

**SETTING NOTICE GUIDELINES  
FOR DISTRICT COURTS AND STATUTORY COUNTY COURTS  
(Provided by the Rural Association for Court Administration)**

**Answer Due after Service**

**Rule 99(c), Texas Rules of Civil Procedure**

On or before 10:00 a.m. on the Monday next following the expiration of twenty days after the date of service.

**Answer to Written Interrogatories**

**Rule 197.2(a), Texas Rules of Civil Procedure**

The responding party must serve a written response on the requesting party within 30 days after service of the interrogatories, except that a defendant served with interrogatories before the defendant's answer is due need not respond until after service of the interrogatories.

**Appeal to Referring Court**

**Texas Family Code § 201.015(a) and § 201.015(f)**

A party may appeal no later than the 3<sup>rd</sup> day after the party receives notice of the substance of the Associate Judge's report. The referring Court must hear appeal no later than the 30<sup>th</sup> day after the date on which the initial appeal was filed with the referring Court.

**Assignment of Contested Cases for Trial**

**Texas Family Code § 105.003(a)**

**Rule 245, Texas Rules of Civil Procedure**

Reasonable notice of not less than 45 days to the parties of a first setting for trial or by agreement of parties. If a case has been previously set for trial, the Court may reset a contested case to a later date on any reasonable notice to the parties or by agreement.

**Assignment of Non-Contested Cases for Trial**

**Rule 245, Texas Rules of Civil Procedure**

At any time whether set or not.

**Assignment of Wages**

**Texas Family Code, § 158.205**

Employer's motion for a hearing on the applicability of an order or writ  
Hearing must be held not later than the 15<sup>th</sup> day after the date the motion or

request is made. Motion must be filed not later than the 20<sup>th</sup> day after the date an order or writ of withholding is delivered.

**Texas Family Code, § 158.307, § 158.309**

**Obligor's Motion to Stay**

Must be heard not later than the 30<sup>th</sup> day after filing of motion to stay unless both Obligor and Obligee agree and waive the right to have heard within 30 days.

Motion must be filed not later than the 10<sup>th</sup> day after the date the notice of application for judicial writ of withholding was received.

**Default Judgment**

**Rule 107 & Rule 239, Texas Rules of Civil Procedure**

May be set if defendant has not previously filed an answer and the citation with officer's return is on file with the clerk for 10 days excluding day of filing and day of judgment.

**Motion for Enforcement (If incarceration is a possible result)**

**Texas Family Code, § 157.163(f), § 157.163(g), & § 157.163(h)**

If Respondent is not in custody, appointed attorney is entitled to not less than 10 days notice to respond to the pleadings and prepare for a hearing. If Respondent is in custody, appointed attorney is entitled to not less than 5 days from the date the Respondent was taken into custody to respond to the pleadings and prepare for a hearing.

The Court may shorten or extend the time for preparation if the Respondent and the Respondent's attorney sign a waiver of the time limit.

**Motion for Enforcement (If not incarcerated)**

**Texas Family Code, § 157.061, § 157.062**

Not less than 10 days notice if Motion for Enforcement of an existing order providing for child support or possession of or access to a child.

**Exception:**

If Motion for Enforcement is joined with another claim, hearing may not be held before 10:00 a.m. on the first Monday after the 20<sup>th</sup> day after the date of service and the provisions for Texas Rules of Civil Procedure applicable to the filing of original lawsuit apply. The hearing notice shall be 45 days (**Rule 245**)

The Court shall give preference to a Motion for Enforcement of Child Support in setting a hearing date and may not delay the hearing because a suit for modification of the order requested to be enforced has been filed or may be filed.

**Motion to Modify/Correct/Reform Judgment**

**Rule 329b, Texas Rules of Civil Procedure**

Must be filed prior to or within 30 days after the judgment or order complained of is signed.

**Motion for New Trial**

**Rule 329b, Texas Rules of Civil Procedure**

Must be filed prior to or within 30 days after the judgment or order complained of is signed.

**Motion to Revoke Community Supervision**

**Texas Family Code, § 157.216**

Hearing without a jury shall be on or before the first working day after the date the Respondent is arrested. If the Court is unavailable for a hearing on that date the hearing shall be held not later than the first working day after the Court becomes available. The hearing may not be held no later than the 3<sup>rd</sup> working day after the date the Respondent is arrested.

**Motion for Sanctions**

**Rule 215.1 & Rule 21, Texas Rules of Civil Procedure**

Reasonable notice to all parties affected (not less than 3 days).

**Motion for Summary Judgment**

**Rule 166a(c), Texas Rules of Civil Procedure**

Once Motion for Summary Judgment has been filed 21 days notice of hearing must be given. The adverse party may file and serve opposing affidavit or other written response not later than 7 days prior to the date of hearing except on leave of court.

**Motion to Compel**

**Rule 215.1 & Rule 21, Texas Rules of Civil Procedure**

Reasonable notice to all parties affected (not less than 3 days).

**Motion to Transfer Venue**

**Rule 87(1), Texas Rules of Civil Procedure**

Forty-Five(45) days notice of a hearing. Response not required but if filed it must be done so at least 30 days prior to the hearing on the Motion. The Movant can file a reply which must be filed not later than 7 days prior to the hearing except on leave of Court.

