

Judge Vonda Bailey

255th JUDICIAL DISTRICT COURT POLICIES

(Please read the Dallas Family Courts Local Rules in addition to these policies.)

Judge Bailey Hears:

Final trials (jury & non-jury); final custody modifications; contempts; appeals from AJ and IV-D; motions for new trial; motions for continuance regarding any setting on her docket (via submission); summary judgments (via submission), bill of review, motions to set aside (final trial issues), and any matter not referred to AJ. For a setting on Judge Bailey's docket, except for final trials (jury & non-jury), email the Coordinator, Brittany King, at brittany.king@dallascounty.org. Final trials are set/reset by the AJ at the pretrial conference.

Associate Judge Jean Lee Hears:

All temporary hearings; TRO's; final Protective Orders; final modification hearings including child support and possession (excluding custody); Writs of Attachment and Habeas Corpus, all discovery disputes; any post judgment matter (except contempt), prove-ups, 8.02 order entry hearings for DJ and AJ, pretrial conferences, appeal conferences (not hearings), dismissal hearings and any other matter referred to the AJ by the DJ. To obtain a setting on Judge Lee's docket, call the Clerk at 214.653.6159.

The following motions shall be considered by the AJ and BY SUBMISSION ONLY (**DO NOT SET ON THE DOCKET**): Withdrawals, Substitutions, Reinstatements, Continuances, Alternative Services, Publications, and Consolidations. Please be advised that on all motions to withdraw, attorneys shall insert in the order their respective client's email address.

Virtual Hearings:

The Court will conduct hearings and trials in person or virtually. The manner in which a hearing is held is within the strict discretion of the Judge.

Appeals:

The Court will enforce the report of the Associate Judge pending appeal unless a stay is granted. The AJ will hold an appeal conference within 30 days from the date the de novo is filed for the purpose of scheduling a de novo hearing before the DJ. Contact the Coordinator or AJ for a setting.

Child Custody Evaluation:

Required in all contested custody and significant access and possession cases. Fees to be set by Court based upon income of the parties. Mediation is required within 60 days of the CCE completion date. A final trial date may not be obtained until after mediation. Failure to participate or pay for a CCE as ordered may result in the non-participant's pleadings being stricken and/or sanctions.

Child Support:

All child support orders shall be payable to the Texas Central Disbursement Unit. The Court will not sign any child support order (including temporary orders) that is not accompanied by a wage withholding order (see TEX FAM CODE §154.001). The Court finds that child support is in the best interest of the child and shall be ordered in every case.

Contact Information:

All attorneys and self-represented litigants must provide the Clerk with their e-mail address in writing.

Self-Represented Litigants:

All self-representing litigant cases shall be heard by Judge Lee. Judge Lee accepts walk-ins for self represented litigants without an appointment or setting on Wednesdays at 9:30a.m. for immediate

assistance. A final order or decree may also be submitted to the clerks for submission review by Judge Lee. All default cases shall be proved up on the record with Judge Lee.

Contempt:

No motion for contempt seeking punishment will be heard without a proposed contempt order and order of commitment. Failure to provide a proposed order at least 48 hours before a hearing may result in the case being dismissed. To obtain a setting, please contact the Court Coordinator.

Continuances:

No continuance or pass of any matter will be granted without obtaining a new date from the Court. No case will be withdrawn from the docket without the specific agreement of both sides communicated to the Court prior to beginning of hearing/trial or the granting of a continuance by the Court. Please be advised that the Court will generally grant all first-time requests for a continuance in alignment with the Lawyers Creed. Emergencies and statutory deadlines will be carefully considered when determining a continuance.

Dismissals:

Dismissal dockets are held Friday mornings at 9:30 a.m. with Judge Lee and the Coordinator. Within one week of an original filing or a filing to reopen a closed case, all cases are set on the dismissal docket. Notice will be mailed or emailed to all active attorneys/pro se parties. Attorneys/self-represented parties filing an answer should check with the Court for the dismissal date and ensure that a current email address is on file with the Court. A written request to retain on the docket may be submitted within one week prior to the dismissal date. All requests to retain must be submitted to the Court prior to the dismissal hearing or the case will be dismissed. A request to retain may be e-mailed to the Coordinator (brittany.king@dallascounty.org). **Each case is limited to two dismissal settings.**

Exhibits and Requested Relief:

