

**233<sup>RD</sup> District Court  
Policies and Procedures**

**1. COURT SCHEDULING**

- A. Hours:** This Court will conduct business from 7:30 a.m. to 4:30 p.m. on all days the courthouse is open. The Judge and Associate Judge will generally be available for earlier or later appointments as may be scheduled in advance and with the agreement of all parties involved. The Court may alter normal hours of operation during holidays and at such times as a Visiting Judge is assigned.
- B. Court Reporter Availability:** The Official Reporter of the Court will be available during normal hours to the District Judge. Arrangements for the attendance of the Official Reporter for early or late appointments must be made in advance and are subject to the agreement of the reporter. A court reporter will be available during normal hours to the Associate Judge on Fridays. (The attorneys must make arrangements for a court reporter in the Associate Court on all other days.)
- C. Scheduling:** All trials and hearings will be scheduled by the court's coordinator.
- D. Chamber Conferences:** On request, and with reasonable notice, both Courts will be available for conference as early as 7:00 a.m.. Attorneys scheduling conferences regarding pending cases should notify all other parties of the conference and be prepared to demonstrate proof of such notice at the time of the conference.
- E. Open Docket:** Beginning at 8:30 a.m., Judge Harris will hear any matter where the time required is not significant. Matters that may be addressed at this open docket include, but are not limited to:
1. Prove-ups for final disposition of cases;
  2. Motions to Withdraw as Attorney of Record;
  3. Motions for Special/Preferential Setting;
  4. Motions for Social Study;
  5. Motions for Mediation;
  6. Default *nihil dicit* proceedings where the non-attendance of the other party is a near certainty; and
  7. Motions for Continuance.
    - a. Judge Harris will hear motions for continuance for settings scheduled on his docket.
    - b. Judge Haddock will hear motions for continuance for settings scheduled on her docket.
- F. Notice:** It will be the responsibility of the moving party to give such notice as may be required by law on the matter in question to all parties as to the time and date the matter

will be presented to the court. The moving party should be prepared to offer proof of actual notice to any interested party at the time of presentment of the matter to the court. The moving party should provide a proposed order at the time that the matter is presented to the court. See also Tarrant County Local Rule 4.01(e).

## II. SUBMISSION OF DECREES AND/OR ORDERS

- A. District Court Orders:** This court requires that the rendition of the District Court be reduced to a written order or decree within 60 days of the date of the rendition. Failure to reduce the rendition of the court to a written order or decree within 60 days of the date of the rendition will result in the dismissal of the case for want of prosecution, sanctions against the offending attorney and/or party, or both. All orders presented for signature shall be accompanied by the Court's jacket (file). In the event that there is a dispute as to the form and/or content of a proposed order or decree, a motion to enter the order or decree should be filed before the expiration of the 60-day period and a hearing shall be requested at the time of the filing of the motion to enter the order or decree. Failure to act in good faith in the approval of an order or decree as to form and/or content may result in the imposition of sanctions against the offending attorney and/or party.
- B. Associate Court Orders:** The decisions of the Associate Judge must be reduced to a written order and submitted to the Associate Judge within 14 days of the date of the Associate Judge's report/recommendation. The Associate Judge will sign said orders 10 days after receipt absent written objection. In the event of an objection, the Associate Judge will contact the attorneys by telephone to resolve the objections. Failure to present orders within the 14-day period may result in the case being placed on the dismissal docket. The Associate Court prefers that reports reflecting an agreement of the parties be presented on the pink form attached as Appendix "A". Failure to act in good faith in the approval of an order as to form, content, or both may result in the imposition of sanctions against the offending attorney and/or party.
- C. Commitment Orders:** In contempt matters where the Movant pleads for incarceration of Respondent, it is necessary that commitment orders be presented to the court prior to beginning the trial. The court will begin no contempt trial without said commitment orders.

## III. REQUESTS FOR FINAL TRIAL SETTINGS

- A. Requests for Trial Settings:** Cases may be set for trial on written request and representation of any party that the case will be ready for trial *during the week requested*. Requests shall be made for a specific trial week ( a week begins on a Monday), at least 75 days from the date of the request using the form attached as Appendix "B". Any objection to the request for setting must be filed within seven (7)

days of receipt of the request for setting. Objections to a setting request must be specific and in writing.

If the trial request will be accommodated, all parties will be notified by the Court Coordinator of the exact date and time of the trial setting. ***In that event, the parties and their attorneys are expected to be ready and available for trial on the date and at the time set.*** The trial setting request is valid only for the week requested. In the event the case is not called to trial by the Court during the week requested, it is necessary to submit a subsequent trial setting request or a request for a special setting (see below).

