

MONTGOMERY COUNTY PROBATE COURTS RULES OF ADMINISTRATION

Purpose

The purpose of the Montgomery County Probate Courts Rules of Administration is the management of the court dockets uniformly, sensibly, efficiently, fairly, and in order to promote justice. These rules are to be an aid to the just disposition of cases without unnecessary delay or expense. Supplemental information, including Court procedures and policies, forms, and other information is available on the Court's website. These Rules supplement, but do not replace, other applicable laws.

Authority

These Rules of Administration are made pursuant to Texas Government Code Section 25.0022(d)(1), Rule 10 of the Texas Rules of Judicial Administration, Texas Rule of Civil Procedure 3a, Rule 2 of the Presiding State Statutory Probate Judge Administrative Order 2025-2, and the Rules of Administration of Montgomery County, Texas and the inherent powers of the courts to conduct trials and guide the disposition of matters within their jurisdictional powers.

These Rules of Administration constitute standing orders of the Statutory Probate Courts of Montgomery County. Knowing or intentional violation of these Rules may be punished by sanction(s) authorized by law or by applicable rules as the trial judge may deem appropriate.

These Rules and their subparts are adopted in order to achieve the time standards of, as well as to meet the requirements of Rules 7, 9, and 10 of the Supreme Court Rules of Judicial Administration.

These Rules supersede the Rules of Administration of Probate Cases previously adopted and referred to in the Rules of Administration of Montgomery County 16 December 2022 and amended anytime thereafter.

Definitions

"Ancillary Matter" includes any lawsuit brought by or against a personal representative or brought on behalf of a decedent or Protected Person's estate that does not relate to or concern the routine administration of an estate. Ancillary Matters include, but are not limited to, suits concerning note collection, personal injury, breach of fiduciary duty, breach of contract, and trust litigation. Whether a matter is an "Ancillary Matter" is within the discretion of the trial court judge.

"Board of Probate Judges" shall be comprised of the Elected Judges of the Statutory Probate Courts of Montgomery County, Texas.

"Clerk" means the Montgomery County Clerk's office unless otherwise specified.

“Counsel” means the attorney or attorneys of record for any given Party or non-party.

“Elected Judges” means those judges holding office as chosen by a vote by the citizens of Montgomery County, Texas to include judges appointed to hold a judicial office that would otherwise be subject to a vote by the citizens of Montgomery County, Texas.

“Family Cases” refers to SAPCRs, divorce cases, and related enforcement actions filed in the Statutory Probate Courts of Montgomery County, Texas.

“Mental Health Cases” refers to those cases governed by Health and Safety Code, Title 7, Mental Health and Intellectual Disability, Subtitle D.

“Movant” means the party in a legal case who files a motion asking the court to take a specific action or make a ruling. The term is not tied to one side of the case: a plaintiff, defendant, or even a third party becomes the movant the moment they file a formal request with the court.

“Party” means a person or entity who has made an appearance in a case pending before the Court.

“Quorum” means a simple majority of the judges of all the Probate Courts of Montgomery County, Texas.

“Statutory Probate Courts” or “Probate Courts” means the Statutory Probate Courts of Montgomery County, Texas as defined in Section 22.007(c) of the Texas Estates Code and Subchapter B of Chapter 25 and Sections 25.1721 and Section 25.1723 of the Texas Government Code.

“Statutory Probate Judges” or “Probate Judges” shall mean those Elected Judges who preside over the Statutory Probate Courts of Montgomery County, Texas.

“Texas Estates Code” and “Estates Code” each mean the Texas Estates Code, as amended.

“Ward” or “Protected Person” means an “Incapacitated Person” as defined by the Texas Estates Code § 22.016.

Rule 1

General

1.1 These Rules shall be applicable to all cases filed in the Statutory Probate Courts of Montgomery County.

1.2 Each numbered or lettered paragraph of these Rules shall be considered to be separate and distinct from all other portions hereof, and if any portion should be declared by a higher court to be improper, such declaration will not affect any portion not declared to be improper.

