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 § 201.011; 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.