal Income Tax Returns including all attachments and schedules for the 2 years immediately prior to the hearing, or if a return has not been prepared and filed for a particular year all W-2's, 1099's, K-1's, and other evidence of income for such a year.
- Financial Statements filed by the parties with any financial institutions within the past two years.

However, parties shall not require such documents if there is no reasonable dispute as to income or if income can reasonably be ascertained by other means. Parties should cooperate if Local Rules Documents are not readily available. This Court can retroactively cure any misrepresentation and/or misunderstanding about income retroactively and/or take other appropriate actions, unless the matter is a final trial.

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<sup>1</sup> We are getting something similar to a Dropbox, Until then, please send all documents that are not voluminous, sensitive, and/or confidential to [kikramer@tarrantcounty.com](mailto:kikramer@tarrantcounty.com). Please do not send voluminous and/or confidential documents to this email address. This is especially important with HIPAA-protected documents. Please watch for updates.

#### **(d) Access to Courts**

Hearings held remotely may take place with the Judge on the bench or the hearing/trial will be broadcast in the Courtroom. If a hearing does not take place in the Courtroom or is not broadcast in the Courtroom, it will be on the YouTube channel for the Court.

#### **(e) Software and Equipment**

It is the responsibility of each attorney and/or self-represented litigant to ensure that all attorneys, parties and/or witnesses have Zoom downloaded on a device. All attorneys, parties, and/or witnesses shall have working cameras and microphones. If a party or witness does not have access to a device where he or she may appear via video on Zoom, the attorneys shall inform each other and the Court **as soon as he or she is aware of the same**. In its discretion, the Court may choose to exclude a witness that does not have proper audio and/or video access.

All participants shall mute audio to the proceedings unless the participant is speaking in the hearing. The proceedings shall not be recorded by anyone except an official court reporter. A court reporter will make a record when required by law.

#### **(f) In-person Hearings**

Except for Child Protective Services final trials on the merits where termination of parental rights is sought, no hearings or trials shall be in person, unless a party shows good cause AND that matter is essential as defined by the Texas Supreme Court. If all parents for whom termination is sought agree to a remote trial, this Court will have a remote final trial.

Even if the proceeding is in person, exhibit lists and exhibits must be exchanged in the manner prescribed in Section (c).

For in-person hearings, you must provide the Court with a Witness List by 4:00 p.m. 2 business days before any live hearing. The parties must also provide a list of all persons they expect to be in the Courtroom. Observers may have to watch the proceeding remotely. The witness list shall inform the Court if any witnesses live in the same household. The bailiff will use this list to ensure witnesses are appropriately socially distanced. You may not have your paralegal at counsel table. If you intend to have more than one attorney at counsel table, you must inform the Court by 4:00 p.m. 2 business days before the proceeding. The witness will testify from counsel table. Documents will not be exchanged during the hearing and/or trial. Counsel will not be allowed to approach the witness and/or the bench.

This Court may allow certain witnesses to be remote such as witnesses authenticating documents.

#### **(g) CPS Reviews**

CPS Reviews shall be by remote hearing only. Participants will be allowed to appear by audio only means without permission of the Court.

## **(h) Witnesses/Subpoenas**

Unless it is an in-person hearing, a witness should be subpoenaed to appear before this Court at a Zoom hearing. The witness shall be directed to produce the documents in the manner designated by this Court in Section (c), whether the hearing is remote or in-person. Please see also Footnote 1 to Section (c).

## **(i) Notice of Hearings**

All Notices of Hearings shall indicate the date, time, and Zoom hearing information to access the Zoom hearing unless the Court has ordered an in-person hearing. Please leave 1 ½” vertical space where the Court may insert a 1” x 2.63” label with Zoom hearing information. Please also attach the document entitled “Information Required for Zoom Hearing” to the document.

## **(j) Cooperation**

The parties should be mindful of the following Tarrant County Family Court Local Rule regarding stipulations as to facts and documents:

(4) Stipulations. It is the responsibility of each attorney to stipulate to all accurate facts not in dispute and to waive formal proof as to any documents to be introduced about which there is no reasonable dispute as to authenticity.

Please communicate with opposing counsel. Please let the Court know if you have settled the case or if you believe that the time allotted for your hearing needs to be changed. Unless otherwise requested, temporary hearings will be set for either 30 minutes or 60 minutes.

Please reply to emails asking for information by court staff with answers responsive to the Court staff’s questions. Please do not argue with opposing counsel via email copied to Court staff. Disputes should be set for a remote conference with a judge. Please do not send more than one email per topic. Voicemails go to email. Please do not leave a voicemail and an email for one topic. Multiple emails clog the system and make it take longer to serve you.