1.3 With regard to case types governed by the Texas Health and Safety Code, these Rules recognize and incorporate herein the Montgomery County Probate Courts Rules of Administration for Texas Health and Safety Code Cases adopted contemporaneously with these Rules and incorporated herein and any amendments thereof. Where a conflict exists between these Rules and Montgomery County Probate Courts Rules of Administration for Texas Health and Safety Code Cases, the Montgomery County Probate Courts Rules of Administration for Texas Health and Safety Code Cases supersede these Rules.

1.4 With regard to Family Cases, these Rules recognize and incorporate herein the *Local Rules of Practice before the Family Courts of Montgomery County, Texas and Local Rules for the Administration of Family Cases in Montgomery County, Texas* (“Family Rules”) adopted on 16 November 2022 and amended thereafter. Where a conflict exists between these Rules and the Family Rules, these Rules shall apply.

Rule 2

Board of Probate Judges

2.1 At such time as there is more than one Statutory Probate Court in Montgomery County, the Board of Probate Judges shall meet to discuss and pass resolutions on those matters which are of common concern to all probate judges. The meeting shall be called and run by the Local Administrative Probate Judge and if the Local Administrative Probate Judge is not available, then the most senior judge in attendance shall run the meeting. For the Board of Probate Judges to act, a Quorum must be present, and a majority of the judges present must agree upon the action. A judge may appear by telephone or video conference at a Board of Probate Judges and such appearance shall constitute attendance at the meeting and shall count toward a quorum.

Rule 3

Exchange of Cases or Presiding For Another Judge

3.1 The Judges of the Statutory Probate Courts of Montgomery County may transfer or exchange cases with each other for judicial economy, docket equalization, to accommodate their dockets, to expedite the courts’ trials, or for any other reason.

3.2 The Judges of the Statutory Probate Courts of Montgomery County may transfer or exchange cases where there is concurrent jurisdiction with District Courts or County Courts at Law with the Montgomery County District Courts and/or Montgomery County Courts at Law for judicial economy, docket equalization, to accommodate their dockets, to expedite the courts’ trials, or for any other reason.

3.3 In cases where a judge other than the presiding judge presides for a Statutory Probate Court due to a recusal or agreed case assignment by the presiding judge, the case shall remain pending in the original court; however, the presiding judge shall file a designation of presiding judge in the

matter, and the clerk of court shall reflect the name of the judge sitting as the presiding judge in the case filing system and set a case flag for visiting judge status.

Rule 4

Filing and Assignment of Cases

4.1 All cases in which the Probate Courts have exclusive jurisdiction shall be filed in the County Clerk's office and assigned to the Probate Courts in equal rotation. Notwithstanding the foregoing, a Standing Order of Allocation may be created and/or amended from time to time by written order signed by the Local Administrative Probate Court Judge and filed with the County Clerk to be followed by the County Clerk in caseload assignment. Also notwithstanding the foregoing, a Standing Order of Allocation may be created and/or amended from time to time by written order signed by two or more judges and filed with the County Clerk to be followed by the County Clerk in caseload assignment as to the cases that would be assigned pursuant to this Rule or a Standing Order of Allocation signed by the Local Administrative Probate Court Judge to those judges signing such an order.

4.2 Any civil matter filed with the County Clerk after a the initial filing of a probate or guardianship case and involving the probate estate of the same decedent or the person or estate of the same Ward, proposed Ward, Protected Person or proposed Protected Person shall be assigned to the Court in which the prior matter was pending. This Rule does not apply to administrative appeals, appeals from other courts, Occupational License requests, or Judgements Nisi or Writs stemming from a criminal matter.

4.3 Every proceeding filed with the County Clerk or District Clerk of Montgomery County, Texas seeking to attack, avoid, modify, or set aside any judgment, order or decree of a Statutory Probate Court shall be assigned to the Court in which such judgment, order or decree was rendered if that Court has jurisdiction over the proceeding. Notwithstanding the foregoing, if such a proceeding has been transferred to another court the newly filed proceeding to which this Rule applies shall be assigned to the Court to which the initial proceeding has been transferred.

4.4 A suit on a claim in a probate or guardianship administration or action concerning a testamentary trust shall be given a new, civil cause number and assigned to the Court in which the related administration is pending.

