De Novo Hearing Checklist

novo hearing held.

Statutory □ Notice of right to de novo hearing was given to all ☐ De novo request specifies issues to be presented. Tex. Fam. Code § 201.015(b) parties by: Oral statement in open court; ☐ If additional request for de novo hearing was filed by any other party, it was filed not later than the · Posting in or outside courtroom of referring 3rd working day after date the initial request was court; or filed. Tex. Fam. Code § 201.015(e) As directed by referring court. Tex. Fam. Code § 201.012 ☐ If the de novo request follows a jury trial, party requesting de novo may not demand a second □ Notice of substance of associate judge's report, jury in a de novo hearing before the referring including proposed order, was provided: court if the associate judge's proposed order or • In open court, by an oral statement or a copy of judgment resulted from a jury trial. Tex. Fam. the associate judge's written report, including Code § 201.015(i) any proposed order; □ Referring court, after notice to parties, shall By certified mail, return receipt requested; or hold de novo hearing not later than the 30th day • By facsimile transmission. Tex. Fam. Code § after the date upon which the initial request for 201.011(c) a de novo hearing was filed with the clerk of the ☐ Associate judge signed and dated report, including referring court. Tex. Fam. Code § 201.015(f) any proposed order, and all other papers related ☐ During the de novo hearing before the referring to the case sent to the referring court. Tex. Fam. court: Code § 201.011(e) • The parties may present witnesses on the ☐ Party filed request with referring court and clerk of issues specified in the request for the de novo referring court not later than 3rd working day after hearing; receiving notice of: • The referring court may consider the record • The substance of the associate judge's report from the hearing before the associate judge, as provided by Tex. Fam. Code § 201.011; or including the charge to and verdict returned by • The rendering of the temporary order, if the a jury. Tex. Fam. Code § 201.015(c) 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) **Best Practices for Referring Courts** ☐ Determine whether delay of de novo hearing ☐ Determine whether attorney files de novo request impacts permanency of children the subject of the concurrently with motion to withdraw. lawsuit. ☐ If unable to hear within 30 days, consider requesting a visiting judge to preside over the de novo hearing. **Best Practices for Associate Judges** ☐ Follow up with referring court to determine if de ☐ Inquire about status of de novo hearing at every

statutorily mandated hearing pursuant to Tex.

Fam. Code Chapter 263.