



COUNTY COURT AT LAW NO. 4

COURT RULES AND PROCEDURES

Presiding Judge:	Judge Toni Wallace	Toni.Wallace@fortbendcountytx.gov
Court Coordinator:	Jenica G. Salazar	Jenica.Salazar@fortbendcountytx.gov
Bailiff:	Deputy Corey Swiney	281-238-3278
Probate Auditor:	Kathy Edwards	Kathy.Edwards@fortbendcountytx.gov
Court Reporter:	Tiffany Newell	Tiffany.Newell@fortbendcountytx.gov
Administrative Asst:	Tamara Black	Tamara.Black@fortbendcountytx.gov

County Court at Law #4 Website - [Click Here](#)

Zoom Link: Contact Court Coordinator

I. GENERAL

A. COURT DECORUM

1. All attorneys (and their clients) are expected to dress appropriately. No attorneys will be permitted to conduct business with the Court wearing jeans.
2. No food or beverages are permitted in the Courtroom.
 - a. Attorneys are permitted to bring water or coffee into the courtroom in a closed container with a secured lid.
3. No cursing is permitted in the Courtroom.
4. Cell Phones are permissible; however they must be silenced.
5. No photographs or recordings (audio and video) may be taken in the Courtroom, under penalty of law.

B. WEATHER CLOSURES

1. The Court will make court closure announcements on the Court's [official website](#) and/or Judge Toni Wallace's social media outlets.
2. If the County Judge of Fort Bend County announces that County buildings will be closed, the Court will remain closed until the County Judge announces the reopening of the building.
3. If Fort Bend Independent School District and/or Lamar Consolidated Independent School District cancels classes due to inclement weather, then all hearings and trials in the County Court No. 4 will be canceled on the days classes are canceled.
4. If the parties are *not* impacted by the school closure, the Court MAY proceed with the scheduled hearing if ALL PARTIES AGREE.

II. CRIMINAL DOCKETS

A. APPEARANCES / RESETS

1. Docket Call is at 9:00 am on Tuesdays and 10:00 am on Fridays unless otherwise indicated by the Court.
2. To prevent forfeiture, resets should be emailed **before docket call**. Emails must include defendant's name and docket date in the subject. Emailed resets sent *after* docket call are subject to forfeiture.
3. All resets (including those submitted via email) **MUST** include the defendant's signature. The only exception is for defendants who are quarantined for health reasons. Otherwise the Court will not accept "signed with permission".
4. A blank reset form for criminal cases may be downloaded from the Court's website under the Documents and Forms tab.
5. Failure to submit a reset timely *may* subject the Defendant to a bond forfeiture or a failure to appear.
6. The defendant is required to appear for arraignment unless waived by the Court.
7. The presence of the defendant is required on all settings for cases unless waived by the Court. The defendant may appear via Zoom or in person for non-issue dockets and non-disposition dockets. The defendant **MUST** appear in person for a contested hearing or disposition docket.
8. Unless otherwise indicated by the Court, Attorneys must always appear in-person.

B. PLEAS

1. The defendant must appear in person for all pleas.
2. Defendants in jail will plea at the jail docket.
**Please contact the Associate Judge's coordinator to schedule: Eralyn Fisher at eralyn.fisher@fortbendcountytx.gov.
3. Plea/disposition paperwork must be signed and submitted to the court coordinator before the docket for all pleas. Failure to submit the paperwork may result in your hearing being rescheduled.
4. Request for Interpreter: For a Spanish language interpreter, the Court requires 48 hours notice. For any other language, including sign language, please give the Court at least a 1-week notice. For additional information about language assistance services, [click here](#).

C. COURT SETTINGS

1. For all retained attorneys, a written letter of representation must be on file.
2. Three announcement settings (including arraignment) are allowed before a case will be set on the Status Docket. Any exceptions are to be approved by the Presiding Judge.
3. After the sixth setting, a case will be considered to be placed on the trial docket.
4. After the eighth setting, the case shall be placed on the trial docket.
5. Jail cases will be placed on an expedited track and will be given priority on the Jury Trial Calendar.
6. The defendant must appear in person for a bond revocation hearing, unless prior approval is received from the Court.
7. Bond forfeitures are called at the end of the morning docket and are set aside at the discretion of the Court.
8. Bench Trials and Motions to Revoke or Adjudicate are set anytime during a nonjury week.