4.5 Upon receipt of a case transferred to a Statutory Probate Court from another court, the Clerk shall immediately give written notification of such transfer to the Judge of the Court to which the case has been assigned. Counsel for parties seeking affirmative relief shall notify the Court of the transfer within three business days after assignment by the Clerk.

4.6 Ancillary Matters shall be filed in the Statutory Probate Court where the related probate or guardianship case is pending but under separate case numbers to include Ancillary Matters transferred to the Statutory Probate Court from other courts other than Montgomery County

District Courts or Montgomery County Courts at Law.

4.7 The Probate Judges shall work together upon notification by a party that companion or related cases (husband/wife probates, ward's probate/guardianship case) are heard by the same trial judge in the court of first filing unless agreed to by the trial judges.

4.8 If a probate or guardianship case is closed, as opposed to an inactive case status, the filing of new pleadings does not serve to re-open the previously closed guardianship or probate case. New applications for probate or guardianship for the same decedent or proposed protected person after closure of a case for that person has occurred shall only be filed as a new case with a new case number.

Rule 5

Consolidation of Cases

5.1 Cases may not be consolidated unless they are both (or all) filed in Statutory Probate Courts, unless by order of the Statutory Probate Court Judge.

5.2 A motion to consolidate cases shall be heard in the Court where the lowest numbered case is pending. If the motion is granted, the consolidated case will be given the number of the lowest numbered case and assigned to that Court and the higher numbered case will be closed by the clerk with no further pleadings to be filed in the closed case number.

5.3 A Party seeking to transfer to the Court a cause of action pending in a district, county, or statutory county court under the Texas Estates Code must file a proper motion and proposed order. An agreed motion is not binding on the Court.

Rule 6

Severance

6.1 Ancillary Matters will be severed from probate and/or guardianship proceedings at the discretion of the trial judge.

6.2 Unless otherwise specified in the order of severance, if a severance is granted, the new cause will be assigned to the court where the original case is pending and the clerk of the court will assign a new cause number to the now severed case.

6.3 When a motion to sever is granted, the severed claim will be filed as a new case, and the Clerk shall give the new case a new cause number. A severed claim filed as a new case is subject to all filing fees required by the Clerk. The clerk shall close or make inactive the case from which the claim/claims are severed if all pending claims are severed into the new case.

6.4 Failure to pay the required filing fees occurring due to issuance of a severance order will

result in the dismissal for want of prosecution of the severed case.

Rule 7
Guardianship Program Department

7.1 Unless the Guardianship Program Department is conflicted or unavailable due to caseload the Montgomery County Guardianship Program shall be named as guardian for an indigent Ward/Protected Person if an appointment of guardian is necessary for an individual without a qualified guardian.

7.2 Unless the Guardianship Program Department is conflicted or unavailable due to caseload employees of the Montgomery County Guardianship Program Department shall be utilized by the Statutory Probate Courts to complete guardianship investigations as required by the Texas Estates Code.

7.3 The Montgomery County Guardianship Program Department investigator(s) shall manage the Court Visitor Program as required by the Texas Estates Code.

Rule 8
Fair Distribution of Cases

8.1 The Local Administrative Statutory Probate Judge may transfer cases between Statutory Probate Courts to correct an inequitable burden due to illness, complex litigation, trial schedule, or other sufficient reasons.

Rule 9
Transfer of Cases

9.1 The Probate Judges recognize that at times cases may be misfiled by the District Clerk or County Clerk to the wrong Court, contrary to Statute, Local Rules, Case Allocation Orders, Standing Orders or any other such Administrative Orders. If citation in the misfiled case has not been issued, the County Clerk or District Clerk as applicable shall automatically transfer any such misfiled cases to the proper Court in accordance with the proper statute, rule, or order.

9.2 To facilitate efficiency and reduce costs, as it is not a jurisdictional matter, an Ancillary Matter filed with the Montgomery County District Clerk and transferred to a Statutory Probate Court from a Montgomery County, County Court at Law or District Court which has concurrent jurisdiction over the case may at the trial judge's discretion remain filed with the District Clerk.

