



Hopkins County Court at Law  
Phone (903) 438-4004 • Fax (903) 438-4107  
118 Church Street • Sulphur Springs, Texas 75482

## Court Policies for Family Law Cases

### **Proof of Notice:**

It is the responsibility of the parties, not the court or the clerk's office, to provide the other side with notice of any scheduled hearings. The party who schedules the hearing with the court coordinator must notify the other side and provide sufficient proof of notice to the court. Otherwise, the case will be reset and the party will be instructed to provide sufficient notice for the next hearing.

As a backup form of notice, the court will make efforts to send email reminders to all parties of court settings, if valid email addresses are provided to the court. However, this does not relieve the parties of their obligation to provide notice themselves.

### **Safety/Extra Security.**

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

### **Time Limits.**

Prior to beginning a contested hearing, the court will give both sides an appropriate and equal time limit, based on the nature of the case. As a general rule, both parties get **1 hour each to present their case in temporary** orders hearings and **2.5 hours each to present their case in final** orders hearings. Additional time will be granted sparingly and only for compelling reasons. Running out of time due to poor planning is not a compelling reason.

It is the responsibility of the parties to schedule their hearings for the appropriate length of time. A contested final orders hearing should be scheduled for 9:00 a.m. unless the court agrees to a later setting. The court coordinator will track the time used by each side, and can provide status updates as requested. Unless the judge is speaking or the court is in recess, one side or the other is on the clock at all times.

Jury trials will be scheduled on a case-by-case basis. Please notify the court coordinator immediately if you anticipate a trial by jury.

### **Hearings and Bench Trials.**

To set a hearing, please email the court coordinator at [CCL@hopkinscountytexas.org](mailto:CCL@hopkinscountytexas.org). 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 hearing with the date filled in. Remember that if you set the hearing, it is your responsibility to provide notice to the other parties.

### **Ex Parte Relief – TROs, etc.**

Attorneys may walk through requests for ex parte relief in person, however, the court's preference is for the attorneys to file their requests for ex parte relief electronically. If you file a motion requesting ex parte relief and submit your proposed order through e-filing, please call or e-mail the court coordinator 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.

**Do not request TROs that contain items that are in the standing orders. The court will reject 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.**

Before filing a TRO, the court expects the filing attorney to make a diligent effort to determine whether the other side has an attorney. If the other side does have an attorney, the filing attorney is expected to make a diligent effort to contact them before filing the TRO as a courtesy and to make reasonable accommodations regarding agreed orders, scheduling hearings, etc.

### **Child Interviews.**

If either party requests the court to interview a child, the court's default position is to grant the request and to conduct the interview in chambers, without attorneys present, unrecorded, but with the court coordinator serving as a witness. The court will deviate from its policy for sufficient cause. Please arrange to have the child brought to the courthouse by an adult who is not a party to the case. Please make arrangements to minimize disruption to the child's school activities.

### **Property Division, Spousal Support, or Payment of Expenses.**

If you are asking the court to divide property, you must provide, in writing, a proposed property division which lists all assets and debts. If you are asking the court to order spousal support or divide expenses, you must provide, in writing, all relevant financial information listing income and expenses.

### **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 an amount set by the Texas Family Code. 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.

### **Agreed Final Orders/Final Decree**

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. Prove-ups are not required for agreed orders 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;
2. All signatures and notaries are distinctive written signatures, not “/s/ Typed Name.”
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.

### **Default Judgments**

Before you can schedule a hearing to finalize a default judgment, you must complete a *Default Judgment Checklist* (found under Resource heading below) and file it with the Clerk's Office. Once it has been completed and filed, email the court coordinator at [ccl@hopkinscountytexas.org](mailto:ccl@hopkinscountytexas.org) 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.