

De Novo Hearing Checklist

Statutory

- Notice of right to de novo hearing was given to all parties by:
 - Oral statement in open court;
 - Posting in or outside courtroom of referring court; or
 - As directed by referring court. [Tex. Fam. Code § 201.012](#)
- Notice of substance of associate judge's report, including proposed order, was provided:
 - In open court, by an oral statement or a copy of the associate judge's written report, including any proposed order;
 - By certified mail, return receipt requested; or
 - By facsimile transmission. [Tex. Fam. Code § 201.011\(c\)](#)
- Associate judge signed and dated report, including any proposed order, and all other papers related to the case sent to the referring court. [Tex. Fam. Code § 201.011\(e\)](#)
- Party filed request with referring court and clerk of referring court not later than 3rd working day after receiving notice of:
 - The substance of the associate judge's report as provided by [Tex. Fam. Code § 261.011](#); or
 - The rendering of the temporary order, if the request concerns a temporary order rendered by the associate judge under [Tex. Fam. Code § 201.007\(a\)\(14\)\(C\)](#). [Tex. Fam. Code § 201.015\(a\)](#)
- De novo request specifies issues to be presented. [Tex. Fam. Code § 201.015\(b\)](#)
- If additional request for de novo hearing was filed by any other party, it was filed not later than the 3rd working day after date the initial request was filed. [Tex. Fam. Code § 201.015\(e\)](#)
- If the de novo request follows a jury trial, party requesting de novo may not demand a second jury in a de novo hearing before the referring court if the associate judge's proposed order or judgment resulted from a jury trial. [Tex. Fam. Code § 201.015\(i\)](#)
- Referring court, after notice to parties, shall hold de novo hearing not later than the 30th day after the date upon which the initial request for a de novo hearing was filed with the clerk of the referring court. [Tex. Fam. Code § 201.015\(f\)](#)
- During the de novo hearing before the referring court:
 - The parties may present witnesses on the issues specified in the request for the de novo hearing;
 - The referring court may consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury. [Tex. Fam. Code § 201.015\(c\)](#)

Best Practices for Referring Courts

- Determine whether delay of de novo hearing impacts permanency of children the subject of the lawsuit.
- If unable to hear within 30 days, consider requesting a visiting judge to preside over the de novo hearing.
- Determine whether attorney files de novo request concurrently with motion to withdraw.

Best Practices for Associate Judges

- Follow up with referring court to determine if de novo hearing held.
- Inquire about status of de novo hearing at every statutorily mandated hearing pursuant to [Tex. Fam. Code Chapter 263](#).

