



JUDGE KIM COOKS

THE 255TH JUDICIAL DISTRICT COURT POLICIES AND PROCEDURES

Judge Kim Cooks Presides Over: Final Trials by Jury or Judge, Contempt, Appeals from AJ and IV-D, Motions for New Trial, Bill of Review, Motion for Continuance regarding Final Trials, Motions to Enter Final Orders, Motions for Summary Judgment, and TDFPS 263 Hearings.

Associate Judge Scott Beauchamp Presides Over: All Temporary Order Hearings, TROs, Protective Orders, Receiverships, all Discovery Disputes, Writs of Attachment and Habeas Corpus, Reinstatements, Motions to Enter Temporary Orders, and Motions to Withdraw. Judge Beauchamp will also review self-represented litigant's final orders.

1. **Affidavit of Inability to Pay:** If the District Clerk files a motion contesting the Affidavit of Inability to Pay Costs, the motion will be heard by the Associate Judge.
2. **Appeal of Associate Judge's Report:** The Associate Judge's Report should be reduced to Temporary Orders and signed by the Associate Judge regardless of whether an appeal has been filed. The recommendations are in full force and effect and are an order of the Court. Once the Temporary Order is signed, it is enforceable by contempt. Temporary Orders should be prepared and presented to the Court within **fourteen days** of the hearing. The District Judge will hear the De Novo hearing upon its first setting with the District Court. The maximum time limit for a De Novo Hearing will be **one hour and thirty minutes**.
3. **Child Support:** All payments of child support shall be made through the Texas Child Support Disbursement Unit. Any Order for Child Support must be accompanied by a wage withholding order.
4. **Contempt:** Fridays at 9:00 a.m. A prepared contempt order and order of commitment is required at the hearing for contempt matters. If a party is seeking commitment to the Dallas County Jail and fails to provide a contempt order and commitment order at the hearing, the commitment will be suspended. If a party is unable to be represented by counsel at the time of the hearing, an Affidavit of Inability to Pay Cost must be filed with the Court. If the party is found to be indigent, an attorney will be appointed to represent that individual. Any party who is held in contempt may be ordered to pay fine and cost to Dallas County.
5. **Continuances:** If a continuance is agreed upon by all parties and communicated via email to the Court, the continuance may be granted with a new date from the

Court under certain circumstances. If a continuance is not agreed upon by all parties, a motion will need to be filed with the Court and set for hearing. Continuances will not be granted cases the court considers to have been pending for an extensive time.

6. **CPS Cases:** CPS cases will be heard by the Associate Judge each Thursday beginning at 1:30 p.m. The Attorney Ad Litem will be appointed at the ex parte hearing and Parents will be given notice of their right to be represented by an attorney or right to a court appointed an attorney if indigent. Court appointed attorneys must submit their bill in the attached format (See exhibit A) within 3 months of activity date if they desire the Court to pay the bill.
7. **Private Termination of Parent Child Relationship:** The Court requires the appointment of an attorney/guardian ad litem for the child/children and the fees are to be paid by the Movant.
8. **Decrees, Final Orders and Temporary Orders:** A Decree and Final Orders must be submitted on or before the date the case is set on the 8.02 enter order or dismissal docket. This 8.02 setting is a show/cause hearing. If the Decree or Final Order is not submitted on or before this date, the case will be dismissed. All Temporary Orders must be presented within **fourteen days** of the date of ruling with a ten day letter advising opposing counsel/party of their right to object within ten days or the order will be signed.
9. **Dismissals:** Dismissal Notices will be mailed to attorneys and self-represented litigants. An email request to retain the case on docket may be submitted to the Court Coordinator at deborah.nelson@dallascounty.org within one week prior to the dismissal date.
10. **Hearings and Final Trials:** All parties must provide the Court with a written copy of their requested relief prior to the start of the Hearing or Final Trial. The scheduling order is your guide up to the final trial. (exception is contempt cases)
11. **Telephonic Conferences:** The Court allows telephonic conference with attorneys if there is a minor issue that can be resolved by a short conference call.
12. **Telephone Appearance at Final Trial:** The Court allows phone appearances in rare circumstances. A motion will need to be presented requesting a party to make phone appearance.
13. **Family Violence:** In all cases involving children, the issue of family violence shall be addressed in both temporary and final order.
14. **Interviewing Children:** If the Court interviews a child, it will be done only by appointment after all testimony has been heard. Children should not come to the courthouse unless the parties are specifically directed to bring them to Court.
15. **Mediation:** Mediation is not mandatory in all contested cases. The Court may waive mediation if the trial is short with non-complex issues. The Court will appoint a mediator, or in the alternative the parties may agree on a qualified mediator. Typically costs of the mediator are assessed one-half to each party. Attorneys are required to attend mediation with Family Court Services.
16. **Name Change:** Only granted upon live testimony or complete written affidavit of non-appearing party sufficient to satisfy TEX FAM CODE §45.103.

