

Cause Number _____

Print cause number and other court information exactly as it appears on the petition filed in this case.

In the Matter of the Marriage of

In the: (check one):

Print first, middle and last name of the spouse filing for divorce.

and

Court Number District Court
 County Court at Law

Print first, middle and last name of other spouse.

_____ County, Texas

And in the Interest of the following minor child(ren):

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

Motion for Use of Emergency Procedures

I am filing this Motion for Use of Emergency Procedures. The information the Court needs about my request is below.

1. Authority

Pursuant to the Supreme Court’s 2020 Emergency Order Regarding the COVID-19 State of Disaster, up to and including its 33rd Emergency Order (Misc. Docket No. 21-9004), this court may allow or require anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means; and subject to constitutional limitations.

Under the Orders, Courts must not conduct in-person proceedings contrary to the Guidance for All Court Proceedings During COVID-19 Pandemic (“Guidance”) issued by the Office of Court Administration, which may be updated from time to time, regarding social distancing, maximum group size, and other restrictions and precautions.

And, under Rule 7(a)(6)(b) of the Texas Rules of Judicial Administration, the court can let parties appear by telephone to expedite the disposition of cases its docket, to the extent consistent with safeguarding litigants’ rights to the just processing of their causes.

2. Information about the Parties

Movant

You

I am the Movant—the person filing this motion for use of emergency. I am representing myself. I do not have a lawyer.

My name is: _____
Print your full name.

I live at: _____
Print your address.

My email address is: _____

My phone number is: _____

I am the child(ren)'s: Parent _____
Check one. Other: Please explain.

I am the child(ren)'s: Joint Managing Conservator. Possessory Conservator.
Check one. Sole Managing Conservator. Other: _____

Respondent 1

Respondent 1's name is: _____
Print Respondent 1's full name.

Respondent 1 lives at: _____
Print Respondent 1's address

Respondent 1's email is: _____

Respondent 1's phone number is: _____

Respondent 1 is the child(ren)'s:
Parent _____
Check one. Other: Please explain.

Respondent 1 is the child(ren)'s: Joint Managing Conservator Possessory Conservator
CHECK one. Sole Managing Conservator Other: _____

Respondent 2

Respondent 2's name is:

_____ Print Respondent 2's full name.

Respondent 2 lives at:

_____ Print Respondent 2's address

Respondent 2 's email is:

Respondent 2's phone number is:

Respondent 2 is the child(ren)'s:

Parent

Check one.

Other: Please explain. _____

Respondent 2 is the child(ren)'s:

CHECK one.

Joint Managing Conservator Possessory Conservator
 Sole Managing Conservator Other: _____

3. Agreement

- The parties have agreed to this motion and will submit an agreed order to the Court for approval. (If the parties all agree to this, everyone should sign the last page of this motion.)
- The parties have not agreed to this motion.

4. Request for Remote Participation in Proceedings. (Check if applicable)

I ask the Court to allow remote appearance in the following hearing or trial because:

(Write why you are asking the court to allow remote participation) _____

I ask that the following procedures apply for a stated period ending no later than thirty days after the state of disaster in this county is lifted.

I ask that the Court allow anyone involved in any hearing, deposition, or other proceeding of any kind in this case—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means.

For each proceeding, the Court should specify:

- 1) Which means of remote participation are permitted;

