



DENISE M. FORTENBERRY

130th Judicial District Judge

**POLICIES AND PROCEDURES FOR CIVIL, FAMILY AND
CHILD PROTECTIVE SERVICES CASES**

(effective April 1, 2026)

The following policies and procedures apply to the 130th Judicial District Court and will continue in effect until further notice. Please read these procedures in conjunction with other court procedures that may not be included in this document.

1. General Procedures and Protocols

All cases are subject to the procedures listed in this section.

- 1.1 Party Conference Required.** Prior to all settings, including Temporary Orders, attorneys and pro-se litigants must confirm in writing with the Court Coordinator that they have met with the opposing party before requesting a hearing date. The confirmation shall contain the date(s) in which the parties conferred. If the parties did not confer, the confirmation of pre-hearing conference must provide the attempted meeting information (i.e. date, time, and method) and the reason it did not occur. A sample form can be found on the Court's website.
- 1.2 Setting Hearings.** Email the Court Coordinator to request a hearing date and you will be provided with the Court's available dates. The attorney should work with the other side to get an agreed date without including the coordinator. Please e-file a notice of hearing with the date provided filled in and **EMAIL (not e-file)** the Court Coordinator a copy of your file stamped notice. The Court Coordinator does not officially add the case to the Court's docket until a completed notice of hearing is received. **Filing a notice with the District Clerk DOES NOT give the Court Coordinator the notice required to add your case to the docket.**
- 1.3 Reasonable Response Time.** In all situations in which a response is necessary from another attorney/party, the movant shall accord the other side a reasonable response time before filing their motion and setting a hearing. The Court's definition of reasonable response time means that the movant has reached out to resolve the issue and has given the opposing party a minimum of two (2) full business days to respond before filing their motion.
- 1.4 Informal Conference Required.** Prior to all contested hearings, attorneys and pro-se litigants must participate in an informal conference. Attorneys and pro-se litigants shall file a Certificate of Conference before the hearing begins.

- 1.5 Formal Mediation Requirement.** Formal mediation is required before final trials. Exceptions may be made in certain cases after a motion and hearing. Parties seeking an exception to mediation on final trial, including financial waivers, should file a written request seeking a *Final Trial without Mediation*. This motion shall be heard by the court prior to the pre-trial date. Failure to mediate prior to trial, *without good cause*, may result in a reset or dismissal of the case.
- 1.6 Pre-Trial Hearings.** These hearings are typically scheduled a week or two prior to the trial date. The purpose of this hearing is to update the Court, provide copies of required items and hear any outstanding pre-trial motions. A completed Pre-Trial Checklist by all parties (joint or filed separately) on file the Monday before the hearing, indicating to the Court that there are no outstanding pre-trial motions to be heard will excuse all parties' attendance at the Pre-Trial hearing.
- 1.7 Motions for Summary Judgment and Complex Contested Motions.** A courtesy notebook for the court is helpful for larger motions referencing extensive case law and/or statutes. ***Please submit a notebook to the Court Coordinator by noon on the third day before the hearing*** that includes the applicable motion(s), responses, replies, statutes and/or case law referenced with the pertinent portions highlighted or flagged. If submitting a notebook to the Court, an identical copy must be provided to opposing counsel.
- 1.8 Agreed Motions.** The Court will consider agreed motions without the need for a hearing. The party can request the Clerk's office to bring the file with the motion to the Judge's office. All Agreed Orders must be signed by *all parties* for the Court to consider it 'agreed.'
- 1.9 Motions to Withdraw.** A motion to withdraw will not be granted without a hearing unless all requirements of TRCP 10 are met.
- 1.10 Dismissal For Want of Prosecution.** A case may be dismissed for want of prosecution for any of the following reasons:
- A. Cases on file for more than one hundred twenty (120) days without service/answer filed;
 - B. Failure of Petitioner to request a setting or take other appropriate action after notice from the Court that the case has been pending without action for more than sixty (60) days;
 - C. Failure of counsel or pro se to appear for pretrial, docket conference, or other hearing;
 - D. Failure of party to make an announcement of "ready" when a case is called for trial or hearing of any preliminary matters; or
 - E. For any other reason that indicates to the court that the case is not moving forward.
- 1.11 Interpreters.** If an interpreter will be used, please advise the Court Coordinator to ensure the docket has enough room for the length of your hearing.
- 1.12 Status Questions.** Any inquiries regarding whether or not an order has been signed must be handled through the District Clerk's Office.

2. Discovery Dispute Hearings

All cases are subject to the procedures listed in this section.

PLEASE NOTE: It is imperative that counsel make every effort possible to resolve any and all discovery issues without Court intervention. If there has not been a conference between the parties, the Court will closely examine the efforts made by both counsel to effectuate one.