- B. Special Settings:** Upon the presentation of a Motion for Special Setting, both the District Judge and the Associate Judge will grant a motion to specially set any case for final trial. Hearings on matters referred to the Associate Judge may also be specially set for a specific date and time upon request.

#### **IV. STATUS CONFERENCES**

The Court may, on a case by case basis, notice the parties for a status conference at any time during the pendency of the case. Attorneys and pro se parties will meet with the Associate Judge on the date and at the time specified in the notice and will be required to discuss and disclose to the court that information as set out in the form attached as Appendix "C". Failure of any attorney or pro se party to attend such conference or the failure to provide the information requested by the Court may result in the imposition of sanctions against the offending attorney/party. *Status conferences do not continue or alter a trial setting.*

#### **V. DISMISSAL DOCKET**

Any request for removal from the dismissal docket will be made in person to the Court Coordinator. No case will be removed from the dismissal docket unless:

1. the case is settled and a final order presented to the Court for signature prior to the date of dismissal;
2. the case is continued to a specific date set by the Court; or
3. other extraordinary reasons.

#### **VI. MOTIONS FOR CONTINUANCE**

A trial date shall not be postponed or changed without the consent of the Court scheduled to hear the trial. Except as hereinafter provided, any motion for continuance must be verified and filed no later than the Wednesday preceding the trial date and will be heard by the District Judge in the courtroom at 8:00 a.m. on the Thursday preceding the trial date. Any motion for continuance based upon facts arising on or after the Wednesday preceding the trial date will be filed as soon as possible and will be heard at a time to be set by the District Judge. Parties are not required to be present for the hearing on any **first** Motion for Continuance; however, parties are

required to be present at any hearing for subsequent requests for continuance. See also Tarrant County Local Rule 4.06(b).

## **VII. TRIAL PROCEDURE**

- A. Pre-Trial Conference:** For any trial expected to exceed two (2) days or any matter set before a jury, attorneys/pro se parties will be required to request and schedule a pre-trial conference not less than forty-five (45) days prior to the trial date. See also Tarrant County Local Rule 4.01(b).
- B. Pleas:** Any party filing special exceptions, pleas in abatement or other dilatory pleas shall request and obtain a hearing on such pleas at least 30 days prior to the trial date or as soon as possible after the pleading is filed if the pleading is filed within 30 days of the trial date. Any such matters not heard at least 30 days prior to the trial date are waived. See also Tarrant County Local Rule 4.01(c).
- C. Pre-Trial Procedure:** At the time the parties report for trial, they will deliver to the Court and the other parties a witness list, exhibit list, and any motion requiring the attention of the Court prior to trial. Prior to commencement of trial, all exhibits should be marked, exchanged, and examined by counsel so that the trial will not be delayed by such examination.
- D. Stipulations:** It is the responsibility of each attorney practicing before the courts of Tarrant County to stipulate to facts which are not in dispute and to waive formal proof as to any documents to be introduced about which there is no dispute as to authenticity. See also Tarrant County Local Rule 4.01(d).

## **VIII. TRIAL PREPARATION**

Failure to comply with the preparation guidelines required by the court and the Tarrant County Local Court Rules may result in the case being passed; sanctions being imposed on the offending attorney/party; limitations being imposed as to the offer of evidence relating to the area of preparation not complied with; and/or dismissal of the case for want of prosecution.

- A. Temporary Orders:** Each party is required to provide the court with the following documents immediately prior to the commencement of any hearing for temporary orders:
  - 1. Completed temporary orders financial information sheets, expense and income, in the form provided in the courtroom.
  - 2. At least three of the parties' most recent paycheck stubs; the parties' most recent I.R.S. form 1040 with supporting schedules; or P&L statements for the past 6 months for any party who is self-employed.
  - 3. A calculation of guideline child support, if appropriate.
  - 4. A proposed child possession schedule, if a standard possession schedule is an issue.