17. **Parenting Classes:** Not required unless conservatorship or possession is contested. If contested, parties must attend an approved live parenting class and a certificate of completion must be filed with the Court.
18. **Paternity Issue in Divorce:** In a waiver divorce, if the wife is pregnant and the child is not the husband's; the husband has to acknowledge that he has received a copy of the pleadings that states that the mother is pregnant and the husband is not the biological father. In a non-waiver divorce, at the prove-up the husband has to acknowledge on record and in the decree signed by him, that the child is not his biological child.
19. **Protective Orders:** If a final protective Order is issued, the Respondent must come to the 255th District Court to be enrolled in the Family Violence Intervention Program.
20. **Prior SAPCR:** The Court prefers that a prior SAPCR be transferred into the divorce action, but the Court will accept reference of the prior SAPCR in a final decree of divorce with a copy of the prior SAPCR order attached. The Decree cannot address SAPCR issues if the prior SAPCR has not been transferred into the divorce action and the divorce pleadings do not request modification of SAPCR.
21. **Pre-Trial Scheduling Order:** A pretrial scheduling order shall be filled out and filed with the Court within 30 days of a case being filed. The Court Coordinator will provide the mediator, if one is not agreed upon by the parties, and the final trial date. In CPS cases the Associate Judge will fill out the pretrial scheduling order with dates, mediator date, and the Court Coordinator will provide the final trial date. Any case that has an answer filed with or without a pretrial scheduling order on file will be given a trial date by the Coordinator.
22. **Prove ups:** The Court will hear prove ups Monday through Friday beginning at 8:15 a.m. The Court will hear attorney prove ups any time the Court is available. Self-Represented Litigant prove ups will be heard on Fridays at 12:00 p.m.
23. **Residency Restriction:** If both parties live in Dallas County or contiguous counties at the time of the final order, there is a rebuttable presumption that a residency restriction is in the best interest of the child. The parties may agree to otherwise or based upon evidence that there is good cause not to have a residency restriction.
24. **Self-Represented Litigants:** All final orders must be approved in advance by the Associate Judge. The Associate Judge will set review hearings on Tuesdays, if necessary to obtain an approved final order. Prove ups for Self-Represented Litigants will be on Fridays at 11:30p.m.
25. **Settled Matters:** Please contact the court via email Deborah.nelson@dallascounty.org when a case has settled so that it can be removed from the docket.
26. **Child Custody Evaluations:** Child Custody Evaluations are appropriate in some contested custody and possession cases. Nonpayment or untimely payment of Child Custody Evaluation fees will not delay the trial of the case. A copy of the Child Custody Evaluation Report must be provided to the attorneys at least 30 days before trial if a private child custody evaluation was performed and 5 days

before trial if the Dallas County Domestic Relations Office performed the Child Custody Evaluation.

17. **Consolidated CPS Cases when Closed:** After the case is closed, any 255th Cases shall be sent back to the 255th Court so that the 255th Court can hear the 263 hearings. The 255th Court does not refer any cases to the Permanency Court.

***ALL POLICIES ARE SUBJECT TO
THE JUDGE'S DISCRETION***

EXHIBIT A

NO. _____

IN THE INTEREST OF

ANNIE

CHILDREN

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IN THE DISTRICT COURT

255TH JUDICIAL DISTRICT

DALLAS COUNTY, TEXAS

CERTIFICATE OF THE COURT

I, KIM COOKS, Judge of the 255th Judicial District Court of Dallas County Texas do hereby certify to the Commissioner's Court of Dallas County and the state that Attorney's Name, address, State Bar Number , an attorney of the Bar of this Court appointed in this case has represented the parent/child, (identify and name either the parent or child) _____, in said case before this Court, pursuant to section 107.011 and 107.0125 of the Texas Family Code. The Attorney appointed in said cause has actually appeared as indicated by the attached billing and has incurred expenses and fees in the amount of \$ _____. The Attorney is entitled to compensation of \$ _____, pursuant to Section 107.015 of the Texas Family Code with said fee thus being payable out of the General Fund of Dallas County and as certified on this the _____ day of _____, 2015.

By: _____
Judge Kim Cooks, 255th District Court