CHECKLISTS & INSTRUCTIONS FOR SCHEDULING HEARINGS

INSTRUCTIONS FOR SCHEDULING A HEARING

1. Please be sure **all** items on the checklist, if applicable, are complete before contacting the Court to schedule a matter for hearing.
2. **Please be sure that all proposed documents (Order, Judgment, Proof, Oath, etc.) and (SS# redacted) death certificate, for estate proceedings, are on file or provided to the Court before a hearing can be set.**
3. The name of a minor child in all documents, including pleadings, should be listed by **initials only**, and the address of the minor child should be listed as City and State only.
4. Pursuant to Local Rules, the Matter Number and page number must be included on all pleadings submitted to the Court.
5. Please check the online portal at **https://courtsportal.dallascounty.org/DALLASPROD** to ensure all documents are on file before contacting the Court to schedule your matter for hearing.
6. Please consult with **all** parties (ad litem, other attorneys, witnesses, any pro-se litigants, etc.) before setting a hearing.
7. A hearing confirmation email will be sent to all attorneys once the hearing is set.
8. Please contact the Court as soon as all parties agree to **cancel** a hearing.
9. Only the party who sets the hearing may cancel it.
10. Please inform the Court if an Interpreter is needed when scheduling the hearing. Only Certified Interpreters are allowed to interpret matters in open Court.
11. All hearings related to Annual Accountings and Final Accountings cannot be set without the approval of the Court Auditor. The Law firm may contact the PC#3 Auditor at 214-653-6803
12. **Please email the Court at ProbateCourt3@dallascounty.org to schedule your matter for hearing.**

CHECKLISTS
BEFORE SCHEDULING YOUR MATTER FOR HEARING

APPLICATION TO PROBATE WILL

- ☐ **Letters Testamentary**
- ☐ **Muniment of Title**
- ☐ **Independent Administration with Will (Annexed)**
- ☐ **Dependent Administration with Will**

ITEMS TO BE ON FILE

- ☐ Application to Probate Will
- ☐ Last Will & Testament – original or tangible copy delivered to the County Clerk; if Will is already on deposit, request Clerk to transfer into new cause number.
- ☐ Issuance of Posted Notice
- ☐ Proposed documents (Order, Proof and Oath)
- ☐ Death Certificate (redact SS# only) – *provide a copy to the Judge*
- ☐ Waivers, Declinations, Death Certificates(s) of Pre-Deceased Executors, Appointments of Resident Agents, etc. (if necessary)
- ☐ Additional Proof(s) for witness(es) – for non-self-proven/ holographic Wills
    - **Waiver De Novo if the matter is being heard by the Associate Judge**

ADDITIONAL ITEMS TO BE ON FILE

Copy of Will (Original that cannot be produced)
After four (4) year Will

- ☐ Proof of Notice to all heirs at law who would inherit in the absence of the Will
- ☐ Attorney's Certificate (Similar to the certificate set forth in §202.057 of the TEC)
- ☐ Additional Proof(s) for witness(es) & *disinterested witness for after four year Will*

ADDITIONAL TIPS AND REQUIREMENTS (PROOF OF FACTS & ORDERS)

- Distributees' Consent/Waivers must be executed by all distributees for Independent Administrations set forth in - §401.002(a) or §401.002(b). Must include power to sell.
    - If the said distributees are unknown or cannot be determined, an Ad Litem must be appointed.
- MUNIMENT OF TITLE ONLY
    - Please be sure that the Applicant has personal knowledge of the Decedent's financial affairs.
    - The Applicant's Proof of Death and proposed Order must include the following statement, if true:
      "The Decedent did not have any arrears in child support" and "that the Decedent did not have any debts"
- ALL ORDERS must **exclude** any language that states:
    - "All allegations in the application are true"
    - "All necessary proof required for probate of such Will has been filed"
    - "Such Will is entitled to probate"

APPLICATION FOR DETERMINATION OF HEIRSHIIP

ITEMS TO BE ON FILE

- ☐ Application – Determination of Heirship
- ☐ Issuance of Citation by Publication
- ☐ Ad Litem Appointment
- ☐ Ad Litem – Original Answer or Report
- ☐ $600.00 deposit in the registry of the Court via County Clerk's office
- ☐ Proposed documents (*sole* Judgment Declaring Heirship, Proof/Statement of Facts for two (2) disinterested witnesses, etc.)
- ☐ Death Certificate (redact SS# only) – *provide a copy to the Judge*
- ☐ Proper Notice to all heirs at law - *§202.051 - §202.056 of the TEC*
- ☐ OCA *Office of Court Administration Publication* – Proof of Online Publication
    - If any party was notified via Citation by Publication, proof of OCA publication is required.
- ☐ Attorney's Certificate - §202.057 of TEC

- ☐ **HEIRSHIP & INDEPENDENT ADMINISTRATION (COMBINED)**

ADDITIONAL ITEMS TO BE ON FILE

- ☐ Application – Independent Administration
- ☐ Issuance of Posted Notice
- ☐ Distributees' Consents/Waivers executed by all heirs at law, including power to sell - *§401.003-§401.006 of the TEC*
- ☐ Proposed documents (*separate* Order Appointing Independent Administrator, Proof of Death & Other Facts - Applicant, Oath, etc.)