Rule 10
Ex Parte Communications

10.1 The Canons of Judicial Conduct do not permit a judge to permit or consider improper *ex*

parte or other private communications concerning the merits of a contested judicial proceeding. Accordingly, Counsel in contested proceedings shall not communicate with the Court in person, in writing, or otherwise regarding the merits of a contested proceeding, except (1) during hearings or trial, (2) through pleadings filed with the Clerk and served on all other parties, (3) when all parties are present, (4) with the written consent of parties not present, unless otherwise authorized by rule or law.

Rule 11

Docket Control & Citations

11.1 Each court may generate docket control orders including such deadlines as the Court issuing the docket control order deems appropriate for the case.

11.2 Each court may hold dismissal dockets as the court in its discretion deems necessary.

11.3 In addition to all requirements of law for sale of property, the requirement for posting of citation on an application to sell property as referenced in Tex. Est. Code § 356.253 shall be met when the document has been posted for 10 days unless another timeframe is specified in statutory authority.

11.4 Each attorney of record, except ad litem attorneys, remains attorney of record until the case is closed unless allowed to withdraw by order of the court. This means the attorney of record is the attorney of record for any appeal or post-judgment proceedings, unless permitted to withdraw or discharged by order of the Court.

11.5 Attorneys shall use the Court promulgated forms for consideration of Small Estate Affidavits, Guardian of the Person Annual Report and any other forms designated by the trial Judge in a Standing Order.

11.6 If an application is filed for a temporary guardianship the attorney ad litem shall notify the Court if the application is contested immediately upon becoming aware of the proposed protected person's wish to contest the temporary administration and shall provide the Guardianship Coordinator with an estimated time for hearing on the application.

Rule 12

Motions and Applications

12.1 Contested motions and responses shall be in writing and shall be accompanied by a proposed order granting or denying the relief sought. The proposed order shall be filed as a separate instrument. This includes motions in limine. The Court may decline to consider any request for relief until a proposed order is submitted.

12.2 Movant shall schedule with the court a date and time for consideration of the motion.

Movant shall serve written notice on all parties of the date and time of consideration as well as whether the consideration will be via oral hearing or by submission.

12.3 Movant shall provide at least three business days' notice for motions to be set for an oral hearing and at least ten days' notice for motions considered by submission.

12.4 Unless otherwise required, responses shall be filed at least 24 hours before the date and time of consideration by the Court, unless leave for late filing is granted by the court. Leave is assumed granted if the Court rules without further setting on the motion.

12.5 Unless the law and/or the Texas Rules of Civil Procedure require an oral hearing, it is in the sound discretion of the court whether to set a motion for submission or an oral hearing.

12.6 All requests for relief, whether styled a motion, application, petition or otherwise, shall state the statutory or common law basis for the relief requested by citing such statutory or common law.

12.7 Notwithstanding the foregoing Rules 12.2 & 12.3 are not applicable to requests for temporary restraining orders, temporary injunctions and emergency relief as said applications will be considered by the Court upon receipt and it is within the trial judge's discretion as to the timing of rulings and hearings thereon.

12.8 Any application designated as an emergency shall contain an explanation of the nature of the emergency, the specific harm alleged, why ordinary notice procedures are inadequate, and the relief requested before notice can be provided.

12.9 Documents to be admitted into evidence shall not be prepared as two-sided (i.e., printed on the front and back), unless the document is an original document (not a copy thereof).

12.10 Bills of Review shall be filed as a new cause number and as the same case type of the case from which the Bill of Review was made.

Rule 13

Fee Applications by Court Appointed Individuals

13.1 A guardian ad litem, attorney ad litem, personal representative selected by the Court or any other individual selected by the Court who is entitled to fees should apply to the Court for fees by making an appropriate fee request to include an itemization and filing it with the Court the Court. File the Court promulgated order form when requesting fees of \$1,000.00 or more.

Rule 14
Bankruptcy

14.1 Any Party to a pending case shall promptly notify the Court of the filing of a petition in bankruptcy by any Party. Such notice shall be made by filing a Suggestion of Bankruptcy as soon as practicable.

