

Question

In Texas, does a de novo request need to explicitly state that it is a de novo request, or can it be implied?

Answer (Texas)

Short response

In Texas, a de novo request must be made explicitly in writing and must specify the issues to be presented; it cannot be implied. Both statutory law and case law require that the request clearly state the intent to seek a de novo hearing and identify the issues for review.

Summary

Texas law mandates that a party seeking a de novo hearing after a ruling by an associate judge or master must file a written request that explicitly specifies the issues to be addressed by the referring court. This requirement is consistently reflected in the Texas Family Code, Government Code, and Tax Code, as well as in appellate and Supreme Court decisions interpreting these statutes.

The explicitness requirement serves to provide clarity to the court and opposing parties about which issues are being challenged and ensures that the scope of the de novo hearing is properly limited. Courts have repeatedly held that an implied or ambiguous request is insufficient; the request must be clear, unambiguous, and in writing, with the issues for review specifically identified.

Background and Relevant Law

Legislative Framework

The Texas Family Code, Government Code, and Tax Code each contain provisions governing requests for de novo hearings following decisions by associate judges or masters. The relevant statutes are:

Texas Family Code § 201.015: This section governs de novo hearings before the referring court in family law matters. It requires that a request for a de novo hearing must specify the issues to be presented to the referring court. The statute's language makes clear that the request must be explicit, as it is not possible to specify issues in an implied request. The hearing itself is limited to the issues specified in the request, reinforcing the need for clarity and specificity ([Tex. Fam. Code § 201.015](#)).

Texas Government Code § 54A.115 and § 54A.216: These sections apply to civil associate judges and statutory probate court associate judges, respectively. Both require that a request for a de novo hearing must specify the issues to be presented to the referring court, and the hearing is limited to those issues. The statutory language again indicates that the request must be explicit and in writing ([Tex. Gov't. Code § 54A.115](#); [Tex. Gov't. Code § 54A.216](#)).

Texas Tax Code § 33.74: In the context of tax delinquency cases, this section requires that appeals to the referring court be in writing and specify the findings and conclusions of the master that are objected to. The appeal is limited to those specified findings and conclusions, and the parties may present evidence de novo only on the issues raised in the appeal ([Tex. Tax Code § 33.74](#)).

Each of these statutes was last amended in or before 2025, and there is no indication in the provided materials of any subsequent amendments that would alter these requirements.

Case Law

Texas appellate and Supreme Court decisions have consistently interpreted these statutes to require an explicit, written request for a de novo hearing that specifies the issues to be reviewed:

[In re Interest of A.L.M.-F., 593 S.W.3d 271 \(Tex. 2019\)](#): The Texas Supreme Court held that a party must file a written request for a de novo hearing, and the hearing is limited to the specific issues stated in the request. The Court emphasized that the process is mandatory when properly invoked, but the scope is limited to the issues delineated in the motion for de novo review ([In re Interest of A.L.M.-F., 593 S.W.3d 271 \(Tex. 2019\)](#)).

[Perez v. Cerda, 04-23-00472-CV \(Tex. App. Oct 09, 2024\)](#): The appellate court reiterated that a request for a de novo hearing must specify the issues to be presented, citing the relevant Government Code provision. The court's order to hold a de novo hearing was expressly limited to the issues identified in the written notice of appeal and request for a de novo hearing ([Perez v. Cerda, 04-23-00472-CV \(Tex. App. Oct 09, 2024\)](#)).

[In re A.C. \(Tex. App. Nov. 15, 2023\)](#): The court noted that a party may request a de novo hearing by filing a written request within three days of receiving notice of the associate judge's order. The requirement for a written request implies that the request must be explicit and documented, not implied ([In re A.C. \(Tex. App. Nov. 15, 2023\)](#)).

[In re J.M.C. \(Tex. App. Dec. 17, 2021\)](#): The court held that de novo hearings are limited to the specific issues stated in the de novo hearing request, which must be filed in writing. This again supports the requirement for an explicit, written request ([In re J.M.C. \(Tex. App. Dec. 17, 2021\)](#)).

[M. J. M. v. Tex. Dep't of Family & Protective Servs., NO. 03-19-00336-CV \(Tex. App. Dec 13, 2019\)](#): The court cited the Family Code's requirement that a request for a de novo hearing must specify the issues to be presented, indicating that the request must be explicit and cannot be implied ([M. J. M. v. Tex. Dep't of Family & Protective Servs., NO. 03-19-00336-CV \(Tex. App. Dec 13, 2019\)](#)).

