

**Random Assignment of Family Law Cases
Standing Order 2011-1
Fannin County, Texas**

FILED FOR RECORD
FANNIN COUNTY
2011 JAN -4 AM 10:20
NANCY L. BROWN
DISTRICT CLERK
BY *[Signature]* BEP

1.01 Random Assignment

Except as provided in 1.02, the following cases shall be docketed numerically in order of filing and assigned in random order by the District Clerk to the 336th Judicial District Court and Fannin County Court at Law: divorce, annulment, suit to declare a marriage void, suits affecting the parent-child relationship concerning paternity/legitimation, managing conservatorship, termination and adoption, possessory conservatorship, possession and access to a child, support for a minor or disabled child, actions for breach, enforcement or interpretation of an agreement incident to divorce and/or decrees of divorce, pre-marital and partition agreements, protective orders, uniform interstate family support cases, and all other cases arising under the Texas Family Code when there is no court of continuing jurisdiction, and all matters incident to or originating from such cases including suits for attorneys fees.

1.02 Assignment of Juvenile and Department of Protective & Regulatory Services cases

The following cases shall be docketed numerically in order of filing and assigned by the District Clerk to the 336th Judicial District Court: delinquency, children in need of supervision, and when Petitioner is the Texas Department of Protective & Regulatory Services, suits affecting the parent-child relationship concerning Managing Conservatorship, Paternity/Legitimation, Termination or Adoption and all matters incident to or originating from such cases.

1.03 Assignment to Court of Continuing Jurisdiction

If there is a court of continuing jurisdiction, all requests or petitions for further action, including but not limited to modification, habeas corpus, contempt or enforcement, clarification, protective orders or other relief under the Texas Family Code, shall be filed in the court of continuing jurisdiction.

1.04 Bills of Review

Every suit or proceeding in the nature of a bill of review or otherwise, which

seeks to attack, avoid or set aside any judgment, order, or decree of the 336th Judicial District Court or County Court at Law of Fannin County regarding family law matters, shall be assigned to the Court in which such judgment, order or decree was rendered.

1.05 Ancillary Proceedings

Every ancillary action suit shall be assigned to the Court to which the matter is ancillary. Every garnishment, turnover or other collection remedy after judgment or any action arising out of a decree/judgment or Agreement Incident to Divorce shall be filed in the Court which rendered the judgment upon which the action is founded.

1.06 Cases Subject to Transfer

- a. Every motion for transfer, consolidation or joint hearing of two or more cases under Rule 174(a), Texas Rules of Civil Procedure, shall be filed in the earliest filed case. The Motion shall have the cause number and style of each applicable case. Notice of the hearing shall be given to all parties in all actions pursuant to Texas Rules of Civil Procedure 21 and 21a. If granted, the other Court shall enter an order transferring all other actions into the earliest filed case, except in situations where a SAPCR is pending and a subsequent divorce is filed involving a parent of a child of the SAPCR. Upon motion, the SAPCR action shall be transferred and consolidated into the divorce action, in which case the transfer or consolidation shall be done pursuant to the Texas Family Code.
- b. If any action is dismissed by any party or the Court, and is refilled within one hundred eighty (180) days of the date of dismissal and assigned to a different Court, either party or the Court may move within thirty (30) days of the filing of an answer to transfer the case to the first Court and, upon hearing, the transfer shall be granted.

1.07 Cases Transferred to Fannin County

Whenever a case is transferred to Fannin County by a Court of another county, and the order of transfer specifies the particular court to which the case is transferred, such specification shall be disregarded and the case shall be assigned in the manner provided in Part I of these rules.

1.08 Severed Cases

Whenever a motion to sever is granted, the severed claim shall be filed as a new case in the same Court and shall be assigned a new cause number by the District Clerk. A filing fee is required as in all new cases and the attorneys must provide copies of the severed pleadings at the time of filing.

1.09 Presenting Ex Parte Orders

All applications for ex parte orders shall first be presented for determination to the Court in which the case is pending, and only if the Court is unavailable to promptly review same may it be presented to another Court. The Court or the Court's Coordinator in which the matter is pending shall make the determination of unavailability.

1.10 Ad Litem Entitled to All Pleadings

When the court appoints a guardian or attorney ad litem, all counsel shall provide such appointee with copies of their pleadings, orders, and reports filed with the Court, within five days (5) of notice of the appointment.

This Standing Order is hereby adopted by the 336th Judicial District Court and the County Court at Law, Fannin County, Texas this 3rd day of January 2011 but shall not anyway supersede or pre-empt any standing order promulgated by either Judge as to a particular policy of that court.

SIGNED this 3rd day of January, 2011.



Laurine J. Blake, Judge
336th Judicial District Court



Charles W. Butler, Judge
County Court at Law