5. A proposal for temporary possession of property, if temporary possession of property is an issue.

**B. Final Trial:** Each party is required to provide the court, and the other party, with the following documents immediately prior to the commencement of any final trial, whether before the District Judge or the Associate Judge:

1. Financial information sheets, expense and income.
2. At least three of the parties' most recent paycheck stubs; the parties' most recent I.R.S. form 1040 with supporting schedules; or P&L statements for the past 6 months for any party who is self-employed.
3. A written calculation of guideline child support, if child support is an issue.
4. A written proposed possession schedule, if a standard possession order is an issue.
5. A written proposal for division of the marital estate, if division of property is an issue.
6. An exhibit list. Parties must pre-mark and allow inspection of all exhibits by the opposing party at least 48 hours prior to the commencement of trial. Each party should be prepared to agree or object to the offer of exhibits without prolonged delay for examination of the exhibit.
7. A witness list.
8. If division of property and/or debt is an issue, each party shall file with the court a sworn inventory and appraisalment of all of the parties' property and debt, community and separate, at least 14 days prior to the time of trial. Each party shall provide the other party with a copy of such inventory and appraisalment at least 14 days prior to the time of trial.

## **IX. PUNCTUALITY**

Each party and the attorneys shall be present in the courtroom on the date and at the time the case is set to be heard. The Court may commence the proceeding at the scheduled time even if all parties and counsel are not present. The Court will sign default decrees and capias orders 30 minutes after the time the case is set to be heard. In contempt cases, the Court will dismiss the alleged contemnor 30 minutes after the time the case is set to be heard if the movant is not present and prepared to prosecute. See also Tarrant County Local Rule 4.05(a).

## **X. COMMUNICATION**

Lawyers and pro se litigants are obligated to keep the court aware of their current address, telephone number, and facsimile number. All changes in address, telephone or facsimile should be made in writing with the office of the Tarrant County District Clerk, 3rd Floor, Family Law Center, 200 East Weatherford Street, Fort Worth, Texas 76196. Since the ability of the court to communicate with attorneys and pro se litigants depends on accurate contact information, the court may treat failure to provide accurate address, telephone, and facsimile information as negligence for the purposes of post trial and/or post judgment matters.

## **XI. MEDIATION**

Mediation is encouraged for the resolution and final disposition of cases and is preferred to trial as a matter of Texas judicial and legislative policy. This court will appoint a private mediator upon proper motion to the Court, either on the Court's own motion or after notice and hearing. While the parties are welcome to make use of public mediation services, the court will not sign orders requiring the use of public mediation services. See also Tarrant County Local Rule 4.01(a).

## **XII. TYPES OF CASES HANDLED BY THE ASSOCIATE JUDGE**

The Associate Judge will handle temporary hearings on original and modification actions and any other matter referred by the District Court as authorized by the Texas Family Code. Such matters include, but are not limited to, requests for temporary orders in any case, motions to transfer, motions for enforcement or contempt, applications for a protective order (whether family violence or discovery), discovery matters, motions to compel or for sanctions, motions for judgment or to sign orders if the matter was heard by the Associate Judge, pre-trial conferences, motions to modify temporary or final orders, except for final custody modification, and any other matter referred by the District Court. See also Tarrant County Local Rule 4.05(a).

The Associate Judge may hear the final trial of any matter if the parties agree in writing and submit the form attached (Appendix "D"). The parties (through their attorneys) are responsible for the arrangement of a reporter for the final trial unless the parties waive the requirement of a record. See also Tarrant County Local Rule 4.03(b).

\*Copies of the Tarrant County Local Rules are available at [www.tarrantcounty.com](http://www.tarrantcounty.com) following the appropriate links.

**APPENDIX "A"**

**ASSOCIATE JUDGE'S REPORT**

CASE NO. 233-\_\_\_\_\_

Date: \_\_\_\_\_

IN THE 233<sup>RD</sup> JUDICIAL DISTRICT COURT  
OF TARRANT COUNTY, TEXAS

- Modification of \_\_\_\_\_ Dated \_\_\_\_\_
- Final (parties waived reporter and appeal to referring court)
- Temporary Orders

**1. APPEARANCES**

- Movant \_\_\_\_\_ in person       Respondent \_\_\_\_\_ in person
- Movant did not appear                       Respondent did not appear
- Atty: \_\_\_\_\_                       Atty: \_\_\_\_\_
- Other: \_\_\_\_\_

**2. CONSERVATORSHIP:**

- Joint Managing Conservators –
  - Primary Care To:                       Mother     Father     \_\_\_\_\_
  - Possession Schedule To:                       Mother     Father     \_\_\_\_\_
- Sole Managing Conservator                       Mother     Father     \_\_\_\_\_
- Possessory Conservator                       Mother     Father     \_\_\_\_\_
- Rights and Duties Attached

**3. POSSESSION SCHEDULE**

- Texas Family Code (Standard) § 153 Subchapter F                       Reasonable                       See Attached
- § 153.317 Alternative Possession Election
- Transportation: \_\_\_\_\_
- Other: \_\_\_\_\_