[In re S.S.R., NUMBER 13-18-00576-CV \(Tex. App. Mar 21, 2019\)](#): The court found that the parents' request for a de novo hearing was unambiguous and clearly specified the issues being contested, as required by statute ([In re S.S.R., NUMBER 13-18-00576-CV \(Tex. App. Mar 21, 2019\)](#)).

Supplementary cases, such as [C. A. v. Tex. Dep't of Family & Protective Servs.](#) (Tex. App. Aug 18, 2020) and [In re Interest of N.M.](#) (Tex. App. May 09, 2017), further reinforce the requirement for a timely and explicit written request, though they do not add new principles beyond those established in the essential authorities.

Analysis

The statutory and case law authorities are uniform in their requirement that a request for a de novo hearing in Texas must be explicit, in writing, and must specify the issues to be presented to the referring court. This requirement is not merely procedural; it is substantive, as the scope of the de novo hearing is strictly limited to the issues identified in the request.

The legislative provisions in the Family Code, Government Code, and Tax Code all use language that requires the party seeking a de novo hearing to specify the issues for review. This is not a formality; it is a jurisdictional prerequisite for the referring court to conduct a de novo hearing. The statutes do not contemplate or permit an implied request, as an implied request would not provide the necessary specificity regarding the issues to be reviewed.

The case law consistently interprets these statutes to require an explicit, written request. The Texas Supreme Court in [In re Interest of A.L.M.-F.](#) made clear that the process is mandatory when properly invoked, but the scope is limited to the issues stated in the request. The appellate courts have followed this approach, requiring that the request be unambiguous and specify the issues for review.

The rationale for this requirement is to provide notice to the court and opposing parties about which issues are being challenged, to allow for proper preparation, and to ensure that the de novo hearing is focused and efficient. Allowing implied requests would undermine these purposes and create uncertainty about the scope of the hearing.

In practice, a party seeking a de novo hearing must file a written request with the clerk of the referring court within the statutory time frame (typically three working days after receiving notice of the associate judge's ruling or order), and the request must clearly state that a de novo hearing is sought and identify the specific issues to be reviewed. Failure to comply with these requirements may result in the loss of the right to a de novo hearing on those issues.

Exceptions and Caveats

There are no significant exceptions in the provided authorities to the requirement for an explicit, written request specifying the issues for de novo review. The statutes and cases are clear and consistent on this point.

It is possible that, in extraordinary circumstances, a court might consider whether a defective request could be amended or whether substantial compliance with the statutory requirements might suffice. However, none of the provided authorities support the proposition that an implied request is sufficient, and the consistent emphasis on specificity and explicitness suggests that courts are unlikely to excuse a failure to make a clear, written request.

Additionally, the authorities do not require that the request use the precise words "de novo hearing," but the request must clearly communicate the intent to seek such a hearing and must specify the issues to be reviewed. Ambiguous or general objections are insufficient.

Conclusion

In summary, Texas law requires that a request for a de novo hearing be made explicitly in writing and must specify the issues to be presented to the referring court. This requirement is grounded in the relevant statutes and has been consistently interpreted and enforced by Texas appellate and Supreme Court decisions. An implied or ambiguous request is insufficient; the request must be clear, unambiguous, and in writing, with the issues for review specifically identified. Failure to comply with these requirements may result in the loss of the right to a de novo hearing on the contested issues.

Key authorities supporting this conclusion include:

- [Tex. Fam. Code § 201.015](#)
- [Tex. Gov't. Code § 54A.115](#)
- [Tex. Gov't. Code § 54A.216](#)
- [Tex. Tax Code § 33.74](#)
- [In re Interest of A.L.M.-F.](#), 593 S.W.3d 271 (Tex. 2019)
- [Perez v. Cerda](#), 04-23-00472-CV (Tex. App. Oct 09, 2024)
- [In re A.C.](#) (Tex. App. Nov. 15, 2023)
- [In re J.M.C.](#) (Tex. App. Dec. 17, 2021)
- [M. J. M. v. Tex. Dep't of Family & Protective Servs.](#), NO. 03-19-00336-CV (Tex. App. Dec 13, 2019)
- [In re S.S.R.](#), NUMBER 13-18-00576-CV (Tex. App. Mar 21, 2019)

The law is clear: a de novo request in Texas must be explicit, in writing, and must specify the issues to be reviewed. An implied request is not sufficient.