D. JAIL DOCKET

1. The Jail Docket is heard by Associate Judge Lewis White at the Fort Bend County Jail courtroom on **Wednesdays at 9:00 A.M.**
2. The deadline for attorneys to schedule an inmate on the docket is, without exception, at 4:00 PM on the Monday preceding Wednesday's docket.
3. To schedule a hearing, please contact his Court Coordinator, Eralyn Fisher.
Eralyn.Fisher@fortbendcountytexas.gov

E. COURT APPOINTMENTS

1. The Court uses the rotating wheel and the Public Defender's Office at this time. Attorneys will be notified by email by the Indigent Defense Office.
2. Attorney Expense Claim Forms: If the defendant has multiple open cases which are disposed of at the same time, ALL CASES shall be reported on a single Attorney Expense Claim Form, (i.e. you may not bill twice for the same Court setting, jail visit, etc. even if the defendant has multiple cases).
3. All attorneys shall electronically submit their fee vouchers utilizing this [Attorney Fee/Expense Claim Form](#).

III. CRIMINAL TRIALS

A. GENERAL

1. Pre-trial matters are to be scheduled and heard before the trial date. Every trial will receive a pre-trial conference setting on the Friday preceding the designated trial date.
2. At the pre-trial conference, both sides will announce whether they are ready for trial and the defendant will accept or reject the State's plea bargain offer (if any) at that time.
3. The pre trial conference is the last opportunity for all parties to dispose of the case. The Court will not accept Plea Bargains on the morning of a Jury Trial.
4. On Jury Trial or Bench Trial settings, the Defendant and Attorney must appear and announce ready for trial by 9am on the day of trial.
5. Case order is set in advance by the Court after consultation with the parties with priority being given to jail cases.
6. Motions for continuance must be in writing and be presented in advance of the trial setting.

B. JURY TRIALS

1. Jury trials are scheduled on designated days.
2. Voir dire begins as soon as the jury arrives. Opening Statements and Testimony will begin the next day.
3. Once trial begins, the Court will begin daily at 9:00 am and ends at 4:30 pm with an hour break for lunch. Exceptions will be made with approval by the Court.
4. The Court typically allows 30 - 45 minutes per side for voir dire. After the general voir dire, individual jurors may be questioned at the bench, only if necessary, to assist the Court in deciding a for-cause challenge.
5. Stand each time the jury enters or exits the Courtroom.
6. Please stand when addressing the Court. The Court may instruct you to remain seated in a hearing in which there will be a lot of back and forth discussion amongst the Court and counsel. Please sit when questioning a witness. Ask to approach the witness the first time and then you may approach freely.

7. Schedule your witnesses in order to avoid delay. Advise the Court *as soon as you are aware* if there are witness timing issues so that witnesses may be taken out of order, if necessary, or allowed to be on call so they don't have to wait a lengthy period to testify. Parties should be prepared to allow witnesses to testify out of order and be generous toward each other in this regard.
8. Identify yourself to the Judge and the Court Reporter before any hearing begins. Provide a business card with your name, correct address, phone number, fax number and e-mail address. Also include party representation. Please provide the Court Reporter with a phone number that can be used to reach you with immediacy.
9. Accurate exhibit lists should be furnished to the Court and to the Court Reporter. Exhibits are to be marked with exhibit stickers, using a number system (i.e, the first exhibit should be #1). Parties may provide their own exhibit stickers. Exhibits with multiple pages should be stapled, bound and/or assembled in advance so that they may be accurately preserved.
10. Redactions should be made and reviewed by all parties prior to the exhibit being offered. Exhibits redacted after the exhibit is admitted (subject to redaction or without initial objection) are to be marked as an "A" exhibit and the original, unredacted exhibit is kept by the Court Reporter for the record. Once an exhibit is offered (even if not admitted), it must be tendered to the Court Reporter.
11. Once an exhibit number (or letter) has been assigned, the same exhibit number may not be used for another exhibit, even if the original exhibit is withdrawn or not used in the hearing or trial.
12. Arrangements for acquiring a transcript of testimony after a hearing or during a trial may be made directly with the Court Reporter.