**Name Change (Adult)**

**Texas Family Code § 45.102 & 45.103**

**Rule 245, Texas Rules of Civil Procedure**

No setting notice required after compliance with requirements of Petition. If contested, 45 days notice of hearing.

**Name Change (Child)**

**Texas Family Code § 45.003(b) & § 105.003**

**Rule 245, Texas Rules of Civil Procedure**

Citation required on parent whose rights have not been terminated, any managing conservator of child, and any guardian. If contested, 45 days notice of hearing.

**Plea in Abatement**

**Rule 21, Texas Rules of Civil Procedure**

Three (3) days notice of hearing.

**Preferential Setting**

**Texas Family Code, § 105.004**

After a hearing, Court may grant a preferential setting for a trial on the merits and give precedence to that hearing over other civil cases if the Court finds the delay created by ordinary scheduling practice will unreasonably affect the best interest of a child.

**Texas Family Code, § 162.0045**

Adoption:

The Court shall grant a motion for preferential setting for a final hearing on an adoption and shall give precedence to that hearing over all other civil cases not given preference by other law if the social study has been filed and the criminal history for the person seeking to adopt a child has been obtained.

**Protective Order**

**Texas Family Code § 84.001 – 84.004**

Original hearing date:

- a. Shall set date and time for hearing upon filing of the Application for Protective Order but must be heard no later than the 14<sup>th</sup> day after the date the Application is filed.
- b. If the County population is more than 1.5 million or in a County with a judicial district comprised of more than one County, the hearing shall be set not later than 20 days after the date the Application is filed or 20 days after the date a request is made to reschedule a hearing if Respondent has not been served.

Failure of Service (Rescheduling)

If Respondent did not receive service of notice of the Application for Protective Order, hearing shall be rescheduled not later than 14 days after the date the request is made (exception is the extended time in paragraph immediately preceding).

#### Insufficient Notice (Rescheduling)

If service of notice of Application within 48 hours of hearing upon request of the Respondent, hearing shall be rescheduled for a date not later than 14 days after the date set for the hearing.

#### **Reasonable Notice**

##### **Rule 21, Texas Rules of Civil Procedure**

An application to the Court for an order and notice of any hearing thereon, not presented during a hearing or trial, shall be served upon the adverse party not less than 3 days before the time specified for the hearing, unless otherwise provided by these rules or shortened by the Court.

#### **Request for Findings of Fact**

##### **Rule 296 and 297, Texas Rules of Civil Procedure**

Must be filed within 20 days of the date that the Judge signs the judgment. Trial Court shall file findings of fact within 20 days of receiving timely request.

#### **Request for Jury Trial**

##### **Rule 216, Texas Rules of Civil Procedure**

Request must be filed with and the jury fee paid to the Clerk of Court for a reasonable time before the date set for trial but not less than 30 days in advance.

#### **Show Cause**

##### **Rule 21, Texas Rules of Civil Procedure**

Three (3) days notice of hearing, See "Reasonable Notice"

#### **Special Exceptions**

##### **Rule 21, Texas Rules of Civil Procedure**

Three (3) days notice of hearing, See "Reasonable Notice"

#### **Temporary Injunction**

##### **Rule 21, Texas Rules of Civil Procedure**

Three (3) days notice of hearing, See "Reasonable Notice"

#### **Temporary Orders**

##### **Texas Family Code, § 105.001**

##### **Rule 21, Texas Rules of Civil Procedure**

Three (3) days notice of hearing, See "Reasonable Notice"

In a suit, the court may make a temporary order, including the modification of a prior temporary order, for the safety and welfare of the child, including an order:

- (1) for the temporary conservatorship of the child;
- (h) An order under Subsection (a)(1) may be rendered without notice and an adversary hearing if the order is an emergency order sought by a governmental entity under Chapter 262. (See section below on S Suit by Governmental Entity)

**Temporary Restraining Order**

**Rule 680, Texas Rules of Civil Procedure**

May be issued without notice of hearing if it clearly appears from specific facts shown by affidavit or by verified pleading that immediate and irreparable injury, loss or damage will result before notice can be served and a hearing had. Must be heard no later than 14 days after date of issuance of order unless extended. No more than one extension of up to 14 days unless the other party against whom the order is directed consents that it may be extended for a longer period. On 2 days notice to the party who obtained temporary restraining order without notice, or on shorter notice, the adverse party may move for dissolution or modification and Court shall proceed to hear and determine motion as expeditiously as the ends of justice require. Each restraining order shall include an order setting date for hearing.

**Texas Family Code § 105.001(b)**

**Rule 680, Texas Rules of Civil Procedure**

Shall be granted without necessity of affidavit or verified pleading stating specific facts showing immediate and irreparable injury, loss or damage before notice can be served and a hearing had. Fourteen (14) day rule applies from above.

**Temporary Restraining Order (Suit by Governmental Agency)**

**Texas Family Code § 262.102, § 262.104**

**Rule 680, Texas Rules of Civil Procedure**

**Rule 105.001(c), Texas Rules of Civil Procedure**

Without prior notice and hearing, a temporary restraining order or attachment of a child may be issued. Expires not later than 14 days after date order is issued unless extended as provided by Texas Rules of Civil Procedure. Fourteen (14) day rule applies from above.

**Trial on the Merits/Jury or Non-Jury**

**Rule 245, Texas of Civil Procedure**

Forty-five (45) days notice of first setting for trial, or set by a agreement of parties.