Legal Authorities

[In re S.S.R.](#), NUMBER 13-18-00576-CV (Tex. App. Mar 21, 2019)

Texas Court of Appeals

Extract

The record in this case shows that Mother and Father timely filed an appeal of the associate judge's report and that they each unambiguously requested a de novo hearing on '[a]ll issues of fact and findings of law related to' the termination of their parental rights and the associate judge's finding that termination was in the children's best interests. Mother and Father requested a de novo hearing on October 3, 2018, which was within three working days of receiving notice of the substance of the associate judge's report. See TEX. FAM. CODE ANN. § 201.015(a). Their request clearly specified which findings and conclusions of the associate judge that Mother and Father objected to. See id. § 201.015(b).

Summary

The request for a de novo hearing must be unambiguous and clearly specify the issues being contested. This suggests that the request should explicitly state that it is a de novo request and specify the issues, rather than being implied. The reference to Texas Family Code § 201.015(b) supports the requirement for specificity in the request.

[Perez v. Cerda, 04-23-00472-CV \(Tex. App. Oct 09, 2024\)](#)

Texas Court of Appeals

Extract

Accordingly, we abate the appeal, remand the case to the 341st District Court (Honorable Beckie Palomo), and order the district court, on or before November 8, 2024, to hold a de novo hearing on the issues identified for presentation in the April 14, 2023 notice of appeal to the district court and request for a de novo hearing. Tex. Gov't Code § 54A.115(b) ('A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.'); 54A.115(f) ('In the de novo hearing before the referring court, the parties may present witnesses on the issues specified in the request for hearing. The referring court may also consider the record from the hearing before the associate judge, including the charge to and verdict returned by a jury, if the record was taken by a court reporter.').

Summary

A request for a de novo hearing in Texas must specify the issues that will be presented to the referring court. This implies that the request must be explicit in identifying the issues for the de novo hearing, suggesting that an implied request without specific issues may not be sufficient.

[In re Interest of N.M., No. 07-16-00439-CV \(Tex. App. May 09, 2017\)](#)

Texas Court of Appeals

Extract

Statute permits one to seek a de novo hearing from findings rendered by an associate judge. See TEX. FAM. CODE ANN. § 201.015(a)(1) & (2) (West Supp. 2016) (stating that a party may request a de novo hearing before the court that referred the cause to the associate judge by filing a written request not later than the third working day after the date the party receives notice of 1) the substance of the associate judge's report or 2) the rendering of the temporary order).

Summary

A party may request a de novo hearing by filing a written request. It does not explicitly state that the request must be labeled as a "de novo request," but it does imply that the request must be in writing and filed within a specific timeframe. The requirement for a written request suggests that the intent to seek a de novo hearing must be clear, though it does not explicitly state that the term "de novo" must be used.

[In re A.C.](#)

Texas Court of Appeals

Extract

Thereafter, a party may request a de novo hearing before the referring court by filing a written request within three days of receiving notice of the associate judge's order. Id. § 201.015(a) (West 2023). If properly requested, the de novo hearing is mandatory. See id. § 201.015(f) ('The referring court ... shall hold a de novo hearing not later than the 30th day after the date on which the initial request for a de novo hearing was filed with the clerk of the referring court.'); Int. of A.L.M.-F., 593 S.W.3d 271, 279 (Tex. 2019) (de novo hearing process is 'mandatory when invoked').

Summary

The passage from the Texas Family Code indicates that a party must file a written request for a de novo hearing within a specified time frame. The use of the term "written request" suggests that the request must be explicit and documented, rather than implied. The requirement for a written request implies that the intention to seek a de novo hearing must be clearly communicated in writing, rather than being inferred or implied from other actions or statements.

[C. A. v. Tex. Dep't of Family & Protective Servs., NO. 03-20-00158-CV \(Tex. App. Aug 18, 2020\)](#)

Texas Court of Appeals

Extract

The record before us establishes that a request for a de novo hearing before the referring court was timely filed, and nothing in the record indicates that the right to a de novo hearing has been affirmatively waived by the appellants in the trial court.

Summary

A request for a de novo hearing was timely filed, suggesting that the request must be made explicitly and timely. The passage does not mention that the request can be implied, but rather emphasizes the importance of a timely and explicit request. The context of the case involves the Texas Family Code, which governs family law proceedings in Texas, and the passage specifically addresses the procedural requirements for de novo hearings.