IV. CIVIL DOCKETS

A. SCHEDULING ORDER

In accordance with Rules 166, 190 and 192 of the Texas Rules of Civil Procedure, the Court will enter a Uniform Scheduling Order in all cases filed in the Court, setting out mediation requirements, discovery deadlines and trial date.

If the parties wish to enter an agreed scheduling order, please contact the Court Coordinator, [Jenica Salazar](#), to schedule a hearing on your Motion to Enter a Scheduling Order.

B. AGREED AND UNOPPOSED MOTIONS

1. Agreed or unopposed motions do not have to be placed on the Court's oral hearing or submission docket. All unopposed or agreed motions should be titled as such. These motions are expeditiously presented to the Court without the necessity of a hearing (this includes unopposed motions for continuance).
2. ALL continuance or reset motions (whether agreed, unopposed or opposed) MUST state what number continuance motion is being filed (i.e. "Plaintiff's First" or "Defendant's Second" or "Third Agreed Motion," etc.).
3. Agreed motions and orders should contain signature blocks for all parties who are agreed to the relief requested and should state "AGREED AS TO SUBSTANCE AND FORM AND ENTRY REQUESTED" above the signature block.

B. COURT REQUESTS

In certain situations, the Court will ask you to supplement your unopposed motion, request for default judgment, or expedited foreclosure with additional evidence. Please feel free to

contact the Court to confirm whether the additional evidence has been brought to the Court's attention.

C. CERTIFICATES OF CONFERENCE

1. The Court requires complete compliance with Texas Rules of Civil Procedure 191.2 and our local rules.
2. Motions must have certificates of conference. All certificates of conference must be explicit as to the party's efforts to resolve the motion with all other parties/counsel prior to filing. If a party was unable to reach the other side prior to filing the motion, the certificate should state the efforts to communicate with that party and should always be supplemented as soon as possible after the parties have conferred. If the Court does not see a supplemented certificate in such circumstances, please expect a call asking for one.

Please note the following:

- a. Sending a copy of a motion, without more, is not a conference.
- b. Sending an e-mail or leaving a telephone message, without more, is not a conference.
- c. If opposing counsel refuses to return numerous phone calls or other messages, outline your efforts to confer in your certificate of conference.

D. DISCOVERY MOTIONS

1. Always consult opposing counsel (preferably the lead attorney) before filing any motion related to discovery. Include an explicit certificate of conference as described above in the section of these procedures titled "Certificates of Conference." Be sure to submit the discovery response(s) at issue as sub-documents when e-filing, or state verbatim the request and answer in the body of your motion.
2. Proposed orders should list each discovery issue separately so that the Court may sign a specific order granting or denying the requested relief.

E. ORAL HEARINGS

1. All Civil hearings are in person. Exceptions will be made at the discretion of the Court.
2. It is the movant's responsibility to provide proper written notice of the hearing to the Court and to all parties. It is also the movant's responsibility to timely advise opposing counsel if they are passing the hearing. The Court coordinator will remove from the docket motions that do not timely comply with this policy and will notify the requesting party of the same.
3. PLEASE NOTE: Any matter that has been set by the parties for an oral hearing on a date later than the deadline in the DOCKET CONTROL ORDER will not be considered by the Court without a motion for leave explaining sufficient cause for the late filing. The Court will NOT consider substantial and potentially dispositive (or outcome determinative) motions on the eve of trial or the morning of trial. Late filing of motions will rarely be a sufficient basis for a continuance.
4. The Court encourages you to file responses, replies and objections at the earliest possible moment so that the Court can review them and promptly rule. Objections to summary judgment evidence filed on the morning of the hearing will not be considered.
5. Responses that are filed after the response deadline provided for in the rules MUST be accompanied by a separate motion for leave to late file the response with a proposed order.
6. Any replies that are filed after Tuesday at NOON for a Wednesday oral hearing are NOT LIKELY to be considered by the Court.

