



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 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. Both sides will be allotted **30 minutes** to present their case in a **temporary orders** hearing. Final hearings generally will not have time limits. Additional time will be granted sparingly and only for compelling reasons. Running out of time due to poor planning is not a compelling reason. 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.

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

Exhibits

Remote Hearings by Zoom – Parties are required to email all proposed exhibits to the court coordinator and any party prior to the start of the hearing. If an exhibit is not exchanged prior, time needed to provide or review the exhibit during the hearing will be deducted from that side's total time. Exhibits should be provided as a PDF document whenever possible. During the hearing, the parties may share their own screen to offer an exhibit.

In Person Hearings – Parties are not required, but encouraged, to discuss and pre-offer all agreed exhibits at the beginning of the hearing. All exhibits must be pre-marked with numbers. Please let the coordinator know prior to the hearing if a screen, laptop or other technology is needed.

Translator

If the parties cannot agree on a translator, the court requires the parties to pay 50/50 for a certified translator.

Hearings and Bench Trials

To set a hearing, please email the coordinator, and copy the other side. 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.

Orders Setting Hearing

Orders Setting Hearing (OSH) should identify the pleading at issue, the time and place, and whether the hearing is temporary or final. Do not include narrative-style language or language from a pleading. The OSH should not appear as though the court has already made any findings.

Plead however you see fit in your Petition, but keep the OSH neutral. This does not apply to Ex Parte situations – that's a special case where the OSH can absolutely state the court's emergency findings prior to the hearing – and should, if the findings aren't made in a separate order.

Ex Parte Relief – TROs, etc.

Please e-file requests for ex parte relief. The court does not require a walk through.

Do not request TROs that contain items in the standing orders. The court will reject TROs that largely overlap the standing orders and ask you to resubmit with only original items of genuine concern. 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. Interviews requested during a remote hearing will be conducted using Zoom.

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(6). If the children are receiving health insurance through a government program such as CHIP or Medicaid, the Attorney General must be provided notice of the pleadings and 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 on website) and file it with the Clerk's Office. Once it has been completed and filed, email the court coordinator at 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.