- ☐ **HEIRSHIP & DEPENDENT ADMINISTRATION (COMBINED)**

ADDITIONAL ITEMS TO BE ON FILE

- ☐ Application – Letters of Administration
- ☐ Issuance of Posted Notice
- ☐ Proposed documents (*separate* Order Appointing Dependent Administrator, Proof of Death & Other Facts for Applicant, Oath, etc.)

ADDITIONAL TIPS AND REQUIREMENTS (JUDGMENT & ORDER)

- There should be two separate Orders/Judgments as follows:
    - Order Granting Administration and Appointing (Independent) Administrator; and
    - Judgment Declaring Heirship
- Exclude the following language from the ORDER:
    - "that all proof has been made to this Court and is satisfactory and is entitled to probate;" and
    - All language regarding the heirship proceeding
- Exclude the following language from the JUDGMENT:
    - the payment and discharge information regarding the Attorney Ad Litem
    - any language indicating the need for an administration or for the appointment of the administrator.
- The name of a minor in all documents should be listed by initials only, and the address of the minor should be listed as only City and State.

APPLICATION FOR (PERMANENT) GUARDIANSHIP

ITEMS TO BE ON FILE

- ☐ Application – Guardianship of Person/Estate
- ☐ Issuance of Posted Notice
- ☐ Issuance of Citation by **Constable** – Alleged Incapacitated Person
- ☐ Current Medical Report/Certificate *(Redact any Personal Identifiable Information)*
    - *Be sure that the Medicial Certificate complies with §1101.103 TEC*
- ☐ JBCC Certificates for all proposed Guardians
- ☐ Court Investigator's Report
- ☐ Ad Litem Appointment
- ☐ Ad Litem – Original Answer or Report
- ☐ $600.00 deposit in the registry of the Court via County Clerk's office
- ☐ Ensure all Attorneys of Record have an updated "Guardianship Certification" with the State Bar of Texas
- ☐ Notice to all parties (Spouse, Children, Parents, Health Care Facility, etc.) Chapter §1051 of TEC
    - OCA *Office of Court Administration Publication* – Proof of Online Publication
        - If any party was notified via Citation by Publication, proof of OCA publication is required.
- ☐ Attorney's Certificate - §1051.104(b) of TEC
- ☐ Proposed documents (Order Appointing Guardian of the Person/Estate, Oath, etc.)

ADDITIONAL TIPS AND REQUIREMENTS FOR ORDERS

Please include the following language in Orders for Guardianship of the Person:

IT IS ORDERED that the Guardian of the Person, after qualifying, shall:

1. Not place the Ward in an unlicensed residential facility without further order of this Court,
2. Not place the Ward, except in cases of emergency, in a more restrictive care facility without providing notice of the Ward's placement to this Court and any person who has requested notice,
3. Notify this Court immediately if the Ward's capacity improves,
4. Complete and file with the Probate Clerk, in the same month each year as this order was signed, an Annual Report of the Guardian on the Person on the Location, Condition and Well-being of the Ward,
5. Annually provide the Ward with a copy of the Bill of Rights (a copy of which is attached hereto and incorporated by reference) and properly communicate these rights to the Ward,
6. Communicate with and inform relatives of the Ward, who were notified of the initial guardianship application, if the:
    a. Ward dies (including funeral arrangements),
    b. Ward's residence changes, or
    c. Ward is staying at a location, other than the Ward's residence, for a period exceeding one calendar week.

APPLICATION TEMPORARY/*EMERGENCY* GUARDIANSHIPS

1) Please contact the County Clerk to have your Application, Order and related documents accepted via e-file immediately.
2) After all pleadings have been accepted, contact the Court for the Ad Litem selection process and to obtain a hearing date.

ITEMS TO BE ON FILE & REQUIREMENTS

- ☐ Application – Temporary Guardianship of Person/Estate
- ☐ Request for Issuance of Citation and service via Constable - Alleged Incapacitated Person
- ☐ Medical Report/Certificate (if possible) *(Redact any Personal Identifiable Information)*
- ☐ Proposed Order to Appoint Temporary Guardian of the Person/Estate
- ☐ Ensure all Attorneys of Record have an updated "Guardianship Certification" with the State Bar of Texas
- ☐ $600.00 deposit in the registry of the Court via County Clerk's office
- ☐ JBCC Certificate for all proposed Guardians serving for more than 60 days

APPLICATION FOR TRO (Temporary Restraining Order)

1) Please contact the County Clerk to have your Application, Order and related documents accepted via e-file immediately.
2) After all pleadings have been accepted and the (two) 2-hour notice is complete (if applicable), please inform the Court of the TRO filing.
3) Applicant should make every effort to notify the opposing party of the filing and include opposing party/counsel on communication to the Court.
4) You may be asked to compose an email to the Court with the following information:
    - ☐ Attach the filed Application and Order
    - ☐ Briefly explain the facts about the case
    - ☐ Be sure to provide proper contact information in case the Judge/Court wishes to contact you directly.
    - ☐ Allow at least one (1) to three (3) business days for the Court to consider and respond to the TRO filing.

☐ APPLICATION FOR TEMPORARY ADMINISTRATION

1) Please contact the County Clerk to have your Application, Order and related documents accepted via e-file immediately.
2) After all pleadings have been accepted via e-file, please contact the Court to obtain a hearing date.

ITEMS TO BE ON FILE

- ☐ Application – Temporary Administration
- ☐ Proposed Order to Appoint Temporary Administrator
- ☐ Death Certificate (redact SS# only) - if possible – *provide a copy to the Judge*