14.2 Once such a bankruptcy has been concluded, whether by discharge, denial of discharge, dismissal, or otherwise, or the automatic stay imposed by 11 U.S.C. § 362 has been lifted as to a case in the Statutory Probate Courts, all parties to a pending case shall promptly notify the Court so that the affected case may be restored to the active docket or dismissed as may be appropriate.

Rule 15
Application for TRO and Other *Ex Parte* Orders

15.1 Counsel presenting any application for a temporary restraining order or other *ex parte* relief shall notify the opposing Party's Counsel, or the opposing Party if unrepresented by counsel in the present controversy, and provide opposing Counsel or Party with a copy of the application and proposed order at least 2 hours before the application and proposed order are to be presented to the Court for decision, except as provided below.

15.2 Compliance with the provisions of 15.1 is not required if a verified certificate is filed with the application, stating:

- That immediate harm is imminent and there is insufficient time to notify the opposing Party or opposing Party's Counsel; or
- That notifying the opposing Party or opposing Party's Counsel would impair or annul the Court's power to grant relief because the relief request in the application could be subverted, or property removed, secreted, or destroyed, if notice were given.

15.3 An Application for a TRO must be supported by a separate affidavit or unsworn declaration. The verification of the application will not suffice to support the issuance of a TRO.

Rule 16
Alternate Dispute Resolution and Mediation

16.1 In order to encourage the early settlement of disputes and to carry out the responsibilities of the courts, the Probate Judges strongly encourage the use of appropriate alternative dispute resolution procedures.

16.2 The Probate Judges encourage mediation in order to facilitate the settlement of disputes and litigation. It is in the sound discretion of the court when and whether to order mediation. A

personal appearance by each Party and their attorney (if represented) is required at mediation unless otherwise indicated by leave of court.

Rule 17

Courtroom Conduct

17.1 The taking of photographs, film, video or broadcasting of judicial proceedings in or from the courtroom, or so close thereof as to disturb the order and decorum thereof, either while court is in session or at recess, is prohibited, unless written permission is granted by the Court either via its policy regarding Recording of Court Proceedings or on a case by case basis.

17.2 Each Statutory Probate Court shall promulgate a policy regarding Recording of Court Proceedings and post it on the Court's website.

17.3 Each Statutory Probate Court utilizing remote proceeding capabilities shall promulgate rules governing such proceedings. All persons who will participate in a remote proceeding shall read and follow the rules promulgated by the trial court for remote proceedings. Attorneys shall ensure any of their witnesses have read and been advised to follow the remote proceedings rules promulgated by the trial court before calling a witness in a remote proceeding.

Rule 18

Entry of Final Orders

18.1 In the event that the court renders an oral final order, the prevailing Party shall prepare a written final order complying with the court's ruling and file the order by the date of entry. The Party preparing the order shall attempt to obtain approval as to form from the opposing parties.

Rule 19

Judge's Vacation and Absences

19.1 A Statutory Probate Court Judge may arrange for any appropriate judge to sit for or be assigned for service in in the event of a need by the judge due to vacation, sick leave, attendance at conferences, attending to dual dockets or trial, or other matters.

Rule 20

Self-Represented Litigants

20.1 All requirements of these rules apply with equal force to self-represented litigants whether or not they are licensed to practice law in Texas. Self-represented litigants are required to provide their current address, telephone numbers and email addresses at which they can be reached by Court personnel and the opposing parties. Failure to accept delivery or to pick up mail addressed to an address provided by a self-represented litigant will be considered constructive receipt of the

mailed or delivered document.

20.2 Wherever "counsel" or "attorney" is used in these rules, it includes a Party not represented by an attorney.

Rule 21

Adoption, Approval and Amendment of These Probate Courts Rules of Administration

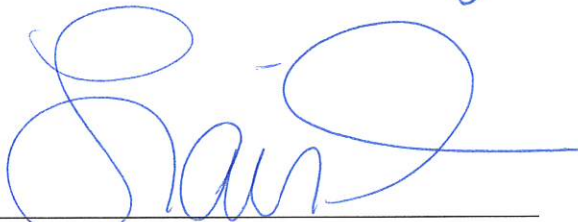
21.1 These Probate Courts Rules of Administration are adopted and shall become effective immediately after posting in conformity with Texas Rule of Civil Procedure 3a, and so long thereafter until amended, repealed, or modified.