Judge Bailey requires that all exhibits for final trial be pre-admitted prior to final trial. A status conference with the Court shall be scheduled with the AJ before final trial with the District Judge to generally address pretrial issues per TRCP 166 and to address exhibit. A list of stipulated exhibits shall be provided to the Court at the conference. The Court will address all matters regarding exhibits at the conference, including deciding on the admissibility of non-agreed exhibits. **No exhibits will be admitted at final trial that are not stipulated to or pre-admitted at the trial conference.** All stipulated and pre-admitted exhibits and requested relief for final trials shall be submitted, at least 48 hours prior to trial, directly to the Court's official reporter, Joie Rivera, either by USB drive or email at joie.rivera@dallascounty.org per the pretrial/scheduling order. **No paper exhibits are accepted.**

Exhibits for hearings, other than final trials, must be submitted directly to the Court's official reporter, Joie Rivera, either by USB drive or email at joie.rivera@dallascounty.org. **No paper exhibits are accepted.**

Final Order:

Upon rendition or announcement of settlement, the case shall be placed on a dismissal docket in accordance with Local Rule 8.02 and heard by the AJ. This hearing date will serve as a date to enter the order if no agreed order is submitted prior to this hearing date. This hearing date may only be reset upon the agreement of all parties. **Each case is limited to two 8.02 Order Entry settings.**

Permanency Court:

The 255th Judicial District Court will utilize the Dallas County Protection and Permanency Court. Cases will be referred and monitored by Judge Lee on a case-by-case basis.

Proper Usage of Pronouns

It is the policy and requirement of this Court to address all individuals by preferred pronouns. The 255th Court is inclusive of all genders and sexual orientations and expects all individuals before it to respect the preferred pronouns of others, such as he/him/his, she/her/hers, and they/them.

Public Defender:

The 255th Judicial District Court will utilize the Dallas County Public Defenders Office. Cases will be referred and monitored by Judge Lee on a case-by-case basis.

CPS Billing:

CPS billing and invoices shall be submitted to Judge Lee for initial review and final approval by Judge Bailey.

Interpreter:

The Court will provide an interpreter for all *uncontested* hearings upon request if the parties are indigent to request an interpreter, e-mail the Coordinator a minimum of 7 working days prior to the hearing. Cancellations must be made 24 hours before the hearing. Failure to provide adequate notice of cancellation may result in the assessing of the interpreter fee to one or both parties.

Interviewing Children:

If the Court interviews a child, it will be done only by appointment ***after*** all testimony is heard. Children shall not be brought to the courthouse unless specifically directed to do so by the Court. The Court reserves the right to have Family Court Services interview a child.

Mediation:

Mediation is **mandatory** in all contested cases, except the Court may waive mediation within its own discretion if the case presents with non-complex issues. Mediation waiver is completely within the discretion of the Court. Attorneys are required to attend FCS mediation or be available by phone unless prior to mediation a TRCP Rule 11 agreement is filed waiving the right to rescind the MSA because the attorneys did not appear and/or sign it. Failure to attend mediation within the timeframe scheduled by the Court **shall** result in your trial date being removed from the trial docket or in the alternative, your case may be dismissed. You must mediate and schedule another pretrial to obtain another trial setting if your case is removed from the trial docket. Any party who fails to comply with the mediation requirement of the Court is subject to being sanctioned, assessed attorneys fees, having their pleadings stricken or any other remedy the Court deems to be appropriate.

Whether a case settles in mediation, or an impasse is called, each mediator shall file a status letter with the Court upon conclusion of mediation.

Name Change:

In a divorce suit, restoration of maiden name only granted upon live testimony or written affidavit of non-appearing party sufficient to satisfy TEX FAM CODE §45.103. Petitions for name changes require a fingerprint card and background check by the Texas Department of Public Safety.

Parenting Classes:

Required in contested cases but can be waived by the Court. Approved programs include but not limited to the following: Between Two Homes, For Kids Sake, Children In The Middle, and Families First.

Prior SAPCR:

Transfer of prior SAPCR into divorce is preferred procedure and at the Court's discretion. In limited circumstances, the Court may accept reference of prior matter in divorce decree with a certified copy of prior order attached. Terms of prior SAPCR order cannot be modified by divorce decree if only attaching the prior order. It must be consolidated to be modified.