F. EMERGENCY HEARINGS

1. If the need for an emergency hearing arises, parties must first consult with each other about the matter and if both sides agree to an emergency hearing, contact the Court coordinator to set up a video conference or in person hearing with The Court.
2. If, after conferring, only one party thinks it is an emergency, the party requesting the hearing must file a motion for emergency hearing.
3. If an emergency hearing is granted, the movant is responsible for providing proper notice of the hearing to all parties.

G. SUBMISSION DOCKET

1. Submission docket is on Wednesday at 1:30 PM after 10 days notice.
2. Default judgments can be set on the submission docket, unless you need to prove up unliquidated damages. Please submit the proper non-military affidavit by visiting the Defense Manpower Data Center's (DMDC) Military Verification service at <https://scra.dmdc.osd.mil> and a Certificate of Last Known Address. Please make clear in the title of the motion and proposed judgment whether the judgment will be final (disposing of all claims and all parties) or interlocutory (partial).
3. Oral hearings for matters placed on the submission docket can be held, if requested, at the Court's discretion. A request for an oral hearing is not a substitute for a response nor for a motion to continue the hearing. Please clearly identify your request for an oral hearing or your request to continue the hearing by filing them separately from your response with proposed orders attached. The Court coordinator will inform you if the Court determines an oral hearing is appropriate.
4. The Court may request an oral hearing for matters placed on the submission docket. If this occurs, the Court coordinator will contact all parties with available dates.

H. SANCTIONS

1. Sanctions will infrequently be awarded unless the opponent has violated a previous order, or the conduct is egregious, or as permitted by law.
2. All requests for attorney's fees as sanctions MUST be established by affidavit or live testimony as to reasonableness and necessity as well as meet other legal requirements, unless the parties agree on the record, in a filed Rule 11 Agreement, or an agreed order as to the amount.

I. SEVERANCES

1. All motions and orders for severance must contain the following:
 - a. New case number, Court number, case type and new style name.
 - b. Reference the parties in the new suit;
 - c. List of original pleadings to be severed out and transferred to the new case;
 - d. List of pleadings to be transferred to the new case (together with a listing of the document type, activity date for the document, number of pages and image number);
 - e. Indicate attorney name, address and bar number to whom costs for the severance are to be assessed; and
 - f. Indicate the severance case's status, and whether the new case file is interlocutory (not a final appealable matter) or whether severance will cause the newly severed matter to be final and appealable upon severance. As an example, if a plaintiff obtains a summary judgment as to one of multiple defendants, and severs the disposed claims against that defendant into a new cause, that severance order will start the appellate timelines because all claims in the new cause will be resolved as to all claims and all parties. This should be expressly stated in the motion for severance.

2. Parties may consider, in the proper case, a request for abatement of a cause of action, or separate trials within one lawsuit, as this may be a more appropriate, and less expensive and cumbersome alternative.

J. SPECIAL EXCEPTIONS

1. Please explicitly identify by page and paragraph the pleading or portion thereof to which you are specially excepting (unless the special exception is only to the maximum amount of damages sought pursuant to Texas Rules of Civil Procedure 47).
2. Parties are encouraged to restate verbatim the paragraph(s) to which your special exceptions apply in the proposed order and provide blanks in which the Court may check "sustained" or "overruled" as to each separate matter to which the movant is specially excepting.

K. SUBSTITUTE SERVICE (RULE 106)

1. All motions for substituted service under Rule 106 must be accompanied by an affidavit that includes the following information:
 - a. Efforts taken to verify that defendant actually lives or works at the subject address;
 - b. Each attempt at service, with date(s) and time(s). Evidence must indicate attempted service within 3 months of filing the motion.
 - c. Identity of persons who were present at the subject address and what was said; and
 - d. A printout of a public record or Public Data.com or similar online database confirming that the person to be served actually resides at the address at which service is being attempted. This can also include a statement identifying license plates of cars in the driveway and attaching a printout of license plates registered to the person to be served. Statements by neighbors or by people residing in the abode must include the full name of the person and a description. The Court requires some assurance that the person resides at that address.