2.1 Procedures. Disputes regarding discovery will obtain a setting **ONLY AFTER** the following procedures have been performed:

- A. The party seeking Court intervention must file a letter not to exceed three pages (12 point font) explaining the nature of the dispute and include the date, time, and place of prior out-of-court discovery or scheduling discussion(s) and the name of all counsel/parties participating in the discussion(s).
- B. The Movant must email the “130th District Court Discovery Template.xls” (in xls form) which will show information about each discovery item in dispute.
- C. This letter and template must be e-mailed to all non-movants and the court coordinator at 130thDistrictCourt@co.matagorda.tx.us.
- D. The Court will schedule a ten (10) minute telephone conference with all parties after receiving the letter and template.
- E. The responding/non-movant party will have an opportunity to e-mail a three page (12 point font) response, along with their updates to the Movant’s “130th District Court Discovery Template.xls,” detailing whether the objections will be removed or if the requested item is within the care, custody, and control of the non-movant. This information should be added into the spreadsheet under “Non-Movant.”
- F. The Non-Movant responses must be e-mailed to the other parties and the court coordinator at 130thDistrictCourt@co.matagorda.tx.us no later than forty-eight (48) hours before the telephone conference.

3. Hearings by Submission

All cases are subject to the procedures listed in this section.

- 3.1 Notice.** The party setting the hearing by submission shall give notice to all parties for a date not less than ten (10) days from the filing and notice (or longer if required by statute).
- A. Responses to the motion shall be filed at least three (3) days before the submission date. Exceptions can be made on a finding of good cause.
 - B. Movant shall include the proposed order with the motion.
 - C. No one should appear in person. If the Court desires an in person hearing, the parties will receive notice of hearing from the Court Coordinator.
- 3.2 Submission List.** The following should be set via submission. This is not an exhaustive list, please contact the Court Coordinator if you are unsure whether your hearing should be handled by submission.

Non-evidentiary Motions	Entry of Orders (except Motions to sign/enter)
Dismissal Docket	Adoption Evaluation
Alternative/Substituted Service	Appointment of AAL or Amicus
Motion for Custody Evaluation	Motions for Continuance (before pre-trial)
Motion for Drug Screening	Motion for Genetic Testing
Motions for Nunc Pro Tunc	Motions to Refer to Mediation
Agreed QDRO	Motions to Reinstate
Motions for Summary Judgment	Motions to Transfer
Withdrawal/Substitute Counsel	Waive Appointment of Attorney Ad Litem
No Answer Default	Agreed Prove-Up via Affidavit

4. Trial Procedures

All cases are subject to the procedures listed in this section.

4.1 **Displaying Exhibits.**

A. **Projector.**

- i. The courtroom is equipped with a projector and screen, all other equipment is the responsibility of the attorney.
- ii. Counsel are responsible for setting up a time with the court's bailiff to familiarize themselves with the court's equipment. The hearing/trial date is not the appropriate time to learn how to use it.
- iii. It is counsel's responsibility to ensure that documents displayed on a projector have been first admitted into evidence and redacted, if necessary, to comply with the Court's rulings.

B. **Large Exhibits.** Exhibits exceeding 8 ½" x 11" in size will be accompanied by an 8 ½" x 11" copy. After completion of trial, the clerk will retain only the 8 ½" x 11" copy and the original exhibit will be returned to the offering party.

C. **Demonstrative Exhibits and Trial Aids.** Demonstrative exhibits and trial aids may be used by all counsel. Counsel shall not mark on or attach any item to an opposing counsel's demonstrative exhibit.

D. **Exhibits Brought to Court on Day of Trial.**

- i. All exhibits shall be PRE-MARKED with the hearing date, title, exhibit number, offering party name, cause number and the page number and number of pages (i.e. Page 1 of 20). **All pages** of the exhibit shall include this information.
- ii. If a party has more than twenty-six exhibits, the exhibits shall be numbered and not lettered.
- iii. Any pre-admitted/agreed to exhibit numbers must still be read into the record at trial (parties should not simply refer to "all pre-admitted exhibits.").

E. **Deposition Testimony.** Before trial begins, any deposition or video that will be presented during the trial will need to be submitted to the court reporter already officially transcribed, or if video excerpts are used, the video excerpts shall comply with 4.1.F.

F. **Audio/Visual Evidence.** All audio/visual evidence shall comply with the Court's Order Regarding Audio/Visual Evidence.