**4. CHILD SUPPORT**

- Mother     Father    Shall Pay Through the State Disbursement Unit \$ \_\_\_\_\_ PER \_\_\_\_\_
- ON \_\_\_\_\_ BEGINNING \_\_\_\_\_
- Wage Assignment     Yes     No
- Medical Insurance on Child(ren) Provided by                       Mother     Father     \_\_\_\_\_
- Uninsured Health Care Costs Paid:                       Equally     \_\_\_\_\_

**5. OTHER ORDERS AS TO CHILDREN**

- The parties are ORDERED to do the following:
- \_\_\_\_\_ Class – Each party shall bear their own costs for the class. The parties shall complete the class within \_\_\_\_\_ days of this report.
  - Social study ORDERED: Each party shall report to Family Court Services for processing on or before \_\_\_\_\_.
  - Parties/child(ren) shall undergo a minimum of 5 counseling sessions with \_\_\_\_\_. Each party shall call to set this up on or before \_\_\_\_\_. Fees shall be paid as follows: \_\_\_\_\_.
  - OTHER: \_\_\_\_\_

( ) Psychological Evaluation: Dr. \_\_\_\_\_ (Phone \_\_\_\_\_) shall conduct a comprehensive psychological evaluation in this matter on the following individuals:  
( ) Mother ( ) Father ( ) Other \_\_\_\_\_

6. **TEMPORARY SPOUSAL SUPPORT:**

( ) Wife ( ) Husband PAYS DIRECTLY TO SPOUSE AT \_\_\_\_\_  
\$ \_\_\_\_\_ PER \_\_\_\_\_ ON \_\_\_\_\_ BEGINNING \_\_\_\_\_

7. **TEMPORARY POSSESSION OF PROPERTY**

HUSBAND: \_\_\_\_\_  
WIFE: \_\_\_\_\_

8. **TEMPORARY PAYMENT OF DEBTS**

HUSBAND: \_\_\_\_\_  
WIFE: \_\_\_\_\_

9. **TEMPORARY INJUNCTION**

( ) Mutual Temporary Injunction as to Persons.  
( ) Mutual Temporary Injunction as to Property.

10. **MISCELLANEOUS**

( ) Mediation: Parties shall mediate all temporary and/or final issues on or before \_\_\_\_\_ with \_\_\_\_\_ . Parties shall arrange for mediation within 7 days of the date of this report and shall pay the costs of mediation equally.  
( ) Inventory and appraisal to be prepared and exchanged on or before \_\_\_\_\_ .  
( ) Other: \_\_\_\_\_

**Within 14 days of the date of this report, formal orders in conformity with this report shall be prepared by \_\_\_\_\_ and submitted to the Court and opposing counsel/pro se party.** Said orders shall be signed by the Court 10 days after receipt absent written objection from opposing counsel/pro se party. In the event of an objection, the attorney/pro se party shall schedule a telephone conference (initiated by counsel/pro se party objecting to the orders) with Judge Haddock to resolve the objections.

( ) This report reflects the agreement of the parties as evidenced by their signatures below.

\_\_\_\_\_  
*Movant*

\_\_\_\_\_  
*Respondent*

\_\_\_\_\_  
*Attorney for Movant* Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

\_\_\_\_\_  
*Attorney for Respondent* Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_

**SO ORDERED:**

\_\_\_\_\_  
**DIANE HADDOCK**  
Associate Judge, 233<sup>rd</sup> Judicial District Court  
Hearing commenced at \_\_\_\_\_ and ended at \_\_\_\_\_

**APPENDIX "B"**

**TO REQUEST A TRIAL SETTING IN THE 233RD DISTRICT COURT, THE FOLLOWING FORM  
WILL NEED TO BE SUMITTED USING ATTORNEY LETTERHEAD (OR PERSONAL  
LETTERHEAD IF THE PARTY DOES NOT HAVE AN ATTORNEY).**

(DATE)

TRIAL SETTING REQUEST

Cause No. 233- \_\_\_\_\_

Style of Case: \_\_\_\_\_

Week requested: \_\_\_\_\_

Estimated time to try entire case: \_\_\_\_\_

Issues (specify one or more): Divorce, property, debt, custody, possession/access, child support, spousal support, attorney's fees and costs

Out of town parties, counsel, or witnesses: No \_\_\_\_\_ Yes \_\_\_\_\_

Jury requested: No \_\_\_\_\_ Yes \_\_\_\_\_

Copies sent to (name and address): \_\_\_\_\_  
(Include a daytime telephone \_\_\_\_\_  
number for any pro se party.) \_\_\_\_\_  
\_\_\_\_\_

I understand that submission of this trial setting request is a representation to the Court that the case will be ready for trial during the week requested.

