

Setting Hearings in Travis County Probate Court No. 1

General points to keep in mind about setting hearings:

- Contact the Court Coordinator at probate.hearings@traviscountytx.gov to set a hearing or ask about available hearing times, unless a different contact is indicated below.
- **The Court requires that all hearings be specifically set; none of the Court's dockets are "drop in" dockets.** See procedures on this page for how to set different types of hearings.
- Before calling or emailing to schedule a hearing, please collect *all* the necessary information: case name, cause number, attorneys involved, type of hearing (letters, muniment, copy of will, appoint guardian of the person, etc.) – as well as the estimated time needed for any hearing except for the uncontested probate and guardianship dockets.
- Please consult with others before setting a hearing – any ad litem, other attorneys, witnesses, etc.
- 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.**
- **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. Once you know when you'd like the hearing, you must contact the Court Coordinator and actually set the hearing. Something else may have been set at a time that had been available when you first called or emailed.

Establishing a Guardianship

- Before setting a hearing on – or even filing – a request for temporary guardianship, talk with Tom Ruffner, Court Investigator, at 512-854-4978.
- Before scheduling *any* hearing to establish a guardianship, read the Court's [Uncontested Guardianship Docket Procedures](#), and consult with the ad litem to decide whether the case should be heard on the Court's uncontested guardianship docket.
The uncontested guardianship docket is reserved for those few cases in which
 - (1) there are no issues regarding the incapacity of the proposed ward, the scope of the guardianship, the admissibility of the physician's certificate, or the suitability of the applicant to serve as guardian,
 - (2) the physician's certificate has been filed and clearly supports the scope of the guardianship being sought,
 - (3) nothing in the file suggests less restrictive alternatives might be available, and
 - (4) the proposed Ward was the only person who needed to be served (everyone else signed a waiver).
- To schedule a hearing on the **uncontested guardianship docket**, email or fax an *Uncontested Guardianship Docket Setting Request Form* to the Court. (See procedures.)
- To schedule a hearing on the **regular docket**, email the court at probate.hearings@traviscountytx.gov.

Declaring Heirs or Probating a Will

- Before setting a hearing on a request for temporary administration, talk with Christy Nisbett, the Court Administrator, at 512-854-9559.

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.
- Once you – and the ad litem – have decided which docket the heirship case should be set on, email the appropriate heirship setting request form to heirships@traviscountytx.gov (preferred) or fax to 512-854-4418. **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, email probate.hearings@traviscountytx.gov and ask to set the case on the regular docket. If it is a simple will prove-up with no declaratory judgment required, the case should be heard on the uncontested probate docket – but don't call or email until **after** (1) *you have filed the original will* and (2) you consider the next question.
- **If you decide that a probate case should be on the uncontested probate docket, there's a second question to ask before you call or email 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: 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 (not alternate) executor.

Jury Trials

To schedule a jury trial, call the [Probate Court Coordinator](#), at 512-854-9258 or email probate.hearings@traviscountytx.gov.

All Other Hearings: "Regular Docket"

- Schedule all other types of hearings on the Court's "regular docket" by emailing the Court at probate.hearings@traviscountytx.gov.
- For **emergency settings**, first contact either
 - ✓ [Court Investigator](#) Tom Ruffner at 512-854-4978 for temporary guardianships or TROs related to guardianships, or
 - ✓ [Court Administrator](#) Christy Nisbett at 512-854-9559 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 both when there is no need for a hearing and when it is too early for a hearing.)
- Tell the Court Coordinator each matter to be heard at a scheduled hearing on the regular docket 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 call 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.