- 4.2 *Proposed Jury Questions/Instructions.*** The document should be named “[Name of Party]’s Proposed Jury Questions and Instructions” in Microsoft Word or WordPerfect format and emailed to the Court Coordinator at 130thDistrictCourt@co.matagorda.tx.us by the date of the Formal Pre-trial Conference. This document should be exactly as it would be presented to a jury without signature blocks.
- 4.3 *Courtesy Copies for Court Reporter and Clerk.*** To be delivered at Pretrial Conference:
- A. Exhibit List;
 - B. Witness List;
 - C. Vocabulary List (If one is filed). This is required in medical malpractice cases. If medical terminology will be used, this will be required in CPS cases, as well.
- 4.4 *Motions for New Trial.*** Motions for new trial will be decided on the pleadings and will only be set for hearing if argument is requested by the Court.

5. Family Law Cases.

Additional procedures applicable to all family law cases (including CPS)

- 5.1 ***Standing TRO.*** The 130th Judicial District Court has adopted a Standing Temporary Restraining Order because parties and child(ren) should be protected and property preserved while the lawsuit is pending before the Court.
- 5.2 ***Parenting Classes.*** Parties to a custody dispute **shall** complete an eight (8) hour co-parenting class prior to trial. The Court may order additional courses as deemed necessary. Go to www.onlineparentingprograms.com to register.
- 5.3 ***Requested Relief.*** At a temporary order hearing and final trial, each side should provide the Court a copy of their Summarized Requested Relief at the beginning of the hearing or trial.
- 5.4 ***Time Limits.*** At Temporary Order Hearings, each party is limited to twenty (20) minutes and the witnesses are limited to the party plus one witness per side. Exceptions can be made upon a showing good cause.
- 5.5 ***Child Interviews.*** If Texas Family Code section 153.009 requires the Court to interview the child, the interview will be conducted the day of trial, after the child is released from school. Please arrange for the child to be brought to the courthouse by an adult who is not a party to the case. Contact the Court Coordinator two (2) weeks before your court date to ensure that the interview is properly scheduled on the Court's calendar.

6. Child Protective Services Cases

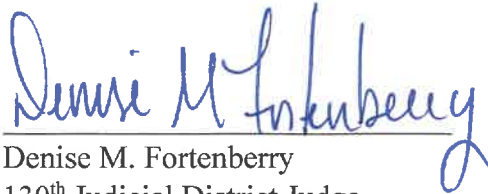
Additional procedures specific to Child Protection Services cases.

- 6.1 Family Plans of Service Amendments.** Once a family plan of service has been adopted as a court order, any amendments to that plan shall take effect only after they are presented to the court and expressly incorporated into a subsequent court order. Such incorporation may occur through submission under the court's submission-hearing guidelines or following a live hearing.
- 6.2 Pre-Adversary Informal Conference Required.** *Prior to all Adversary and Show Cause Hearings*, attorneys and pro-se litigants must participate in an informal conference. Attorneys and pro-se litigants shall file a *Certificate of Conference* before the hearing begins. A sample form can be found on the Court's website.
- 6.3 Additional Hearings.** All motions shall be held on the hearing dates that are already set for that case. An attorney wanting to set a motion must file a motion with notice of hearing date in accordance with TCRP 21 and provide the Court Coordinator with a copy of the notice of hearing at IDCoordinator@co.matagorda.tx.us. Exceptions can be granted for emergency motions which should be set on regular CPS dates, if possible.
- 6.4 Mediation Requirement.** **Formal mediation is required before final trials.** Exceptions may be made in certain cases after motion and hearing to show good cause.
- 6.5 Time Limits and Allocation.** Adversary Hearings shall be limited to two (2) hours. Miscellaneous hearings shall have a time limit of one (1) hour. This time limit can be increased based on a showing of good cause. All time shall be divided equally amongst the parties present at the hearing.
- 6.6 Bench Warrants and Inmate Requests.** The attorney representing an incarcerated party is responsible for coordinating their client's presence for court hearings.
- A. **Matagorda County Jail.** For parties incarcerated in the Matagorda County Jail, the attorney shall notify the Indigent Defense Coordinator at IDCoordinator@co.matagorda.tx.us at least three (3) business days before the hearing, that their client is incarcerated in the jail and needs to be transported for the hearing.
- B. **Out-of-County Jails and Texas Department of Corrections.** Parties incarcerated out-of-county or Texas Department of Corrections requires a Bench Warrant Request to be submitted to the Court no less than two (2) weeks before the trial.

6.7 Interpreters. If an attorney represents a party that requires an interpreter for a hearing, trial, or mediation, that attorney is responsible for notifying the Indigent Defense Coordinator. The notice shall be in writing and sent a minimum of two (2) weeks before the hearing.

The Court reserves the right to add, amend, or change any of these protocols and procedures as necessary for the administration of justice.

Signed on March 26, 2026.


Denise M. Fortenberry
130th Judicial District Judge

FILED
at 10:48 o'clock A. M.

MAR 26 2026

JANICE L. HAWTHORNE
Clerk of District Court Matagorda Co., Texas
By  DEPUTY