[In re J.M.C.](#)

Texas Court of Appeals

Extract

When a child-protection case is referred to an associate judge for an authorized purpose, '[a] party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of [the substance of the associate judge's ruling or order].' *Id.* at 276 [Alteration in original] (quoting Tex.Fam.Code Ann. § 201.015(a)). ... 'De novo hearings are limited to the specific issues stated in the de novo hearing request, and the referring court must conduct the de novo hearing within thirty days of the request.'

Summary

A de novo hearing request must be filed in writing with the clerk of the referring court. It also specifies that the de novo hearings are limited to the specific issues stated in the de novo hearing request. This implies that the request must explicitly state that it is a de novo request and specify the issues to be addressed, rather than being implied or assumed.

[M. J. M. v. Tex. Dep't of Family & Protective Servs., NO. 03-19-00336-CV \(Tex. App. Dec 13, 2019\)](#)

Texas Court of Appeals

Extract

The Supreme Court of Texas recently clarified, '[A] de novo hearing is not entirely independent of the proceedings before the associate judge.' ... the de novo hearing afforded by Section 201.015 of the Family Code 'is a process that is mandatory when invoked but expedited in time frame and limited in scope,' ... That scope is limited to the issues delineated in the motion for de novo review. See Tex. Fam. Code § 201.015(a)(b) ('A request for a de novo hearing under this section must specify the issues that will be presented to the referring court.')

Summary

The passage from the Texas Family Code, as cited in the case, explicitly states that a request for a de novo hearing must specify the issues to be presented to the referring court. This indicates that the request must be explicit and cannot be implied, as it requires a clear specification of the issues for review.

[In re Interest of A.L.M.-F., 593 S.W.3d 271 \(Tex. 2019\)](#)

Texas Supreme Court

Extract

Under section 201.015, when a case is referred to an associate judge for any authorized purpose—including disposition on the merits—'[a] party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the third working day after the date the party receives notice of [the substance of the associate judge's ruling or order].' *De novo hearings are limited to the specific issues stated in the de novo hearing request, and the referring court must conduct the de novo hearing within thirty days of the request.*

Summary

A de novo hearing request must be filed in writing with the clerk of the referring court. It also indicates that the de novo hearing is limited to the specific issues stated in the request. This implies that the request must explicitly state that it is a de novo request and specify the issues to be addressed, rather than being implied.

[Tex. Fam. Code § 201.015 Tex. Fam. Code § 201.015 De Novo Hearing Before Referring Court](#)

Extract

A request for a de novo hearing under this section must specify the issues that will be presented to the referring court.

Summary

A request for a de novo hearing must specify the issues to be presented to the referring court. This implies that the request must be explicit in its nature and content, as it requires the specification of issues, which would not be possible if the request were merely implied. Therefore, the request must be explicit.

[Tex. Tax Code § 33.74 Tex. Tax Code § 33.74 Appeal of Recommendation of Final Judgment to the Referring Court Or On Request of the Referring Court](#)

Extract

All appeals to the referring court shall be in writing specifying the findings and conclusions of the master that are objected to and the appeal shall be limited to those findings and conclusions. On appeal to the referring court, the parties may present witnesses as in a hearing de novo only on the issues raised in the appeal.

Summary

Appeals to the referring court must be in writing and must specify the findings and conclusions of the master that are objected to. It also states that the appeal is limited to those findings and conclusions. This implies that the request for a de novo hearing must be explicit in terms of specifying the objections, as the appeal is limited to those specified issues. Therefore, it cannot be implied; it must be explicitly stated in writing.

[Tex. Gov't. Code § 54A.115 Tex. Gov't. Code § 54A.115 De Novo Hearing](#)

Extract

A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

Summary

A request for a de novo hearing must specify the issues to be presented to the referring court. This implies that the request must be explicit in terms of the issues to be addressed, suggesting that the request itself must be explicit and not implied.

[Tex. Fam. Code § 201.317 Tex. Fam. Code § 201.317 De Novo Hearing](#)

Extract

A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

Summary

A request for a de novo hearing must specify the issues to be presented. This implies that the request must be explicit in its nature and content, as it needs to clearly outline the issues for the hearing. Therefore, it cannot be implied; it must be explicitly stated.

[Tex. Gov't. Code § 54A.216 Tex. Gov't. Code § 54A.216 De Novo Hearing Before Referring Court](#)

Extract

A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

Summary

A request for a de novo hearing must specify the issues to be presented to the referring court. This implies that the request must be explicit in its nature, as it requires the specification of issues, which cannot be implied. Therefore, the request must explicitly state that it is a de novo request and outline the issues to be addressed.