

# 301<sup>st</sup> Judicial District Court

## Judge Mary Brown, presiding

### Court Policies

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

#### **Judge Brown Hears:**

Final trials (jury & non-jury); final custody modifications; contempts; appeals from AJ and IV-D; motions for new trial; m/continuance regarding any setting on her docket; summary judgments and other dispositive motions, bill of review, and any matter not referred to AJ. To obtain a setting on Judge Brown's docket, email the Coordinator at [cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)

#### **Associate Judge Ten Eyck Hears:**

All temporary hearings; TRO's; final Protective Orders; final modification hearings including child support and possession but not custody; Writs of Attachment and Habeas Corpus, all discovery disputes; any post judgment matter (except contempt). To obtain a setting on Judge Ten Eyck's docket, call the Clerk at 214.653.7385.

#### **Appeals:**

The Court will enforce the report of the Associate Judge pending appeal unless a stay is granted. Upon request, the Court will schedule a 15-minute conference within 30 days to specially set a de novo hearing. The de novo hearing must occur within 90 days of the original hearing or it will be dismissed. Contact the Coordinator for a setting. Appeal conferences will be by remote appearance.

#### **Child Custody Evaluation:**

Required in all contested custody and significant possession cases. Fees to be set based upon income of the parties. Contact the Clerk for a setting or the parties may contact the Coordinator if there is an agreement to present that single issue by submission.

#### **Child Support:**

All new 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).

#### **Contact Information:**

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

#### **Contempt:**

No motion for contempt seeking punishment will be heard without a proposed contempt order and order of commitment. To obtain a setting, an Order to Appear must be walked through to be signed and then taken to the Coordinator for a setting in accordance with the Local Rules.

#### **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.

#### **Dismissals:**

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 to all active attorneys/pro se parties. 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 ([cnicholson@dallascounty.org](mailto:cnicholson@dallascounty.org)).

**Exhibits:**

Exhibits are to be submitted electronically to the Court Reporter regardless if the hearing is in-person or by remote appearance. Exhibits should be emailed to all counsel/pro se and the Court Reporter ([sbeheler@dallascounty.org](mailto:sbeheler@dallascounty.org)) no later than 2 business days before the hearing. The subject line of the email should be “*full cause number - Mother’s/Wife’s Exhibits \_\_\_\_\_*” or “*full cause number - Father’s/Husband’s Exhibits \_\_\_\_\_*”. The exhibits must be premarked/saved by exhibit number in PDF or MP3 format. For in-person trials, you may submit a courtesy copy to the Court but it is not required.

**Final Order:**

Upon rendition or announcement of settlement, the case will be placed on an entry docket in accordance with Local Rule 8.02. 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.

**Interpreter:**

The Court will provide an interpreter for all contested hearings upon request if the parties are indigent. To request an interpreter, e-mail the Coordinator a minimum of 5 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 assessment 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.

**Mediation:**

Mediation is mandatory in all contested cases, except the Court may waive mediation if the trial is short with non-complex issues. 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.

**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.

**Notice of Hearing:**

All Notices must be in compliance with the Rules and state whether the hearing is to be in person or by remote appearance. The remote appearance information must be contained in the Notice of Hearing. The Court will not send out Zoom links prior to the hearing.

**Observing Court Proceedings:**

The courtrooms are open to all who wish to view proceedings that occur in person or by remote appearance. You do not have to make any prior arrangements to appear and observe court proceedings. Dockets generally start at 9:00 a.m. and 1:30 p.m. each day.

**Parenting Classes:**

Required in contested cases but can be waived by the Judge. 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, but the Court will accept reference of prior matter in divorce decree with 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.

**Pre-trials:**

A request for a pre-trial hearing raises a presumption that the requesting party is ready for trial. Mediation must be completed prior to pretrial. If custody is an issue, a custody evaluation must be started and have an anticipated date of completion. 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). Contact the Coordinator for a setting. Pre-trial hearings will be by remote appearance unless specifically set in person.

**Pro Se Divorces:**

Pro Se litigants must submit final orders for approval. Once approved and if an affidavit of testimony is filed, the Court will waive the prove up and consider the order by submission.

**Prove ups:**

The Court will waive the prove up requirement if an affidavit of testimony is on file. All documents should be efiled. Once the efileing has been accepted, contact the Coordinator to be placed on the submission docket.

**Remote Appearances:**

The Court uses Zoom for remote appearances. The Court will conduct all conferences and pretrial hearings by Zoom. Upon agreement of all parties only, the Court will conduct any other hearing by Zoom. The Court has recurring Zoom Codes which are listed below.

**Residency Restrictions:**

There is a rebuttable presumption that it is in the best interest of the child(ren), unless the parties agree in writing and 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:**

Trial settings are obtained at the pre-trial hearing. In custody matters, a child custody evaluation and mediation must be completed before trial. In property matters, mediation must occur before trial and sworn inventories and a proposed division must be filed before trial. There is no required form for inventories except in complex property matters a consolidated (spreadsheet) inventory is required.

301<sup>st</sup> District Court  
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214-653-7407

Shantel Beheler, Official Court Reporter  
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214-653-7408

Judge Mary Brown  
Zoom Meeting ID 967 4216 3752

Associate Judge Drew Ten Eyck  
Zoom Meeting ID 946 7872 8910

301<sup>st</sup> Deputy District Clerk  
214-653-7385