L. VOLUNTARY NON-SUITS/DISMISSALS

1. All non-suits and voluntary dismissals should be titled as interlocutory or final. Interlocutory orders should expressly list which parties and claims are being dismissed and which remain (if any).
2. Final orders MUST state that the order disposes of all claims and all parties and is intended to be a final, appealable order.
3. Motions and notices of non-suit as well as orders of non-suit should expressly state that they are being filed pursuant to Rule 162 of the Texas Rules of Civil Procedure. These motions are immediately presented to The Court without the necessity of submission or oral hearing.

M. NONSUITS INVOLVING MINORS

For non-suits and dismissals in cases involving minors, parties must disclose to the Court whether the minor is receiving a settlement so the Court can determine whether a guardian ad litem should be appointed. The Court will not appoint a guardian ad litem where none is warranted by Texas Rules of Civil Procedure 173, however it is important that this information is furnished to the Court for proper consideration. Nonsuits and dismissals filed without providing this information will not be granted.

N. WITHDRAWAL AS ATTORNEY OF RECORD

1. All motions and proposed orders to withdraw as attorney of record must contain the following:
 - a. An indication that the motion to withdraw and notice of the hearing or notice of submission was provided to the client, including evidence of mailing the motion to the client;
 - b. An indication of whether the client consents to the motion;
 - c. The last known mailing address, phone and fax number of client; and
 - d. Notice to the client that the client has the right to appear at the hearing to object to the motion or file a response prior to the submission of the motion.
2. Please make reasonable efforts to find substitute counsel in the appropriate case so that the client's interests are protected.
3. These motions DO require a certificate of conference, as opposing counsel has a right to be heard on these motions

O. JP EVICTION APPEALS and FORCIBLE DETAINERS

1. JP Eviction Appeals and forcible detainer hearings are not automatically scheduled. To schedule a hearing, please contact the Court Coordinator, [Jenica Salazar](#).
2. All notices of hearing MUST be filed with the County Clerk's office prior to the hearing date, and in accordance with the Texas Rules of Civil Procedure.
3. It is the requesting party's responsibility to provide proper written notice of the hearing to all parties. It is also the requesting party's responsibility to timely advise all parties if they are passing the hearing.

P. OCCUPATIONAL (or RESTRICTED) LICENSES

Applications for Occupational or Restricted Licenses are heard before Associate Judge Lewis White on Fridays at 9:00 A.M. To schedule a hearing, please contact his Court Coordinator, Eralyn Fisher. The deadline to schedule a hearing is 3:00 P.M. on the Wednesday preceding Friday's docket. There are NO exceptions to this deadline.

Q. PRO SE LITIGANTS

The Court is prohibited from providing legal advice or assisting in the preparation of lawsuits. The Court will only offer general information. There is a pro se self-help manual located in the Fort Bend County Law Library that offers information to litigants that choose to represent themselves. The Law Library is located in the Fort Bend County Justice Center, 1422 Eugene Heimann Circle Richmond, Texas. For more information, please contact Mr. Andrew Bennett, Law Librarian, at (281) 341-3718. Additional help may be found at www.Texaslawhelp.org or at <https://selfhelp.efiletexas.gov/srl>

V. CIVIL TRIALS

A. GENERAL

1. Throughout the pendency of a case, the parties, all counsel, and their agents or representatives shall obey and comply with the Texas Rules of Civil Procedure, the Texas Disciplinary Rules of Professional Conduct, and the Texas Lawyers' Creed – A Mandate for Professionalism (as applicable).
2. The Court expects counsel to act professionally at all times. Violations of these procedures (or of other orders and/or instructions of the Court) are punishable by contempt. This punishment can include up to a \$500.00 fine and/or six (6) months in jail. Violations may also be subject to

sanctions pursuant to Rule 215, Texas Rules of Civil Procedure, as well as other applicable authority and the inherent power of the Court.

