

Setting Hearings in Travis County Probate Court No. 2

Updated November 2024

Overall points to keep in mind about setting hearings:

- Use the Court's **Regular Docket Hearing Request Form** to request available hearing dates and times for everything **except** uncontested will prove-ups, uncontested guardianships, and all heirships. Email the completed form to probatetwo.hearings@traviscountytx.gov. The form is available on the Court's website. See below for how to set heirships, uncontested will prove-ups, and uncontested guardianships.
- The Court requires that all hearings be specifically set; no Court dockets are "drop in" dockets. See procedures on this page for how to set different types of hearings.
- Please consult with others before setting a hearing – any ad litem, other attorneys, witnesses, etc.
- Calling or emailing to find out possible times for a hearing is not the same as setting a hearing. Until you have a confirmation, no hearing is set.
- Please notify the Court as soon as the parties agree to cancel a hearing or jury trial setting. Sufficient advance notice of cancellations allows the Court to schedule hearings on other matters during that passed setting, which expedites the Court's docket. **Only the person who set the hearing may cancel it.**

Establishing a Guardianship

- Before setting a hearing on – or even filing – a request for temporary guardianship, contact Melanie Ibarra-Herrera, Court Investigator, at 512-854-5514.
- To schedule a hearing, email a completed **Regular Docket Hearing Request Form** to probatetwo.hearings@traviscountytx.gov

Declaring Heirs or Probating a Will

- Before setting a hearing on a request for temporary administration, talk with Alexandra Leissner, Probate Staff Attorney, at 512-854-4355.

Setting a Hearing to Declare Heirs

- First decide whether the heirship case should be set on the uncontested probate docket or on the regular docket. Schedule an heirship case on the regular docket not only if a contest (or any answer that could be construed as a contest) has been filed, but also if there are unusual circumstances that need to be addressed – **even if there is no contest about these issues**. For example, schedule an heirship on the regular docket if there is a common-law marriage, an adoption, a declaratory judgment, a settlement agreement, DNA evidence, or expert testimony. Heirship cases should be scheduled on the uncontested probate docket only if there is no contest **and** no unusual circumstances to be addressed by *any* extra testimony.
- Once you – and the ad litem – have decided which docket the heirship case should be set on (uncontested or regular), email the appropriate heirship setting request form to probatetwo.staffattorney@traviscountytx.gov. **Do not call the Court to schedule an heirship hearing.**

Setting a Hearing to Probate a Will

- **"Uncontested probate docket" or "regular docket"?** If there's any issue about the will's validity or if the court will need to construe the terms of a will, follow the "Regular Docket" procedures at the right to set a hearing. If it's a simple will prove-up with no declaratory judgment required: (1) file the will and (2) *after* the will has been filed, email probatetwo.hearings@traviscountytx.gov and ask to set the case on the uncontested probate docket – no setting form needed. But see below:
- **If you decide that a probate case should be on the uncontested probate docket, there's a second question to ask before you email or call for a setting: Does the case need to be on the record?** The answer is "yes" if there will be any heirship or related testimony. *Thus all of the following must be on the record, even when on the uncontested docket:* copy of a will, muniment of title when testator died more than four years before the will was filed for probate, and appointment of a successor (but *not* an alternate) executor. Normal time: Thursdays at 9:15 a.m.

Jury Trials

To schedule a jury trial, call the **Probate Court Coordinator** at 512-854-5512 or email probatetwo.hearings@traviscountytx.gov

All Other Hearings: "Regular Docket"

- Schedule all other types of hearings on the Court's "regular docket" by emailing a completed **Regular Docket Hearing Request Form** to probatetwo.hearings@traviscountytx.gov
- For **emergency settings**, first contact either
 - ✓ **Court Investigator** Melanie Ibarra-Herrera at 512-854-5514 for temporary guardianships or TROs related to guardianships, or
 - ✓ **Staff Attorney** Alexandra Leissner at 512-854-4355 for Temporary Administrations or other TROs.
- **All hearings on accountings must be arranged with the Probate Auditor.** Do not contact the Court Coordinator directly to set a hearing on an accounting. (People often call to set hearings on accountings when it is too early for a hearing or there is no need for a hearing.)
- On the **Regular Docket Hearing Request Form**, indicate every matter to be heard so the Court can allocate sufficient time for the hearing. To ensure the docket runs on time, the Court cannot hear additional matters not previously set with the Court.
- You cannot add an additional matter to someone else's hearing. Only the person who set a hearing originally can contact the Court and ask that a matter be added – and that can be done only if the Court has sufficient time to hear the additional matter.