## **(k) Mandatory Items for Remote Hearings**

- How long do you want the orders heard to be? For example, do you want an interim order through June? Temporary Orders or Final Orders;
- List of Disputed Facts (Custody, Access, Support, Property, etc.) This should not include facts or arguments. Just a few words as the issues in dispute;
- Exhibit List in the manner prescribed 24 hours before the hearing;
- Witness List if in person; and
- Unless agreed, documents required by Local Rules. These should be marked and listed on your Exhibit List. Please stipulate and cooperate when possible.

**(l) Helpful Items for Remote Hearings**

- Summaries of Requested Relief;
- Partial agreements;
- Stipulated Facts (you are bound by these);
- Stipulation as to the foundation of documents;
- Stipulations as to the admissibility of documents (you will not be bound if you stipulate during this period); and/or
- Summaries of testimony.

Please remember that if you are using a summary of testimony in lieu of direct examination, you must still have the witness available for cross-examination. The other side can make evidentiary objections to the summaries, such as hearsay.

**(m) Uncontested Matters**

All agreed orders shall be emailed to [bdmacias@tarrantcounty.com](mailto:bdmacias@tarrantcounty.com) with all necessary signatures. If the Court has questions, this Court will set up a remote conference. Please let the coordinator know the best way to reach you when you email an uncontested order.

**(n) Defaults**

Defaults will be heard remotely and must be scheduled with the Court Coordinator at least one day before the default. Please estimate the time needed for the default. Please let the Court Reporter know that a Court Reporter is needed. Please send all exhibits as set forth in Section (c). Please submit a proposed order to the Court Coordinator or via e filing.

**(o) Spring Break and Summer Access**

Spring Break Access and Summer Access in 2020 shall be as per the school calendar before the COVID-19 policies. If summer school is required, the parent who has possession shall ensure the child goes to school as required by the school in which the child was enrolled before the COVID-19 changes. The parent in possession shall take care of all day-to-day educational needs while he or she is in possession of the child or children. Day-to-day education does NOT include changing schools in which the child was enrolled before the COVID-19 changes. If there is summer school in 2020 that interferes with the noncustodial parent's summer access, the noncustodial parent may designate his or her summer access within 48 hours after he or she becomes aware of the dates the child must attend school during the summer if he or she so desires.

There are general guidelines that the parties are expected to follow during this time. It is anticipated that even when the Courthouse opens, there may be limitations placed on the number of people in the Courtroom and the exchange of papers. The Exhibit List has always been a part of this Court's pretrial scheduling order. It will remain necessary. It may remain necessary to continue to exchange exhibits electronically to avoid passing papers around the courtroom, even when in-person hearings and trials resumes. Witness lists for social distancing and other in-person hearing protocols may remain in effect after the Courthouse opens.

Please be patient with the Court and with each other during this time and the time to follow.

Signed on this 6<sup>th</sup> day of April, 2020.

A handwritten signature in purple ink, appearing to read "C. R. Gunt", written over a horizontal line.

Judge Presiding



Attachment to All Temporary Restraining Orders  
And Notices of Hearing (This may also be used as a Notice of Hearing).

This hearing shall occur on \_\_\_\_\_ at \_\_\_\_\_ .m. before the 360<sup>th</sup> Associate or District Court of Tarrant County, Texas via Zoom Meeting. The parties and witnesses are instructed to log in five minutes before the meeting is scheduled to begin and wait for the Court to allow you in the hearing at this address \_\_\_\_\_ or using this Zoom meeting ID \_\_\_\_\_.

**ALL PARTIES, ATTORNEYS, AND WITNESSES MUST UPLOAD THE FREE ZOOM APP BEFORE THE HEARING AND ENSURE THAT THEIR CAMERA AND MICROPHONE WORK.** If you or your witness does not have the technology to appear by computer, please email [BDMacias@tarrantcounty.com](mailto:BDMacias@tarrantcounty.com) for details on how to call in. **YOU DO NOT NEED TO USE A PAID ZOOM ACCOUNT.** A free Zoom account will be sufficient.

If there is a request for documents, they must be produced and exchanged as set forth in paragraph (c) of “**360<sup>TH</sup> DISTRICT COURT’S SPECIFIC GUIDELINES FOR EMERGENCY PROCEDURES.**” Likewise, all exhibits shall be produced and exchanged pursuant to that paragraph. A link to these guidelines can be found here:

<https://www.tarrantcounty.com/en/family-courts/360th-district-court.html>

Please remember that when you are in this hearing, you are remotely in a Court of Law and you must dress in a respectful manner. You are not expected to wear suits; however, business casual is expected. Please be sure that you are in a room alone without distractions. If you intend to call a witness, you must give the witness the Zoom hearing address and that witness must be in a different room with his or her own device.