B. TRIAL SETTINGS

1. All cases are set for trial by the Court coordinator with input from all parties.
2. If you anticipate a challenge to an expert's qualifications, please schedule the hearing well in advance of trial (see discussion of Daubert Motions below). Please discuss scheduling of any anticipated Daubert motion with the Court at an earlier status conference. Parties must call the Court coordinator to get docket positions.

C. MEDIATION

1. The Court requires the parties to complete alternative dispute resolution prior to setting a case for trial.
2. If you believe that your case is not appropriate for mediation, file an objection to mediation as soon as practicable and set it on the submission docket. An agreed motion will usually be granted. The Court may set an opposed motion for oral hearing or video conference.

D. JURY PANELS

If you need a panel of more than 40 jurors, please let the Court coordinator know at least 4 weeks before trial.

E. CONTINUANCES

1. Continuance motions should be filed early.
2. Motions for trial or pretrial deadline continuances MUST to be accompanied by an appropriate affidavit, unless they are agreed.
3. ALL continuance or reset motions (whether agreed, unopposed or opposed) MUST state what number continuance motion is being filed (i.e. "Plaintiff's First" or "Defendant's Second" or "Third Agreed Motion," etc.).

F. VOIR DIRE

The Court typically allows 30 - 45 minutes per side for voir dire. After the general voir dire, individual jurors may be questioned at the bench, only if necessary, to assist the Court in deciding a for-cause challenge.

G. PRELIMINARY MATTERS

1. The Court requires the parties to exchange proposed jury charges, motions in limine, exhibit lists, actual exhibits, party/attorney lists, witness lists, and deposition excerpts BEFORE the Pre-Trial Conference, which is usually scheduled the Friday preceding the trial date.
 - a. Eliminate duplicate exhibits, if possible, by agreement.
 - b. Mark an 8 x 11 size exhibit for any blowup used.
 - c. Be prepared to advise the Court of exhibit numbers for which you have no objection.
 - d. Please work diligently to tailor your motion in limine to the issues in the case rather than a boilerplate "everything but the kitchen sink" motion. Then work with opposing counsel or pro se parties to narrow those issues by agreement. As you can imagine, the Court will frown on having to consider 40 different limine points while the jury panel is waiting in the hall.
 - e. When preparing video deposition excerpts to play at trial, remember that some portions may be excluded under the Texas Rules of Evidence, and be prepared to present only the admitted portions without having to stop and start the presentation repeatedly in front of

the jury. This may mean being prepared to edit the video deposition quickly during the course of the trial.

H. DAUBERT MOTIONS

All Daubert Motions (motions to exclude expert witness testimony) should be filed AND set for hearing WELL IN ADVANCE OF TRIAL (i.e. not on the eve of trial). The Court will NOT consider such motions filed after the deadline in the docket control order without a motion for leave demonstrating good cause.

I. DEPOSITIONS

1. Provide page/line for any witness anticipated to testify by deposition PRIOR to the docket call.
2. Opposing counsel must promptly advise of any objections.
3. If objections remain, then the party seeking to exclude the testimony should file a motion to rule on the objections as soon as possible so that the Court can promptly rule on the objections prior to voir dire. Separately, if there are “form” objections in the deposition transcript that cannot be agreed upon, the party seeking to overrule the objection should file a motion for a ruling on these.

J. COURT’S CHARGE

1. Drafts of proposed jury charges should be exchanged PRIOR to the Pre-Trial Conference date.
2. Once assigned to trial, the parties should make arrangements with the Court coordinator to e-mail their proposed charge to the Court in Microsoft Word format so that the Court may compile the Court’s charge as the trial proceeds.

M. JURY TRIALS: GENERAL INFORMATION

See above III. Criminal Trials, B. Jury Trials

VI. JUVENILE DOCKETS

County Courts at Law of Fort Bend County sit as a designated juvenile courts. Juvenile courts decide matters involving adolescents who have not attained the age of majority. Matters handled by the juvenile courts include juvenile delinquency and issues involving children in need of supervision. Juvenile court hearings take place via Zoom or inside the courtroom and are formal proceedings.