21.2 These Probate Courts Rules of Administration may be amended, repealed, or modified by majority vote of the Probate Judges.

21.3 The County Clerk is directed to record these Montgomery County Probate Courts Rules of Administration in the Probate Minutes of all the Statutory Probate Courts of Montgomery County, Texas, and all additional Statutory Probate Courts hereafter created.

21.4 The District Clerk is directed to record these Montgomery County Probate Courts Rules of Administration in the minutes of all District Court and County Courts at Law of Montgomery County, Texas and all such courts hereafter created.

Adopted on the 15 day of July 2026.



JUDGE CLAUDIA LAIRD acting as
Montgomery County Statutory Probate Courts Administrative Judge
and JUDGE PRESIDING MONTGOMERY COUNTY PROBATE COURT NUMBER ONE

Montgomery County Probate Courts Rules of Administration for Texas Health and Safety Code Cases

Purpose and Scope

These Rules of Administration are intended to facilitate the efficient, fair, and orderly administration and management of cases falling under the purview of the Texas Health and Safety Code. These rules are to be an aid to the just disposition of cases without unnecessary delay or expense. They supplement, but do not replace, the Texas Rules of Civil Procedure, the Texas Health and Safety Code, Texas Rules of Evidence, and Texas Government Code provisions governing court proceedings.

Authority

These Montgomery County Probate Courts Rules of Administration for Texas Health and Safety Code Cases are made pursuant to Texas Government Code Section 25.0022(d)(1), Rule 10 of the Texas Rules of Judicial Administration, Texas Rules of Civil Procedure Rule 3a, Rule 2 of the Presiding State Statutory Judge Administrative Order 2025-2.

Rule 1 General

1.1 These Rules shall be applicable to all mental health proceedings and all proceedings filed under Texas Health and Safety Code Chapter 593, including but not limited to applications for court-ordered mental health services, medication hearings, and related matters.

1.2 Each numbered or lettered paragraph of these Rules of Administration for Mental Health Cases shall be considered to be separate and distinct from all other portions hereof. If any portion should be declared by a higher court to be improper, such declaration will not affect any other portion not declared to be improper.

Rule 2

Docket and Scheduling

2.1 Hearings shall be conducted as set by the Court. The Court may modify the docket as necessary to accommodate emergencies or holidays.

2.2 Contested motions and responses shall be in writing and shall be accompanied by a proposed order granting or denying the relief sought. The proposed order shall be a separate instrument.

2.3 Movant shall schedule with the court a date and time for consideration of a contested motion. Movant shall serve written notice on all parties of the date and time of consideration as well as whether the consideration will be via oral or submission hearing.

2.4 Responses shall be in writing. Responses shall be filed at least 24 hours before the date and time of consideration by the court, unless leave for late filing is granted by the court. Leave is assumed granted if the Court rules without further setting on the motion.

2.5 Unless the law and/or the Texas Rules of Civil Procedure require an oral hearing, it is in the sound discretion of the court whether to set a motion for submission or a hearing.

Rule 3

Filing of Documents

3.1 All pleadings, motions, and other documents shall be filed in accordance with the Texas Rules of Civil Procedure and applicable local e-filing requirements.

Rule 4

Attorney & Attorney Ad Litem Responsibilities

4.1 Mental Health Attorney ad litem shall make reasonable efforts to meet with and advise their clients prior to any hearing. If an Attorney ad litem is unable to

meet with his client, he should notify the Court and County Attorney's Office before the docket at which the client is to appear.

4.2 When filing waivers, the Mental Health attorney ad litem is encouraged to file by 8:00 p.m. on the day prior to the scheduled hearing, regardless of whether that day is a business day. If the waivers are being e-filed outside of business hours, the Court should be provided with any waivers via email by this same time. This will assist the Court in the preparation of its docket. However, the Court is mindful of the fact that this may not be possible and therefore, this is a request, rather than an order.