Respectfully submitted,

(Name of attorney)  
(State Bar Number)

**APPENDIX "C"**

Cause Number 233-\_\_\_\_\_

	*	In The District Court of
	*	Tarrant County, Texas
	*	233rd Judicial District

**NOTICE OF STATUS CONFERENCE**

On the Court's own motion, this matter is set for a status conference on \_\_\_\_\_ at \_\_\_\_\_ a.m. before the Honorable Diane Haddock in the Associate Judge's courtroom, 233rd Judicial District Court, fifth floor, Family Law Center, 200 East Weatherford Street, Fort Worth, Texas 76196. Each attorney of record, or pro se party, as applicable, is directed to appear at this conference. The attendance of a party represented by an attorney is not required.

The court will conduct this conference under Rule 166 of the Texas Rules of Civil Procedure. This is not a settlement conference, but the attorney attending the conference will be expected to have the actual authority to enter into stipulations and agreements regarding matters subject of the conference.

Each attorney/pro se party is required to provide the court with the following at the conference:

1. A statement of contested issues.
2. A discovery plan that includes the forms of discovery anticipated and the time required for the anticipated discovery.
3. A preliminary estimate as to the total amount of time that will be necessary to try the contested issues.
4. Calendar and scheduling information relating to attorneys, parties, and witnesses that are known or should be known at the time of the hearing.

Failure to adequately prepare for, attend this hearing, and provide the information requested may result in the imposition of sanctions including, but not necessarily limited to, those more specifically set out in Rule 215 of the Texas Rules of Civil Procedure. **Failure to attend this conference may result in a default judgment being granted against the party failing to appear or instant dismissal of the above referenced cause for want of prosecution pursuant to Rule 165a of the Texas Rules of Civil Procedure.**

Signed on \_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

Copies to:

**APPENDIX "D"**

CAUSE NO. 233- \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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IN THE DISTRICT COURT OF  
TARRANT COUNTY, TEXAS  
  
233<sup>RD</sup> JUDICIAL DISTRICT

**AGREED ORDER REFERRING  
FINAL TRIAL TO ASSOCIATE JUDGE**

On \_\_\_\_\_, the Court considered the parties' joint motion to refer the above referenced cause to the Associate Judge for final trial.

IT IS ORDERED that this cause is hereby referred to Associate Judge Diane Haddock to conduct a final trial on all matters before the court in this cause on \_\_\_\_\_ at \_\_\_\_\_ .m..

Pursuant to this order of referral, the Associate Judge will have all powers of the Judge of this court, including but not limited to the power to do the following things:

1. To conduct hearings;
2. To receive evidence;
3. To fix a time and place for the beginning and closing of any hearings;
4. To regulate all proceedings at every hearing before her;
5. To do all acts and take all measures necessary or proper for the efficient performance of her duties under the order of referral;
6. To require the production of evidence on all matters embraced in the order of referral, including but not limited to the production of books, papers, vouchers, documents, and other writings applicable thereto;
7. To rule on the admissibility of evidence and put witnesses under oath;
8. To examine witnesses, including the parties;
9. To make a record of the evidence offered and excluded in the same manner as provided for a court sitting in the trial of a case; and
10. To file a full and complete report to this Court.

The parties agree by their signatures hereto to waive a making of a reporter's record (unless they provide and pay for their own Court Reporter).

The parties stipulate and agree by their signatures hereto and it is therefore ORDERED that the parties will be bound by the findings and fact and conclusions of law to the same extent as if found and issued by the Court and specifically to waive the right to trial by jury and to except to such report and to waive their right to an appeal to the referring Judge pursuant to Section 54.012 of the Texas Government Code. The parties do not waive their right to appeal to an appellate court from the final judgment of the Associate Judge nor do they waive their right to present judgment motions to the Associate Judge.

IT IS FURTHER ORDERED that the final judgment in this cause shall be entered based upon the findings of fact and conclusions of law by the Associate Judge, which shall be adopted by the Court and that the Associate Judge shall have the power to hear and determine all post judgment motions.

SIGNED on \_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Respondent

\_\_\_\_\_  
Petitioner's Attorney

\_\_\_\_\_  
Respondent's Attorney