Writ of Commitment

Failure to provide a proposed order at least 48 hours before a hearing may result in the case being dismissed. The party requesting commitment to jail shall be solely responsible for the \$158.00 payment of the writ issuance. The \$158.00 payment shall be made directly to the clerks.

Pre-trials:

Pre-trial settings are held Monday afternoons with Judge Lee. **A request for a pre-trial hearing raises a presumption that the requesting party is ready for trial and therefore must be prepared to go to trial in 45 days.** If custody is an issue, a custody evaluation must be completed and parties shall attend mediation within 60 days after the custody evaluation is completed. Failure to appear at pre-trial hearing could result in dismissal for want of prosecution or a default judgment entered (see Dallas Family Court Local Rule 5.03). **Each case is limited to two pretrial conferences.** Trials will be set within 45 days of a pretrial hearing (subject to Court availability). Failure to appear at a pretrial hearing may result in your case being dismissed.

Self-Represented Litigants (Divorces):

Self-represented litigants must submit final orders for approval with the AJ. Once approved and if an affidavit of testimony is filed, the Court will waive the prove up and consider the order by submission. Default orders shall be set for a prove-up.

Prove ups:

Prove-ups on the record may be scheduled on Judge Lee's docket on Fridays at 9:00 a.m. and held virtually. You may obtain a setting with the Court Coordinator. Failure to appear at a prove-up may result in your case being dismissed.

Residency Restrictions:

There is a rebuttable presumption that it is in the best interest of the child(ren), unless the parties agree in writing filed with the Court, that so long as the non-primary parent lives in Dallas County the residency of the children is restricted to Dallas County and contiguous counties.

Trial Settings and Time Limits for Final Trials:

Trial settings are obtained at the pre-trial hearing and set by the AJ. Time limits for final trials, both jury and non-jury, are set by the District Judge and strictly within her discretion and are non-negotiable. The pretrial order is an order of the District Judge and **may not be appealed** to the District Judge. All trial times are equalized between all parties including Amicus Attorney, OAG, etc. The Court does not entertain any motions or requests to extend time for trial.

Trial Issue(s)	Total Trial Time Allotted
Child/Medical Support, Access/Possession and/or Allocation of R/D	30 Minutes
Custody + any other SAPCR issues	1 Hour
Divorce with Property	1 Hour
Divorce with Property + SAPCR issues	2 Hours
Jury Trials	1 Hour per side + 15 Minutes for Voir Dire

Requirement to Conference:

All parties are required to conference regarding the case, including possible settlement, before the start of trial. A request to conference after the scheduled start time of trial will be denied. Attorneys and litigants are expected to be prepared for trial and to be timely. Failure to be present at final trial at the scheduled start time may result in the case being dismissed or sanctions assessed against the untimely attorney/litigant.

Notice to Attorneys and Litigants:

Although District Judges *may* sign orders from other courts, the 255th District Court is **NOT** allowed to sign orders from the 254th District Court, including agreed orders, per the request of the 254th District Court Judge.

Judge Jean Lee

POLICIES AND PROCEDURES

Electronic hearings before the 255th Court Associate Judge:

Email exhibits to jean.lee@dallascounty.org. There are no deadlines to tender exhibits.

To log in to electronic hearings: Go to [zoom.com](https://zoom.us) to log in for virtual/ electronic hearings. For AM settings, unless otherwise specified, use Zoom ID 915 9144 2553. For PM settings, unless otherwise specified, use Zoom ID 939 5552 6469. For Dismissal for Want of Prosecution (DWOP), Entry Hearings and Prove-Up settings, use Zoom ID 961 1106 4392.

Ex Parte Motions:

Ex Parte Motions including applications for TRO, PO or any other emergency motion may be presented to the AJ via zoom or considered via submission. A certificate of conference is required per the Local Rules and a 2-hour notice requirement to any opposing attorney of record is required before presenting the emergency motion.

Orders/Notices/Orders to Appear:

All orders, NOH, OTA, etc. shall be signed electronically. The order may be emailed to the Court Coordinator or to the AJ for consideration.

In-person hearings before the 255th Court Associate Judge:

Exhibits may be presented in court. There are no deadlines to tender exhibits.

The 255th District Court Associate Judge's court is located in the George Allen Courts Building at 600 Commerce Street, Dallas, Texas 75202, 4th Floor. The Court's designated point of contact is by email at brittany.king@dallascounty.org.

For general information, you may contact the court clerk for the 255th District Court.