A. DOCKET TIMES

1. Juvenile adjudication, disposition and status hearings are heard in person on Mondays at 9:00 am. Trials are heard on days designated as Jury Trial Dockets. All other hearings are set at the Court’s convenience.
2. A juvenile’s non appearance must be approved by the Court in advance.
3. Scheduling for the Court’s Juvenile Dockets is managed by Juvenile Probation Officer Lavelle Conley. Lavelle.Conley@fortbendcountytexas.gov

B. DETENTION HEARINGS

1. Associate Judge Lewis White hears all Juvenile Detention Hearings, with some exceptions in accordance with the law.
2. Juvenile detention hearings are heard at the Legion Drive Annex on **Mondays at 1:00 P.M., Wednesdays and Thursdays at 9:00 A.M.** If a detention hearing date falls on a holiday, contact Court Coordinator Eralyn Fisher. Eralyn.Fisher@fortbendcountytexas.gov

C. COURT APPOINTED ATTORNEYS

In accordance with the County Courts at Law’s recent policy changes regarding attorney fee vouchers, all attorneys will continue to utilize paper fee vouchers in juvenile matters. The fee voucher is to be sworn and filed with the Fort Bend County Clerk’s Office.

VII. PROBATE DOCKETS

The following information is general information and guidance for practicing Probate and Guardianship in County Court at Law No. 4. This information is in no way intended as legal advice specific to any individual, but is merely for informational purposes only.

- [Texas Estates Code](#)

To check the status of filings online, go to the [County Records Research](#). Questions regarding filings, fees and status of filings can be directed to the Fort Bend County Clerk's Office at 281-341-8665.

A. PROBATE/GUARDIANSHIP SCHEDULE

1. **Uncontested Matters** are typically heard on Mondays at 1:30 P.M.
2. **Contested Matters** are heard on Wednesdays at 9:00A.M., or as needed.
3. **Jury Trials** are heard on designated Tuesdays at 9:00 A.M. All cases set for trial will have a Pre-Trial Conference on the Friday preceding the trial date. Please contact the [Probate Auditor](#) for available dates.
4. If the attorney of record will NOT be appearing on the day of the scheduled hearing, contact the Probate Auditor to inform the Court who will be appearing on their behalf.
5. To set a hearing, please contact our Probate Auditor, Kathy Edwards.
Kathy.Edwards@fortbendcountytexas.gov
6. The Court does not accept testimony via deposition on written questions; however, should the Court make an exception, applicants on the uncontested docket MUST file the deposition response(s) at least one week prior to the docket. All applicants are required to appear. Please contact [Kathy Edwards](#) for Court approval regarding any special circumstances preventing the applicant from attending.

B. GUARDIANSHIP PROCEEDINGS

1. All individuals applying to serve as a guardian are required to undergo a criminal background check with the Judicial Branch Certification Commission (JBCC) before a hearing will be scheduled.
2. Registration and training with the JBCC must be completed prior to the scheduled hearing.
3. All guardians appointed MUST file an [Annual Report Form](#). Failure to timely file the Annual Report may result in a Show Cause hearing or the removal of the guardian. For additional information on how and when to file the Annual Report Form, please contact the Probate Auditor.

C. HEIRSHIP PROCEEDINGS

Proposed Applications for Determination of Heirship and Letters Of Administration MUST be filed separately.

D. AD LITEM INFORMATION

1. All appointed Attorney Ad Litem and Guardian Ad Litem must email their report directly to the Probate Auditor at least one week prior to the scheduled hearing.
2. Ad Litem Fees must be agreed upon prior to the scheduled hearing. A separate order for the Ad Litem fees (including an itemized invoice) must be filed by NOON on the day of the scheduled hearing.

E. SMALL ESTATE AFFIDAVITS

1. Download the [Small Estate Affidavit Form here](#).
2. The Court REQUIRES a Death Certificate to be filed with a Small Estate Affidavit. The Probate Auditor CANNOT help you fill out a Small Estate Affidavit.
3. [Instructions/Checklist for the Small Estate Affidavit Form](#) is provided for your assistance.