- 2) Who is responsible for setting up the means for each person to participate remotely;
- 3) How the public can access the proceedings, if the proceedings are required to be open to the public;
- 4) If the parties must provide the Court with an electronic copy of all orders, pleadings, returns of citations, and other documents filed with the district clerk that are relevant to the hearing or conference, the address to which the parties must e-mail those documents, either as attachments to the e-mail or accessible through an e-mailed link to a cloud storage service, and the deadline for e-mailing the documents;
- 5) The address to which each party must e-mail the party's exhibits to the Court before a hearing or conference, either as attachments to the e-mail or accessible through an e-mailed link to a cloud storage service specified by the Court, the format(s) the Court requires the exhibits to be in (for example, PDF), the manner in which the subject line of the e-mail is to be presented, the deadline for e-mailing the exhibits, and whether the party must copy on this e-mail all other parties who have filed pleadings or otherwise made an appearance in the suit;
- 6) The other documents (for example, financial information statement, pay statements, tax returns with redacted Social Security numbers) the Court requires each party to e-mail to the Court before the hearing or conference, either as attachments to the e-mail or accessible through an e-mailed link to a cloud storage service specified by the Court, the format(s) the Court requires the documents to be in, the deadline for e-mailing the documents, and whether the party must copy on this e-mail all other parties who have filed pleadings or otherwise made an appearance in the suit;
- 7) If a party wants the Court to consider certain statutory or case law, the format(s) the Court requires the documents to be in, the deadline for e-mailing the documents, and whether the party must copy on this e-mail all other parties who have filed pleadings or otherwise made an appearance in the suit; and
- 8) The consequences to a party if the party fails to comply with subsections (4), (5), (6), and (7).

5. Request to Appear Away from Court's Usual Location

I ask that the Court, after reasonable notice and access to the participants and the public, conduct proceedings away from the court's usual location.

6. Telephonic or Videoconference Interviews With Child(ren) (check if applicable)

Instead of the Court's interviewing the child(ren) who is/are subject of this suit in chambers as provided in Texas Family Code 153.009, I ask that the Court interview the child(ren) by remote means. I ask that the Court specify which remote means, including, if applicable, the remote means by which the other persons who section 153.009 permits or requires to be present during the interview will participate, and specifying who is responsible for setting up the means for each such person to participate remotely.

7. **Request to Consider Sworn Statements and Unsworn Declarations As Evidence** (check if applicable)

I also ask that the Court consider as evidence sworn statements and unsworn declarations made out of court. Unless waived by each party, the Court should require each out-of-court sworn statement and unsworn declaration to be served on each party not less than 5 days before the hearing in which it is to be considered as evidence. Unless waived by each party, the Court should require an out-of-court sworn statement or unsworn declaration offered as rebuttal evidence to be served on each party not less than 3 days before the hearing in which it is to be considered as rebuttal evidence.

8. **Request for Notification of COVID-19 Illness**

I ask that the Court require every participant in a proceeding, including any court hearing, jury trial, arbitration hearing, deposition, conference of the parties, conference with the Court, mediation, or collaborative law team meeting, to alert all parties before the proceeding if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, such as a fever, cough, shortness of breath, or other symptoms reported by the Centers for Disease Control and Prevention at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

I ask that the Court require every participant in a court hearing, jury trial, or conference with the Court to alert the Court before the proceeding if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, such as a fever, cough, shortness of breath, or other symptoms reported by the Centers for Disease Control and Prevention at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

Prayer

I ask that the Court grant this Motion for Use of Emergency Procedures and that the Court make all other and further orders that are deemed necessary and equitable for proceedings in this suit and for the safety and welfare of the children.

Sign your name here—should match “movant” info from Page 1

Certificate of Conference (check if applicable)

I certify that a reasonable effort has been made to resolve the issues addressed in this motion without the necessity of court intervention and has failed.

Sign your name here—should match “movant” info from Page 1

Notice of Hearing (check if applicable)

The above motion is set for hearing by:

telephone

other remote means, specifically _____

on _____ (date) at _____ (time).

SIGNED on _____ (date).

Judge or Clerk

Certificate of Service

I certify that I delivered a copy of this document to each party in this case, or if a party is represented by a lawyer, to the party's lawyer, by: **(Check one.)**

Hand delivery to the other party or parties: _____

Hand delivery to the other party's lawyer: _____


Email to this email address: _____

Certified mail, return receipt requested to this address: **(Note: This method may take too long.)**

 Commercial delivery service (for example FedEx) to this address:

 Fax to fax #: _____

Electronic service through the electronic filing manager. **(Note: The method is required if you electronically file (e-file) this document and the email address of your spouse or your spouse's attorney is on file with the electronic file manager.)**

 _____
Signature of Movant

Date