4.3 Attorneys shall make reasonable efforts to meet with and advise their clients prior to any hearing. If an attorney is unable to meet with his client, he should notify the Court before the docket at which the client is to appear.

Rule 5 Continuances

5.1 Agreed continuances should be filed as soon as practicable.

5.2 If a continuance is not agreed to, the requesting party must:

- Comply with the Rule 251 *et seq.* of the Texas Rules of Civil Procedure;
- Set the motion for submission with at least 24 hours' notice to all parties;
- Clearly state the grounds for the continuance; and
- Emergency motions for continuance may be presented with less than 24 hours' notice, but must clearly demonstrate the emergency nature of the request.

Rule 6 Conduct of Hearings

6.1 All hearings shall be conducted in accordance with applicable law, including Texas Health and Safety Code Chapter 574 and Chapter 573 as applicable and the Texas Rules of Civil Procedure and Evidence.

6.2 Proceedings shall comply with statutory requirements regarding patient rights or rights of the proposed resident as applicable as set forth in the Texas Health and Safety Code.

6.3 All parties shall conduct themselves in a professional manner. The Court may impose reasonable time limits and procedural requirements to ensure efficient proceedings.

Rule 7

Courtroom Attire

7.1 All persons appearing before the Court remotely or in person shall be dressed in a manner that is respectful of the judicial process. Clothing shall not be obscene, offensive, or otherwise inappropriate for a courtroom setting.

7.2 The Court expects attorneys to wear appropriate attire but does not require lawyers to wear suits.

7.3 No hats or head coverings are permitted unless for religious or medical reasons.

7.4 The Court acknowledges that proposed residents, respondents, patients, and witnesses may appear from hospitals, mental health facilities, or other treatment settings. Accordingly, hospital gowns, medical attire, or facility-issued clothing are permitted.

7.5 No person shall be denied participation or be subject to adverse inference due to attire required by medical or mental health circumstances.

7.6 The Court will give due consideration to the individual's medical condition, treatment status, and facility protocols.

7.7 All proceedings shall be conducted in a manner that preserves the dignity of the Court while respecting the rights, condition, and circumstances of individuals receiving mental health treatment.

7.8 The Court retains sole discretion to determine whether attire is obscene, offensive, or otherwise inappropriate. In exercising this discretion, the Court shall consider the context of the proceeding and any medical or mental health limitations affecting the individual.

Rule 8

Professionalism and Civility

8.1 All attorneys and participants shall conduct themselves in accordance with the Texas Lawyer's Creed and applicable standards of professionalism and civility. The Court expects cooperation, courtesy, and respect among all parties, particularly given the sensitive nature of proceedings governed by the Texas Health and Safety Code.

Rule 9

Compliance and Enforcement

9.1 Failure to comply with these Local Rules or any Court directive may result in appropriate sanctions.

9.2 The Court retains discretion to enforce these rules to ensure the orderly, efficient, and fair administration of justice.

Rule 10

Modification of Rules

10.1 The Court may modify, suspend, or supplement these Local Rules at any time as necessary to ensure the fair and efficient administration of justice.

Rule 11
Adoption, Approval and Amendment of
These Rules of Administration for Mental Health Cases

11.1 These Rules of Administration for Texas Health and Safety Code Cases are adopted by the Statutory Probate Judge and become effective immediately after posting in conformity with Texas Rule of Civil Procedure 3a, and so long thereafter until amended, repealed, or modified.

11.2 These Rules of Administration for Texas Health and Safety Code Cases may be amended, repealed, or modified by a majority vote of the Statutory Probate Judges.

11.3 The County Clerk is directed to record these Rules of Administration for Texas Health and Safety Code Cases in the Minutes of Montgomery County Probate Court Number One and all additional Probate Courts thereafter created.

These Montgomery County Probate Courts Rules of Administration for Texas Health and Safety Code Cases are adopted and approved this the 7 day of July, 2026.



JUDGE CLAUDIA LAIRD acting as
Montgomery County Statutory Probate Courts Administrative Judge
and JUDGE PRESIDING MONTGOMERY COUNTY PROBATE COURT
NUMBER ONE